

OEP WFD review – Views from members of Blueprint for Water for OEP meeting

The thoughts set out in this document reflect views from across [Blueprint for Water](#) member organisations, and do not necessarily represent an agreed collective position.

What aspects of the WFD Regulations, or how they are implemented, would you like to see retained and why?

The WFD imposes an ambitious, holistic, hard legal target to improve overall water quality and prevent degradation. Despite the fact that the UK does not appear to be on track to meet its WFD targets, retaining this type of target is imperative for driving the protection and restoration of freshwater. Given the current dire state of the freshwater environment, the scale of the threats posed, and the need for a holistic approach to driving improvements, any weakening of WFD would be unacceptable.

In England alone, the cost of weakened WFD regulations [would reach at least £20.3 billion](#) over thirty years.

- The ‘one-out, all-out’ rule.
 - It has been argued that the rule makes it harder to show progress being made. Yet the rule is important – it means that a waterbody cannot be called ‘healthy’ unless all the issues affecting it have been addressed. This ensures that we take a holistic approach to the health of our waterbodies, addressing all the pressures rather than simply ‘cherry picking’ the improvements that are the easiest to make.
 - Many of the criticisms of ‘one-out, all-out’ could be resolved via a different approach to implementation – see question on ‘amended’.
- River Basin and catchment geographies
 - The river basin is the appropriate unit for planning water management. Planning for water should be centred around the river basin and catchment, to reflect the geographical and environmental reality and needs of water ecosystems (rather than basing management around arbitrary man-made regional boundaries).
 - Water (and pollution) does not stop at borders, with many water bodies spanning the English/ Welsh, English/ Scottish, and Northern Ireland/ Ireland borders. So having a shared understanding and approach to targets and frameworks for water environments is a crucial tool for the inter-country communication, cooperation and collaboration necessary to achieve good status in trans-country water bodies.

What aspects of the WFD Regulations, or how they are implemented, would you like to see amended and why?

Any amendments to WFD should be environmentally beneficial – we must not see any weakening of environmental standards or protections.

- Measuring and reporting waterbody Status
 - The way that WFD is reported against could be tweaked, to better reflect progress and the journey towards good status, whilst maintaining the one-out, all-out rule. For

- example, Blueprint for Water have previously discussed the concept of an additional [‘elements improved’ indicator](#) with the Environment Agency.
- There is merit in a conversation about the presence of apex species and keystone species as a measure of overall ecosystem function of a waterbody. Blueprint member the IFM also suggest that reviewing the fish classification tool to determine whether it sufficiently reflects the situation in the UK could be valuable (for example, certain non-native species may be more impactful when present in Ireland whilst in the UK may be considered naturalised, benign and not feasible or desirable to remove; if reviewed and agreed to be not harming ecology of UK waters then the presence of such species should not be considered to indicate a deviation from good status).
 - The consideration of small waterbodies.
 - The way the Directive has been implemented omits protection for small waters (headwater streams, small lakes, ponds and ditches) and wetland habitats outside protected areas which constitute a large proportion of the water environment. These waters can be essential components of ecological networks. A *positive* amendment to WFD could therefore be to include these small waters, driving action for the entire water landscape through a truly holistic, catchment-based approach.
 - *Ref: Blueprint’s letter to James Bevan, August 2020 [James Bevan letter 20 August.pdf \(wcl.org.uk\)](#)*
 - Monitoring and target-setting:
 - Insufficient monitoring and capture of water quality data - It is crucial that the evidence base for successive RBMPs is sound, as this evidence informs the nature and extent of the objective. One of the more recent parliamentary inquiries (Environmental Audit Committee: Water quality in rivers) found significant failures across many monitoring systems regarding new and emerging pollutants.
 - Disparity between WFD standards and SACs/SSSIs/ASSIs - WFD water quality standards regarding nitrates and phosphates are much less rigorous than for SACs and the UK national standards for SSSIs/ASSIs. This discrepancy implies that even where WFD ‘high’ or ‘good’ status are achieved, that a co-located SSSI may be classed as ‘unfavourable’. Alignment of WFD targets with those for co-located Protected Areas would aid stakeholder understanding and support the recovery of designated sites, since currently, planning decisions aim to ensure no deterioration rather than an improvement in status, despite this being insufficient to support the nature conservation interests of the designated site. Protected sites including SSSIs/ASSIs, Ramsar, SPAs and SACs need to be monitored more consistently, more often and more transparently.
 - A process for incorporating emerging chemicals into chemicals targets should be set out, in line with Environment Act powers to amend the chemicals that are considered under WFD Chemical Status.
 - Duties on the Secretary of State, Ministers, and relevant agencies / public bodies.
 - Imposing duties on the above to carry out relevant functions to ensure compliance with the WFD is an important mechanism for driving action to achieve the WFD’s aims. The duties and definition of relevant functions should be expanded to cover more activities that contribute to water quality degradation.
 - The requirement for the above to have regard to RBMPs and supplementary plans in exercising their functions is an important mechanism for ensuring wider environmental and sector policy considers WFD targets. But, “have regard to” leaves room for other

matters to take precedence. This duty could be strengthened so that WFD impacts are better accounted for.

- Regulator under-enforcement undermining the ‘Polluter Pays Principle’ – funding for EA to ensure reasonable levels of compliance with key regulations for achieving WFD targets (e.g. Farming Rules for Water and SSAFO regulations) is known to be insufficient. The EA have said that low levels of enforcement are a significant contributor to low compliance (e.g. Leaked EA report showing that in the Axe catchment 90% non-compliance with at least one regulation). While an advice-led approach to ensuring compliance is likely most effective in the long-term, the levels of resourcing provided are not sufficient for it to be effective currently. A consensus/least enforcement path appears to be the norm, even in the face of egregious breaches of regulations and consents.

What changes or any apparent gaps that need filling to provide a more rounded improvement to the water environment would you like to see made to other legislation or its implementation to support the delivery of WFD objectives and why?

- We currently lack a water apex target under the Environment Act – this [is a huge gap](#), and risks leaving us without a legal outcome-based target for the water environment. This problem would be greatly exacerbated if WFD were to be weakened or removed altogether under the REUL Bill.
 - The apex target would drive holistic improvements for the water environment, in a way that the current (siloes) suite of Environment Act targets cannot. This would support the delivery of WFD objectives, driving improvements across the water environment as a whole and targeting the various pressures and reasons for not achieving good status.
- Holistic Planning - Nutrient budgets at a catchment scale should be incorporated into planning frameworks and planning decisions. This will support the most effective delivery of the agriculture and wastewater Environment Act Targets, and help to secure the recovery of species (for example, many fish species are in serious decline), as a contribution towards achieving the legally binding target to halt the decline in species.
 - Ambitious land management schemes are also required that incentivise a transition to agroecological farming practices, which will allow better cycling of nutrients, helping to reduce reliance on chemical pest control and artificial fertilisers.
 - Sufficient resourcing of statutory agencies is needed for robust monitoring and enforcement of relevant policy and permits, including water company compliance with permitted discharges and agricultural compliance for water-related regulations.