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## Water Stakeholders' Update –February 2010

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## Floods & Water Bill

The Flood and Water Management Bill has now been passed into the House of Lords, where the Second Reading debate is scheduled to take place on 24 February. The Bill received thorough scrutiny during its passage through the House of Commons. Some notable new clauses and amendments to the Bill include:

- A provision to reduce 'bad debt' in the water industry by amending the Water Industry Act 1991. The new clause sets out a duty for the owner of a residential property to arrange the provision of details about the occupier to the water and sewerage company within a set timescale (which will be set out in regulations). The provision of these details will enable water and sewerage companies to identify liable bill payers and to pursue them for debt if they leave the property without payment;
- A provision that would make it easier for water and sewerage companies to develop and implement social tariffs where companies consider there is a good cause to do so in light of guidance issued by the Secretary of State;
- Some amendments to the provision of infrastructure clause that limit the scope of the provision to only capture projects that are of a size or complexity that threatens the undertaker's ability to provide services to its customers and clarify that undertakers can retain responsibility for the low-risk parts of high-risk projects that are captured by the regulations; and
- An amendment that widens the list of uses of water that water companies can control during periods of water shortage, and enable Government to remove uses from the list, as well as to add to the list.

## Fish Passes / Eel Management Plans

### Free Passage of Fish

A public consultation on the Government proposals to introduce measures to improve the passage of migratory and freshwater fisheries, through the introduction of fish passes and screens, was launched earlier in 2009. A summary of all responses received and the Government Response was published on 22 October 2009.<sup>1</sup> Of the 53 responses received from a variety of sectors, 74% of the respondents supported the proposals as presented. Some respondents suggested that further consideration should be given to potentially exempting some structures, screening requirements and funding sources.

Earlier in 2009, the Better Regulation Executive undertook a review to consider all forthcoming regulations and the potential impact that these may have on businesses, given the current financial and economic climate. Following this exercise, the Free Passage of Fish Order was identified as a measure having significant impact on businesses, and implementation of the Order has been delayed until May 2011.<sup>2</sup> However, it was also recognised that the measures required to meet the EU Eels Regulation (Council Regulation No 1100/2007) could not be delayed any further.

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<sup>1</sup> Summary and Government Response to the Consultation on the Modernisation of Salmon and Freshwater Fisheries Legislation; New Order to Address the Passage of Fish 16 January – 22 April, published October 2009; available at <http://www.defra.gov.uk/corporate/consult/fisheries-legislation/summary-responses.pdf>.

<sup>2</sup> The Government's Forward Regulatory Programme, 15 October 2009, available at <http://www.berr.gov.uk/files/file53203.pdf>.

Therefore, the provisions for the installation of an eel pass and screen was therefore included in the separate Eels Order<sup>3</sup>.

## Eel Management Plans

In 2007, the European Commission adopted Council Regulation No 1100/2007<sup>4</sup> following advice from the International Council for the Exploration of the Sea (ICES) that the stock of the European eel (*Anguilla anguilla*) is outside safe biological limits across European waters<sup>5</sup> and that measures need to be introduced to reduce the exploitation of all life stages of the eel and restore their habitats. This EU Regulation requires Member States to develop national management plans for each River Basin District; with the objective of “permit[ting] with high probability the escapement to the sea of at least 40% of the silver eel biomass relative to the best estimate of escapement that would have existed if no anthropogenic influences had impacted the stock”.

In December 2008, the UK has submitted 15 Eel Management Plans for individual assessment to the European Commission, covering the River Basin Districts, as defined under the Water Framework Directive<sup>6</sup>, in England and Wales, Scotland and Northern Ireland. These plans are currently being considered by the Commission for final approval.

The Eels (England and Wales) Regulations 2009<sup>7</sup>, which came into force on 15th January 2010, implements the measures as set out in the management plans and this includes:

- an immediate (but interim) power to introduce close seasons for 2010/11, thus reducing the fishing period to protect the stock at the most vulnerable stages;
- a new traceability scheme, to trace eel catches;
- a requirement to install eel passes and screens; to enable migration up- and down-stream; and
- a requirement for fishers to submit data on catches and destination of any sold stock, allowing the Agency to determine whether targets set by the EU Regulation for restocking are met.

## EPP2

### Second Phase of the Environmental Permitting Programme (EPP2) 2

The second phase of the Environmental Permitting (EP) Programme is on track for its delivery date in April. The EP Regulations 2010 will incorporate Groundwater Regulations, Discharge Consenting Activities, Radioactive Substances Regulation, the Waste Exemptions Regulations, the Mining Waste Regulations and the permitting parts of the Batteries Regulations into the common Environmental Permitting framework created under the EP Regulations 2007.

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<sup>3</sup> Eels (England and Wales) Regulations 2009, No. 3344, is available at <http://www.opsi.gov.uk/si/si200933>.

<sup>4</sup> Council Regulation No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European Eel is available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:248:0017:0023:EN:PDF>

<sup>5</sup> Report of the 2006 session of the Joint EIFAC/ICES Working Group on Eels Rome, 23-27 January 2006. ICES CM 2006/ACFM:16.367pp.

<sup>6</sup> Water Framework Directive 2000/60/EC, available at <http://www.defra.gov.uk/environment/water/wfd/index.htm>.

<sup>7</sup> Eels (England and Wales) Regulations 2009, No. 3344, is available at <http://www.opsi.gov.uk/si/si200933>.

The draft Environmental Permitting (England and Wales) Regulations 2010 and Explanatory Memorandum were laid before Parliament on 25 January and will be debated in the House of Commons and Lords shortly.

New EPP2 and updated EPP1 Government Guidance documents will be published at the beginning of March on the EPP website. The Consultation on Environmental Permitting Guidance for Water Discharge Activities closed on 18 February. Several responses were received and the consultation summary response is expected to be published in April.

## **Marine Strategy Framework Directive Update**

- The consultation on the MSFD Directive ended on 22 January to date there were 57 responses.
  - An MSFD Stakeholder Group has been established which is comprised of key national organisations who have a direct interest in the MSFD and developments which may arise from the European Commission. The first meeting of the group was held in December.
  - The MSFD Team hosted a workshop at Reading Innovation Centre during December for mainly internal participants to discuss what the MSFD would mean for policy teams and how the CFP reform would influence the success of the implementation of the Directive.
  - Delivery of the Technical group recommendations for the 11 MSFD descriptors has also taken place (from 11<sup>th</sup> January) . Each report provides recommendations that act to guide members states towards the goal of reaching Good Environmental Status in the marine environment. The MSFD team has forwarded the reports for feedback from other policy teams within Defra such as CFP reform team, biodiversity leads and the marine science team as well as other government departments and external experts. We are going to use the resulting feedback to support our position at Working Group on GES. Specific questions that we required feedback on were as follows
1. Are the proposed indicators suitable?
  2. Do the recommendations for measurement and assessment go far enough in assisting the UK towards determining GES?
  3. Are there measurements already in place through other Directives e.g. WFD?
  4. What are the likely costs to be incurred in relation to the management of the descriptor?

The following EU meetings and MSFD milestones are also due to take place over the next few months

- 28<sup>th</sup> January MSFD Stakeholder Group Meeting
- 31<sup>st</sup> January Delivery of Final TG reports to Steering Group
- 1-3 February Working Group on GES and Committee
- 10-12 February- Management Group
- March 2010 Steering Group Meeting and delivery of Management Group Report
- 17-19 March Working Group on GES and Committee
- Deadline for transposition with take place by 15<sup>th</sup> July 2010.
- There will also be a meeting in the near future of the Devolved Administrations.

## **Nitrates**

### **Grassland Derogation**

Farmers of grazing livestock have until 31st March 2010 to apply for a Nitrate Vulnerable Zones (NVZ) grassland derogation, to spread up to 250kg per hectare per year of livestock manure nitrogen. To be eligible, at least 80% of a farmer's land must be grassland and additional conditions must be met to protect waters.

Farmers wishing to take advantage of the derogation must apply by 31 March through the Whole Farm Approach website or direct to the Environment Agency by telephone or post (0845 603 3113).

### **NVZ Appeals**

The Nitrate Pollution Prevention Regulations (2008) provide for appeals to be made against the Secretary of State's decision to designate certain areas of England as NVZs. An independent Panel was set up to consider the 750 appeals received and decisions have now been taken on the majority of cases.

If, in the course of making their decisions, the Appeals Panel found that any body of water (or part of a body of water) should not have been identified as being polluted, any holding draining into that water is no longer considered to be within an NVZ. Details of all areas affected (including revised NVZ maps) will be published in the Spring.

### **NVZ Review**

The Nitrates Directive requires Member States to review the extent of their NVZs and the effectiveness of their Action Programmes every four years and to make amendments as appropriate (i.e. revised NVZs, and reinforced or additional Action Programme measures). We are planning to begin the review shortly, with a view to consulting on revised proposals in autumn 2011. Any changes to the Action Programme or designations will come into force from January 2013.

## **Sustainable Drainage Systems (SUDS)**

Progress of the Flood and Water Management Bill. The Bill has (as of 20<sup>th</sup> January) been through first and second readings in the House of Commons and is currently at the committee stage in the House of Commons. Amendments are being considered. The proposed amendments on SUDS cover issues such as - consultation on SUDS plans, definitions within the Bill and funding issues. A full list of proposals for amendments is available on the parliament web site –

<http://services.parliament.uk/bills/2009-10/floodandwatermanagement/committees/houseofcommonspublicbillcommitteeonthefloodandwatermanagementbill200910.html>.

The next stages of the bill are the committee report, a third reading in the House of Commons and thereafter the bill passes to the House of Lords for their consideration.

The Impact Assessment for Local Flood Risk Management which included consideration of SUDS was signed off by the Defra Chief economist in October 2009. The Impact Assessment is available at <http://defraweb/environment/flooding/documents/policy/fwmb/fwmialocalfm.pdf>.

## **Phosphates in Detergents / Misconnections**

### Proposal to Ban Phosphates in Domestic Laundry Cleaning Products

This proposal is now going ahead under a revision of the Detergents Regulations (2005). This is being done in co-operation with the Chemical Regulations Directorate of the HSE. We will have reached the end of a three month public consultation on these draft regulations by the 21<sup>st</sup> of January 2010. There has not been a large response to this issue (3 responses by 20<sup>th</sup> Jan). We do not expect any contentious issues to be raised. The impact assessment for this proposal has been signed off by the Minister.

Documents are available on <http://defraweb/corporate/consult/detergents-regs2005/index.htm>

There has also been some interest in this topic in Europe with the Swedish Presidency proposing a ban on phosphates in all detergents. With some negotiation between member states we have tempered this to confine the any limitation to domestic laundry cleaning products and requiring an impact assessment of any measures on other detergent sources of phosphate.

### Proposals on Misconnections

The proposal for misconnections legislation been delayed due its removal from consideration in the bill in the current session of parliament. Misconnections will be considered further in the first session of parliament in April 2010. The form of the proposals has not changed since October 2009.

We are attempting to improve the Impact Assessment through additional data from the Environment Agency and Water companies and have had some very useful information passed to us by Severn Trent Water.

## **Daughter Directives**

### **Priority Substance Daughter Directive 2008/105/EC**

The PSD, published in December 2008, must be transposed into domestic legislation by 13<sup>th</sup> July 2010. The Environmental Quality Standards that provide the basis for the chemical status classification of surface water bodies were published on 22<sup>nd</sup> December 2009 in part 5 of the River Basin Districts Typology, Standards and Groundwater threshold values Directions to the Environment Agency.

The EQS must also apply to surface waters that are not classified as bodies of water, for the purposes of classification. In addition there is a need to consider amendment to the Dangerous Substance Daughter Directives. Transposition is expected to be completed by establishing Directions to the EA, and new regulations (which will repeal the series of Surface Waters (Dangerous Substances) (Classification) Regulations made between 1989 and 1998 to transpose the Dangerous Substance Directive 76/464/EEC). A consultation on the approach to transposition is expected to begin either in February or March.

## **Prioritisation**

The prioritisation exercise is nearing conclusion. The Commission published a list of 51 candidate priority substances in December and intends to further refine this to a final list of 10-15 substances. It is understood that these will then go forward for EQS derivation in preparation for a new Priority List Proposal scheduled for January 2011.

### **WG-E Sub-Groups**

**EG-EQS** – This group (co-chaired by UK) has developed Technical Guidance Document on Environmental Quality Standards that will be submitted to the next Strategic Co-ordination Group meeting before consideration by Water Directors this spring. This document, consistent with REACH obligations, will form the basis for all future EQS derivation under WFD.

**Emissions**- This group is working to provide a report on dealing with pollution from diffuse sources of priority pollutants. Data sheets have been prepared on TBT, Cadmium, Mercury, and PAHs. The final report is expected in the autumn.

**Mixing Zones**- This group (co-chaired by UK) has developed a draft TGD that is expected to be finalised this spring.

### **QA/QC Directive**

The QA/QC Directive, published on 31<sup>st</sup> July 2009 must be transposed into domestic legislation within 2 years. As this directive applies to the arrangements for all chemical analysis under WFD it may be appropriate to transpose this directive using the same arrangements for the transposition of PSD Directive. The approach to transposition will be included in the PSD transposition consultation.

### **Groundwater Daughter Directive 2006/118/EC**

Transposition of Article 6, regarding measures to prevent or limit inputs of pollutants into groundwater, was completed when the new Groundwater Regulations came into force on 30<sup>th</sup> October 2009. The 2009 regulations enable the Agency to commence the review of groundwater authorisations in the light of the requirements of the 2006 Groundwater Directive. Guidance to the 1998 Groundwater Regulations (which have now been repealed) has been revised in light of the 2009 regulations and a consultation is now underway until 29<sup>th</sup> March 2010.

The Directions to the EA, dealing with classification, and standards/threshold values were issued on 22<sup>nd</sup> December 2009. The Groundwater (Water Framework Directive) Directions 2006 will be updated, and revised Groundwater (Water Framework Directive) Directions 2010 will be issued. These Directions to the EA will ensure that the transposition of Article 3 (groundwater standards and threshold values), Article 4 (the approach to classification of groundwater bodies) and Article 5 (trend reversal) will be completed.

## **Periodic Review 2009**

Ofwat issued its final determinations of water price limits on 26 November 2009. These provide for the average household water and sewerage bills to fall by £3 before inflation between 2010-15.

At the same time, PR09 provides for over £22 billion to be invested in water and sewerage services and the environment. This includes £12.9 billion on maintaining and replacing assets such as water pipes and treatment works, £1.1 billion on improving service levels to customers, such as reducing water pressure problems and sewer flooding, £4.6 billion on improving drinking water and the environment, and £2.7 billion on ensuring that there is enough water, and capacity to treat sewage.

Companies had two months to decide whether to accept Ofwat's final determination or to appeal to the Competition Commission. Only one company - Bristol Water - chose to appeal to the Competition Commission. Ofwat will also be evaluating the PR09 process later this year.

## **Future Water Evaluation**

[DN: CW awaiting advice on audience so text can be tailored to them.] Future Water - the water strategy for England - sets out what the water sector should look like by 2030, and some of the steps needed to get there<sup>8</sup>. The vision that Future Water sets out to achieve is for sustainable delivery of secure water supplies and an improved and protected water environment.

We have received a draft final report from Risk Solutions on an evaluation framework for Future Water. This will enable us to see and measure how the long term strategy, set out in Future Water, is being implemented.

Future Water involves actions from a whole range of stakeholders across government and industry, and also aims to change the way we all think about and use water, to reduce water demand to a sustainable level. Future Water impacts everyone in England.

The resulting evaluation framework described in the report includes a suggested quarterly dashboard and annual report for the Future Water Strategy Board. The framework was constructed through a process of document review and discussions with Defra, government and industry experts, to develop detailed delivery maps for Future Water and a set of recommendations for the evaluation framework.

We are currently considering the draft final report, including the integration of the proposed framework into day-to-day management of the Water Availability and Quality programme.

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<sup>8</sup> <http://www.defra.gov.uk/Environment/water/strategy/>

## **Water Resource Management Plans**

It is a statutory duty on the 21 water companies based mainly or wholly in England to produce Water Resource Management Plans.

The Plans cover the period 2010 to 2035 and describe how each company aims to secure a sustainable demand-supply balance over this period.

Water companies should follow a 'twin track' approach to managing supplies, where demand management alone may not secure future water supplies and some new or enhanced supply eg a reservoir may be necessary.

Demand management includes consideration of leakage management as well as water efficiency measures, metering etc.

The draft Plans were consulted on in 2008, following which each water company prepared a statement of response to the representations received on its Plan.

The Secretary of State has announced his decisions on the next steps for the Plans. In reaching those decisions, he considered the draft Plans, responses received on the public consultations and the statements of response as well as technical advice from the Environment Agency.

The Secretary of State has agreed that 18 of the 21 Plans can now be finalised for publication.

Of the remaining three, the Secretary of State has concluded that there are issues that should be given further consideration in public. He has therefore called for public inquiries into Thames Water's and South East Water's Plans and a public hearing on Portsmouth Water's Plan.

These hearings and inquiries are scheduled to take place as follows:

Portsmouth in May 2010;

South East in June 2010; and

Thames Water in July 2010.

The latest documents produced in respect of these hearings/inquiries can be found at: <http://www.defra.gov.uk/environment/quality/water/resources/planning/index.htm>.

## **Abstraction**

Defra has consulted on proposals to time limit existing water abstraction licences in England and Wales. This consultation closed in August 2009. The consultation and a summary of responses can be found on Defra's website at:

<http://www.defra.gov.uk/corporate/consult/water-abstraction/index.htm>

Defra are now considering further the responses to the consultation and the issues that have been raised in deciding how to develop further the proposals to time limit water abstraction licences. The Government will produce a response to the consultation which will set out how it intends to progress any proposals.

Defra also consulted on abstraction provisions of the Water Act 2003, which closed in July 2009. The consultation and a summary of responses can be found on Defra's website at: <http://www.defra.gov.uk/corporate/consult/water-act/index.htm>

Following closure of the consultation, Government is considering the responses and the issues raised. For this reason Defra was unable to bring these provisions into force on 1

October 2009 as planned. Defra has not said when the provisions will be introduced and is unable to do so in advance of considering all the issues.

These provisions will:

bring under licence control previously exempt abstractions eg irrigation and dewatering mines, quarries and engineering works;

remove exemptions from licensing on abstractions in certain areas; and

exempt from licensing certain categories of abstraction or impounding works, such as those in water meadows, that represent a low risk to the environment.

These provisions will require 3,000 new abstraction licenses.

Background:

The competing demands for water and the needs of the environment are managed through the abstraction licensing system.

Defra believes there is a need to ensure that water resources are allocated efficiently in order to cope with the anticipated impacts of climate change and to maintain water quality objectives set in WFD.

## **National Policy Statements**

In December 2009, Communities and Local Government published a revised route map setting out how the Infrastructure Planning Commission (IPC) regime will be implemented. This is available at:

[www.communities.gov.uk/planningandbuilding/planning/planningpolicyimplementation/reforimplanningsystem/planningbill/](http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyimplementation/reforimplanningsystem/planningbill/)

We expect to consult on the Waste Water NPS in late spring 2010, with the aim of designating it in 2011. The Appraisal of Sustainability is currently being carried out, following a scoping exercise which was completed in December 2009. We have been looking at possible ways of bringing the Thames Tunnel project within the IPC regime and late last year we wrote to key London stakeholders, including the London Boroughs directly affected by the project, to inform them of our early thinking and to start an ongoing engagement process with them.

We intend to consult on the Water Supply NPS in late 2010 – once the final Water Resource Management Plans are published, which are needed to inform the NPS – with the aim of designating that NPS by early 2012.

The intention is for the IPC to be able to accept applications meeting the thresholds set out in the Planning Act for the Waste Water sector in April 2011 and, for the Water Supply Sector, in April 2012.

## **Walker Review**

Government launched an independent review of charging for household water and sewerage services, led by Anna Walker, which was tasked with looking at environmental, economic and social concerns including affordability. The final report was published on 8 December last year and we will consider her recommendations carefully ahead of a full public consultation.

## **Floods Directive**

The Floods Directive was transposed by the Flood Risk Regulations 2009 in England and Wales having previously been transposed in Scotland and Northern Ireland. Gibraltar expects to transpose by 30 March 2010.

### **The regulations require:**

EA to be responsible for assessing, mapping and planning for main river, sea and reservoir flood risk

Lead local flood authorities to be responsible for surface water, ordinary watercourse and groundwater flood risk

A preliminary flood risk assessment by 22 December 2011 showing historic flooding and potential future floods

Based on this assessment, the determination of 'Flood Risk Areas' by EA and LLFA by the same date

For Flood Risk Areas, flood hazard maps and flood risk maps by 22 December 2013

For Flood Risk Areas, flood risk management plans by 22 December 2015

All LLFA prepared assessments, maps and plans to be quality assured by EA from June in the year that they are due

EA to publish all assessments, maps and plans

### **Currently we are:**

Assisting EA in developing guidance on the preliminary flood risk assessment and the determination of flood risk areas – for Lead Local Flood Authorities

Drafting regulations for the Solway-Tweed cross-border river basin district between England and Scotland – due by 30 April 2010

Attending Working Group F and drafting group meetings – work focusing on developing reporting sheets and maintaining a healthy balance between proportionate reporting and productive information exchange/sharing of best practice between MS

### **Next we will be:**

Reviewing costs arising for Lead Local Flood Authorities and considering payment mechanisms

Clearing criteria and threshold for Flood Risk Areas with SofS/Welsh Ministers

Considering whether EA and LLFAs can take advantage of transitional provisions, i.e. presenting existing flood risk assessments, maps and plans in lieu of Directive deliverables

Ensuring guidance that EA will be developing for flood risk management plans aligns with WFD RBMPs

## **Expert group on Agriculture and water**

### 1. Priorities in the mandate

Co-leaders met last week and refreshed the mandate in terms of meeting our key aims to have an overview on the implementation of the WFD in the agricultural sector to identify obstacles and constraints related to agricultural issues in the context of the WFD to address the identified obstacles and constraints by developing solutions to prepare the future by providing an input to the next CAP reform

These would be met through presidency conferences, PRB, consultants reports, sharing information through CIRCA and new webpage dedicated to agriculture and water

We decided on agenda for Conference in Seville - which will include

2 case studies on MS approaches to implementing agricultural measures for the WFD

Presentation by Ecologic on their assessment of agri-measures in the dRBMPs

Discussion on Article 38 implementing rules

Report from Pilot River Basin Network (who share experience on devising and implementing programmes of measures) and preparation of their new mandate to support the EG and to provide valuable information on agricultural POMs to all MS

Findings from Buffer strip conference (led by COPA-COGEA- European farming union rep)

Sign off of handbook on Advice on water issues (compiled from input of EG members)

2. Some items included in the mandate signed off by Water Directors are now considered less priority and will not be covered by the EG

climate change & adaptation:

policy options for water saving and water saving culture in agriculture: (many working groups already focus on these).

Marine Strategy Framework Directive:

## **Bathing water Directive**

The revised Bathing Water Directive will be implemented between now and 2015. The implementation timetable is as follows:

March 2010: The Commission should announce the standard symbols to be used as bathing waters. We plan to contact bathing water controllers and other stakeholders with information about the signs when the announcement has been made.

March 2011: Bathing water profiles to be established (Article 6). The EA has begun work on the profiles. Information from profiles will be used for the general description of bathing waters which must be displayed on signs from 2012.

Beginning of 2012 bathing season: Signs as required by Article 12 of the Directive must be in place at all bathing waters. Work is ongoing to implement this requirement and we have established a working group made up of the EA, local authorities, Devolved Administrations, Visit England, the RNLI, RoSPA, the National Trust and the Health Protection Agency to prepare for the introduction of signs. Guidance about signage for bathing water controllers is being prepared and will be issued around the beginning of the 2010 bathing season.

2012: The EA will begin monitoring against the standards of the revised Directive in preparation for reporting based on a 4 year data set to begin in 2015. The EA already prepares predicted classifications using these parameters and the latest set, based on 2006 – 2009 data, is available on the Defra website.

In line with Article 3 we provide an list of bathing waters in the UK to the Commission before the beginning of the bathing season each year. To encourage public participation as required by Article 11 we place information on the Defra website and write to a range of stakeholders and NGOs in addition to local authorities. The Devolved Administrations are responsible for maintaining the list of bathing waters in their respective countries.

## **Shellfish Waters Directive**

Pollution reduction plans have been updated by the Environment Agency for all 98 bathing waters in England. These outline the necessary improvements at each water. There are a significant number of improvements; combined sewer overflow monitoring and investigations included in water company business plans for the next five years. The also continues to examine and address diffuse sources where necessary.

The guideline standard for shellfish flesh is 300 faecal coliforms per 100ml shellfishflesh or intravalvular liquid. Recent guideline compliance figures for England are: 2006, 34%; 2007, 27%; 2008, 31%. Results for 2009 are expected to be available in the spring.

## **Expert Group on Climate Change and Water**

It was agreed at the last Water Directors meeting in Malmo to publish the guidance on River Basin Management in a Changing Climate (available at [http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework\\_directive/guidance\\_documents/management\\_finalpdf/EN\\_1.0\\_&a=d](http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/guidance_documents/management_finalpdf/EN_1.0_&a=d)). This guidance is aimed at providing Member States with the information required to ensure climate change considerations are built into the river basin planning process during the first cycle. The Environment Agency (Julian Wright) have played a key role in the development of this guidance.

## **Activity on biodiversity and water**

The Commission with the backing of several Member States have decided to look into the scope of commencing an activity under the Common Implementation Strategy regarding the linkages between biodiversity and water, and the potential conflicts between the WFD and the Birds and Habitats Directives. It is intended to have a workshop to start off this activity in the summer, and Rory Wallace (Defra) /Glen Cooper (NE) will be assisting with the preparations . There is a need for better integration of the WFD with nature protection legislation. The draft programme of the workshop is currently focussed on 5 different topics: coastal waters and ports; large rivers and navigation; rivers and hydromorphological pressures; HMWB and new modifications; and, protection of wetlands and WFD implementation.

## **Workshop on Economic Issues**

The Commission are about to issue questionnaires to all Member States and undertake interviews with some in regards to the integration and application of economics through the implementation of WFD including experiences relating to the use of WATECO guidance and other relevant CIS documents and future needs.

The outcome of this research will be used to form the basis of a workshop later in the year. However it has already been agreed that the workshop should discuss the results of the in-depth assessments of Article 5 economic work and clarify whether further work on WFD economics was needed in the CIS work programme.