

18th August 2022

FAO: Deputy Director for Water Quality, Department for Environment, Food and Rural Affairs

Inclusion of coastal and estuarine waters within the Storm Overflow Discharge Reduction Plan

Thank you for the meeting with your team on the 11th August to discuss storm overflows in estuarine and coastal waters. As we have raised in our correspondence since April, and in our response to the Storm Overflow Discharge Reduction Plan consultation, using the available data we estimate that around 600 estuarine and coastal overflows will not be included within the targets proposed through the consultation (we have termed these 'uncontrolled overflows'). Whilst these uncontrolled overflows may not be adjacent to sites designated as bathing waters, they could be discharging near to other beaches people use for walking, swimming, surfing, etc. as well as into Shellfish Waters and some Marine Protected Areas (MPAs). This means that, despite the promised upcoming legislation to address these problems, at 600 locations uncontrolled overflows will continue to discharge into our seas and beaches.

In particular, we highlight that Special Protection Areas (SPAs) and Marine Conservation Zones (MCZs) are not included (under the definition of high priority sites). Despite these areas having already been recognised as so extremely important within the marine environment that they have additional protection, they will not be protected from storm overflows, and therefore could be subjected to high numbers of overflow events potentially undermining the health of these special marine environments. We have calculated¹ that in total there are at least 2540 storm overflows within 1km of an MPA in England, which spilt untreated sewage 66,286 times, for a total of 440,508 hours in 2021^{*}.

Furthermore, the legislation as it stands will not prevent water companies from re-directing sewage from upstream storm overflows (which will have new spill targets), to these uncontrolled overflows. This risks estuarine and coastal water quality deteriorating even further. When we have raised this issue, we have received the response that water companies would not do this because overflow data is publicly available and organisations' such as ourselves would be watching. While we graciously acknowledge your recognition of ours, and other organisations', continued work in this area, it should not be our role to continually prevent pollution when legislation that could prevent this is currently being written. Given the recent track record of water companies on self-regulation and monitoring their discharges, the suggestion that this will offer the protection that designated areas need, and local communities want and deserve, is incredibly disingenuous.

It has been highlighted by the Defra Water Quality team on more than one occasion that these uncontrolled overflows are not seen as problematic because storm overflows are not a concern in coastal waters due to the large dilution factor. This is despite the fact that, according to your own latest assessments (using data from 2016 – 2019), only 29% of estuarine and coastal waters are at Good Ecological Status, with 0% at good chemical status, and 75% of shellfish waters failing water quality standards².

Spills from storm overflows carry a cocktail of contaminants, not just bacteria and viruses but also microplastics as well as highly persistent chemicals, and dump these directly at sea. Highly persistent chemicals, like PFAS, and microplastics accumulate in the environment over time and therefore increase the probability of harm. Recently published evidence on PFAS shows that the assumption that ultimately PFAS would be diluted to safe levels in the marine environment is incorrect and unsafe³. We therefore would like Defra to provide your evidence to support that releasing untreated sewage into the ocean is safe both for communities and the environment.

Finally, we would like to state that we first highlighted this issue on 4th April 2022, and in particular asked Defra to confirm the number of overflows in estuarine and coastal waters which would not be included as part of this exercise. You are still, however, unable to provide exact figures despite repeated requests over the last four months. If you are unable to provide information on the numbers of discharges, please explain how Defra have reached the conclusion that there will be no impact.

Our top level asks to address the around 600 overflows currently not included are:

- All estuarine and coastal storm overflows must be included in Target 3 to ensure that they do not discharge above an average of 10 rainfall events per year.
- All Marine Protected Areas (MPAs) must be included as 'high priority sites' in Target 1 (currently Special Protected Areas (SPAs) and Marine Conservation Zones (MCZs) are not included).

Further details of our asks and calculations can be [accessed here](#) in our consultation response submitted 31st March 2022⁴.

Given the lack of response and the views expressed by your team, we have taken the unusual step of making this letter publicly available. We want to ensure that there is transparency around this issue, so that coastal communities are aware that the upcoming legislation, for which many of them lobbied so hard, will potentially offer them scant protection against water companies continually spilling untreated sewage into their local environment.

We look forward to hearing from you.

Yours sincerely

Dr Christine Tuckett – Director of Programmes, Marine Conservation Society

Cc. Defra Deputy Director Marine (International), Defra Deputy Director Marine (Domestic), Defra Director Marine and Fisheries, Environment Agency Director Water, Land and Biodiversity, Office for Environmental Protection CEO.

References:

1. Using Event Duration Monitoring, Storm Overflows, Annual Returns: <https://environment.data.gov.uk/dataset/21e15f12-0df8-4bfc-b763-45226c16a8ac>
2. <https://www.gov.uk/government/publications/state-of-the-water-environment-indicator-b3-supporting-evidence/state-of-the-water-environment-indicator-b3-supporting-evidence>
3. <https://pubs.acs.org/doi/pdf/10.1021/acs.est.2c02765>
4. https://media.mcsuk.org/documents/Storm_overflows_discharge_reduction_plan_Marine_Conservation_Society_response_May_2022.pdf

*Some of these overflows may be included in some of the plans targets but without any definitions provided in the plan it is impossible to work out which ones are and which ones are not, and when we requested this information from Defra they could not provide it.