

## Consultation on the Storm Overflows Discharge Reduction Plan Blueprint for Water Response – May 2022

*Wildlife and Countryside Link is a coalition of 65 organisations working for the protection of nature. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline.*

*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.*

This response is supported by the following Link members:

- Angling Trust
- British Canoeing
- Buglife
- Freshwater Habitats Trust
- Friends of the Earth England
- Keep Britain Tidy
- Marine Conservation Society
- National Trust
- Rivers Trust
- RSPB
- Surfers Against Sewage
- The Wildlife Trusts
- Zoological Society of London

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### Summary

Blueprint for Water welcomes this consultation from Defra on the draft Storm Overflows Discharge Reduction Plan.

The health of our waters - rivers, streams, estuaries and coastal waters - is in a critical state. These blue spaces are on the frontline of the nature and emergency crises, and yet they are relentlessly degraded and polluted. 84% of waters (86% of rivers) currently fail to meet Good Ecological Status, and not a single waterbody meets Good Chemical Status. Latest Environment Agency figures show that in 2021, raw sewage was discharged into our rivers and coasts for over 2.6 million hours. The

proposed Storm Overflows Discharge Reduction Plan has huge potential to drive action to tackle sewage pollution and improve the water environment. However, the current plan falls far short of this potential.

The plan is well-intentioned, but utterly fails to capture the severity and urgency of the water quality crisis. Under the plan, over half of Storm Overflows will still be spilling raw sewage into rivers by 2040. This is completely at odds with Government's legally binding target to halt the decline of nature by 2030, under the Environment Act. The plan also fails to consider the wider picture, lacking targets to address the root cause of the Storm Overflows issue, and neglecting upstream solutions.

Furthermore, the plan is less ambitious than what some water companies have already pledged to deliver to tackle sewage pollution. Government should be leading the way in driving ambitious action for our freshwater environment, yet this plan leaves the Government trailing behind.

We therefore set out the following recommendations in our response:

- The targets under the plan need to be far more ambitious, requiring greater and more immediate action to reduce harm from Storm Overflows by 2030.
- The plan needs to be broader in scope, addressing the root cause of the Storm Overflows problem, rather than focusing on narrow targets for water companies. The plan should also include all transitional, coastal and shellfish waters, as well as inland waters.
- These targets should be supported with greater detail on how government departments will implement the plan holistically.

Further detail can be found in our April 2022 [parliamentary briefing](#) on the plan. Blueprint for Water also set out what action is needed to tackle Storm Overflows, and to protect and enhance the environment, through the price review in our September 2021 [Environmental Manifesto for PR24](#).

## Questions

### Personal details:

#### 1) Are you responding as:

A charity – Wildlife and Countryside Link is a coalition of 65 organisations working for the protection of nature. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline. 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.

#### 2) Do you know who provides your water and sewerage service?

Not applicable.

**3) If yes, please select from list [Anglian/Northumbrian/Severn Trent/Southern/South West/Thames/United Utilities/Wessex/Yorkshire]**

N/A.

**4) Confidentiality question: Would you like your response to be confidential?**

No.

**5) [If yes] Please give your reason.**

N/A.

**6) Do you agree or disagree with the level of ambition of the ecology target?**

Strongly disagree.

**7) Do you agree or disagree with the level of ambition of the public health in designated bathing waters target?**

Disagree.

**8) Do you agree or disagree with the level of ambition of the rainfall target?**

Strongly disagree.

**9) Do you agree that this package of targets as a whole addresses the key issues associated with Storm Overflows?**

Strongly disagree.

**10)[if not] Can you explain why you do not agree?**

**The plan lacks the required ambition and urgency to tackle Storm Overflows**

In 2021 alone, untreated sewage was released from Storm Overflows in England 327,533 times, for over 2.6 million hours. Storm Overflows are meant to be used *only* during extreme rainfall events, yet this is evidently not the case, and has become habitual. Giving the water industry until 2050 simply to become compliant with existing requirements feels very unambitious and a derogation of duty. Indeed, the proposed targets do not go far or fast enough to meaningfully tackle the Storm Overflows issue, the threats they pose to the water environment, and the people and wildlife who use these blue spaces. Some water companies are themselves setting much more ambitious targets

than the government. For example, Anglian Water's aim is that by 2030 there will be no rivers in its area failing ecological health as a result of its activities (including CSOs).<sup>1</sup>

The headline target for protecting the environment states that "Water companies shall only be permitted to discharge from a Storm Overflow where they can demonstrate that there is no local adverse ecological impact." A sub-target then prioritises action to benefit our most important wildlife sites first, including Sites of Special Scientific Interest, Special Areas of Conservation, eutrophic sensitive areas, chalk streams and waters currently failing ecological standards due to Storm Overflows. Yet just 38% of Storm Overflows that harm these sites will be improved by 2030 under the plan. This is not ambitious enough if the government is to meet its 2030 legal deadline to halt nature's decline. Storm overflows are currently responsible for 12% of rivers failing to achieve Good Ecological Status - a legal target for all waterbodies to achieve Good Status has already been missed in 2015, and again in 2021.<sup>2</sup>

75% of overflows impacting these sites will see improvements by 2035, and just half of all improvements overall will be delivered by 2040. Even if the targets are met, raw sewage will *still* be spilling into our rivers and streams in 2050. Not only is this unambitious, but it fails to reflect the scale and urgency of the problem Storm Overflows pose. As the recent EAC Report into Water Quality in Rivers<sup>3</sup> states, "Cleaning up our rivers is important for public health and vital to protect wildlife. The world is experiencing an extinction crisis and freshwater eco-systems are on the frontline". Targets for 2035, 2040 and 2050 are simply too long to wait given the current condition of our freshwater, transitional and coastal environment.

The ambition of these targets is also not in step with other Government commitments to protect and enhance the water environment, through the Environment Act, the Strategic Policy Statement (SPS) to Ofwat, and the 25 Year Environment Plan. For example, the SPS<sup>4</sup> places 'protect and enhance the environment' as the top strategic priority for the water industry; this plan does not meet this level of ambition.

100% of Storm Overflows that cause harm and discharge in or near to priority sites should be improved by 2030, to ensure that achievement of the legally binding target to halt species decline is not undermined. We therefore recommend that the target under this Storm Overflows Discharge Reduction Plan should require this. Furthermore, it is essential that the definition of 'harm' (or 'local adverse ecological impact') is fully reflective of the threats Storm Overflows pose to the water environment – for example, the chronic ecological impact of eutrophication.

We welcome the inclusion of all Storm Overflows in the Target 3 sub-target requiring '...all Storm Overflows, regardless of where they discharge to, have screening controls to limit discharge of persistent inorganic material (as well as faecal and organic solids)...'. However, we are extremely concerned that the deadline for this sub-target is 2050, with only 28% of total storm overflows improved by 2035. 70% of all Storm Overflows should be improved by 2035, and all improved by 2040. Compared with other solutions for overflows, the addition of screening is relatively low cost and therefore it is unclear why such a long timeframe is required, especially considering the

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<sup>1</sup> <https://www.anglianwater.co.uk/environment/taking-care-of-habitats-and-wildlife/get-river-positive/>

<sup>2</sup> <https://www.wildlifetrusts.org/blog/ali-morse/d-day-fails-rivers-lakes-and-coast>

<sup>3</sup> <https://publications.parliament.uk/pa/cm5802/cmselect/cmenvaud/74/summary.html>

<sup>4</sup> <https://www.gov.uk/government/publications/strategic-policy-statement-to-ofwat-incorporating-social-and-environmental-guidance>

contribution that this measure could have to reduce marine litter, with sewage related debris being some of most frequently found items on beaches. In 2021, the Great British Beach Clean found an average of 20 items of sewage related debris per 100m of beach surveyed in England.<sup>5</sup> Over 55,000 metres of UK beaches were surveyed.

### **The plan is too narrow in scope, failing to address the root cause of the problem**

The plan only sets out targets for water companies, thereby neglecting other stakeholders and upstream solutions for the Storm Overflows issue. The plan should include targets for government to address the root causes of excess Storm Overflows, for example, implementing Schedule 3 of the Flood and Water Management Act to significantly reduce the volume of rainwater entering the wastewater system and therefore minimise the potential for the system to become overwhelmed and the need for Storm Overflows. Reviewing the case for implementation of Schedule 3 to the Flood and Water Management Act is welcome, but the plan should go further, setting milestones that would see Schedule 3 implemented by the end of 2023.

Reducing the volume and speed of rainwater entering the sewer system is possible through a variety of methods, such as constructed wetlands and sustainable urban drainage and other Nature Based Solutions. This would involve collaboration between water companies, Highways England, local authorities and significant landowners to reduce the volume of stormwater entering the system, or where possible, separating the sewage and storm water drainage systems. The plan should set out a timeline for developing supportive legislation and measures to achieve this, for example, sustainable drainage systems (SuDS) and runoff retention devices for highways, and the regulation of use of impermeable surfaces in towns and cities.

The plan also fails to address and incorporate recommendations from the recent EAC report, and recommendations on Legislative Options from Defra's Storm Overflows Taskforce. This includes the vital recommendation to put in place a road map for enabling legislation and regulations to tackle the Storm Overflows issue holistically. This would include, for example, implementing overdue integration of Drainage Water Management Plans with other planning mechanisms to accelerate climate adaptation, recovery of nature through the use of SuDS and Nature Based Solutions, and improving access to green and blue spaces.

The recommendation to reduce the number of spills to two or three in the bathing season under the public health target is limited, as blue spaces are used by people all year round. To meaningfully protect public health, the target should therefore apply all year round. Additional targets are also needed under the plan to increase the number of river bathing waters to ensure inland water users are given access to the same water quality public health standards as those on the coast. This is a critical component of levelling up opportunities for access to healthy blue spaces. The headline target is also too narrow in focus and should be expanded to include Storm Overflows near to shellfish waters in order to protect public health and the shellfish industry.

The plan leaves some areas of the coast unprotected from overflows, by failing to include all overflows in Target 3 and by not including all marine protected areas (MPAs) as high priority areas. All overflows should be included in Target 3 - currently some overflows in transitional and coastal waters are not included. The definition of 'high priority sites' is also too narrow in focus and should

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<sup>5</sup> <https://www.mcsuk.org/what-you-can-do/join-a-beach-clean/great-british-beach-clean/great-british-beach-clean-2021-results/>

be extended to include all MPAs, currently SPAs and MCZs are not included. Due to Target 3 excluding some Storm Overflows discharging into coastal areas, some MPAs designated to protect sensitive habitats and species could be subjected to high numbers of discharges containing harmful chemicals, microplastics and nutrients.

The plan anticipates a 100% reduction in discharges only by 2050, with only 52% addressed by 2040. This is too late. It is vital that the plan includes targets to stop pollutants from entering the wastewater system in the first place, since discharges are known to include high amounts of microplastics and harmful chemicals. For example, there should be interventions to reduce microfibres through mandatory washing machine filters, restrictions on intentionally added microplastics, and bans on PFAS in all uses (with exemptions as required for medical/research), plastic wet wipes and all avoidable plastic in single-use sanitary items. In collaboration with water companies and the healthcare sector, the government should invest in understanding the impact of the emerging threat of pharmaceutical pollution in the freshwater environment and its impact on nature and human health.

### **Monitoring and enforcement of the plan**

In addition to the recommendations outlined above, we would welcome further detail on the monitoring and enforcement regime accompanying the plan. For example, how will progress against the targets be accurately and transparently monitored, and what will be the consequence of failing to achieve them?

It is vital that the Environment Agency has sufficient resourcing and capacity to effectively monitor and enforce the targets once the plan is implemented. In our representation to the 2021 Spending Review, Wildlife and Countryside Link set out that an additional £60 million p.a. is needed for the Environment Agency to carry out basic duties of advice and enforcement.<sup>6</sup> Unless the targets set out under the plan can be effectively monitored and enforced, their impact on tackling the Storm Overflows issue and protecting the environment will be difficult to determine.

As monitoring develops and improves, targets under the plan should be reviewed and amended to ensure they remain drivers of ambitious environmental improvement. For example, when monitoring develops to include spill volume, the use of “10 spills” within the targets should be reviewed, given that 10 large spills could have a large impact.

### **11) Would you be willing to pay more in your monthly water bill in order for water companies to tackle sewage discharges as outlined in this consultation?**

Yes.

Research by the Consumer Council for Water<sup>7</sup> in 2022 shows that in principle, the majority of customers (58%) would pay more on their water bill to support investment to reduce the need to use Storm Overflows, subject to the detail and cost, and (65%) want planned improvements to ensure that rivers are a healthy habitat for wildlife.

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<sup>6</sup> [https://www.wcl.org.uk/docs/Autumn\\_Budget\\_Spending\\_Review%202021\\_representation-%20WCL-1.PDF](https://www.wcl.org.uk/docs/Autumn_Budget_Spending_Review%202021_representation-%20WCL-1.PDF)

<sup>7</sup> <https://www.ccwater.org.uk/wp-content/uploads/2022/04/Awareness-and-perceptions-of-river-water-quality.pdf>

However, the water industry should not be passing the cost of legal compliance onto customers, especially given the historical lack of infrastructure investment to mitigate these known challenges. There is significant progress to be made before the water industry could claim that the interventions required are additional to achieving compliance with existing environmental legislation, and Ofwat and the Environment Agency should work closely together as regulators to ensure that costs to meet environmental compliance are not passed on to the customer. Since privatisation, water companies have paid out nearly £2billion per year in dividends.<sup>8</sup>

As recommended in the recent EAC report, Ofwat should use its powers to limit the payment of bonuses to water company executives while companies persistently breach their permits. Further regulation is required by Ofwat to ensure a better balance is achieved by water companies between investment in assets, limiting costs to customers and return on investment to shareholders. This is particularly important as we enter the cost-of-living crisis, that consumers do not have to foot the bill for historic failures to invest whilst these significant pay-outs have been made.

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<sup>8</sup> <https://www.theguardian.com/environment/2020/jul/01/england-privatised-water-firms-dividends-shareholders>