



Department  
for Environment  
Food & Rural Affairs

# Consultation document: draft information and guidance on storm overflows

November 2024

We are the Department for Environment, Food and Rural Affairs. We are responsible for improving and protecting the environment, growing the green economy, sustaining thriving rural communities and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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# Introduction

The Department for Environment, Food and Rural Affairs (Defra), in collaboration with the regulators (Ofwat and the Environment Agency), is developing information and guidance on storm overflows for the water sector in England. This aims to support water and sewerage companies and the regulators in carrying out their responsibilities in relation to storm overflows. We want to ensure a clear planning framework, to support the significant forward investment needed from water companies, as well as a robust oversight and enforcement regime.

This is non-statutory and will cover the investigation, planning and delivery of storm overflow improvements. In particular, it will cover how storm overflow improvements are expected to meet both:

- the standards set out in government's storm overflows discharge reduction plan (SODRP)
- existing legal requirements, including obligations under the Urban Waste Water Treatment (England and Wales) Regulations 1994 (UWWTR 1994)

The guidance does not introduce any new legal requirements on regulators or water companies, and it is not intended to replace or amend existing legislative requirements.

Technical, supplementary information will be provided in the Environment Agency's (EA's) updated Storm Overflows Assessment Framework (SOAF version 2). The EA are consulting on their SOAF version 2, together with their Spill Frequency Threshold Permitting (SFTP) proposals, alongside this consultation. We expect Defra's storm overflows information and guidance and the EA's SOAF version 2 will be published in early 2025, in advance of Price Review 24 (PR24). This will give the sector time to become familiar with this information and use it to inform investigations and improvement work in the next asset management period 2025 to 2030 (AMP8).

This voluntary consultation is for key stakeholders to provide views on Defra's draft information and guidance on storm overflows. This aims to ensure it will achieve government's objective of clear guidance to reduce the harm from storm overflow discharges.

Defra welcomes responses that provide industry and consumer perspectives on the draft information and guidance. This helps us minimise any unintended effects on industry stakeholders and customers, including specific groups or demographics. After the consultation has closed, we will carefully consider all submissions before finalising a publication. We will also publish a summary of responses on the [GOV.UK storm overflows consultation page](#).

## Audience

This consultation is for:

- water companies
- trade bodies
- environmental non-government organisations (eNGOs)
- other key stakeholders, including industry groups, research institutes, and engineering and environmental management organisations

Other interest groups and members of the public can provide their views on the consultation should they wish to do so.

Defra's storm overflows information and guidance will be primarily for regulators and water and sewerage companies.

## Duration

The consultation opens on 21 November 2024 and will run for 2 months, closing on 24 January 2025. Any responses received after the closing deadline will not be considered.

## How to respond to this consultation

If you have been sent this consultation directly, record your answers on the separate 'consultation responses' template document that Defra has provided. Send your responses by email to [stormoverflows.consultation@defra.gov.uk](mailto:stormoverflows.consultation@defra.gov.uk).

If you are accessing this consultation via the [GOV.UK storm overflows consultation page](#), you may provide your views on the consultation by email to [stormoverflows.consultation@defra.gov.uk](mailto:stormoverflows.consultation@defra.gov.uk).

## After the consultation

We will provide key stakeholders with a summary of responses after the consultation and publish this summary on the [GOV.UK storm overflows consultation page](#).

## Confidentiality and data protection information

Information provided in response to this consultation document, including personal information, may be subject to disclosure in accordance with access to information law, such as:

- the Freedom of Information Act 2000 (FOIA)
- the Data Protection Act 2018 (DPA)

If you want information, including personal data, that you provide to be treated as confidential, indicate this when prompted during the survey. Clearly state what information you would like to be kept as confidential and explain your reasons for confidentiality.

If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response. However, we cannot guarantee that confidentiality can be maintained in all circumstances.

## Using and sharing your information

How we use your personal data is set out in the [consultation and call for evidence exercise privacy notice](#).

## Compliance with the consultation principles

This consultation is being conducted in line with the [Cabinet Office "consultation principles"](#). If you have any comments or complaints about the consultation process, contact [consultation.coordinator@defra.gov.uk](mailto:consultation.coordinator@defra.gov.uk).

# Background

The Urban Waste Water Treatment (England and Wales) Regulations were issued in 1994. Draft guidance on the UWWTR 1994 was issued to dischargers and regulators in July 1997 (the 1997 guidance). Besides a limited update in 2009, the 1997 guidance has not been revised since it was issued.

Since 1994, understanding of the legal requirements surrounding storm overflows has evolved. There have been updates including to:

- the interpretation of legal requirements, such as through the Court of Justice of the European Union in *European Commission v UK (Re Storm Water Overflows)* [2013] C-301/10
- policy and regulatory tools that contribute to bringing these requirements into effect, such as via the EA's SOAF (2018)

Alongside this, the SODRP, first published in 2022 and expanded in 2023, sets out an investment and improvement programme to 2050. This aims to reduce harm to public health and the environment from storm overflows. The SODRP contains 3 headline targets that water and sewerage companies will deliver over the next 25 years.

As the legal and policy landscape has developed, so has technological capability. All storm overflows operated by water and sewerage companies wholly or mainly in England (approximately 14,500) are now fitted with event duration monitors (EDM). These allow water and sewerage companies to report on the frequency and duration of storm overflow discharges in near real time.

Defra has been developing information and guidance to support water companies and the regulators in carrying out their responsibilities in relation to storm overflows. We want to ensure a clear planning framework, to support the significant forward investment needed from water companies as well as a robust oversight and enforcement regime. We also want to ensure transparency and accountability, recognising the significant public interest in tackling sewage pollution.

We expect to publish this in early 2025, in advance of PR24. This will give the sector time to become familiar with government's expectations, and use the publication to inform investigations and improvement work in AMP8.

Following Ofwat's letter to the sector, water companies are proposing to reduce storm overflow spills by 21% by 2025 (compared to 2021 levels), and following upgrades to approximately 2,500 storm overflows, by 35% by 2029. As part of its PR24 [draft determinations \(ofwat.gov.uk\)](#), Ofwat have also confirmed that water companies will go further, reducing spills by 27% by 2025, and allowing £8.5 billion of additional funding to reduce spills by 44% by 2029.

We are well aware of the challenges with delivering this scale of investment, given supply chain constraints and the ability of water companies to scale up delivery to the required rate. This is why we have included a section in the draft guidance to support the prioritisation of investigations and improvement work.

This updated information and guidance will not introduce any new legal requirements on regulators or water companies. Instead it will clarify government's expectations on the regulation and management of storm overflows.

The document signposts other technical and regulatory guidance where appropriate, such as the SOAF version 2, which the EA are consulting on separately albeit in parallel. The SOAF version 2 sets out technical, supplementary information for water companies on how to investigate high-spilling storm overflows and deliver improvements where needed.

# Consultation questions

Record your answers on the separate 'consultation responses' template document that we have provided.

## About you section

### Q1. Would you like your response to be confidential?

- Yes
- No

If you answered 'Yes' above, what information would you like to be kept confidential and why? (Read section 'After the consultation' in this document for more information)

Space for a written response.

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

Space for a written response.

### Q3. Provide your email address.

Space for a written response.

### Q4. In what capacity are you completing this consultation?

- As a representative of a water company
- As an eNGO or other non-profit public interest group
- Other (detail below)

Space for a written response.

**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?**

Space for a written response.

## Draft sections

We have set out specific questions below. Each question relates to a particular section of the draft information and guidance, which we have provided in a separate document.

### Draft section 3.1: Legal requirements

Refer to section 3.1 of the draft document when answering these questions.

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

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- I don't know

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

Space for a written response.

### Draft section 3.2: Policy – storm overflows discharge reduction plan

Refer to section 3.2 of the draft document when answering these questions. For questions in this section, we particularly encourage responses from water companies.

**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')?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- I don't know

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

Space for a written response.

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

- Yes
- No
- I don't know

If not, explain why, providing evidence where possible:

Space for a written response.

**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?**

- Yes
- No
- I don't know

Explain in detail, providing evidence where possible:

Space for a written response.

**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
- Negative impact
- I don't know

Explain, providing evidence where possible:

Space for a written response.

## Draft section 4.1: Investigation triggers

Refer to section 4.1 of the draft document when answering these questions.

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

- Positive impact
- Negative impact
- I don't know

Explain, providing evidence where possible:

Space for a written response.

## Draft section 4.2: Investigation process

Refer to section 4.2 of the draft document when answering these questions. For questions in this section, we particularly encourage responses from water companies.

**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’)?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- I don't know

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

Space for a written response.

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

- Yes
- No
- I don't know

If not, explain why, providing evidence where possible:

Space for a written response.

### **Draft section 4.3: Identifying improvements**

Refer to section 4.3 draft document when answering these questions.

**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’)?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- I don't know

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

Space for a written response.

### **Draft section 5: Delivering storm overflow improvements**

Refer to section 5 of the draft document when answering these questions. For questions in this section, we particularly encourage responses from water companies.

**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
- No
- I don't know

If not, explain why, providing evidence where possible:

Space for a written response.

**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.

- Yes
- No
- I don't know

If not, explain why, providing evidence where possible:

Space for a written response.

**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')?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- I don't know

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

Space for a written response.

**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.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree

- Strongly disagree
- I don't know

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

Space for a written response.

**Q19. Is the 'delivering storm overflow improvements' section workable for water companies?**

- Yes
- No
- I don't know

If not, explain why, providing evidence where possible:

Space for a written response.

**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
- Negative impact
- I don't know

Explain in detail, providing evidence where possible:

Space for a written response.

**Draft section 6: Enforcement**

Refer to section 6 of the draft document when answering these questions.

**Q21. Is the 'enforcement' section clear on the regulators' enforcement roles?**

- Yes
- No
- I don't know

If not, explain why, providing evidence where possible:

Space for a written response.

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

- Yes
- No
- I don’t know

If not, explain why, providing evidence where possible:

Space for a written response.

### **Draft section 7: Replacing sections of the 1997 guidance**

Refer to section 7 of the draft document when answering these questions.

**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?**

- Yes
- No
- I don’t know

If yes, explain, providing evidence where possible:

Space for a written response.

## Overall comments

Provide any further comments on the draft document below.

### **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:

Space for a written response.

## Summary

Thank you for taking the time to respond to this consultation. If you have any questions or concerns, reach out to us by emailing [stormoverflows.consultation@defra.gov.uk](mailto:stormoverflows.consultation@defra.gov.uk)