



BRIEFING PAPER

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Sewage (Inland Waters) Bill 2019-2021

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Summary

The [Sewage \(Inland Waters\) Bill 2019-21](#) is a Private Members Bill introduced by Phillip Dunne MP. It had its First Reading on 5 February 2020. Second Reading was scheduled to take place in January 2021 but has been postponed.

The Bill would amend the [Water Industry Act 1991](#) and place a duty on water companies to ensure that untreated sewage is not discharged into rivers or other inland water bodies. As water quality is a devolved matter, the Bill would only apply to inland waters in England.

Discharges of untreated sewage into rivers and watercourses are currently permitted under certain circumstances. This usually occurs when existing infrastructure is unable to cope with surges in sewage and waste water. This is often caused by additional flows from wet weather. These are known as combined sewer overflows (CSOs).

The Environment Agency is responsible for issuing discharge permits under the [Environmental Permitting \(England and Wales\) Regulations 2010](#). However, water companies are not required by law to report on all types of CSOs. In 2019, reports show that raw sewage was discharged into English rivers on over 200,000 occasions.

The Sewage (Inland Waters) Bill would promote greater transparency from water companies by requiring them to produce and maintain a register of sewerage assets. The performance of these assets would also be reported on twice a year.

The Bill would also require the Secretary of State to report annually on the measures being taken to reduce CSOs and their impacts. Specific measures proposed (but not required) in the Bill include reducing the amount of sewage produced by domestic properties or minimising the polluting content of sewage.

The Bill has received backing from several environmental groups including Salmon and Trout Conservation, Surfers Against Sewage, Angling Trust and The Rivers Trust.

The Government has stated that it supports the intentions of the new Bill. However, it has highlighted that measures to tackle CSOs are already underway. The [Environment Bill 2019-21](#) also contains reforms to drainage and sewerage management.

1. Background

1.1 Combined Sewer Overflows

In the newest parts of the waste water drainage system, sewage and surface water are collected separately. However, in the majority of cases, sewage from buildings is collected with water from roads, roofs and other hard surfaces. These are known as combined sewers.

To prevent sewers from becoming overwhelmed when the existing infrastructure is unable to cope with a surge in volumes of raw sewage combined sewer overflows (CSOs) are permitted. When CSOs are in operation raw untreated sewage (although significantly diluted), is temporarily discharged directly into waterways.

Surges in flow usually occur during wet weather due to the additional volumes of water passing through the sewer network. However, CSOs can also be caused by misuse of the sewage system. Wet wipes that are flushed into sewers instead of being disposed of, can account for up to 90% of material causing sewer blockages¹. Fats, oils and greases from kitchens that are disposed of down drains can also accumulate in sewers and increase the probability of blockages within the system.

Although undesirable, the permitted CSOs can help prevent potential sewer flooding which can affect homes, properties and roads further up the drainage network. More information about the causes and impacts of type of flooding can be found in the [Commons Library briefing paper on Sewer Flooding](#).

In July 2020, *The Guardian*² published information on the number and duration of CSO events for 2019. The data was obtained under a freedom of information request. In total, over 200,00 events occurred during 2019 discharging untreated sewage for more than a combined total of 1.5 million hours. Note these figures do not show the volume discharged.

¹ Environment Agency, [Combined Sewer Overflows Explained](#), 2 July 2020

² The Guardian, [Exclusive: water firms discharged raw sewage into England's rivers 200,000 times in 2019](#), 1 July 2020

Raw Sewage Discharges 2019		
England		
Water Company	Number of Events	Duration (hours)
Northumbrian Water	41,311	75,111
United Utilities	63,114	254,467
Yorkshire Water	22,906	616,643
Severn Trent Water	39,938	272,519
Anglian Water	10,347	133,045
Thames Water	1,573	12,749
Southern Water	3,219	19,978
Wessex Water	13,876	107,435
South West Water	7,850	36,105
Total	204,134	1,528,052

Source: [The Guardian](#), 1 July 2020

Under the current regulations³, not all discharges are monitored, and a single event may vary in length from a few hours to several days. The Environment Agency guidance on [environmental permits for storm overflows and emergency overflows](#) states that CSOs into low or no amenity waters occurring fewer than 20 times per year require no form of event monitoring.

In the reported figures, Thames Water had the lowest number of CSO events during 2019 however Ofwat (the economic regulator for the water sector in England and Wales) estimates that around 39 million tonnes of raw sewage flow into the River Thames each year⁴.

In September 2020, the Government reported in [response to a parliamentary question](#) that of the 16,970 storm overflows, 13,246 (78%) were monitored in England and Wales as of 31 December 2019⁵. In [response to a separate parliamentary question](#) the Government also stated that the number of recorded spill events in 2019 was 292,864 from 8,276 monitored storm overflows⁶. This figure differs to the data from *The Guardian* as it includes events where the duration wasn't monitored. More information on the way CSOs are monitored is set out in section 1.3 of this paper.

In response to the publication of the 2019 statistics on raw sewage discharges in *The Guardian*, the Environment Agency wrote an [article explaining why CSOs are necessary](#). The article also explained how they are working with water companies, Defra and Ofwat (the economic regulator for the water sector in England and Wales) to address the issue.

Concerns with CSOs continue to be raised. On 29 October 2020, *The Times* published an [article on sewage discharges into the Thames](#) and the effectiveness of current CSO monitoring. The article highlighted the

³ [The Environmental Permitting \(England and Wales\) Regulations 2016](#)

⁴ Ofwat, [Thames Tideway](#)

⁵ [PQ 86177](#), 15 September 2020

⁶ [PQ 86178](#), 15 September 2020

example of Mogden Sewage Treatment Works on the River Thames, stating that it failed to record the discharge of millions of litres of untreated sewage into the Thames on multiple occasions. It was also reported that the company had failed to notify the public of CSO discharge despite a non-regulatory rower notification agreement being in place.⁷

On the same day that the article was published, [Defra issued a response](#) stating that some information they had provided *The Times* had not been included in the article. This did not deny that the discharge events had taken place but said that the agreement between Thames Water, the company responsible for the sewage treatment works, and registered user of the [rower notification system](#) was not a regulatory requirement:

We take all reports of environmental pollution seriously. Where companies damage the environment, whether through polluting our waters or breaching permit conditions, we will take enforcement action against them. The rower notification was agreed between Thames Water and rower's groups and is not a regulatory requirement.⁸

1.2 Current Regulations

Water companies are regulated by a number of overriding pieces of legislation that set out their powers and duties and control their operation.

The [Water Industry Act 1991 \(as amended in in 1999 and 2014\)](#), which replaced the Water Act 1989 introduced after privatisation, sets out the main powers and duties of the water and sewerage companies.

The current environmental regulation was established under the [Water Resources Act 1991](#) which set out the conditions for discharges into and from public sewers and functions of the environmental regulator, the National Rivers Authority (NRA) in dealing with any breaches. The Act also introduced water quality objectives for the first time. The [Environment Act 1995](#) led to the creation of the Environment Agency and restructuring of environmental regulation by replacing the NRA and Her Majesty's Inspectorate of Pollution.

Sewage treatment and water quality is regulated at an EU level through Directives, including the [Urban Waste Water Treatment Directive \(91/271/EEC\)](#) (UWWTD) and the [Water Framework Directive \(2000/60/EC\)](#) which was adopted in 2000 and has been implemented by domestic legislation in the UK. [The Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations 2017](#) transpose EU directives into UK law and provide the policy framework to ensure their compliance.

There are also other more specific EU Directives including those relating to bathing water, drinking water and nitrates. On the implementation

⁷ The Times, [Public were not warned about massive sewage spills in Thames](#), 29 October 2020

⁸ Defra, [Times article on sewage discharges in the Thames](#), 29 October 2020

period completion day (31 December 2020) the domestic legislation implementing the Directives will form part of retained EU law.

The [Environment Bill 2019-2021](#) will provide a new domestic framework for environmental governance and make provisions on specific environmental policy areas including waste, air quality, water, nature and biodiversity, and conservation covenants.

In an article published by the Chartered Institute of Water and Environmental Management (CIWEM) on 2 November 2020, Phillip Dunne said that he would put forward an amendment to the Environment Bill if the Sewage (inland Waters) Bill did not progress. The CIWEM report said that the amendment would add impact to the water quality objectives Ofwat sets. Phillip Dunne stated that through either Bill, parliamentary attention on the issue of sewage discharge would be increased.

It [the Environment Bill] gives government the tools to progressively ask water companies to address water quality, something the bill will be setting targets for. I'm pushing against an open door here – we're all flowing in the same direction.

It's why I expect something to come of this, one way or another, in the next year or so. This bill gives oxygen of parliamentary publicity to galvanise public attention and focus on the water companies.⁹

On 17 November during the sixteenth sitting of Committee stage of the Environment Bill, Richard Graham moved amendment 200, in clause 76, that would “place the obligation on water companies, in their five-year plans, to consider the impact on water quality of the wastewater facilities for which they are responsible.”¹⁰ He described it as “a probing amendment, tabled in the name of my right hon. Friend the Member for Ludlow (Philip Dunne), myself and others.”¹¹ He went on to describe the reasons behind the amendment and drew attention to the Sewage (Inland Waters) Bill.

It is an uncomfortable fact for us all that a huge amount of raw sewage is still discharged into our coasts and waterways—200,000 times in the last year, with 3,000 discharges in UK coastal waters between May and September—all of which threatens the quality of the water itself and water users. It is for that reason that 40,000 people signed a petition to end sewage pollution. My right hon. Friend the Member for Ludlow was motivated to initiate a private Member's Bill, which will be heard in the House in due course, and to table this amendment to the Environment Bill.¹²

A number of amendments to The Environment Bill in relation to sewage discharges and water quality were tabled and debated during Committee Stage, however, no amendments were added to the Bill as they were all either withdrawn or defeated on division.

⁹ CIWEM, [Dunne plans two bids to tackle sewage pollution in rivers](#), 2 November 2020

¹⁰ PBC Deb, sixteenth sitting, 17 Nov 2020 [c477](#)

¹¹ PBC Deb, sixteenth sitting, 17 Nov 2020 [c476](#)

¹² PBC Deb, sixteenth sitting, 17 Nov 2020 [c476](#)

Section 6.5 of the [Commons Library Analysis of the Environment Bill](#) contains further information on the clauses within the Bill relating to the management of sewage discharges and water quality regulation.

Committee Stage of the Environment Bill concluded on 26 November 2020. A Commons Library briefing paper on the Committee Stage will be published prior to the commencement of Report Stage.

Water quality in the UK is a devolved matter. Intermittent discharges from sewer overflows and wastewater treatment works (WWTWs) in England are regulated by the Environment Agency, which issues environmental permits for this activity, under the [Environmental Permitting \(England and Wales\) Regulations 2016](#). These updated and consolidated the previous 2010 regulations. [Schedule 21](#) of the regulations sets out the definition of water discharge activities and how the regulations are to be applied.

In 2010, the Government published [environmental permitting guidance for water discharge activities](#) which contains detailed information about the regulation of water discharge activities in England and Wales. Complementary [core guidance for the Environmental Permitting Regulations 2016](#) was updated in March 2020.

Additional further information can also be found in the Commons Library paper on [Water Quality](#),

In 2018, the Environment Agency published specific [guidance on water company permits for storm overflows and emergency overflows](#). Further details of this guidance are set out below.

Storm Overflow Permitting Guidance

The guidance from the Environment Agency contains information for a range of scenarios when a permit may be requested and whether or not it is likely to be issued. The situations when a permit to discharge may be requested are listed as follows:

- Permits for existing unpermitted storm overflows
- Permits for improvement or alteration of existing permitted storm overflows
- Permits for new storm overflows as part of rationalisation or overall improvement scheme
- Permits to limit flows to treatment
- Permits for new storm overflows to stop flooding
- Permits for existing emergency overflows to operate during storms
- Permits to relieve surcharge due to groundwater infiltration
- Permits for new emergency overflows

For full details of the factors considered by the Environment Agency in each case, please refer to the [environmental permits for storm overflows and emergency overflows guidance](#).

Design standards for storm overflows

The guidance states that all sewerage systems must be designed, constructed and maintained using the best technical knowledge not entailing excessive cost.

WWTWs must be designed to treat peak dry weather flow and additional flows from light rainfall.

Additional storage should be provided by a storm tank that is able to store 68 litres per person served by the treatment works or the equivalent of 2 hours inflow at the maximum flow rate.

No Deterioration Objective

The Environment Agency reviews permits for existing discharges and assesses applications for new discharges based on a no deterioration objective. The guidance on this states that:

Our no deterioration objective for storm overflows is to avoid any increase in pollution discharged to the water body. You must demonstrate that your proposed scheme achieves no deterioration. You can do this by showing no increase in the frequency and volume of storm discharges where the discharge location remains unchanged.¹³

Storm overflow classification

Permit holders must limit pollution from storm overflows. To do this, storm overflows should be classified as either satisfactory, substandard or unsatisfactory to help identify which overflows need improvement.

The guidance sets out the criteria for each classification category and also contains information on what can be done if a CSO becomes unsatisfactory. It states that:

If an overflow becomes unsatisfactory the Environment Agency can review your permit or take enforcement action against you if you are in breach of your existing permit.

We will include an improvement condition in permits for unsatisfactory overflows to meet appropriate standards as soon as practicable. This is normally within 3 years.

The only exception is where an overflow becomes unsatisfactory due to new legal requirements. In this case, we'll promote solutions to the affected overflows through the Water Industry National Environment Programme (WINEP).¹⁴

The Water Industry National Environment Programme (WINEP) is a set of actions the Environment Agency has requested from all water companies operating in England. A full [data set of all WINEP actions](#) set to be taken between 2020 and 2025, (including improvements to or monitoring of CSOs) was published by the Environment Agency in March 2020.

¹³ Environment Agency, [Water companies: environmental permits for storm overflows and emergency overflows](#), 13 September 2018

¹⁴ Environment Agency, [Water companies: environmental permits for storm overflows and emergency overflows](#), 13 September 2018

Event duration monitoring

According to the guidance, monitoring of storm overflow events is carried out using a risk-based approach and, under current regulations, not all CSOs require monitoring.

Monitoring and reporting requirements depend on the significance of the discharge. The significance of the discharge is based on spill frequency and amenity.

Storm overflows with less than one spill per year are classed as 'D – low significance'. They do not require any monitoring.¹⁵

The level of amenity is rated from high to low and based on the type of receiving water into which the discharge is occurring. Examples of high amenity receiving waters include areas where bathing or water sports such as canoeing are regularly practised. However, areas designated as [Special Areas of Conservation](#) (SACs) or [Special Protection Areas](#) (SPAs) under the [Habitats Directive \(Council Directive 92/43/EEC\)](#) are only classified as moderate amenity according to the guidance. Full descriptions of the amenity criteria along with the monitoring and reporting requirements for each level of significance are set out in the [storm overflows and emergency overflows permitting guidance](#).

Permit Breaches

The Environment Agency can issue fines to anyone who discharges waste water or sewage without a permit when they should have one, or to anyone in breach of their permit conditions.

When water companies do damage the environment, whether it is through polluting our waters or breaching permit conditions, we take enforcement action against them including civil sanctions. We successfully brought forward four water company prosecutions in 2019, resulting in £1,297,000 in fines.¹⁶

¹⁵ Environment Agency, [Water companies: environmental permits for storm overflows and emergency overflows](#), 13 September 2018

¹⁶ Environment Agency, [Combined Sewer Overflows Explained](#), 2 July 2020

2. Sewage (Inland Waters) Bill 2019-21

The [Sewage \(Inland Waters\) Bill 2019-21](#) is a Private Members Bill which had its First Reading on 5 February 2020. It was presented by Phillip Dunne MP, who came seventh in the Ballot procedure¹⁷. Second Reading is scheduled to take place on 15 January 2021. The Bill aims to help address the issue of English rivers failing to meet 'good ecological status' by 2027, which is a requirement under the EU Framework Directive and due to be carried over into UK law under the Environment Bill. The Sewage (Inland Waters) Bill is intended to:

Place a duty on water companies to ensure that untreated sewage is not discharged into rivers and other inland waters; and for connected purposes.¹⁸

The [explanatory notes accompanying the Bill](#) provide a more detailed overview of the Bill and its requirements. The Bill consists of two clauses. Clause 1 amends the Water Industry Act (WIA) by inserting a new chapter into Part II. Clause 2 of the Bill covers the territorial extent and commencement of the Bill.

Current duties set out in Part IV Chapter II of the WIA act require water companies to report on levels of performance of sewerage companies in relation to the provision of services to customers. Publishing information on the number of complaints and informing customers on the levels of performance are further requirements. The Bill would place additional duties on water companies. These are outlined below:

This Bill would place a new duty on water companies to take all reasonable steps to ensure that untreated sewage is not discharged into rivers and other inland waters. It also requires the Government, Ofwat and the Environment Agency to seek to ensure water companies comply with that duty, requires water companies to take certain specific steps, and requires the Government to report both on a range measures that might assist with the achievement of the duty and on the performance of water companies against the duty.¹⁹

Further information is provided in the [explanatory notes](#), which sets out how the Bill is intended to align with existing legislation and Government policy commitments. The explanatory notes state that:

The Sewage (Inland Waters) Bill is intended to assist the Government in meeting the obligations contained in The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, as amended. It is further intended to assist the Government in meeting the commitments made in "A Green Future: Our 25 Year Plan to Improve the Environment"¹, the 25-year environment plan, including:

¹⁷ UK Parliament, [Private Members' Bill ballot](#), 9 January 2020

¹⁸ House of Commons, [Sewage \(Inland Waters\) Bill](#), 13 October 2020

¹⁹ House of Commons, [Sewage \(Inland Waters\) Bill Explanatory Notes](#), 12 October 2020 p3

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- Improving at least three quarters of our waters to be close to their natural state as soon as is practicable. (page 25)
- Minimising by 2030 the harmful bacteria in our designated bathing waters and continuing to improve the cleanliness of our waters. (page 23)
- Working with industry to create a more robust wastewater planning and investment process that will help provide better outcomes for both customers and the environment. (page 96)
- Making sure that all those with a role to play take action to improve water quality by, for example, removing misconnected plumbing, improving surface water drainage and land management, and maintaining private sewage systems to a high standard. (page 103)
- Continuing to develop the Environment Agency's forecasting and warning system so that bathers are warned of a possible short-term pollution problem, perhaps owing to spill from overloaded sewers during heavy rain. (page 103)²⁰

The Bill relates solely to Inland Waters, which are defined in the [Water Industry Act 1991](#) with reference to [section 221](#) of the [Water Resources Act 1991](#) as being the whole or part of:

- a) any river, stream or other watercourse, whether natural or artificial and whether tidal or not;
- b) any lake or pond, whether natural or artificial, or any reservoir or dock, in so far as the lake, pond, reservoir or dock does not fall within paragraph (a) of this definition; and
- c) so much of any channel, creek, bay, estuary or arm of the sea as does not fall within paragraph (a) or (b) of this definition²¹

The Bill extends to the legal area of England and Wales but only applies in England. Senedd Cymru, has jurisdiction over water quality, water resources and water industry legislation in Wales.

Clause 1 of the Bill sets out a series of new sections, 17ZA to 17ZD, that would be added as a chapter to the WIA. These new sections and their contents are explained in more detail below.

2.1 Duty on water companies: untreated sewage

New section 17ZA in the WIA would place a duty in water companies to take all reasonable steps to ensure untreated sewage is not discharged into inland waters.

Water Companies are defined as companies appointed as water undertakers or sewerage undertakers under the WIA.

²⁰ House of Commons, [Sewage \(Inland Waters\) Bill Explanatory Notes](#), 12 October 2020

²¹ [Water Resources Act 1991, Section 221](#)

The new sections proposed in the Bill then set out the measures to assist water companies in achieving their duty to ensure untreated sewage is not discharged into inland waters.

2.2 Requirements of water companies

New section 17ZB in the WIA sets out a list of reasonable steps that water companies could take to ensure compliance with the duty established in new section 17ZA. As set out in the Bill, these would include but not be limited to:

- a) maintaining and publishing a register of combined sewer overflows (CSOs) and any other sewer catchment assets from which discharges of treated or untreated sewage may be made to inland waters;
- b) publishing biannual reports on the operational status of those assets;
- c) progressively installing capacity to monitor continuously all discharges of treated or untreated sewage into inland waters from those assets and publishing the data so obtained;
- d) monitoring and publishing reports on the quality and duration of discharges made from CSOs;
- e) as part of drainage and wastewater management plans, setting out steps to ensure that—
 - (i) biological or nature-based treatments are progressively installed where practicable and made operational at wastewater treatment works discharging to inland waters that do not otherwise provide for the tertiary treatment of effluent; and
 - (ii) reliance upon CSOs is progressively reduced; and
- f) any requirements specified by the Secretary of State under section 17ZC(2)(b).²²

The explanatory notes supporting the Bill state that these measures are intended to assist the Government and regulatory bodies in complying with existing legislation such as the [Environmental Information Regulations 2004](#) and meeting relevant commitments set out in the Government's [25-year Plan to Improve the Environment](#).

2.3 Reporting on measures to assist water companies

New section 17ZC sets out a list of wide-ranging measures that the Secretary of State might take which would have implications across a range of policy areas. The Bill does not require these to be implemented but that the Secretary of State report on them annually. The measures listed include schedule 3 of the [Flood and Water Management Act 2010](#) coming into force in England, whilst other measures would impact building regulations and product labelling. A range of substances that could be prohibited from bathroom products are also required to be reported on.

²² House of Commons, [Sewage \(Inland Waters\) Bill](#), 5 February 2020

Reporting requirement

New section 17ZC contains measures that would require the Secretary of State to report to Parliament on the measures being taken to assist water companies in meeting their duty to ensure untreated sewage is not discharged into inland waters. A report would be published:

- a) within one year of this section coming into force; and
- b) in every calendar year after the year in which that first report is published.²³

The Bill then sets out the reporting requirements, in particular on a series of specific measures that the Bill proposes. Annual reports from the Secretary of State would contain the following information on the prescribed measures in the Bill:

- a) the Secretary of State's assessment of the contribution that measure could make to reducing treated and untreated sewage discharges to inland waters in England; and
- b) what steps, if any, the Secretary of State intends to take in connection with that measure, including any specific requirements on water companies in relation to their duty under section 17ZA.²⁴

Potential measures to be reported on

The Bill then sets out the measures. Sub-section 3 of 17ZC, sets out possible measures that could be taken to separate surface water and sewage collection as this is the main burden on sewer capacity and the primary reason CSOs occur. These include:

- a) requiring all new developments of more than two residential or commercial buildings to have separate surface water and sewage collection systems;
- b) bringing Schedule 3 of the Flood and Water Management Act 2010 into force for England;
- c) requiring all new surface water collection systems to incorporate sustainable urban drainage systems (SUDS);
- d) requiring all major retrofitting or redevelopment projects of buildings where practicable to incorporate SUDS and separate surface water and sewage collection systems; and
- e) amending strategic guidance to the Authority to require it to facilitate capital expenditure on—
 - (i) nature-based drainage systems, such as integrated constructed wetlands, and
 - (ii) SUDS.²⁵

²³ House of Commons, [Sewage \(Inland Waters\) Bill](#), 5 February 2020

²⁴ House of Commons, [Sewage \(Inland Waters\) Bill](#), 5 February 2020

²⁵ House of Commons, [Sewage \(Inland Waters\) Bill](#), 5 February 2020 p2-3

Further information on SUDS and the proposals in the [Flood and water Management Act 2010](#) can be found in the Commons Library briefing paper on [planning and flood risk](#).

Sub-section 4 of 17ZC includes measures to deal with reducing volumes of sewage produced by domestic properties to minimise the burden on new and existing sewage infrastructure. The measures set out in the Bill are:

- a) requiring by 2025 all domestic properties to have a metered water supply when being leased, rented or sold;
- b) requiring the Environment Agency to maintain a register of all private sewage treatment systems;
- c) amending Building Regulations to require efficient processing of grey water (sullage);
- d) requiring all new domestic and commercial outside ground-level surfaces where practicable to be made from permeable materials; and
- e) introducing water efficiency labelling on household appliances.²⁶

Measures for reducing the polluting content of sewage are proposed in sub-section 5 of 17ZC. Suggested measures to achieve this include:

- a) establishing a regulatory standard for flushable products;
- b) prohibiting the use of plastics in sanitary products and wet wipes;
- c) reducing the use of microplastics in flushable products; and
- d) prohibiting the disposal of fats and oils into sewers by food service establishments.²⁷

Sub-section 6 of 17ZC puts forward measures to reduce the impact of CSO discharges. This Bill states that this could be achieved by:

- a) requiring the Environment Agency to work with water companies in reducing harmful discharges from CSOs; and
- b) directing the Environment Agency to research the effects of CSO discharges on water quality in inland waters and water bodies.²⁸

The final part of section 17ZC, (sub-section 7) of the Bill proposes measures intended to promote improvements in bathing water quality in inland waters including:

- a) setting statutory targets for the increase in the number of bathing waters classified as "good" or "excellent";
- b) designating a minimum of two inland bathing waters, to include one in-river inland bathing water,

²⁶ House of Commons, [Sewage \(Inland Waters\) Bill](#), 5 February 2020 p3

²⁷ House of Commons, [Sewage \(Inland Waters\) Bill](#), 5 February 2020 p3

²⁸ House of Commons, [Sewage \(Inland Waters\) Bill](#), 5 February 2020 p3

- in each water company area for each year of any price review period; and
- c) amending strategic guidance to the Authority to require it to facilitate capital expenditure on the improvement of water quality in inland bathing waters.²⁹

2.4 Reporting on performance

The final new section of the Bill, 17ZD, would require the Secretary of State to publish annual reports on performance of water companies based on their duty set out in 17ZA. These reports would contain information on the performance of sewerage assets and the quantity of sewage discharged into inland waters from them.

For further details about the proposals in the Bill please refer to the [accompanying explanatory notes](#).

3. Support from Environmental Groups

The Bill has been supported by [Salmon and Trout Conservation](#) (S&TC), an independent UK charity which campaigns for wild fish and their environment. The charity played a role in drafting the Bill and its accompanying explanatory notes. On 15 October, Salmon and Trout Conservation published the following statement from its CEO Nick Measham:

I am delighted to see this vital Bill introduced and have been pleased that S&TC was able to make good use of the donations we receive from members, and elsewhere, to allow S&TC's lawyer to play a significant role in drafting the Bill and the Explanatory Notes.

Guy Linley-Adams, a solicitor working with S&TC also stated that:

The Bill is a welcome and necessary correction to the post-privatisation legislation for controlling sewage pollution of rivers, streams and lakes. As we leave the EU, we need to increase the level of ambition and this Bill does that. All sides in this debate, including water companies, recognise that we need to build back better post-Covid, including in our water infrastructure, so this Bill deserves, and I'm sure will get, very strong cross-party support.³⁰

In July 2020, The Rivers Trust, launched an [interactive map of England](#) which provides information on CSOs into English rivers for 2019. This tool allows users to look at specific permitted CSOs and see the number of times a sewage was discharged into rivers and the total duration in hours that discharges occurred during 2019. The [Rivers Trust](#) is an umbrella organisation made up of 60 local member Trusts focussing on protecting and improving river environments for the benefit of people and wildlife.

On 14 October, The Rivers Trust published an [article supporting the Sewage \(Inland Water\) Bill](#), which included the following statement from its CEO, Mark Lloyd:

We are very grateful to Philip Dunne MP for taking on this very important issue with such vigour after The Rivers Trust raised it with him earlier this year. We hope that this Bill will be converted into legislation urgently. Changing weather patterns, population growth, more plastic items being flushed down toilets and an historic lack of investment in infrastructure all conspire to cause raw sewage to pollute our precious rivers far too often. We need to get a grip of this wicked problem and make our water environment a place that inspires delight, rather than disgust.³¹

Surfers Against Sewage, a marine conservation and campaigning charity, have also supported the changes to existing legislation outlined in the Bill. On 14 October 2020, the organisation published the following statement from its CEO, Hugo Tagholm:

³⁰ Salmon and Trout Conservation, [Sewage \(Inland Waters\) Bill](#), 15 October 2020

³¹ The Rivers Trust, [Private Member's Bill launched in bid to tackle river pollution](#), 14 October 2020

Only 16% of waterways in England currently meet good ecological standard, which is exactly the same as in 2016. Without urgent change to the status quo sewage will continue to pollute our blue spaces that are so crucial to the health and wellbeing of water users up and down the country.

This ambitious and timely Bill will make sure water companies deliver on their environmental responsibilities and clean up their act.³²

Need for a multi-faceted approach

At the time of writing we were unable to find any reaction to the Bill and its proposals from water companies. However, a statement from Alastair Chisholm, Director of Policy at the Chartered Institute of Water and Environmental Management (CIWEM) published in August 2020, and before the Bill was published, suggested that resolving issues with CSOs may require more than requirements solely on water companies, arguing in particular for measures around surface water, and suggested two areas that should be included:

Amend new developments' automatic right to connect to the public sewer, making this conditional on meeting the requirements set out by the Design Construction Guide for the Codes for Adoption

Oblige local authorities and other highways agencies to seek opportunities, in maintaining, upgrading or building new infrastructure, to prevent untreated runoff from roads and other urban surfaces being discharged into watercourses. The US uses this principle US under the Clean Water Act, to drive more sustainable management of surface water. We could employ this here too.³³

The article concluded by saying that a CSOs are one part of the jigsaw and multifaceted approach was needed to address current environmental and climate emergencies. As noted in section 2.3 above, the Bill includes a series of measures the Government would need to report on, including around SUDS.

³² Surfers Against Sewage, [MP Calls for New Law to End Sewage Pollution](#), 14 October 2020

³³ CIWEM, [Combined sewer overflows - it's time we cut the crap](#), 27 Aug 2020

4. Parliamentary Debate

Issues surrounding water quality and combined sewer overflows have recently been the subject of a number of parliamentary questions. In March 2020, the Government was asked if it would hold discussions with the Environment Agency on reducing the levels of raw sewage discharge into main and non-main rivers. The Government responded by stating that:

Ministers hold regular discussions with the Environment Agency (EA), on all environmental issues including water quality. My officials also regularly meet with their EA colleagues to discuss waste water management, including sewage discharges.

In England, the majority of the sewerage system is 'combined', meaning that sewage is collected along with rain water run-off. Combined sewer overflows (CSOs) in the sewerage system operate to reduce the risk of sewer flooding of homes and land during heavy rainfall. To prevent discharges, between 2015 to 2020 water companies are installing monitors on up to 13,000 of the 15,000 CSOs in England. These will measure how often and for how long they operate, helping inform where improvement works may be required and providing information to the public about spills. This information has been used to help develop the environmental programme that the water companies will be implementing over the next five years, which includes almost £4 billion of investment to reduce pollution from sewage.³⁴

In July the Government was again asked what recent discussions it had held with water company representatives on ending raw sewage discharges into rivers. Answering the question, the Under Secretary of State for Defra, Rebecca Pow, issued the following written response:

Combined sewer systems which collect waste water and rain water run-off account for the majority of sewerage systems in England. Such systems have a finite capacity and can be temporarily overwhelmed by significant rainfall. Sewer overflows are a feature of these systems and are designed to act as a safety valve to allow the excess waste water to discharge to local waters. This is to avoid waste water flooding streets, homes and other properties, including the sewage treatment plants themselves.

To prevent discharges, by the end of the year water companies will have installed monitors on up to 13,000 of the 15,000 sewer overflows in England, with more installations planned afterwards. These monitors will measure how often and for how long overflows operate, helping inform where improvement works are required and providing information to the public about spills. This information has been used to help develop the environmental programme that the water companies will be implementing over the next five years, which includes around £4 billion of investment to reduce pollution from sewage. This environmental programme resulted from discussions between Ministers and water companies.

In addition, the Environment Bill will place a statutory requirement on water companies to produce drainage and sewerage management plans, currently being produced on a non-statutory

³⁴ [PQ 21144](#) – 6 March 2020

basis. This will further help water companies identify opportunities to better manage sewage discharges and tackle future risks.³⁵

In November 2020 a PQ asked what steps were being taken to improve the health of rivers and inland waters under the Sewage (Inland Waters) Bill. In response, Rebecca Pow, clarified the Government's stance on the Bill and outlined the measures being taken to improve the health of inland waters.

The Sewage (Inland Waters) Bill is a Private Members' Bill sponsored by my Rt Hon Friend the Member for Ludlow. The Government is very supportive of the intentions of the Bill. With regard to measures to improve the health of rivers and other inland waters, the Government remains committed to bringing at least three quarters of our waters to as close as possible to their natural state as soon as is practicable. In support of this, we will be bringing forward a further legally binding target as part of the targets setting processes set out in the Environment Bill.

Sewage management by some water companies and diffuse pollution from agriculture are the two biggest sources of pollution affecting England's water environment. Through regulation, enforcement, financial incentives and educational schemes, we are improving poor farming practices which lead to water pollution. Our new Environmental Land Management scheme will be a critical part of that.

With regard to sewage pollution, water companies are committed in the five-year business planning period (2020-2025) to a significant programme of improvements to the monitoring and management of storm overflows at a cost of around £1.2 billion. However, I recognise that there is more to do. I met water company CEOs in September and made clear that the volumes of sewage discharged into rivers and other waterways in extreme weather must be reduced. To achieve this, I have set up a new Taskforce bringing together the Government, the water industry, regulators and environmental NGOs. This Taskforce will set out clear proposals to address the volumes of sewage discharged into our rivers. The Taskforce is also exploring further short-term actions water companies can take to accelerate progress on storm overflows.³⁶

³⁵ [PQ 70299](#) – 13 July 2020

³⁶ [PQ 112040](#) – 10 November 2020

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