

**Slide 1:** Details of some acronyms used:

- SOAF: Storm Overflow Assessment Framework: Results by the end of March 2030
- UWWTR: Urban Waste Water Treatment Regulations England and Wales Regulations 1994
- UWWTD Urban Waste Water Treatment Directive 91/271/EEC as retained and interpreted in UK Law

**Slides 2 -5:** FOI (EiR) Response from Northumbrian Water Ltd (NWL) dated 30<sup>th</sup> April 2026

**Slide 6:** Examples of Combined Storm Overflow (CSO) at Wagon Way Hebburn

**Slide 7:** Example of Combined Storm Overflow at Springwell Jarrow just below Jarrow School

Please note that these are just examples. Sewage discharges are occurring regularly from all CSO's up the River Don and River Tyne

**Slides 8 – 10:** My initial email to Planning highlighting concerns with conflicting information related to Howdon Funding between South Tyneside Council (STC) and NWL: Council leaders were cc'd into this email

**Slides:11 – 13:** Responses from Planning with my responses to issues raised highlighted in red

**Slide 14:** My final correspondence to STC

**Slide 15:** Final correspondence with NWL confirming that development could proceed ahead of confirmed investment. Also indicates that Ofwat may approve or reject the request for funding by which time development may already have commenced

By email only to Dave Green at [REDACTED]

30<sup>th</sup> April 2026

Dear Mr Green

**EIR23106 – your request for environmental information**  
**Howdon Sewage Treatment Works & CSO ID, NWL01442 at Waggon Way in Hebburn**

Thank you for your request for information which we received on 4<sup>th</sup> April 2026. As we explained in our acknowledgement sent on 7<sup>th</sup> April, we have dealt with this as a request for information under the Environmental Information Regulations 2004 (“the Regulations”). If you would like to find out more information about how Northumbrian Water Limited works under the Environmental Information Regulations, you can do so on our website at: <https://www.nwl.co.uk/services/environmental-information>

When we sent our acknowledgement on 7<sup>th</sup> April, we explained that the twenty-day response period provided by the Regulations gave a response date of 6<sup>th</sup> May 2026.

**EIR Request**

As a reminder, in your email you wrote as follows:

*In relation to the Howdon Sewage Treatment Works, Northumbrian Water asked for investment in its recent business plan (AMP8) covering 2025-2030 to carry out a number of upgrades to the Howdon Sewage Treatment Works one of which included an upgrade to increase its headroom availability capacity for any new developments.*

- *Can I please ask whether this investment was granted and if YES how much was allocated to Howdon for upgrades? If NO would this then be requested again in the next business plan covering 2030 - 2035.*

# FOI (EiR) Page 2: Confirms NWL DID NOT ask Ofwat For Funding

Under the UWWTR, sewerage collecting systems must be designed, constructed, operated, and maintained in accordance with “best technical knowledge not entailing excessive costs” (BTKNEEC), including measures to limit pollution from storm water overflows.

## *Assessment of compliance*

### Point 2

The presence of frequent or prolonged discharges, including the reported discharge duration of 655 hours 24 minutes between 21/01/26 and 18/02/26, does not in itself determine non-compliance with the UWWTD or UWWTR.

Current Government and Environment Agency guidance is clear that compliance is not assessed on spill frequency or duration alone, but instead through a site-specific technical, environmental and cost-benefit assessment, undertaken using the Storm Overflow Assessment Framework (SOAF). The SOAF provides the regulatory mechanism for determining whether:

- the overflow is operating in line with BTKNEEC,
- there is an adverse environmental impact attributable to the overflow, and
- further measures are required that are technically feasible and proportionate.

Until that investigation process is completed, it is not possible to reach a definitive conclusion on UWWTD/UWWTR compliance for an individual CSO. The Environment Agency amended SOAF to version 2 in March 2025 and significantly reduced the spill frequency triggers.

## *Status for CSO NWL01442*

At the time of this response:

- CSO NWL01442 is subject to ongoing monitoring through Event Duration Monitoring (EDM), consistent with national requirements.
- The discharge data referenced would form part of the evidence base used to inform any SOAF assessment but does not represent a compliance determination in its own right.
- Any conclusion on compliance with the UWWTD would need to be made following completion of the SOAF investigation, in line with EA guidance and established legal interpretation.
- The SOAF assessment at Wagonway Road SPS is due to be completed by the end of the current Asset Management Period (AMP), ie by the end of March 2030.

# FOI (EiR) Page 3: SOAF Assessment of Wagonway due to be completed 2030. Discharges could remain unchecked until and after March 2030

## *Summary for CSO NWL01442 at Waggon Way in Hebburn*

In summary:

- Yes, CSO NWL01442 falls within the scope of the UWWTR and the retained requirements of the UWWTD.
- No formal determination of compliance or non-compliance can be made at this stage solely on the basis of discharge duration data.
- UWWTD compliance can only be concluded following the SOAF investigation process, which assesses environmental impact, system design, operational performance, and proportionality in line with BTKNEEC.

### *Embracing transparency, encouraging collaboration*

Our [environmental information webpage](#) provides information about how we handle requests for information under the Regulations along with many useful links to topics you may wish to read further about. Ongoing projects feature on the [Community Hub](#) which is used for sharing updates, ideas and feedback.

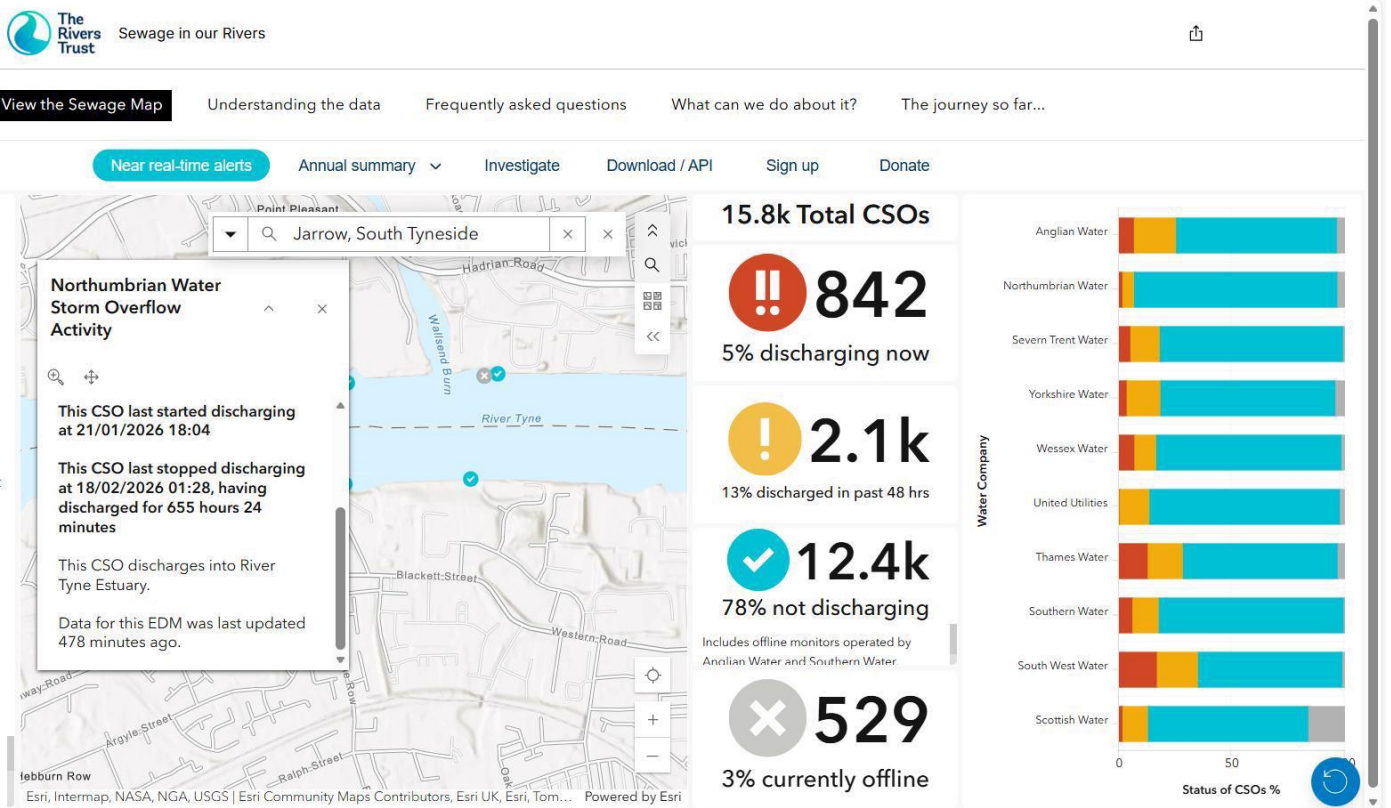
Additionally, Northumbrian Water are leading an initiative called Stream. Stream is working to stimulate innovation and collaboration through open and shared data. Our vision is to unlock the potential of water data to benefit customers, society, and the environment and to use data to address key water sector challenges. You can access the portal [here](#).

### Internal Review

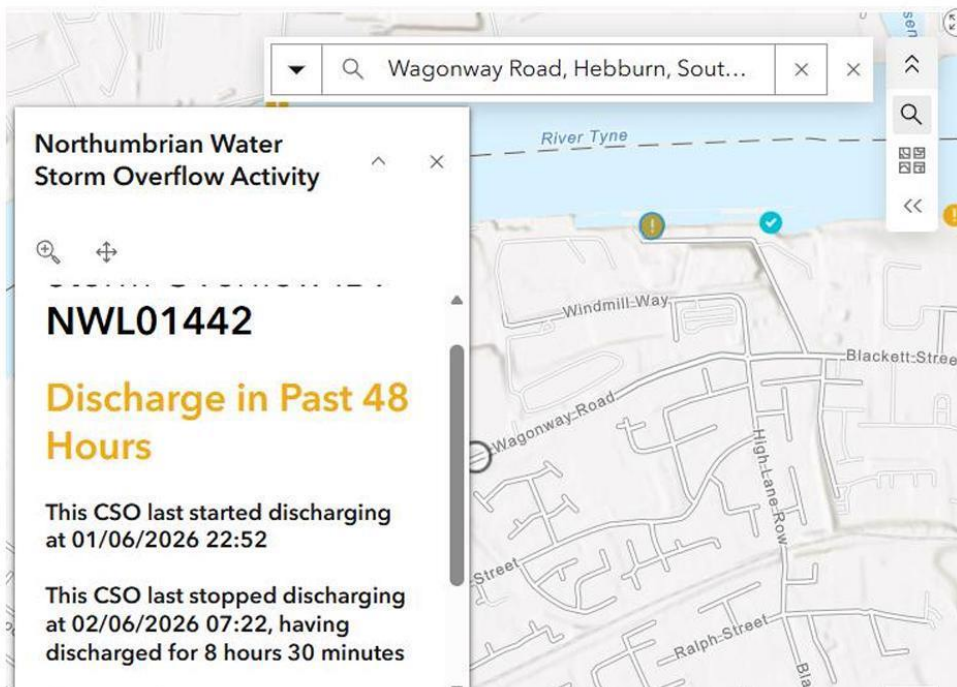
If you are unhappy with the handling of your request or with this decision, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of this response, so by 29th June 2026 and should be addressed to [eir@nwl.co.uk](mailto:eir@nwl.co.uk).

If you are dissatisfied with the outcome of the internal review, you can apply, without charge, to the Information Commissioner, who will consider whether we have complied with our obligations under the Regulations and can require Northumbrian Water to remedy any problems. You can find out more about how to do this, and the Regulations in general, on the Information Commissioner's website at [www.ico.org.uk](http://www.ico.org.uk). Complaints to the Information Commissioner can be made via the "report a concern" section of this website.

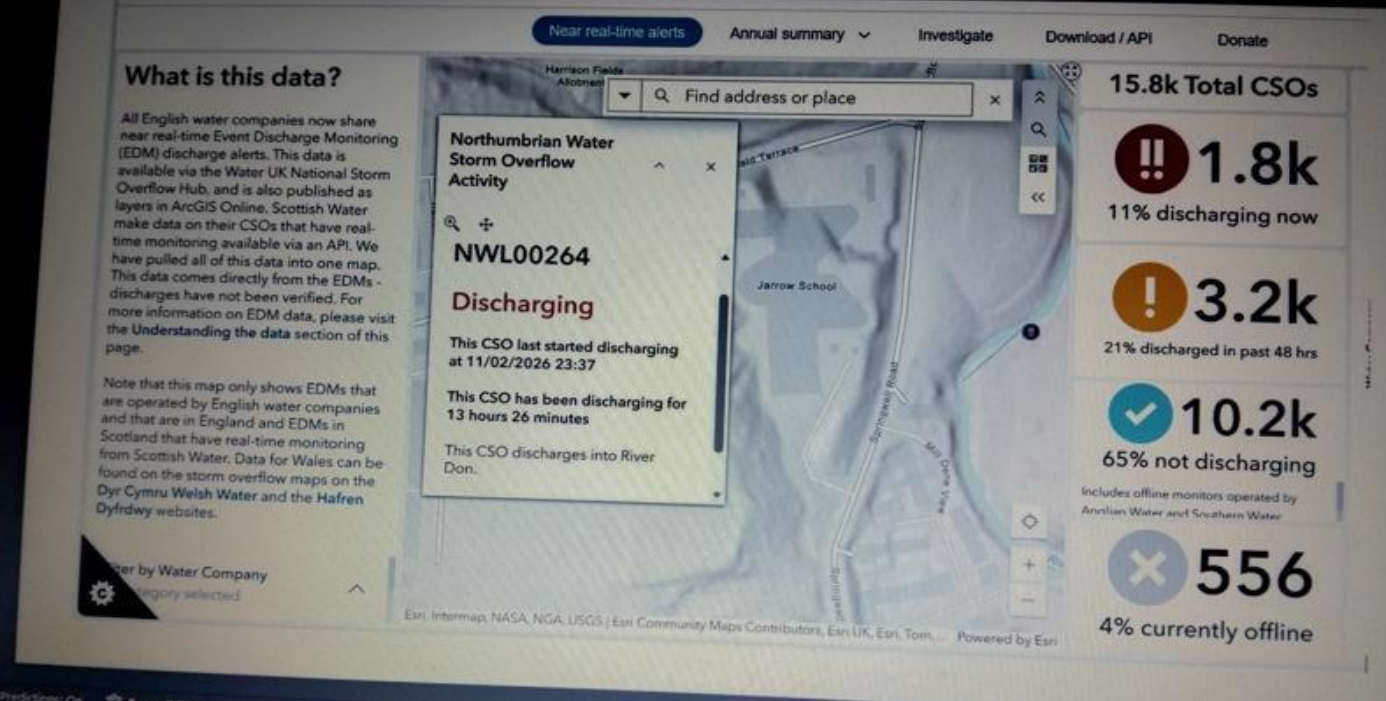
# FOI (EiR) Page 4: UWWTD compliance can only be concluded following the SOAF investigation process which is March 2030



**One example of CSO constantly discharging into the River Tyne at Wagon Way in Hebburn for 655hr 24 minutes. There was not constant storm conditions at that time to justify this. I believe that NWL may have broken UWWTD and UWWTR Regulations.**



This was an overnight discharge on 1st June for 8hrs 30 mins. There were NO storm conditions that night



**Springwell Road Jarrow just below Jarrow School 11/02/26**



**River Don flooded on 11/2/ 2026 just below Jarrow School following 13hr hrs 26 minutes of sewage discharge. The Footbridge was totally submerged**

**From:**

**Sent:** 30 May 2026 20:07

**To:** Andrew Inch <andrew.inch@southtyneside.gov.uk>; Local Plan <Local.Plan@southtyneside.gov.uk>

**Cc:** Cllr Paul Mackings <Cllr.Paul.Mackings@southtyneside.gov.uk>; Cllr Susan Sybenga <Cllr.Susan.Sybenga@southtyneside.gov.uk>

**Subject:** Query related to NWL FOI

**Importance:** High

Hi Andrew / Local Plan,

Could you please also clarify an issue related to the Infrastructure Delivery Plan (IDP) (Update 2026) PAGE 34 related to the Howdon Sewage Treatment Works. It appears that despite claims made by STC that 'Northumbrian Water have asked for Investment', the FOI (EiR) suggests that NWL **did not** ask Ofwat for funding. It also appears that funding may not be sought until 28/29 onwards which I believe may then not actually be confirmed until 2030 - 2035. It may also be the case that funding is not guaranteed.

Evidence for this is as follows:

Point 7.14 (P34) of the IDP states

- Northumbrian Water have asked for investment in its current business plan (AMP8) covering 2025-2030, to carry out a number of upgrades to this treatment works. One of these upgrades is to increase its headroom availability capacity to allow for all of the predicted growth (new development) identified within the local authorities long term growth plans.
- A project has now been officially launched, but there is still substantial work required before it can move forward into later stages. The scheme is driven entirely by growth need and resilience requirements, and all available land around the site has now been secured to support the future upgrade. The project currently carries an estimated cost of £330 million with an anticipated completion date of 2033, although this remains dependent on regulatory processes, construction planning and wider programme management.

Page 2 of the FOI (EIR) Response (highlighted) from NWL clearly states:-

**Howdon Sewage Treatment Works**

- **We did not ask Ofwat for funding for a potential upgrade at Howdon treatment works to increase its headroom availability capacity for any new developments**, as we were uncertain if this

would be needed in the 2025-30 period or not – however, because of this uncertainty, we did ask Ofwat to allow a flexible mechanism to consider this in-period through its “large scheme gated process”. Ofwat did not allow this in its Final Determination in December 2024, but on appeal, the CMA did allow this flexibility in its Final Determination in March 2026.

- **To be clear, there is still no funding allowed yet for this scheme.** Instead, this mechanism allows us to apply to Ofwat for funding from 2028/29 onwards if this project is needed (rather than waiting for PR29). We would need to demonstrate to Ofwat that such an upgrade is needed, and that our costs are efficient, and all other requirements under its process.

I believe the question needs to be asked as to 'Whether the Planning Department within South Tyneside Council have provided inaccurate information to the Independent Inspector Mr David Spencer related to the Inspection in Public of the ST Draft Local Plan'.

Can I please bring your attention to the following:

As you may already be aware there have been serious concerns raised with the Howdon Sewage treatment Works related to continuing sewage discharges into the River Tyne. A recent one which I myself along with our MP Kate Osborne raised with the EA and NWL is detailed in the word document attached. Wagonway CSO in Hebburn continuously discharged sewage into the Tyne between 21st Jan and 18th Feb 2026 for 655 hrs 24 minutes. As you must also be aware the Little Haven beach has now been awarded a Brown Flag and is deemed unsafe for bathers. This will seriously affect tourism within South Tyneside!

The attached FOI (EiR) appears to confirm that the Howdon STW is already struggling to cope, yet it is this very STW that the proposed 1200 + development on the Fellgate Green Belt would be connected to. STC however appear oblivious to the dangers presented by this inability to cope with current demand yet alone additional demands. There are currently 115 additional homes to be developed on the Hebburn College site and 446 homes on the Old Hawthorn Leslie site which I believe may also be directed to Howdon STW:

I also believe NWL have been un-compliant with the Urban Waste Water Treatment Regulations (UWWTR) 1994 as well as the Urban Waste Water

Treatment Directive (UWWTD). There was not 655 hrs 24 minutes of Storm Conditions to justify this discharge.

The NWL stance appears to be that: -

- It is not possible to reach a definitive conclusion on UWWTD/UWWTR compliance for an individual CSO. The Environment Agency amended SOAF to version 2 in March 2025 and significantly reduced the spill frequency triggers. (FOI Issue2)
- Any conclusion on compliance with the UWWTD would need to be made following completion of the SOAF investigation, in line with EA guidance and established legal interpretation (FOI Issue 3)
- The SOAF assessment at Wagonway Road SPS is due to be completed by the end of the current Asset Management Period (AMP), **ie by the end of March 2030**. (FOI Issue 3)

In essence, I believe that NWL in conjunction with the previous inability of STC to act, are being given a free rein to do whatever they want in relation to the treatment of Sewage directed to the Howdon Sewage Treatment Works regardless of the Environmental impact or the dangers to the general public. This will continue until it is checked yet STC continue to add development after development after development to be built with connections to this very STW the majority of which has been within a 2-3 mile radius of the proposed Fellgate Development.

I have provided evidence that questions the accuracy of information provided by STC within the IDP (2026) which is misleading in that there is no funding currently available to NWL for future upgrades. This in itself is seriously concerning! I have also made you aware of some significant issues related to the ability of Howdon Sewage Treatment Works to adequately cope not only with current demand but also future demand.

I would appreciate a response to my concerns no later than Thursday 4th June as the Planning Department within STC have all NWL Data and Correspondence 'to hand' following the recent Stage 2 Hearings related to the EiP of the ST DLP:

Many thanks for your time with this

Kindest regards

Dave Green

Dear Mr Green,

Thank you for your emails of 30 May, 2 June and 8 June in relation to the IDP and Northumbrian Water (NWL) and sewerage infrastructure.

In preparing the Local Plan, the Council has worked collaboratively with key infrastructure providers, and, specifically in the preparation of the Infrastructure Delivery Plan (IDP) to ensure that the document is robust and up to date in order to support the Local Plan examination. **The document is not robust as NWL have not actually requested any funding for a Howdon upgrade as STC have stated.**

The Water and Resources Management chapter of the IDP was prepared in consultation with NWL with the information stated in this chapter reviewed and supported by NWL throughout the Local Plan process. **Of course, it has been supported by NWL as they are profit driven regardless of the consequences**

The Council has also liaised with NWL regarding their response to your request for environmental information. While the EIR response from NWL states that they did not ask for funding for the potential upgrading of Howdon treatment works due to uncertainty **(NWL have therefore not requested funding contrary to what STC indicated in the IDP)** about whether it was needed in the 2025-30 period or not, they did, however, ask to allow for a flexible mechanism through the large scheme gated funding process so that funding could be made available for a **potential upgrade from 2028/29 onwards**. **So, in essence Funding could be requested, but it would be in the next AMP which is 2030-2035.**

**STC Stated Northumbrian Water have asked for investment in its current business plan (AMP8) covering 2025-2030 NWL have therefore not asked for it in it's current APM period**

Although Ofwat did not agree to this approach in its final determination in December 2024, on appeal, the Competition Market Authority did allow for this funding flexibility in its final determination in March 2026. **This may be the case, but the IDP clearly states that NWL have applied for funding. They have not!**

The large scheme gated funding model is an iterative flexible mechanism that allows for funding provision both during the current Asset Management Period (AMP) and also a future AMP, hence the estimated completion date of 2033. We are aware that NWL have launched a project for Howdon and current estimates for upgrading the works is around £330 million. **Which has not actually been requested by NWL and is therefore unfunded and not guaranteed**

Therefore, the IDP has accurately represented the funding situation regarding Howdon treatment works and has in no way sought to mislead the examination. **The IDP has therefore been misleading in that STC have clearly stated that NWL have asked for investment. They have not and no case has yet been put forward for funding!**

own replies to each point are in Red

turning to the Wagonway Road SS3 and Spks, this would be a matter for the environmental permit and compliance with it, which rests with the Environment Agency (EA) rather than the Council. I disagree! STC are complicit in that they are permitting development after development to be built regardless of the consequences, many of which I have highlighted to yourself and STC.

It should be noted that none of the proposed housing allocations in the emerging Local Plan, including the proposed Fellgate Sustainable Growth Area, would connect to the drainage catchment served by the Wagonway Pumping Station and associated storm overflow. In addition, (Nowhere in my correspondence to you have I mentioned that Wagonway would have connections with the planned LP developments or indeed the proposed FSGA. I have an additional FOI which indicates that the connection from the FSGA will be at Hagan Hall on Fellgate leading up to Fellgate Metro Station (which in itself has discharge and flooding issues - see Fellgate Pics 3,4,5) and onwards through Primrose, Bede Ward and into the River Tyne. Ending up at the Howdon STW;) have been consulted on the emerging Local Plan and have not raised any capacity issues regarding the proposed development allocations. Wagonway was used as a primary example of the fact that Howdon is unable to cope with current capacity a result of which it is being discharged into the River Tyne prior to it reaching Howdon STW. In addition, if NWL have not highlighted any capacity issues why then do they state 'One of these upgrades is to increase its headroom availability capacity to allow for all of the predicted growth (new development) identified within the local authorities long term growth plans'.

If you would like an example of a CSO which I believe will be connected to the FSGA and there are many, please check out the attached pictures which were taken from the CSO at Springwell (Primrose) 11<sup>th</sup> February 2026 which discharged into the River Don for 13 hrs 26 minutes. For the record this is directly below Jarrow School and the footbridge was submerged. NWL 00264. The Issues I have raised are a South Tyneside issue.

In 2024 the Council, as bathing water designator, made a successful application to the Department for Environment, Food and Rural Affairs, to have Little Haven beach classed as a designated bathing water.

As a result of any bathing water designation the EA have a duty, as bathing water regulator, to classify bathing waters on a scale of poor, satisfactory, good or excellent and to monitor pollution levels to determine which classification the bathing water should have both at the outset and on an annual basis. A 'poor' initial classification is not uncommon for newly designated bathing waters as they have historically not been managed to bathing water standards.

As a result of this initial designation, the Council is working closely with the Environment Agency and NWL, who are undertaking a study to determine the factors contributing to this 'poor' status and, to identify mitigation measures to improve its status over time. Would it

Page 2 Response from STC Planning re concerns raised. My own replies to each point are in Red

Page 1 Response from STC Planning re concerns raised. My own

From:

replies to each point are in Red

To: Local.Plan@southtyneside.gov.uk Cc: andrew.inch@southtyneside.gov.uk;  
Cllr.Paul.Mackings@southtyneside.gov.uk; Cllr.Susan.Sybenga@southtyneside.gov.uk  
Sent: Monday, June 15th 2026, 17:38  
Subject: Re: RE: Query related to NWL FOI

Hi D,

I thank you for your response and I do appreciate the time that you have given to it. I do not wish to take up any more of your time with this as you have clearly stated that STC cannot comment further.

In my opinion and following additional FOI responses from NWL; with one pending, funding has not yet been applied for by NWL and even when it is applied for may not be granted by ~~OfWat~~. Therefore point 37 in the Inspectors Post Hearings letter published by STC on 12th February 2026 clearly cannot be met:-

- "Development proposals should demonstrate that adequate mains foul water treatment and disposal already exist or can be provided in time to serve the development, or that this can be made available in time for the occupation of the development.

Once again as you have clearly stated STC; cannot comment further and I will now be taking further actions.

Kindest Regards

Dave Green

**Final correspondence with STC**

**Final correspondance with NWL confirming that development could proceed ahead of confirmed investment. Also indicates that Ofwat may approve or reject the request for funding **YET HOUSING WILL ALREADY HAVE BEEN BU****

- Original Message -----

From: EIR@nwl.co.uk

To:

Sent: Tuesday, June 16th 2026, 09:11

Subject: Re: Re: EIR23106 Final Response - Clarification

Dear Mr Green

Thank you for your follow-up.

Yes it is possible that development could proceed ahead of confirmed investment, any upgrade at Howdon Sewage Treatment Works remains subject to Ofwat's funding process. Northumbrian Water would need to submit a robust business case demonstrating need and efficiency, and Ofwat may approve or reject that request.

At the time the Infrastructure Delivery Plan was prepared, no specific funding request had been made for additional headroom at Howdon. The current framework instead allows for an in-period submission where a need is demonstrated. As such, the IDP reflects an expectation of potential future investment rather than an approved funding commitment.

Kind Regards

**The Information Access Team**

**Regulation and Assurance Northumbrian Water Ltd Northumbria House Abbey Road Pity Me Durham DH1 5FA**