

WORSHIPFUL COMPANY OF WATER CONSERVATORS (WCWC)

STREAMLINING OF ENVIRONMENTAL WATER LEGISLATION IN ENGLAND WITH PARTICULAR REFERENCE TO RIVERS – THOUGHTS AND SUGGESTIONS SHORT EDITION FEBRUARY 2023

EXECUTIVE SUMMARY

The Worshipful Company of Water Conservators (WCWC) has produced a comprehensive think-piece on streamlining, as part of its continuing contribution to the conversations about the future of water conservation. This short form edition is based on the summary of a full report that will be available separately.

The WCWC is mindful of the intense national interest in river water quality and that there is open discussion on streamlining of legislation, particularly that arising from the Retained EU Law (Revocation and Reform) Bill 2022. Drawing upon the decades of experience of its members it makes the following suggestions to aid that discussion.

A. The evidence on current river quality and a suggestion for change in reporting

The headline statistics for Good Ecological and Good Chemical Qualities do not fully represent the overall good state of the qualities of English rivers. This is explored in some depth in the full paper. That insight does not gainsay recognition of the need to continue with the efforts to improve the actual quality, or the separate effort to reduce sewer overflows. In this, the WCWC found that its interpretation matched those of the Environment Agency and Defra.

The WCWC suggests that the first and urgent step is to provide a better insight into river water quality. This might be achieved by an initial modification of existing regulations as a prelude to streamlining.

B. Suggestions for a streamlined framework for integrating all the needs of rivers within catchments which builds on the approaches of the Water Framework Directive Regulations and which draw on past experiences

The WCWC reiterates a suggestion, made previously in response to Defra Consultations, for a ‘**road map**’ of initiatives and for a **national strategy** in which uses of river stretches are agreed by local public consultation, based on sets of recognisable uses; and then stretch quality objectives are produced from those agreed uses by combining nationally agreed quality criteria for each recognisable use.

New criteria need to take better account of biological conditions by including ecological objectives for health, diversity and productivity as well as physical form, which allow the creation of new and better environments.

This would draw on the strengths of the river use objectives system, which preceded the introduction of the Water Framework Directive Regulations; but reflect current attitudes, technologies and accountabilities. The WCWC suggests that such an approach could underpin the streamlining processes.

C. Creating a national consensus building structure & Commission

The WCWC also reaffirms its suggestion made in its Governance Think-piece that there would be great value in having a national Commission to produce recommendations to government for **a framework for a national water strategy**; a ‘common hymn sheet’ for all interested parties. The Commission would be accountable to an appropriate Secretary of State and have core membership of relevant government departments and regulators as well as those sectors responsible for the delivery of the objectives, such water companies and agriculture. Membership could include relevant NGOs & CSOs¹.

The decision to pursue the notion of river quality objectives should be taken at the same time as that to establish a Commission.

OVERVIEW OF THE THOUGHTS AND SUGGESTIONS

Introduction

1 This think piece is produced by the Worshipful Company of Water Conservators, the City of London Livery Company focussed on the long-term health of our water resources and the broader environment. Our members include senior professionals from water, environmental and related industries and regulators, along with others who share our passion for water and the environment. Our experience and knowledge ranges from the complexities of environmental sciences, through the application of engineering to deliver the goals identified by those sciences, and the subsequent management of the assets created. The Company’s purpose is *Promoting a diverse and sustainable environment*.

2 In recent times there has been a great increase in concern in England about environmental water quality, including the impact of storm sewage overflows, water resources during the drought, and the performance of water companies and their regulators. Some criticism is justified, some is less well informed. A more reasoned debate is needed in order to ensure that, whatever changes are made, they are well founded and focussed on productive, properly prioritised, improvement(s).

3 During 2022, not only did the state of the rivers of England become a matter of debate in the media and in politics, but as part of routine business, Defra issued several consultation documents on matters related to water conservation and the WCWC has responded (these are to be found on its website under Consultation Responses)

4 The WCWC is striving to provide opportunities for constructive conversations on water conservation and to aid that process it is producing a series of think-pieces on the delivery of future water conservation in England. This think-piece on the way river water quality could be managed in future is part of that initiative. It recognises the diversity of views on river quality and the challenge in reconciling these. This Summary highlights the issues explored and make suggestions on the way forward. References are given to relevant paragraphs in the full paper.

5 In preparing its responses to consultations and in producing think-pieces, the WCWC has found it useful to compile a timeline and reference summary of key events over the last 160

years. This is archived on its website and will be kept up-to-date as much as possible and highlights the complexity of the accumulated legislation, policy and practices.

6 The WCWC observes that in sifting through evidence it found that the headline statistics for Good Ecological and Good Chemical Qualities do not fully represent the overall state of the qualities of English rivers. That insight does not gainsay the need to continue with efforts to improve the actual quality or the separate effort to reduce sewer overflows. In this, the WCWC found that its interpretation matched those of the Environment Agency and Defra.

7 Headline statistics have coalesced with regulatory concerns about storm overflows, water demand, and aquatic algae caused by phosphate (the control of which has been the cause of conflict with housing development), opportunities for wild swimming, aquatic biodiversity, and even with concerns over the nature of water company ownership (see the WCWC think-piece on governance of water services). The WCWC recognises that any evolution of reporting could be criticised a lowering of standards. The range of differing views may be revealed by “Googling” the ‘quality of English rivers.’ Therefore, effective communication within any evolutionary and legislative streamlining will be crucial.

8 The current real and apparent deterioration of quality is down to climate change, very big demands for development, pressure to cut costs, pressure from investors etc., but very importantly much more extensive monitoring. Has river water quality gone down or is our insight into quality got better? Monitoring technology is much better now than in 1989, so our understanding is better. Since 1974, when Water Authorities were formed, the actual quality as measured by conventional criteria, such as BOD, dissolved oxygen, suspended solids and ammonia has improved, but the goal posts have changed to reflect rising environmental aspirations.

A. Modify current reporting

9 On the basis of the evidence presented, the WCWC suggests that the first and urgent step is to modify the current reporting system to provide a better insight into river water quality. This might be achieved by an initial modification of existing regulations as a prelude to streamlining. This will certainly help to create better informed discussion.

B. Develop an integrated strategic framework based on use objectives

10 The WCWC very much supports any initiative to ensure that the rivers of England are not only fit for use, but are havens for wildlife. It reiterates a suggestion, made previously in response to Defra Consultations, for a ‘road map’ of initiatives and for a national strategy. The WCWC then sets out what could be the basis of the streamlining process.

11 In this, there would be agreed sets of quality criteria for recognisable uses. New standards need to take better account of biological conditions by setting ecological objectives for health, diversity and productivity as well as physical form, which allow the creation of new and better environments. The heart of the suggested approach is:

- a) Agree a national set of recognisable uses of rivers including the care of habitats;
- b) Agree the set of quality criteria for each of these uses;
- c) In individual river stretches, regulators consult and agree with local people on uses;

- d) The quality specification/objective of each stretch created by combining the national criteria for each of the agreed uses;
- e) These should then be used to determine catchment management strategies, including land management practices, discharge consents, abstractions and river flow regimes, using models such as SIMCAT or SimBasinQ based on Monte Carlo simulations; and
- f) This exercise must incorporate the costs associated with delivering desired outcomes, which will fall to a number of organisations and sectors, not just the water sector.

12 This would draw on the strengths of the river use objectives system, which preceded the introduction of the Water Framework Directive Regulations; but these could still be incorporated into the next iteration of River Basin Management Plans in ways that reflect current attitudes, technologies and accountabilities. The WCWC suggests that such an approach could underpin the streamlining processes. But it would be of benefit if means could be found of introducing changes in advance of the next iteration of the Plans.

13 A much greater emphasis on impact mitigation would be encouraged and it would drive a move away from the current focus on ‘end of pipe’ approaches. Incorporating more relevant local responses and would give a logical basis to prioritise storm overflows and phosphate removal, the designation of bathing waters, a better idea about abstractions, particularly those newer ones near the saline limit, for example. Compliance would then be judged against river quality specifications “...are the rivers fit for purpose of the agreed uses including the sustenance of appropriate local ecosystems?” This should lead to an even greater focus on catchments and allow wider benefits to be realised at lower overall cost.

14 The WCWC has already produced a think piece on water resources and the pivotal role of rivers in the context of this integrated approach, and in its further deliberations, it suggests there needs to be more emphasis on restoration of river flows, especially in chalk catchments where abstractions from aquifers have removed the source waters. There is a significant role in the overall plans for quality and quantity management.

15 The WCWC supports the extension of rigorous monitoring, using best available techniques including self-monitoring. In some cases, emergent data show matters are worse than had been previously measured and generate a requirement for the Regulators to adopt appropriate data mining techniques to analyse the data to gain an insight into what is really happening.

C. Create a national consensus – A National Water Commission for England

16 Historically, at moments of intense national debate, one way forward has been to create national commissions, of one sort or another, to recommend a framework for resolving differences by drawing on the knowledge, experience and aspirations of all parties involved. This minimises the risk of conflicting and variously informed attitudes being expressed in public. Debate is welcome, confusion is not. A framework helps with agreement on prioritisation and with the balance of resources and needs. The future of water management in England is surely a candidate for such a Commission.

17 The WCWC reaffirms suggestion made in its Governance Think-piece that there would be great value in having a National Water Commission for England to recommend to government a ‘common hymn sheet’ for all the interested parties. The Commission would be accountable to a relevant Secretary of State and have core membership comprising relevant

government departments and regulators as well as those sectors responsible for the delivery of the objectives, such as water companies, industry, and agriculture. Membership could include relevant NGOs subject to suitable selection criteria would take independent advice.

18 It would be appropriate for such a Commission to look at the creation of a national river quality and use framework within a broader strategy for water management, then leave each government department and regulator to execute its own responsibilities. The WCWC does not foresee the Commission engaging in fine details (for instance, in how the WFD UK TAG might refine the criteria used to plan, monitor and report on river quality). The notion of a Commission in such circumstances is not novel.

19 But time is of importance and the WCWC suggests that the decision to explore the use of river quality objectives might be taken at the same time as that to establish a Commission. Indeed, producing recommendations for the creation of the framework would be a priority task.

Ready to help

20 The WCWC stands ready to share further insights and aid the process of the evolution of water strategy.