

DEFRA WATER STAKEHOLDER FORUM
Environment Agency
Update on Progress – November 2011

Contents

Catchment pilots.....	2
Current Bathing Waters Directive (cBWD).....	3
Cycle 2 planning.....	4
Drinking Water Protected Areas (DrWPAs).....	4
Marine Delivery.....	5
Nitrate Directive	6
Operational delivery of River Basin Management Plans.....	6
Investigations and measures	6
Priority substances, priority hazardous substances and specific pollutants.....	7
The Environmental Quality Standards Directive (EQS)	7
Specific Pollutants	8
Eutrophication assessment.....	8
Revised Bathing Water Directive	9
Statement of Position Actions.....	9
The Transfer of Private Sewers	9

Catchment pilots

We have been developing proposals to take forward the Government's commitment to a catchment based approach within limited number of catchments across England within a „pilot“ phase from now until December 2012. This will enable us to learn what works well at the catchment level and how best to deliver multi beneficial measures to ensure improvements to water quality and a healthy ecosystem for wider roll out after 2012. The Environment Agency has committed to hosting 10 catchments during the pilot phase.

We are encouraging other organisations to come forward to host in other catchments. We have been delighted by the overwhelming response to our invitation. We received 70 expressions of interest from a variety of organisations that cover a wide range of topographies, pressures and spatial scales. 15 catchments have been selected for formal evaluation to inform wider national roll out after 2012. These 15 will form part of a core network of pilots by joining the existing 10 hosted by the Environment Agency. The formal evaluation will focus on the core network of 25 catchments.

While there are good logistical and financial reasons why it makes sense to focus on a smaller number of catchments for the core evaluation, we want to help all other prospective hosts to move forward with their proposals as well. So, on the understanding that roles may well adapt and other organisations may also collaborate in hosting roles over time, the Environment Agency will provide support to all those expressing an interest.

Catchment Sensitive Farming

Catchment Sensitive Farming Phase 3 will focus on protected surface / ground water areas and SSSIs where agriculture is known to be a major source of diffuse pollution and will bring opportunities to tackle important agricultural sources within River Basin plans.

Catchments covered by CSF have increased slightly with more emphasis on bathing waters and ground water, especially within Source Protection Zones, although there is still much work to be done in existing priority catchments.

Funding has been agreed for local partnerships in the Isle of Wight; Ouse; Chelmer & Blackwater; Taw Torridge and Nene whilst other catchments are still being considered.

The 2011 capital grant scheme, has again been heavily oversubscribed, and the project will allocate funds to help over 1000 farmers manage and reduce diffuse pollution.

An evaluation of the last 5 years of Catchment Sensitive Farming will show how this scheme has made a real impact on water quality and will be published later this Summer.

Current Bathing Waters Directive (cBWD)

DEFRA and Welsh Government announced the results for compliance with the Bathing Waters Directive for 2011 on the 8th of November.

In 2011 For Wales the level of compliance was 98.9 per cent – just one bathing water failed to comply. 93.2 per cent of bathing waters around Wales complied with the EC guideline standard, the best result to date for compliance against the guideline standard.

In 2011 97.8% of England's bathing waters met the European Commission's minimum water quality threshold in 2011. 79.2% met the guideline standard.

The table below shows compliance with mandatory standards in previous years.

Number of bathing waters failing mandatory microbiological standards 2000 to 2011

	Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
England & Wales	Failing waters	24	14	6	6	7	5	3	11	17	7	10	10
	Waters sampled	480	481	482	489	491	494	493	494	495	495	493	502
	Percent compliance	95	97.1	98.8	98.8	98.6	99	99.4	97.8	96.6	98.6	98.0	98
Wales	Failing waters	1	5	0	1	0	0	1	2	1	0	0	1
	Waters sampled	75	75	75	78	78	80	80	80	81	81	80	88
	Percent compliance	98.7	93.3	100	98.7	100	100	98.8	97.5	98.8	100	100	98.9
England	Failing waters	23	9	6	5	7	5	2	9	16	7	10	9
	Waters sampled	405	406	407	411	413	414	413	414	414	414	413	414
	Percent compliance	94.3	97.8	98.5	98.8	98.3	98.8	99.5	97.8	96.1	98.3	97.6	97.8

2011 is the time we will use the current system for assessing bathing water quality. From 2012 we will be using the mandatory and UK guideline levels only, in preparation for the first set of revised bathing water directive classifications in 2015.

Cycle 2 planning

Second Cycle River Basin Management

Our goals for the Second Cycle of River Basin Management are:

- The healthiest water environment that society can sustainably achieve by 2021 and 2027
- Clear framework for decision making
- Presented in a more user-friendly way
- Wide debate on appropriate responses
- Integrated with other water planning process
- Appropriate mix of national and local engagement

We are working to the following dates for the formal River Basin Management consultations:

- Statement of steps – June 2012
- Significant Water Management Issues – June 2013
- Draft 2nd River Basin Management Plans – June 2014
- Final 2nd River Basin Management Plans to ministers – Sept 2015

There will be a continuous cross-sectoral engagement process on significant water management issues throughout 2012.

Drinking Water Protected Areas (DrWPAs)

The following progress has been made through the Article 7 Task and Finish Group:

Joint EA/DWI guidance

DWI have consulted the industry and are in the process of amending the guidance as a result of comments received, with a view to publishing.

Using water company monitoring data to develop measures

We have agreed with DWI the basis by which water companies' raw water monitoring data will be transferred and utilised. We hope to start using the data to support assessment within this financial year.

Review of Drinking Water Protected Area risk assessment (surface water only)

Most regions have now completed this exercise or nearly completed it. The remainder hope to do so by December 2011.

Safeguard Zone Pilot Project

We have started phase two of the project, where we are further developing guidance and tools on the following issues:

- Economic analysis
- Catchment characterisation

- Delivering pesticide measures
- Nitrate/pesticide leaching modelling
- Communications

Quantifying benefits of catchment schemes

We continue to be involved, as many of you are, with the UKWIR project to quantify the benefits of catchment management. We look forward to the development of a common benefits evaluation framework for assessing the value of ecosystems services contributions made by catchment interventions. We are keen to ensure that these benefits can be demonstrated as we begin to look towards the second cycle of river basin planning and PR14.

Flood and Water Management Act - WQ Issues

The Agency continues to support Defra/WAG in the drafting of Regulations, Standards and Guidance relating to the new regime for provision of Sustainable Drainage Systems, (SuDS) under the F&WMA2010, with joint FCRM, WQ and LQ (Groundwater) input. Additionally a SWQWPG T&F Group has been established to address bilateral issues relating to SuDS.

We are also providing support to the British Geological Survey in the development of a SUDs map. This will provide spatial information to answer a number of questions; such as are there any significant constraints that mean an infiltration system should not be installed? (e.g. does the site flood? is there a significant potential for ground instability as a result of additional infiltration?)

We are separately pursuing provision of powers, as proposed in the first consultation on the F&WM Bill, for WASCs to enter on to private land to effect remediation of misconnections that threaten their delivery of effectual drainage.

We are also beginning to consider the linkages between groundwater flooding (now a LA responsibility) and remediation of private and public sewers where there is excessive infiltration of groundwater. Such infiltration or misconnections can result in the public sewerage system providing a land drainage function, but which in some cases results in premature overflow of CSOs, and/or excessive pumping and treatment costs for the WASC. It will be important to ensure LA engagement in any sewerage remediation so that any increase in groundwater flooding risk for householders is addressed.

Marine Delivery

We are implementing a programme to increase capacity for marine modelling and analysis skills and to manage our responsibilities for protecting and enhance estuaries, coast and the near-Marine environment

Nitrate Directive

The four-yearly review of Nitrate Vulnerable Zones (NVZ) designations and Action Programmes in England and Wales is underway. New regulations are needed in England by January 2013 to meet EU deadlines. Defra has set up steering groups which include farming, Water UK, conservation agency and academic representatives as well as the Environment Agency. WG is making links to the parallel process for Wales. Much of the technical work on designations was completed by June, with some local QA following and leading to final Agency recommendations to the Defra review group in November. Consultation by Defra on principles for designation and proposed changes to the action programme is likely November 2011 to February 2012. The Task Force for Farm Regulation, which reported in May, made the Nitrates Directive one of its targets for simplification.

Operational delivery of River Basin Management Plans Investigations and measures

The first River Basin Management Plans published in 2009 commit us to undertake and complete 13,467 investigations and 8,527 measures by December 2012. By the end of Quarter 2 in 2011/12 we had started 10,736 investigations equivalent to 79% of our programme. Of those started, we have completed 4,861 investigations equivalent to 36% of our programme, putting us ahead of our planned investigations delivery to-date.

At the end of Quarter 2, 498 of 2233 measures have been implemented. Of these, 343 (against a target of 331) have been implemented by the Environment Agency with the remaining 155 implemented by 3rd parties. At the end of Q2, we have completed 36% of our total investigation target and 26% of our total measure target.

Classification

We aim to increase certainty in our classifications to be able to distinguish between changes in status, rather than changes caused by new tools/standards/boundaries. We are reviewing our water bodies to correct errors, reflect local needs, and meet data quality standards. This will enable us to provide clear communications on what is expected.

As a result of customer feedback, we are reviewing the designations of Artificial and Heavily Modified Water Bodies to:

“Ensure we have better data to inform better decisions, for the second River Basin Management Plans”.

We aim to increase the level of confidence in designations by using:

- Local experts to review designations
- New & improved data
- More knowledge & experience in hydromorphology

We are consulting on the proposed changes via:

- River Basin District Liaison Panels

- Advisory Groups / Tweed Forum
- Blueprint for Water group

The timetable for consultation is:

- 18th November - Consultation closes
- November /December - Collation of comments & issue resolution
- January 2012 - Report changes.

The classification process is iterative and constantly improving. We will replicate the 2009 results and understand the changes. Our ambition will not be reduced by methodological changes to classification. We will be transparent open about changes to classification.

WFD Data Management

The first phase of the Strategic Data Solution project is now complete. This developed a prototype of the new database and an accompanying interface tool. The prototype was constructed by analysing business requirements and building upon the current regional tools. It was successfully demonstrated to regional leads at the end of August. The project is now confirming the remaining business requirements and building the rest of the database and user interfaces

No deterioration

Preventing deterioration of status will be a significant challenge in many water bodies across England and Wales, particularly in areas of economic and demographic growth. The no deterioration baseline for each water body is the current status that is reported in the River Basin Management Plans published in December 2009. This baseline will be next revised when Ministers approve the first update of the River Basin Management Plans in December 2015. However annual information on compliance will be provided to enable transparent monitoring of progress.

The Environment Agency is awaiting confirmation of the approach it will take to prevent deterioration in water quality and are in the process of updating our guidance on no deterioration (e.g. H1 guidance for EPR). The most biggest implication for water industry discharges is that the baseline for no deterioration will change from the previously agreed RQO to the reported 2009 WFD status. We expect that it will need to be a driver for additional investment for future periodic reviews but we need to work with the water industry to understand the timescales over which growth could lead to deterioration in water quality, and therefore when investment might be required. A task and Finish group has now started work on this subject.

Priority substances, priority hazardous substances and specific pollutants

The Environmental Quality Standards Directive (EQS)

The Environmental Quality Standards Directive effectively replaces the Dangerous Substances Directive and establishes environmental quality standards for 33 priority and priority hazardous substances. Compliance with these EQS forms the basis of good surface water chemical status under the Water Framework Directive.

The EQS Directive sets additional objectives in relation to emissions of priority hazardous substances, concentrations of chemicals in sediment and biota, and requirements for monitoring and reporting. It was transposed into national legislation in August 2010 through the updated Ministerial Direction (<http://archive.defra.gov.uk/environment/quality/water/wfd/classification.htm>). We are currently developing the approaches needed for its full implementation, including work with Defra to assess the requirement to “cease or phase out, emissions, discharges and losses of priority hazardous substances”. Progress in delivering this requirement will be judged using an inventory of emissions, discharges and losses; we are contributing to EU-level guidance on the development of this inventory, although the point source component will be largely based on the Pollution Inventory.

We are also developing guidance on mixing zones, a policy on the tiered assessment of metals (incorporating policy on bioavailability and background concentrations) and an assessment of potential options for implementing biota standards.

The EU have produced a short-list of further “candidate” priority substances (including steroid oestrogens and pharmaceuticals) for consideration and agreement in autumn 2011. We are involved in EQS development for some of these substances, and the water industry have provided early results from the AMP5 Chemicals Investigation Programme (see section **) to the Commission to support the impact assessment. We expect that any new priority substances will be added to the scope of EQS Directive before the 2nd cycle of River Basin Planning.

Specific Pollutants

There is also work underway to identify additional chemicals for national designation as specific pollutants. UKTAG will consult on these proposals in early 2012.

Eutrophication assessment

The Water Framework Directive Common Implementation Strategy activity on eutrophication resulted in the publication of the EU Eutrophication Guidance in May 2009. The document, adopted by the Water Directors, is available on CIRCA: http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/guidance_documents/guidance_document_1/EN_1.0_&a=d

A policy summary was produced by the EU steering group and signed off by the EU WFD Strategic Co-ordination Group. It was placed on CIRCA in November 2009. http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/guidance_documents/policysummaryguiddocno23/EN_1.0_&a=d

The guidance advocates a harmonised approach to assessing eutrophication under the key Directives – WFD, UWWTD and Nitrate Directives - and picking up links to the marine conventions and the Marine Strategy Framework Directive. We were successful in influencing the guidance and asserting the importance of biological evidence, in addition to elevated nutrients, in identifying eutrophication problems.

A group of UK regulators was formed to advise UKTAG and UK Eutrophication Steering Group on uptake of the EU guidance in the UK. It is likely that proposals will be included in the UKTAG consultation on environmental standards, in spring 2012. Meanwhile, jointly with Defra/WG, we held a eutrophication stakeholder workshop on 7.10.11. This enabled a good airing of our proposed approach (for RBP2) to monitoring and identifying eutrophication problems in rivers, lakes and TraC waters. Further engagement and communications, both internal and external, will follow as we move towards finalising our approach taking into account UK work on standards and EU Intercalibration of WFD biological boundaries. The workshop also demonstrated strong sector/stakeholder interest in future engagement on solutions to the challenges of nutrient pollution in RBP2.

Revised Bathing Water Directive

The Environment Agency are preparing action plans for each bathing water that is projected to be at risk of not achieving Sufficient class by 2015. These action plans will include consideration of disproportionate cost which the revised Bathing Water Directive allows us to take into account in assessing improvements to achieve sufficient class.

We are also developing methods to prevent deterioration of waters which achieve sufficient or better quality using statistical analysis of the risk of deterioration as a driver for action. Thus introducing a risk based approach to environmental protection of Bathing Water Quality.

The Environment Agency are working with DEFRA and Welsh Government to develop a disproportionate cost methodology that will be in keeping with work already done for the Water Framework Directive on this issue.

Statement of Position Actions

Early in 2011, Defra published a Statement of Position, setting out its ongoing commitment to the successful implementation of the Water Framework Directive. In addition to clarifying the Government's position, the statement included a number of actions that were to be put in place to help achieve the objectives. We have determined and completed the following actions:

- Addressing Uncertainty (June 2011)
- Required Evidence for Action (June 2011)
- Causes of biological failures (22 September)

The Transfer of Private Sewers

The Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011 have now entered into force and gravity sewers and lateral drains connected to the public sewerage network transferred to sewerage undertakers on 1 October 2011. We have published a Regulatory Position Statement, setting out how we will treat incidents on transferred assets and put in place measures to separately record and report incidents on transferred assets as part of the June Return to Ofwat.

The final papers from the task and finish group on private sewers are now being collated for submission to SWQWPG, along with recommendations on the future of that group.