

Blueprint for Water – WFD position paper

22nd July 2024

This briefing is on behalf of Blueprint for Water¹, part of nature and animal welfare coalition Wildlife and Countryside Link ([Link](#)).

This position paper is supported by Angling Trust, Bat Conservation Trust, Beaver Trust, Freshwater Habitats Trust, Froglife, Institute of Fisheries Management, Marine Conservation Society, National Trust, Paddle UK, River Action, The Rivers Trust, The Wildlife Trusts, WWT, ZSL.

Summary of Blueprint position

The Water Framework Directive (WFD) is vital to the protection and enhancement of the water environment, particularly given the lack of an apex water target under the Environment Act.

WFD provides an ambitious, holistic, legal target to drive action to improve overall water quality and prevent degradation. Through River Basin Management Plans (RBMPs), it facilitates valuable partnerships between Government, the private sector, and civil society to drive and plan for environmental improvements at an appropriate catchment level. It also provides a well-established, rigorous framework to assess the health of the water environment, which underpins much other planning and decision making.

Targets to achieve Good Environmental Status by 2027 remain in statute, yet just 21% of waters are predicted to reach Good Status by this deadline.²

This is the result of poor implementation. The success of WFD in driving improvements for our waters is currently undermined by a lack of capacity and resources within key bodies such as the Environment Agency. This is further exacerbated by a lack of clear governance, gaps in

¹ Blueprint for Water, part of Wildlife and Countryside Link, is a unique coalition of environmental, water efficiency, fisheries and recreational organisations that come together to form a powerful joint voice across a range of water-based issues.

² [OEP finds ‘deeply concerning’ issues with how the laws in place to protect England’s rivers, lakes and coastal waters are being put into practice | Office for Environmental Protection \(theoep.org.uk\)](#)

monitoring, and a failure to ensure that measures are specific, time-bound, and adequately funded.

As the OEP report in their 2024 review of the Directive, “We recommend that Government retain the fundamental underlying structure and approach of the WFD Regulations, while also consulting on proposals to improve the legal and governance framework to produce a regime that is stronger and includes mechanisms for better implementation”.³

Blueprint for Water is supportive of the recommendations made within the OEP’s 2024 review of WFD, ‘A review of implementation of the Water Framework Directive Regulations and River Basin Management Planning in England’. In particular:

- Ensuring that the measures within the RBMP Programme of Measures are specific, time-bound, and demonstrate with certainty how objectives will be met.
- Ensuring that the funding required to deliver these outcomes is provided.
- Extending the reach and funding of Catchment Based Approach (CaBA) partnerships, such that they can support the implementation of the Programme of Measures.
- Developing and implementing a coherent and nested monitoring and evaluation framework for the state of the water environment and progress on measures to improve it.
- Establishing an effective process to replace the former EU ‘Watch List’ mechanism for the monitoring and regulation of new and emerging chemicals, and for setting environmental quality standards.

We would also urge the Government to improve the WFD through:

- The inclusion of smaller water bodies, to better capture the entirety of the freshwater landscape.
- The addition of amenity or societal value, to better capture and reflect the values of communities and water users.
- Improved communication of incremental progress made, for example through an ‘elements improved’ indicator, to better illustrate progress whilst maintaining the vital ‘one out, all out rule’. This is particularly important regarding chemicals status.

³ [OEP finds ‘deeply concerning’ issues with how the laws in place to protect England’s rivers, lakes and coastal waters are being put into practice | Office for Environmental Protection \(theoep.org.uk\)](https://www.theoep.org.uk/news/2024/09/09/oepr24-09-09)

What is WFD?

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, known as the WFD Regulations, are vitally important to the protection and enhancement of the water environment.

WFD drives holistic action to prevent deterioration of the water environment, requiring all waterbodies to reach Good Ecological Status by 2027 at the latest, unless certain conditions are met.

Water companies, communities, and environmental stakeholders are brought together to deliver WFD through River Basin Management Plans (RBMPs) that set out environmental objectives and form a well-established assessment framework that underpins much other decision making. For example, water company business plans, drought plans, [planning permission](#), and [permitting](#).

Without WFD, we would not be able to understand the state of the water environment so comprehensively, including the specific reasons for a waterbody's decline. UK waterbodies face a synergy of stressors, with pressures and threats from various inputs interacting across catchments. These include nitrate and phosphorus pollution from both agricultural and wastewater sources, chemical pollution such as PFAS, unsustainable abstraction, [invasive non-native species](#), and physical modification.

In identifying these specific pressures, WFD equips us with a vital understanding of what action is needed where to make improvements, and helps us to prioritise which steps to take for different waterbodies. It also allows us to assign responsibility for the different drivers of decline, and thereby ensure that the necessary stakeholders are taking action to address this. The 'one out, all out' rule under WFD means that we cannot say a waterbody is in 'good' condition unless all the constituent parts are in good health.

WFD is instrumental in achieving water quality targets for the Marine Strategy, achieving the Environment Act 2021 marine protected areas target, and in ensuring that bathing water quality is maintained and improved at over 450 beaches and inland bathing waters in England (meeting obligations under the Bathing Water Regulations)'.

In England alone, the cost of weakened WFD regulations could reach at least £20.3 billion over thirty years.⁴

What is the threat?

Failures to properly implement WFD regulations mean that progress to improve the state of the water environment is not on track. Just 21% of waters are predicted to reach Good Status by the 2027 deadline due to insufficient action. This amounts to a mere 5% improvement in the current state of the water environment.⁵

Implementation challenges undermining the success of WFD include insufficient investment, measures that are too generic, a lack of pace and certainty, a lack of clear governance to drive delivery, and gaps in monitoring.⁶

Though there has been progress in reducing some individual pollutants, for others the problem has worsened. This means that there has been little overall positive change. For example, of 3553 river stretches monitored under WFD, just 151 stretches have improved and had their ecological standard upgraded since 2019. For 158 river stretches, conditions have in fact worsened, and their ecological status been downgraded.⁷

In the EU, there is growing pressure from Member States to weaken WFD and remove the one out, all out approach. This contradicts the 2019 fitness check undertaken by the Commission, which determined that the WFD legislation is fit for purpose and that inadequate implementation by Member States is at fault. This mirrors the findings of the recent OEP report in the UK. The previous UK Government pledged to meet, if not exceed, EU environmental standards. There is no excuse for regression; we urge the Government to maintain these vital protections to safeguard the long-term health of the water environment.

The benefits of WFD are often misunderstood and undervalued. Previous Governments and the regulators have signalled their dissatisfaction with WFD, and intent to make changes to the

⁴ Wildlife and Countryside Link. (2023). 'What price deregulation? The economic costs of the Retained EU Law Bill'. [The economic costs of the Retained EU Law Bill 18.01.22.pdf \(wcl.org.uk\)](https://www.wcl.org.uk/the-economic-costs-of-the-retained-eu-law-bill-18.01.22.pdf)

⁵ OEP finds 'deeply concerning' issues with how the laws in place to protect England's rivers, lakes and coastal waters are being put into practice | Office for Environmental Protection (theoep.org.uk)

⁶ OEP finds 'deeply concerning' issues with how the laws in place to protect England's rivers, lakes and coastal waters are being put into practice | Office for Environmental Protection (theoep.org.uk)

⁷ State of our Rivers Report 2024 | The Rivers Trust

Directive, for example under the Retained EU Law (Revocation and Reform) Act 2023.⁸ Whilst these changes did not come to pass, the benign neglect of the 2027 target within Government means that it could still be effectively lost.

It is only through WFD that we have a hard legal driver of holistic action to improve water health and ecology, and to prevent degradation. Such a driver is missing in other legislation, including the Environment Act.⁹ Without the WFD, we have only inadequate, siloed targets, which will drive progress against discrete measures whilst overall water quality and environmental condition does not improve – or worse, declines.

The consequences and complexity of losing or weakening WFD should not be underestimated. WFD is the core piece of legislation for the water environment in England, with many other regulations and requirements built from and around it. It is supported by two ‘daughter’ Directives, on the quality and quantity of groundwater, and on the quality of surface waters. Therefore, any amendments to the WFD cannot be viewed in isolation; this must be viewed within the context of daughter and other connected strategies, to ensure these do not undermine or contradict other provisions and/or targets. The monitoring and reporting regime that accompanies WFD is well established and embedded in the core function of the regulators.

Any failure to meet the 2027 target will also undermine delivery of the legally binding target to halt the decline of species abundance by 2030 and reverse the trend by 2042.

Recommendations

Improvements to WFD can and should be made, to address these implementation gaps and to increase the benefit to nature and society.

Blueprint for Water is supportive of recommendations made within the OEP’s 2024 review of WFD, ‘A review of implementation of the Water Framework Directive Regulations and River Basin Management Planning in England’. In particular:

- Ensuring that the measures within the RBMP Programme of Measures are specific, time-bound, and demonstrate with certainty how objectives will be met. This should include the implementation of specific physical and regulatory actions, as well as the development of necessary enabling policy measures and funding mechanisms.

⁸ <https://committees.parliament.uk/oralevidence/11979/pdf/>

⁹ <https://www.wcl.org.uk/publication-of-new-environment-targets.asp>

- Ensuring that the funding required to deliver these outcomes is provided.
- Extending the reach and funding of Catchment Based Approach (CaBA) partnerships, such that they can support the implementation of the Programme of Measures. Catchment plans should inform measures within RBMPs, to ensure these are specific to the needs of the catchment, and CaBA partnerships must have sufficient funding and support to implement them.
- Developing and implementing a coherent and nested monitoring and evaluation framework for the state of the water environment and progress on measures to improve it. This must clearly relate local and catchment monitoring to monitoring and evaluation of national targets, such as the Environmental Improvement Plan.
- Establishing an effective process to replace the former EU ‘Watch List’ mechanism for the monitoring and regulation of new and emerging chemicals, and for setting environmental quality standards. This process must be better aligned with EU REACH. EU REACH is the international gold standard system for chemicals regulation; as such, alignment means more resources to monitor and provide early warning against potential water pollutants.

There are further opportunities for improvement:

Better capturing and communicating incremental progress

The ‘one out, all out’ rule under WFD has been subject to much criticism from Government and regulators, on the grounds that it prevents the reporting of incremental progress. The ‘one out, all out’ rule is a key strength of WFD, in that it prevents a waterbody being classed as in ‘good health’ unless all constituent parts of that system are healthy. To remove the rule would risk a falsely positive narrative, of cherry-picking improvements whilst ignoring components of the water system that are struggling, or pollutants that are not improving.

The communication of action taken and progress made can and should be improved without removing the rule. For example, Blueprint for Water has previously been in dialogue with the Environment Agency regarding an ‘elements improved’ indicator. This could be incorporated

into WFD to better tell the story of the journey towards good status, clarifying where progress has been made and where issues still remain.¹⁰

This would prove particularly helpful regarding chemical status. The 2063 objective for all waters to achieve good chemical status makes it difficult to ascertain what action is needed to tackle pollutants other than those persistent chemicals¹¹ responsible for this long recovery time, and whether those actions are on track.

Including small water bodies

Though intended to protect all freshwaters, WFD currently excludes standing waters less than 50 ha and omits about three quarters of all headwaters as stand-alone waterbodies. This means that specific pressures upon small waters are not being identified, and actions to counter them are not prioritised. This is further problematised by a lack of routine monitoring for small waters.

Small waters are essential components of the wider landscape, making up around 75% of England's freshwaters and being used by over 70% of freshwater species.¹² These small waters are also the starting point for all our river systems. Pollution in headwaters has a disproportionate impact on the water quality and ecological status of waterbodies downstream, as this underpins both the influent water quality and the flora and fauna.

These small waters should be incorporated into WFD, to ensure that the entirety of the water landscape is captured in this assessment, and that actions to improve the overall health of waters can be targeted where they are most needed.

Incorporating amenity and social value

WFD intends to drive improvements to the benefit of both nature and people. This could be better reflected within the framework, for example, through the addition of a measure of amenity value.

This would better reflect the expectations and values of communities using the water environment, and would also help capture the social benefits of improving water health. For example, WFD currently does not consider pathogens, despite this being an element of water quality that is of significant interest to recreational water users. This would be in addition, and

¹⁰ https://www.wcl.org.uk/docs/James_Bevan_letter_20_August.pdf

¹¹ These chemicals are known as uPBTs – ubiquitous, persistent, bioaccumulative, and toxic. The 2063 objective accounts for the recovery time required for the presence of uPBTs to dissipate.

¹² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6162339/>

complimentary, to the monitoring and targets already set under the Bathing Water Regulations and not as a replacement.

Further measures of social value could include flood risk alleviation, drought alleviation, and carbon sequestration.

Improving regulatory capacity

Underpinning these opportunities to improve WFD is the need for greater funding and resourcing for regulators, particularly the Environment Agency, to ensure that they can deliver a fully robust, comprehensive and effective monitoring and enforcement regime.¹³

Analysis from 2022 has shown that the Environment Agency's budget has been cut by over 50% over the past decade.¹⁴ From 2013-2019, the number of water quality samples taken by the Agency fell by 45%, and the number of sampling points by nearly 40%.¹⁵ Nearly 6% fewer river stretches have received health classifications in the latest round of reporting, compared with 2019.¹⁶ 43% of river catchments had no water quality samples taken by the Environment Agency at all in 2023.¹⁷

Between 2009-2015, testing and reporting was conducted annually; from 2016, the publication of WFD results was reduced to every three years, and in 2023 it was reported that the next full dataset will be published in 2025.¹⁸ This means that the publication of WFD results has been further reduced to a six-yearly frequency.

Beyond 2027

An enhanced WFD should be retained beyond the 2027 target. This enhanced WFD must be more ambitious, incorporate more of the freshwater landscape, and as discussed, include a broader suite of measures in the assessment framework.

Longer term targets and measures for the water environment beyond 2027 should reflect this greater ambition; these should not amount to simply pushing the 2027 target back. Interim

¹³ [The work of the Environment Agency - Link Briefing note.pdf \(wcl.org.uk\)](https://www.wcl.org.uk/wp-content/uploads/2020/11/The-UKs-Enforcement-Gap-2020.pdf)

¹⁴ <https://www.independent.co.uk/climate-change/news/water-pollution-sewage-environmentagency-funding-b2154848.html>

¹⁵ <https://www.unchecked.uk/wpcontent/uploads/2020/11/The-UKs-Enforcement-Gap-2020.pdf>

¹⁶ [State of our Rivers Report 2024 | The Rivers Trust](https://www.rivers-trust.org.uk/wp-content/uploads/2024/01/State-of-our-Rivers-Report-2024.pdf)

¹⁷ [Mind the evidence gap \(arcgis.com\)](https://www.arcgis.com/blog/2023/07/mind-the-evidence-gap/)

¹⁸ [Inaccurate coverage on monitoring water quality in England – Defra in the media \(blog.gov.uk\)](https://www.blog.gov.uk/2023/07/11/inaccurate-coverage-on-monitoring-water-quality-in-england/)

targets should align with the Environment Act, in particular the 2030 species abundance target, and water targets.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 82 organisations to use their joint voice for the protection of the natural world and animals. Wildlife and Countryside Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

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