

WORSHIPFUL COMPANY OF WATER CONSERVATORS

BRIEFING ON THE RESPONSE TO THE DEFRA CONSULTATION ON GUIDANCE ON STORM OVERFLOWS JANUARY 2025

1 The Worshipful Company of Water Conservators ('WCWC') is a City of London Livery Company focussed on the long-term health of our water resources and the broader environment. Our members include senior professionals from water, environmental and related industries and regulators, along with others who share our concern for water and the environment. Our experience and knowledge ranges from the complexities of environmental sciences, through the application of engineering to deliver the goals identified by those sciences, and the subsequent management of the assets created. The WCWC's purpose is *promoting a diverse and sustainable environment*.

2 As part of that purpose, the WCWC has been responding to relevant consultations particularly on matters relating to water conservation. These are archived on its website.

<https://waterconservators.org/policies-and-practices/>

It has produced several responses and think pieces relevant to the management of storm overflows as a contribution to the evolution of national water conservation policy and practice. This response follows those practices. It looks forward to being able to make further inputs as the opportunity arises in the future. This consultation raises some fundamental issues beyond its strict remit. In preparing this response, the WCWC provides a background explanation of those for the wider constituency of readers of its response, whilst recognising that this will not be essential in the response to Defra. So, much of this response constitutes a 'think piece' on the role of regulation of storm overflows into environmental water planning in future. The WCWC stands ready to make further contributions.

3 In late 2023 the government published the final Storm Overflows Discharge Reduction Plan (SODRP). This is in effect an extension of the existing regulatory system. More detail is given subsequently:

https://assets.publishing.service.gov.uk/media/6537e1c55e47a50014989910/Expanded_Storm_Overflows_Discharge_Reduction_Plan.pdf

4 The draft guidance, which is the subject of this consultation, is intended to assist the implementation of that Plan: It is based on an update of the still draft 1997 Guidance on implementation of the 1994 Regulations implementing the Urban Waste Water Treatment Directive. It does not refer to the extant Guidance of 2018 on storm overflows, which is in need to update.

<https://www.gov.uk/government/consultations/draft-information-and-guidance-on-storm-overflows>

5 The WCWC has found it challenging to understand the positioning of this draft guidance and its content in the context of all the existing guidance, so it has set this out as background to provide fundamental understanding in an Appendix in the submission. **It cannot locate a copy of the original draft 1997 Guidance in the public domain, nor the promised parallel Environment Agency Consultation on the Storm Overflow Assessment Framework SOAF.**

6 The focus on the 1997 Draft Guidance for the 1994 UWWTD Regulations seems misplaced. The WCWC recognises that it is helpful to have guidance on all regulations, but the focus of delivery of the SODRP is the execution of the 2016 Permitting Regulations, which make no reference to the Draft UWWTD Regulations Guidance. **In the current circumstances it would seem more logical to take all of the technical advice out of the draft 1997 Guidance and incorporate it into updated 2018 Guidance (which should also assimilate the separate Guidance on DWF etc). This would leave the bare principles of applying the UWWTD in the updated and 'dedrafted' 1997 Guidance with cross reference to the updated 2018 Guidance.** Defra should consider the interests of the users of the Guidance and ensure that when non-professionals seek to understand what the application of regulations should be.

7 The WCWC notes that Guidance issued in 2018 referred to Emergency Overflows as well as Storm Overflows. But this proposed Guidance does not. Which is surprising, bearing in mind that the high profile Water (Special Measures) Bill is going through Parliament now which extends the statutory provision of EDMs to Emergency Overflows. **Emergency Overflows must be included.**

8 Since 2018 the concepts of risk management in the control of storm overflows need to be more clearly articulated. The WCWC set out these principles in its response on the Bathing Water Regulation consultation. **This consultation does not mention risk. And there needs to be a much better articulation of how this guidance would integrate into the principles of catchment management as set out again in the response on Bathing Waters.**

9 **The consultation does not elaborate enough on the steps necessary to ensure the crucial role of monitoring for which there are several programmes** and which the WCWC have suggested should be integrated under one focus of quality assurance governance in Water Companies.

10 The WCWC does not intend this submission to be a lengthy treatise on all the components of sewage, it does want to highlight aspects which are bypassed by the Consultation and which will impact on the SODRP. Of course, Water Companies have control over trade effluent, subject to the rights of appeal by dischargers. **The Companies have very little, if any, control over the amount of domestic wastewater or its contents added to sewers which may cause problems with overflows. Nor do they have any control over the amount of rainwater which is added to systems. Several of these lie within the remit of government and regulators which have not been addressed yet.**

11 There is much else to be included. **The maintenance of sewers is absolutely crucial, so every effort has to be made to avoid blockages which are dealt with**

by costly sewer cleaning programmes and by regulating what is put into sewers. Each Water Company has conducted its own 'bag it and bin it' and grease / fat / oil campaigns with customers. There is no coordinated national effort, as has been proposed by Ofwat to coordinate water efficiency messaging and innovation. The previous, and present, governments have done nothing about the disposal of used sanitary and cleaning ware beyond the banning of single use wet wipes in 2025, which even SORDP refers to. The WCWC has repeatedly suggested the need for a wider, deeper programme, including mandatory labelling.

12 As explained at length, the presence of surface water in combined sewage from new- build properties should be regulated. **Even more important is the failure of this, and the previous, government to carry through implementation of Schedule 3 of the 2010 Floods and Water Act requiring the installation of Sustainable Drainage Systems for new properties in England (Wales has already done this) in spite of a commitment to do so in the SODRP plan, which stated that this was necessary and would be done. This would help with the hydraulic impacts of the new plans by the current government for an extended housing programme. No reference is made to the revision of the NPPF, the latest edition being published in December 2024. The SDS, whether mandatory or voluntary, should include blue/green solutions, wherever practical.**

13 **There is for a need for a commentary on S106 of the Water Industry Act which gives developers automatic right of connection of domestic sewage to sewer with a complex appeal process. Whilst reduction of domestic water consumption will have a small but welcome impact, there is no connection in the proposed Guidance to the work intended to reduce consumption through the Water Efficiency Road Map and consideration needs to be given to the design targets for new build which would require the 2010 Building Regulations and the 1999 Water Fitting Regulations to be revised.**

14 **The design of bathrooms, water fittings, sewer connections of domestic wastewater and surface water must be dealt with by the Government initiative, the Future Homes Hub. The WCWC poses the question; should sink disposal units for food waste be banned?**

15 The WCWC recognises that the inclusion of this information whilst highly relevant is beyond the scope of the proposed guidance, even if the approach of incorporating most of the proposals into updated 2018 were to be adopted. The guidance is focused on the regulation of delivery of the SODRP by Water Companies.

16 **The reduction of infiltration is also essential to managing overflows. Of course, the reverse might happen with leaky sewers during dry weather and that is equally undesirable, which might eventually collapse with blockages and emergency overflows Sewers may deteriorate by fracturing, due to soil movement for a variety of meteorological reasons. So, climate change affects groundwater as well. The nature of this problem is highlighted in the discussion after the BBC report and needs particular attention, for example by Wessex Water in its infiltration reduction plan. But it may not bring the benefits planned.**

17 The WCWC has offered comments all of these aspects. **Once again sorting them out in an integrated approach seems vital.** The WCWC also recognises that even if a way could be found to include these aspects, it might take some while to achieve, so there may need to be a plan for a series of future updates as the issues get resolved, possibly in accompanying Guidance to the main Guidance on the implementation of the formal statutory requirements, or by widening the focus of the main Guidance. When a topic such as 'dry discharges' gets headlines in the popular news stories, **the WCWC suggests very strongly that all the aspects it has referred to need drawing together to enable everyone to understand that achieving the goals needs more than just telling water companies what designs they should use for overflows. That requires Government itself to take swift action on several matters.**

18 **There also needs to be some recognition of the fact that dry day discharges may occur for unavoidable reasons even with the best investment and management. Negligent management and inadequate investment may well be contributing factors, apart from that there are many reasons why this might occur. Emergencies happen, which are a fact of life in sewers and treatment works such as power outages or third-party damage to sewers. How are these to be incorporated to avoid unnecessary accusations of culpability?**

19 **The WCWC is not certain that this draft Guidance will be the best response to the challenge by the Office of Environment Protection issued in December 2024 but suggests that updating the Guidance of 2018 might be a better way forward.**

20 **The 2018 Guidance needs updating, to reflect issues like the SODRP and changes to DWF profiling and the WCWC suggests that the whole topic needs to be reviewed, updated and clarified; and this Guidance redrafted as an update of the 2018 Guidance, as suggested.**

21 The full response may be found on the WCWC website.