

Your guide to...

STATUTORY NUISANCE COMPLAINTS

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This guide provides useful resources and guidance on how to write a statutory nuisance complaint to your local council to investigate sewage pollution.

HOW CAN I ASK MY LOCAL AUTHORITY TO INVESTIGATE SEWAGE POLLUTION?

Sewage pollution can make rivers unsafe, unpleasant, and unusable — affecting health, wildlife, and how people enjoy local places. What many people don't realise is that local councils already have legal responsibilities to investigate this kind of pollution.

One of the main tools councils can use is statutory nuisance law. It has existed for decades and is specifically designed to deal with problems that harm health or interfere with everyday life — including sewage pollution. This guide explains how you can use that law in practice, by writing a statutory nuisance complaint to your local council about sewage pollution affecting your river.

- You don't need to be part of a campaign.
- You don't need legal training.
- You do need to focus on what is happening locally and how it affects people.

HOW THE NUISANCE PROCESS WORKS (AT A GLANCE)

Writing a nuisance complaint is one step in a **simple but effective legal process**:

- You submit a complaint asking the council to investigate sewage pollution
- The council has a legal duty to inspect and investigate
- If a statutory nuisance is found, the council must take action
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You can see a clear overview of this process — including investigation, abatement notices, and what happens if pollution continues — on our [Make a Nuisance microsite](#).

WHAT IS A STATUTORY NUISANCE?

A statutory nuisance is a legal category used when pollution or other environmental harm is serious enough to affect health or interfere with normal use of land or water.

Under the Environmental Protection Act 1990, local councils have a legal duty to:

- Inspect their area for statutory nuisances, and
- Investigate complaints made by people living in their area

If a council is satisfied that a statutory nuisance exists, it must take action. This can include requiring the person or company responsible to stop or reduce the nuisance - sometimes enforced by issuing an abatement notice.

Sewage pollution can amount to a statutory nuisance where it:

- Is harmful or potentially harmful to both physical and/or mental health, or
- Unreasonably interferes with how people use and enjoy rivers and surrounding areas

This responsibility sits with local councils, even though water companies are regulated nationally. Statutory nuisance law operates alongside the Environment Agency's role — it does not replace it.

WHO CAN RAISE A STATUTORY NUISANCE COMPLAINT?

You do not need to be an expert or an organisation. Statutory nuisance complaints can be made by anyone who lives in a local authority, including:

- Individual residents
- Community or river groups
- Angling clubs
- Parish or town councils
- Landowners or regular river users

You must live within the council's area, but you do not need to own any land next to the river. Note: "Parish or town councils can submit complaints, but complaints must still be sent to the district or borough council department responsible for Environmental Health."

WHAT MAKES A STRONG NUISANCE COMPLAINT?

The most important thing is that your complaint is local and specific. Councils are much more likely to engage when it is clear what exactly is happening, where it is happening, and most importantly, how it affects your life and your use and/or enjoyment of the area.

This is because statutory nuisance law is about how pollution affects people's lives, not wider environmental damage. Your letter should explain, in your own words:

- How the pollution affects your health or wellbeing
- Whether it has stopped you swimming, fishing, paddling, walking, or letting children or pets near the river
- Whether the river smells, looks polluted, or feels unsafe
- How this interferes with normal, reasonable use of the river or surrounding area

Personal experience helps councils understand why this is serious and why it cannot simply be dismissed. Your complaint should be accompanied with evidence to support your claims, for example:

- Photos or videos showing pollution, sewage fungus, discoloured water, odour, or debris
- Records of sewage spills from nearby outfalls or treatment works
- Citizen science water testing results
- FOI or Environmental Information Request responses
- Reports made to the Environment Agency
- Witness accounts from river users

You do not need all of this. Even a small amount of credible local evidence can be enough to trigger a council's duty to investigate. [Check the website for more detail on gathering and presenting evidence.](#)

WHERE SHOULD I SEND MY LETTER?

Statutory nuisance complaints must be sent to the local authority responsible for Environmental Health. In most areas, this will be your District, borough or city council.

Do **not** send your complaint to:

- Parish or town councils
- County councils
- The Greater London Authority (GLA)
- The Environment Agency

These bodies do not have the legal powers to investigate statutory nuisance. The letter should be sent to your councils Environmental Health Department and/or the council's nuisance/pollution team. We also recommend copying in the Environmental Portfolio Holder/Cabinet member for the environment. This isn't required, but it can help ensure the issue is visible at a senior level within the council.

Council contact details are usually available on their website. Make sure you keep copies of all correspondence for your records

WRITING YOUR LETTER - TEMPLATE LETTER

Your letter does not need to be long or technical, but it should be clear and grounded in your local experience. Most statutory nuisance complaints include:

1. Who you are and where you live
2. What pollution you are concerned about
3. Why you believe it may amount to a statutory nuisance
4. A request that the council investigates under section 79 of the Environmental Protection Act 1990
5. Any evidence you are including
6. A request for confirmation of next steps

[You can use and adapt this template letter.](#) It's important to adapt the letter to reflect your own local evidence and experiences.

INCLUDING LEGAL BACKGROUND WITH YOUR COMPLAINT

It is helpful to include a short legal briefing with your letter, explaining why sewage pollution can fall within statutory nuisance law and why councils have a responsibility to investigate. River Action has commissioned a legal note from the law firm Leigh Day, which explains:

- How sewage pollution can constitute a statutory nuisance
- The legal duties placed on local authorities
- When councils should consider taking enforcement action

[You can find the legal note here.](#) We suggest that you use the content from this note in your letter (along the lines of the template letter) and that you also enclose the full legal note with your letter.

WHAT HAPPENS AFTER YOU SUBMIT YOUR COMPLAINT?

Once your council receives a statutory nuisance complaint, it has a legal duty to consider it and take reasonable steps to investigate. There is no fixed timescale for this process and investigations can take many months, or sometimes longer.

In practice, this may involve the council acknowledging your complaint, requesting further information, carrying out internal assessments or site visits, and contacting the water company or other alleged polluter. Possible outcomes range from continued monitoring or informal engagement, through to a decision that no statutory nuisance exists, or — in some cases — the service of an abatement notice requiring action.

It's important to be realistic about what to expect. Statutory nuisance complaints are an accessible legal tool that anyone can use, and they can be powerful, but they are not quick or guaranteed. Even where pollution is well evidenced, a council may decide not to take action. For example, a statutory nuisance complaint submitted by the campaign group Save Windermere is still awaiting a final decision from the local council more than a year later.

This can be frustrating, but submitting a complaint still matters. It creates a formal legal record, places a duty on the council to engage with the issue, and can help support further local pressure, evidence-gathering, or campaigning. Statutory nuisance complaints are best understood as one tool among many for protecting rivers, rather than a solution on their own.

For a simple flowchart showing how complaints can progress, see the [nuisance microsite](#).

FINAL NOTE

Using statutory nuisance law is about asking councils to use the powers and duties they have to protect public health, local environments, and community wellbeing. Even if it doesn't result in an investigation or enforcement, it still adds to the pressure to clean up our waterways.

Communities across the country are beginning to explore this route as one tool among many to push for cleaner, healthier rivers.