

Blueprint for Water response: draft information and guidance on storm overflows

24th January 2025

This consultation response is on behalf of Wildlife and Countryside Link (Link), a coalition bringing together 86 organisations to campaign for the natural world.

This response is supported by Angling Trust, Campaign for National Parks, Friends of the Earth England, Institute of Fisheries Management, Marine Conservation Society, Paddle UK, River Action, The Rivers Trust, The Wildlife Trusts.

Summary

Blueprint for Water¹ welcomes the the opportunity to respond to this consultation on the draft Storm Overflows Information and Guidance.

We broadly agree that the Information and Guidance document is well written, and provides a useful overview of the legal requirements, enforcement options, and processes relating to the improvement of storm overflows. The document could be improved in places through inclusion of further detail and/or examples, for example with regards to enabling companies to make use of innovative solutions and green approaches such as nature-based solutions, and how companies should assess factors when prioritising storm overflows improvements.

Furthermore, pollution from storm overflows is one of many interacting pressures on the health of the water environment. The document should go further to acknowledge this, and to encourage companies to examine how their work to improve storm overflows will interact with wider environmental duties and interventions to deliver the strongest outcomes for the environment.

We suggest further opportunities to workshop the proposals with stakeholders including eNGOs would be helpful. We also note that with the Environment Agency and Defra consulting on related documents at the same time, it would be helpful for the final published versions to

¹ [Blueprint for Water](#), part of Wildlife and Countryside Link, is a unique coalition of environmental, water efficiency, fisheries and recreational organisations that come together to form a powerful joint voice across a range of water-based issues.

clarify any relationships between the three documents as well as with further documents set to be consulted on.

We would be pleased to discuss any of the points raised in our response further.

Questions

Q1. Would you like your response to be confidential?

No.

If you answered 'Yes' above, what information would you like to be kept confidential and why?

N/A.

Q2. Provide your full name. If you are representing an organisation or group, you will be asked its name later.

Ellie Ward.

Q3. Provide your email address.

eleanor@wcl.org.uk

Q4. In what capacity are you completing this consultation?

As an eNGO or other non-profit public interest group

Q5. If you're not responding as an individual, what is the name of the organisation or interested group that you're responding on behalf of?

Blueprint for Water, part of Wildlife and Countryside Link.

Q6. Do you agree that the ‘legal requirements’ section provides helpful information on storm overflows legal requirements?

Agree.

If you disagree, explain why, providing evidence where possible:

The legal requirements section should include reference to the fact that for companies wholly or mainly in England that have operations within National Parks or National Landscapes, undertakers must also consider their statutory obligations to seek to further the purposes of these landscapes.²

Under section 245 of the Levelling Up and Regeneration Act (2023) water companies in exercising or performing any functions in relation to, or so as to affect, these landscapes, must seek to further the purpose of conserving and enhancing:

1. Wildlife, natural beauty, cultural heritage and promoting opportunities for public enjoyment in National Parks, and;
2. Natural beauty in National Landscapes.

Q7. Do you agree that the ‘policy – storm overflows discharge reduction plan’ section delivers the objectives of this document (refer to section 1.1 ‘objectives’)?

Agree.

If you disagree, explain why, providing evidence where possible:

Q8. Is the approach for coastal and estuarine waters adequately explained?

Yes.

If not, explain why, providing evidence where possible:

The document is clear that an ecological standard for coastal and estuarine waters is not yet developed, and that companies should plan improvements based on a target of not exceeding 10 spills per year in the meantime.

² [Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes - GOV.UK](https://www.gov.uk/guidance/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes)

If possible, the document could go further to suggest when a standard might be expected, or what the process will be for development. It could also clarify what Defra intends the standard to incorporate. For example, will the standard consider both immediate and longer-term impacts of pollution from storm overflows, including excess nutrients, litter, microplastics and chemicals?

Q9. Are the approaches in the ‘policy - storm overflows discharge reduction plan’ section likely to have an adverse impact on water companies’ ability to deliver their programme of storm overflow works?

No.

Explain in detail, providing evidence where possible:

We do not anticipate that the approaches set out in the document should have an adverse impact on water companies’ ability to deliver their programme of storm overflow works.

Companies have legal requirements to maintain and improve assets including storm overflows, and (in addition to long-standing requirements under the UWWTR) have been aware of the SODRP targets since the plan’s development and publication in 2022. Whilst this guidance clarifies aspects of this approach, it does not in our opinion introduce any major changes such that the proposals developed by companies in their PR24 Business Plans would now be invalidated.

Q10. Are the approaches outlined in the ‘policy - storm overflows discharge reduction plan’ section likely to have any positive or negative impacts (other than those described in Q9)?

Positive impact.

Explain, providing evidence where possible:

Pollution from storm overflows is one of many interacting pressures on the health of the water environment. To maximise the potential for positive impacts, the approaches set out in this document must form part of wider holistic action to improve the state of the water environment; improving the performance of storm overflows alone will not achieve targets to restore waters to good health by 2027, nor to halt the decline of nature by 2030.

Q11. Overall, do you anticipate that the impacts of the approach outlined in the ‘investigation triggers’ section will be positive or negative?

Positive impact.

Explain, providing evidence where possible:

We anticipate positive impacts from aligning the Environment Agency and Ofwat’s investigation triggers to form a complementary regulatory framework, if this will reduce complexity and make processes more efficient, and therefore make it easier and quicker to identify the need for improvement at storm overflows and then require that action to take place.

Q12. Do you agree that section 4.2 explains the full context around the ‘investigation process’, in line with the objectives of the document (refer to section 1.1 ‘objectives’)?

Agree.

If you disagree, do you have an alternative suggestion? Explain, providing evidence where possible:

Q13. Is the ‘investigation process’ section workable for water companies?

Yes.

If not, explain why, providing evidence where possible:

This investigation process *should* be workable. Water companies should have responsibility for understanding the performance of their assets, and for determining when and how improvements are required.

It is helpful that the guidance clarifies that (although the AMP investigation process and SOAF regime are the core investigation processes), there are other circumstances which may trigger the need for an investigation. For example, “Water and sewerage companies have a responsibility to investigate a storm overflow discharging outside of ‘exceptional circumstances’, regardless of whether the asset has exceeded a spill trigger”.

Q14. Do you agree that the approach to identifying improvements in section 4.3 delivers the objectives of the document (refer to section 1.1 'objectives')?

Agree.

If you disagree, do you have an alternative suggestion? Explain, providing evidence where possible:

It is welcome that section 4.3.1 states that “Water and sewerage companies should consider not only the Capital and Operational (Totex) costs of improvements, but also the carbon (embedded and operational) and additional societal and nature-based benefits of each option”, and that “water and sewerage companies should consider a catchment approach alongside an asset-by-asset approach where appropriate”. However, the document could go further in terms of the detail provided in relation to green infrastructure and nature-based solutions.

For example, on page 26 it states that “If a green infrastructure project is started before 2027 and delivered as quickly as possible, in order to facilitate the promotion of these approaches, it will count towards completion of the targets set out in the SODRP, subject to review”. This flexibility to promote the use of green approaches is welcome. Further clarification of details as to what a review would entail, or what constitutes ‘as quickly as possible’ may help companies to have confidence to make use of this flexibility and pursue these options.

We also strongly welcome the recognition that “Demand-based options, including surface water diversion away from combined sewers or its attenuation, are considered more sustainable as they relieve pressure on sewerage systems now and in the future... [and] reduce the ongoing costs of treatment and conveyance (such as pumping), so have smaller revenue costs and smaller operational carbon over their lifetime.” It will be important to ensure that this steer is reflected in EA’s update to the Benefits Valuation guide (“Valuing the Benefits of Storm Discharge improvements for Use in Cost-Benefit Analysis”). This would accord with Defra’s expectation that the adoption of green infrastructure “be encouraged by the regulators in line with their own legal duties”.

Q15. Is the ‘delivering storm overflow improvements’ section clear on the relationship between the drivers for improving storm overflows (for example, UWWTR 1994 and the SODRP)?

Yes.

If not, explain why, providing evidence where possible:

This section is clear on the relationship between the drivers for improving storm overflows. However, inclusion of further examples to illustrate how the relationship between different drivers works could provide helpful clarification in places.

For example, page 28 states that ‘there may be some circumstances’ in which it is not feasible to design improvements that fulfil all relevant requirements, or that doing this might cause ‘unacceptable delays’. An example would not only aid understanding, but will also help suggest what is considered infeasible or unacceptable, given that this detail is not currently provided.

Q16. Is it clear what factors water companies need to take into consideration when determining the timing of improvement works? For example, the prioritisation of statutory requirements or what water companies should do when additional improvements are identified that are not in existing business plans.

No.

If not, explain why, providing evidence where possible:

The document is clear that water companies need to consider factors including prioritisation of storm overflows improvements, environmental and public health outcomes, and the deliverability, affordability and financeability of these improvements.

However, the document does not elaborate or provide sufficient detail to clarify how these factors should be assessed. For example, it does not clarify how factors such as deliverability, affordability and financeability should be assessed, or set standards for this assessment.

As stated earlier in this response, pollution from storm overflows is one of many interacting pressures on the health of the water environment and as such actions to improve SOs must form part of wider holistic action. The document should go further to clarify this with regards to ‘environmental outcomes’, and encourage companies to consider how work to improve storm overflows will interact with other environmental duties and interventions to deliver the strongest outcomes.

Q17. Do you agree that the approach for determining how and when to deliver storm overflow improvements delivers the objectives of the document (refer to section 1.1 ‘objectives’)?

Neither agree nor disagree.

If you disagree, do you have an alternative suggestion? Explain, providing evidence where possible:

As above, the document should provide further detail and explanation as to how water companies should determine how and when to deliver improvements, particularly with regards to ‘environmental outcomes’.

Q18. Does the framework set out in the ‘delivering storm overflow improvements’ section enable water companies to capitalise on innovative solutions and technological advancements? For example, smart sewers or alternative treatment approaches, such as nature-based solutions.

Neither agree nor disagree.

If you disagree, do you have an alternative suggestion? Explain, providing evidence where possible:

Section 5 of the document should explicitly encourage water companies to make use of innovative solutions and technological advancements such as nature-based solutions wherever possible, and should set out how companies can explore doing so. For example, building on the detail provided in Section 4.3 to clarify how this should be actioned.

Q19. Is the ‘delivering storm overflow improvements’ section workable for water companies?

Yes.

If not, explain why, providing evidence where possible:

This *should* be workable for water companies. Companies have legal requirements to maintain and improve assets including storm overflows, and (in addition to long-standing requirements under the UWWTR) have been aware of the SODRP targets since the plan’s development and publication in 2022. Whilst this guidance clarifies aspects of this approach, it does not in our

opinion introduce any major changes such that the proposals developed by companies in their PR24 Business Plans would now be invalidated.

More challenging however will be the combined effect of the additional requirements that have been introduced during the planning period, including the need to upgrade multiple wastewater treatment works in nutrient-sensitive catchments to TAL, and to meet additional PFAS requirements introduced by the DWI. It is the overall load of work, rather than the specific requirements of any one obligation, which may mean that the sector faces challenges in delivering to budget and to timetable. It will be important for regulators to act to facilitate water sector delivery, in order to secure the environmental and other benefits that should result from complete delivery of Business Plan proposals.

Q20. Overall, do you anticipate that the impacts of the approach outlined in the ‘delivering storm overflow improvements’ section will be positive or negative?

Positive impact.

Explain in detail, providing evidence where possible:

As stated previously, pollution from storm overflows is one of many interacting pressures on the health of the water environment. To maximise the potential for positive impacts, the approaches set out in this document must form part of wider holistic action to improve the state of the water environment; improving the performance of storm overflows alone will not achieve targets to restore waters to good health by 2027, nor to halt the decline of nature by 2030.

Q21. Is the ‘enforcement’ section clear on the regulators’ enforcement roles?

Yes.

If not, explain why, providing evidence where possible:

Q22. Is the ‘enforcement’ section clear on instances where the regulators might take enforcement action and the type of action they might take?

Yes.

If not, explain why, providing evidence where possible:

The document is clear on instances where regulators might take enforcement action, and the type of action they might take. This could be enhanced through the inclusion of examples, whether hypothetical or real (brief) case studies of actions taken.

Q23. Are you aware of any additional technical documents or guidance being used by the industry to implement the UWWTR 1994 requirements, that are not mentioned in this 'replacing sections of the 1997 guidance' section?

No.

If yes, explain, providing evidence where possible:

Q24. Do you have any other comments on the draft document that you would like us to consider? If so, explain, providing evidence where possible:

We note that with the Environment Agency and Defra consulting on related documents at the same time, it would be helpful for the final published versions to clarify any relationships between the three documents as well as with further documents set to be consulted on.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 86 organisations to protect the natural world. Wildlife and Countryside Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

For questions or further information please contact:

Ellie Ward, Senior Policy Officer, Wildlife and Countryside Link E: eleonor@wcl.org.uk

Wildlife & Countryside Link, Vox Studios, 1 – 45 Durham Street, Vauxhall, London, SE11 5JH
www.wcl.org.uk

This response is supported by the following organisations:

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