

ALL LAWS, PLANS AND POLICIES GOVERNING SEWAGE INFRASTRUCTURE PROVISION IN ENGLAND*Every national, regulatory and planning requirement placing a legal or policy duty on water companies, planning authorities and government in relation to sewage handling*

Key: A = Statute (Parliament) B = Government plans & guidance C = Ofwat economic regulation D = National planning policy (NPPF/NPPG) E = STW statutory plans F = Local planning policy G = Case law

Category	Policy / Act / Plan	Regulatory Body	What it legally requires	Reference URL
A. PRIMARY LEGISLATION - ACTS OF PARLIAMENT (duties are absolute and cannot be disapplied by planning consent)				
A1 Statute	Water Industry Act 1991 - s.94 (Network capacity duty)	STW Enforced by Ofwat	Sewerage undertakers must maintain, improve and extend their public sewer network so that the area is and continues to be effectually drained - a continuing positive duty that exists independently of any planning permission.	https://www.legislation.gov.uk/ukpga/1991/56/section/94
A2 Statute	Water Industry Act 1991 - s.106 (Right to connect)	STW	Developers have an absolute statutory right to connect a drain or sewer to a public sewer; the sewerage undertaker cannot refuse the connection - but this is a connection right only, not a capacity clearance or confirmation of capacity.	https://www.legislation.gov.uk/ukpga/1991/56/section/106
A3 Statute	Water Industry Act 1991 - s.18 (Enforcement orders)	Ofwat	Ofwat may issue an enforcement order requiring a water or sewerage company to comply with any statutory duty, including the s.94 capacity duty, within a specified period.	https://www.legislation.gov.uk/ukpga/1991/56/section/18
A4 Statute	Environment Act 2021 - ss.80-84 (Storm overflow reduction)	DEFRA - Department for Environment, Food and Rural Affairs EA	Water companies must take all reasonable steps to progressively reduce the frequency and adverse ecological impact of storm overflow discharges; the Secretary of State must publish and report on a statutory reduction plan annually.	https://www.legislation.gov.uk/ukpga/2021/30/part/5/cro...
A5 Statute	Environment Act 2021 - s.82 (SODRP duty)	DEFRA	The Secretary of State must produce a statutory Storm Overflows Discharge Reduction Plan setting targets for reducing discharges, and must report annually on progress against those targets.	https://www.legislation.gov.uk/ukpga/2021/30/section/82
A6 Statute	Environmental Permitting Regulations 2016 - Reg.12 (Permit offence)	Environment Agency	It is a criminal offence to operate a regulated facility - including a combined sewer overflow - other than in accordance with the conditions of its environmental permit; the EA can prosecute and seek injunctions.	https://www.legislation.gov.uk/uksi/2016/1154/regulatio...
A7 Statute	Flood and Water Management Act 2010 - Schedule 3 (SuDS)	LLFA MHCLG	New drainage systems in developments must comply with national SuDS standards and must not discharge surface water into combined sewers unless all other options have been exhausted and demonstrated.	https://www.legislation.gov.uk/ukpga/2010/29/schedule/3
A8 Statute	Water Framework Directive (retained as domestic law: WFDRA 2017)	Environment Agency	Water bodies must achieve and maintain good ecological and chemical status; any activity, including sewage discharge, that causes deterioration of a water body's status is unlawful.	https://www.legislation.gov.uk/uksi/2017/407/contents
A9 Statute	Conservation of Habitats & Species Regulations 2017 - Reg.63 (HRA)	Natural England EA	Any plan or project likely to have a significant effect on a European protected site must be subject to Habitats Regulations Assessment before consent is granted; CSO discharges to rivers supporting protected species trigger this duty.	https://www.legislation.gov.uk/uksi/2017/1012/regulatio...

Category	Policy / Act / Plan	Regulatory Body	What it legally requires	Reference URL
B. GOVERNMENT STATUTORY PLANS, TARGETS AND REGULATORY GUIDANCE (issued under legal powers; compliance expected of water companies and regulators)				
B1 Govt Plan	Storm Overflows Discharge Reduction Plan (SODRP, DEFRA, Aug 2022, updated Sept 2023)	DEFRA EA	Sets statutory per-site targets: no overflow to exceed 10 spills/year by 2050; zero adverse ecological impact by 2050; interim 2035 targets for high-priority and near-bathing-water sites; EA must enforce compliance.	https://assets.publishing.service.gov.uk/media/6537e1c5...
B2 Govt Guidance	EA / DEFRA / Ofwat - Draft Information and Guidance on Storm Overflows (Nov 2024)	EA DEFRA Ofwat	The EA will use EDM data to inform its enforcement duties and to assess compliance with SODRP targets; sets out the full enforcement toolkit available to the EA against water companies that fail to meet their obligations.	https://assets.publishing.service.gov.uk/media/673f537b...
B3 Govt Report	SODRP Progress Report (DEFRA, December 2025)	DEFRA	Annual statutory progress report confirming the EA's role includes monitoring storm overflows, investigating incidents, and acting against companies that fail to meet SODRP standards; confirms enforcement levy funding is in place.	https://assets.publishing.service.gov.uk/media/6939a74b...
B4 Govt Guidance	DWMP Guidance (DEFRA / Ofwat / EA)	DEFRA Ofwat EA	Water companies must prepare 25-year Drainage and Wastewater Management Plans demonstrating how they will manage capacity growth and storm overflow reduction; DWMPs feed into each Ofwat price review and must be updated every 5 years.	https://www.gov.uk/government/publications/drainage-and...
B5 Govt Guidance	Permitted Development Rights and Prior Approval Guidance (MHCLG)	MHCLG – Ministry of housing, communities and local government.	Where development proceeds under permitted development rights, the LPA must still be satisfied that adequate drainage infrastructure exists; drainage adequacy is a material prior approval consideration.	https://www.gov.uk/guidance/when-is-permission-required
C. OFWAT ECONOMIC REGULATION (financially binding on water companies through the price review process)				
C1 Ofwat	PR24 Storm Overflow Performance Commitment (Ofwat, 2024)	Ofwat	STW's PR24 business plan includes a performance commitment on storm overflows measured as a company-wide average spills per overflow per year; underperformance against the PC triggers automatic financial penalties (ODIs).	https://www.ofwat.gov.uk/regulated-companies/price-revi...
C2 Ofwat	Ofwat Customer Protection Duty - s.2 WIA 1991	Ofwat	Ofwat must protect the interests of customers present and future; water companies must demonstrate that their AMP investment programmes will deliver adequate infrastructure within the price review period.	https://www.legislation.gov.uk/ukpga/1991/56/section/2
C3 Ofwat	STW AMP8 Delivery Obligations (2025-2030)	Ofwat STW	STW's AMP8 programme, agreed with Ofwat, commits £100.99m to 43 storm overflow improvements in the Derwent SPA; failure to deliver on time constitutes underperformance against regulatory obligations.	https://www.ofwat.gov.uk/regulated-companies/price-revi...
D. NATIONAL PLANNING POLICY AND GUIDANCE (NPPF August 2026 / NPPG) (Material considerations in every planning decision and Local Plan)				
D1 NPPF	NPPF - Policy W1 (Wastewater infrastructure)	MHCLG	Development plans must establish a clear understanding of wastewater capacity constraints and requirements; identified shortfalls must be addressed before development is permitted to proceed.	https://www.gov.uk/government/publications/national-pla...

Category	Policy / Act / Plan	Regulatory Body	What it legally requires	Reference URL
D2 NPPF	NPPF - Policy W4 (Water quality)	MHCLG	Substantial weight must be given to the benefits of improving water quality and reducing water-borne pollution; development that would worsen existing water quality problems must not be permitted.	https://www.gov.uk/government/publications/national-pla...
D3 NPPF	NPPF - Policy PM15(c) (Soundness - Effectiveness)	MHCLG Planning Inspectorate	A Local Plan is only sound if it is deliverable; housing allocations requiring sewer connections must demonstrate that the necessary infrastructure is in place or will be provided within the plan period.	https://www.gov.uk/government/publications/national-pla...
D4 NPPF	NPPF - Policies P1 and P3 (Pollution)	MHCLG	Development must not cause unacceptable levels of pollution individually or cumulatively; cumulative effects on health, living conditions and the natural environment from multiple developments must be properly assessed.	https://www.gov.uk/government/publications/national-pla...
D5 NPPF	NPPF - Policy N2 (Natural environment)	MHCLG	Development must protect and enhance the natural environment; green and blue infrastructure and nature-based solutions must be used to manage surface water and reduce pollution to watercourses.	https://www.gov.uk/government/publications/national-pla...
D6 NPPF	NPPF - Policy DM6 (Conditions and obligations)	MHCLG LPA	Planning conditions must be imposed where necessary to make development acceptable in planning terms; Grampian pre-occupancy conditions may require completion of infrastructure works before any dwelling is occupied.	https://www.gov.uk/government/publications/national-pla...
D7 NPPG	PPG - Water supply, wastewater and water quality	MHCLG	LPAs should ensure that adequate sewerage infrastructure is either in place or committed before granting planning permission; water companies must be consulted at pre-application stage on all proposals.	https://www.gov.uk/guidance/water-supply-wastewater-and...
D8 NPPG	PPG - Flood Risk and Coastal Change	MHCLG	The sequential and exception tests must be applied to development in areas at flood risk including areas at risk of sewer flooding; cumulative sewer flood risk from multiple planned developments must be assessed.	https://www.gov.uk/guidance/flood-risk-and-coastal-change
E. WATER COMPANY STATUTORY PLANS AND SELF-IMPOSED OBLIGATIONS (STW specific; directly relevant to Darley Dale)				
E1 STW Plan	STW DWMP23 - Level 2 Derwent SPA Overview (March 2023)	STW Ofwat EA	STW's own statutory infrastructure plan classifies the Matlock Lea catchment (containing CSO11 SVT00740) as Band 2 - Short Term Priority, the highest priority rating - for storm overflow performance in every assessment period from 2020 to 2050.	https://www.severntrent.com/about-us/our-plans/drainage...
E2 STW Plan	STW DWMP23 - Level 3 Matlock Lea TPU Summary (March 2023)	STW Ofwat EA	Confirms Band 2 CPO5 (storm overflow performance) rating for Matlock Lea in every period; identifies sewer capacity upgrades and storm overflow rationalisation as the primary interventions required for this catchment.	https://www.severntrent.com/about-us/our-plans/drainage...
E3 STW Data	STW EDM Annual Return 2022 (statutory data; permit EPRKB3593RU)	STW EA	STW's own regulatory return formally classifies CSO11 as "Not asset maintenance - Hydraulic capacity," distinguishing it from	https://www.stwater.co.uk/get-river-positive/event-dura...

Category	Policy / Act / Plan	Regulatory Body	What it legally requires	Reference URL
			maintenance faults and confirming the problem is structural network under-capacity.	
E4 STW Data	STW EDM Data 2025 (statutory annual publication)	STW EA	CSO11 (SVT00740) recorded 1,216 activation events and 803 hours of cumulative discharge to the River Derwent in 2025 - ranked 3rd of 2,472 STW overflows, and 67 times the STW company-wide average.	https://environment.data.gov.uk/portalstg/home/item.htm...
E5 STW Plan	STW AMP8 Programme (2025-2030)	STW Ofwat	STW's five-year capital investment programme commits to 43 storm overflow improvements in the Derwent SPA at a total cost of £100.99m; No public data available to confirm if any of this investment is destined for CSO11.	https://www.stwater.co.uk/about-us/our-plans/
F. LOCAL PLANNING POLICY AND EVIDENCE BASE (material considerations in decisions and plan examination)				
F1 Local Policy	DDDC IDP (July 2026) - Para 7.11 (CSO11 acknowledgement)	DDDC	DDDC's own Infrastructure Delivery Plan names CSO11, records its 1,216 activations in 2025, and states it accounts for 62% of all River Derwent discharge events - a formal published acknowledgement by the planning authority.	https://www.derbyshiredales.gov.uk/planning-and-develop...
F2 Local Policy	DDDC IDP (July 2026) - Para 7.14 (Development diversion duty)	DDDC	DDDC's own IDP states: "There is a need to divert development away from combined sewers where there are known capacity issues" - the planning authority's own published policy duty, which creates a direct obligation on DDDC.	https://www.derbyshiredales.gov.uk/planning-and-develop...
F3 Local Policy	DDDC IDP (July 2026) - Table B.3 (Darley Dale infrastructure gap)	DDDC	DDDC's own delivery schedule for the 222-dwelling Darley Dale cluster contains no foul sewer capacity infrastructure item, creating a direct internal contradiction between paragraphs 7.11/7.14 and the plan's own delivery evidence.	https://www.derbyshiredales.gov.uk/planning-and-develop...
F4 Local Policy	Derbyshire Dales Local Plan 2017 - Policy PD8 (Drainage)	DDDC	Development must demonstrate that adequate drainage infrastructure exists or will be provided; proposals must not increase flood or sewer flood risk and must follow the SuDS drainage hierarchy.	https://www.derbyshiredales.gov.uk/planning-and-develop...
G. RELEVANT LEGAL PRECEDENT (case law applicable to planning decisions and enforcement)				
G1 Case Law	Grampian RC v City of Aberdeen DC [1984] SC (HL) 58	House of Lords Planning Inspectorate	Establishes that a planning condition may lawfully prohibit development or occupation until specified off-site infrastructure works are completed, even if the works are outside the developer's direct control at the time of consent.	https://www.bailii.org/uk/cases/UKHL/1984/1.html
G2 Case Law	R (Champion) v North Norfolk DC [2015] EWCA Civ 1161	Court of Appeal	Confirmed that an LPA must have regard to water quality impacts when determining planning applications; failure to consider sewage infrastructure capacity as a material consideration can render a planning decision unlawful.	https://www.bailii.org/ew/cases/EWCA/Civ/2015/1161.html
G3 Case Law	Barwood Strategic Land II LLP v East Staffordshire BC [2017] EWCA Civ 893	Court of Appeal	Confirmed that infrastructure delivery plans and viability evidence form part of a plan's evidence base; a plan whose infrastructure schedule contains internal contradictions can be found unsound at examination.	https://www.bailii.org/ew/cases/EWCA/Civ/2017/893.html

