Additional written evidence submitted by the Department for Environment, Food and Rural Affairs

How can water quality in UK rivers be improved and pollution minimised?

Update to Defra's EAC Evidence following Royal Assent of the Environment Act

Strategic Policy Statement and Environment Act 2021 – key provisions on storm overflows

Earlier this year the Government published a new draft set of strategic priorities for the water industry's financial regulator Ofwat. This publication (the Strategic Policy Statement) strongly influences investment decisions and is one of Government's key tools in driving action from water companies. In this publication Government set out its expectation that water companies must take steps to significantly reduce the frequency and volume of sewage discharges from storm overflows.

The Government has enshrined this requirement in legislation in the Environment Act to ensure water companies secure a progressive reduction in the adverse impacts of discharges from storm overflows. Defra will set out the level of ambition expected in due course, including in the statutory government discharge reduction plan.

This is the first time any Government has set out this expectation for water companies to prioritise tackling their sewage discharges from storm overflows.

Government has been crystal clear with the water industry that they need to do much more to tackle this problem comprehensively, including at a recent meeting on storm overflows with the chief executives of water companies.

The landmark Environment Act 2021 introduces a suite of measures on storm overflows. The following key duties have been made law:

- A duty on water companies to achieve a progressive reduction in the adverse impacts of discharges from Storm Overflows.
- A duty on the Government to publish a plan before 1 September 2022 to reduce sewage discharges from storm overflows and to reduce their impact.
- A duty on Government to report to Parliament on progress on implementing the plan.
- A duty on water companies and the Environment Agency to publish data on storm overflow operation on an annual basis.
- A duty on Government to produce a report before 1 September 2022 setting out the actions that would be needed to eliminate storm overflows in England and the costs and benefits of those actions.
- A duty on water companies to publish near real time information (within 1 hour) of the commencement of an overflow, its location and when it ceases.
- A duty on water companies to monitor the water quality upstream and downstream of a storm overflow or a sewage disposal works.

The Government expects action on reducing the adverse impacts of discharges from storm overflows to begin immediately. This work will increase in pace and scale from the next water industry Asset Management Period (2025-30) and continue into the long-term. Further detail on what kinds of reductions are expected during the upcoming price review period will

be set out during the price review process – the Government, Ofwat and the Environment Agency all have roles to play in clarifying this detail.

The additional monitoring requirements placed on water companies will also add considerably to the available monitoring information on which Government can take further action. The recent launch of investigations by both the Environment Agency and Ofwat into sewage treatment works are an example of this, where new checks by the Environment Agency led to water companies admitting that they could be releasing unpermitted sewage discharges into rivers and watercourses (Water companies could face legal action after investigation launched into sewage treatment works - GOV.UK (www.gov.uk)). The Government has been repeatedly clear that any issues of non-compliance need to be urgently addressed and remains in close contact with the regulators about any fines, prosecutions or other enforcement action that is deemed necessary.

Currently 80% of storm overflows have Event Duration Monitors and all overflows will be monitored by the end of 2023, allowing water companies to report the frequency and duration of spills to the Environment Agency (EA) each year. The installation of new water quality monitors is expected to begin in the next Price Review cycle (2025-2030).

Update to previous responses

Question 4: What is the impact of plastic pollution and other materials on drainage and water quality in rivers and what should be done to mitigate it?

Wet Wipes – call for evidence on commonly littered and problematic plastic items
Water UK research has identified that wet wipes are a frequent cause of sewer blockages as a result of being flushed down the toilet. Indeed, wet wipes make up 93% of the material that causes sewer blockages, which themselves cost the water industry in England and Wales £100 million a year. Wet wipes are commonly made from plastic, among other materials. When incorrectly disposed of, all wipes may cause damage to the sewer system.

The Government is committed to tackling the issues caused by wet wipes and has recently launched a call for evidence on commonly littered and problematic plastics. This includes a section on wet wipes, which asks questions about a possible ban on wet wipes containing plastic and any necessary exemptions, mandatory labelling for all wet wipes, a mandatory 'flushability' standard, and alternatives to wet wipes containing plastic. Please find the call for evidence linked: Call for evidence on commonly littered and problematic plastic items - Defra - Citizen Space

The Government is considering strict new standards for wet wipes and intends to develop a combined approach that takes into account the negative impact of such products on sewerage systems (i.e. sewerage system blockages), plastic pollution and marine litter.

The wet wipes chapter of the problematic plastics call for evidence will enable Government to gauge public views on the proposed policy options to tackle the negative effects of wet wipes containing plastic and build our evidence and knowledge base to inform the policy approach.

This is a complex issue as wet wipes are used for a wide range of applications, including in clinical settings, by the NHS and by those with disabilities. If the Government takes forward work on a ban, it will ensure that any necessary exemptions are included, as is the case with

bans on single use plastic straws and cotton buds, so that those who really need to use them are still able to do so.

Question 6: What is the required investment level needed to minimise storm overflows vs the scope for sustainable drainage and nature-based solutions?

One of the early work strands of the Storm Overflows Taskforce was to commission a research project to gather a comprehensive evidence base about the costs, benefits, and feasibility of different options to decrease the frequency and harm of storm overflow discharges.

Since providing Defra's initial response in February, an independent report by Stantec has now been published on gov.uk (https://www.gov.uk/government/publications/storm-overflows-evidence-project). The report considers a wider range of policies and scenarios with their respective cost and impact on customer bills, including the costs to separate the combined sewer network. The Government will consider its findings carefully, alongside other recommendations from the Storm Overflows Taskforce.

Question 7: How effective are the planning policy and standards around sustainable drainage systems to reduce urban diffuse pollution in England?

Since providing Defra's initial response, the Government has commenced a review of Schedule 3 of the Flood and Water Management Act 2010. This review will consider whether the current National Planning Policy Framework process is delivering the required quantity and quality of SuDS in new developments or whether the Schedule, concerning the mandatory approval and adoption of SuDS by the appropriate Local Authority, should be implemented. The review will also consider if there are any alternative approaches to achieve the desired goals. Schedule 3 also makes statutory the technical design standards for SuDS and makes the automatic Right to Connect to existing sewers for new developments conditional on planning approval of the SuDS scheme for the development.

Question 9: How effective is Ofwat's remit and regulation of water companies? Does it facilitate sufficient investment in improvements to water quality, including sustainable drainage systems and nature-based solutions such as constructed wetlands?

In July 2020 Defra and the water regulators, including Ofwat, invited water companies to support the country's green economic recovery from the COVID-19 pandemic by submitting proposals for new innovative schemes to enhance the environment and support economic growth. Companies were also invited to submit proposals to accelerate existing plans and environmental priorities within the agreed 2020-25 plans. In July 2021 Ofwat approved £2.7 billion of investment for five water companies to deliver environmental improvements. £793 million of investment in new schemes was approved as well as £1.9 billion of accelerated schemes. The new investment supports schemes that will improve river water quality, reduce harm from storm overflows and create two new bathing rivers in addition to supporting other nature-based solutions.

In July 2021 Government consulted on a draft strategic policy statement for Ofwat which sets out our strategic priorities for Ofwat's regulation of the water companies in England. In the draft statement Government has been clear that it expects Ofwat to encourage increased use of catchment-wide, nature-based solutions and sustainable drainage schemes, where appropriate. It also states that Government expects Ofwat to drive water companies to improve their environmental performance, and sets a specific expectation that the water

companies take steps to ‘significantly reduce the frequency and volume of sewage discharges from storm overflows’. The statement also sets out that Ofwat should challenge water companies to improve planning for, and investment in, water and wastewater services to improve resilience and reduce pollution incidents. The Government expects that water companies and Ofwat will do so in a way that represents best value for money over the long-term for customers, the environment and wider society. It also expects Ofwat to challenge companies to continue to drive down leakage and improve water efficiency for the benefit of current and future customers.

Government intends to publish the final strategic policy statement for Ofwat in early 2022.

Another component of the water company periodic review process is the Water Industry National Environment Programme (WINEP). This is the detailed programme of work undertaken by water companies, to determine the actions to improve environmental outcomes which will appear in water company business plans. Also in July 2021, Government, the EA and Ofwat consulted on a new methodology for developing the WINEP. In this new methodology, Government has made clear that it expects water companies to make more innovative uses of partnership working, as well as nature-based and catchment-based solutions to address environmental challenges. The final WINEP methodology will be published shortly.

Question 11: How could the designation of inland bathing waters by water companies affect the costs of achieving the associated water quality standards?

Since providing Defra’s initial response, the department has received four applications for bathing water designation: two applications for coastal areas and two applications for inland waters. All applications are currently under consideration against the criteria for bathing water designation, namely that the sites are used by large numbers of bathers and have facilities to promote and support bathing.

Agricultural pollution and the Wye catchment

The Government is putting in place a number of complementary actions to address agricultural diffuse pollution. Government is almost doubling funding for the Catchment Sensitive Farming programme. This additional £17 million will allow all farms in England to access free 1-2-1 advice and support to help them reduce water and air pollution. Catchment Sensitive Farming undertook 186 farm visits in 2019, and the Wye and Usk Foundation undertook 318 visits to provide similar advice.

Environmental Land Management (ELM) schemes will seek to incentivise actions that protect the environment, and the Government is exploring the capacity for long term land use change in appropriate areas to reduce pollutant loadings in Protected Areas. Further, ELM will pay land managers for actions resulting in improved water quality, habitat protection and creation, species recovery, natural flood management and carbon capture. For example, in June this year the Secretary of State announced the Sustainable Farming Incentive Soil Standards, which will pay farmers to improve the fertility – and crucially for water, stability – of their soils. This standard will directly mitigate sediment run-off, which is the main way in which phosphorus moves from farmland to water bodies.

Within England all rivers are covered by environmental regulations to protect water quality, biodiversity and human health, this includes: the Nitrates Pollution Prevention Regulations (2015); the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations (2010) and the overarching Farming Rules for Water.

The most recent of these, the Farming Rules for Water regulations, were introduced in 2018 to standardise good farm practices and offer a new, modern approach to regulation whereby farmers and land managers are able to determine what approach is best for individual circumstances of their land. The Farming Rules for Water encourage land managers to take reasonable precautions to prevent diffuse pollution from occurring. These precautions are actions that a land manager might be expected to do where it is practical and reasonable to do so in order to prevent runoff or soil erosion.

The Government has also recently increased funding to the Environment Agency (EA) for 50 new farm inspectors, whose focus will be high-risk catchments such as the Wye.

The Wye Catchment

The Wye catchment area is internationally important for biodiversity, principally due to the wide range of rare river wildlife. Therefore, it is vitally important to protect this significant habitat.

The River Lugg sub-catchment is considered to be in an unfavourable conservation status, due to excess levels of phosphates. This phosphate pollution is mostly attributed to intensive agriculture (60-70%, varying across the catchment) and wastewater from water companies.

Dwr Cymru Welsh Water is working with EA and NRW given the cross-border nature of this catchment.

The EA is targeting regulatory activity towards high-risk areas (e.g. sloping fields with bare soil) and activities (e.g. spreading) and at locations where they have records of previous pollution incidents. It is also working with Dwr Cymru Welsh Water to reduce phosphate in the catchment from sewage treatment works. Dwr Cymr Welsh Water have a funded programme of investment at a number of sewage works in the catchment which will significantly reduce the contribution from sewage works by 2025. Larger sewage treatment works currently have (or will have by 2025) phosphate limits. With smaller works, initiatives such as the development of integrated wetlands are helping reduce their phosphate load.

Improving water quality is a Government priority. Minister Pow attended a roundtable meeting with Bill Wiggin MP, Minister Pincher of DLUHC, local NRW, EA and NE representatives, and Herefordshire Council on 13 July.

As a result of that meeting, a cross border meeting focussing on the Wye Catchment was convened by Herefordshire Council in September. The group brought together all the councillors and officers across all authorities, agencies, Welsh Water and WUF/ Herefordshire involved in protecting the catchment.

The meeting supports the ongoing work of the Nutrient Management Board and its associated Technical Advisory Group to find effective solutions. These are documented through a Nutrient Management plan, which was updated in November 2021 with an accompanying Phosphate Action Plan. The Nutrient Management Plan is designed to enable the desired sustainable economic growth in Herefordshire, including housing development, whilst achieving and maintaining Favourable Condition Status for the River Wye SAC.

In the short term, Natural England have been working with Herefordshire Council to enable nutrient neutral housing projects to proceed. This has included funding put in place by the Council for a wetlands scheme, which will have a series of eight interconnected wetlands, and support nutrient management in the area.

Through targeted local solutions, such as appropriate land use change through wetland creation and local mitigation strategies, alongside wider national solutions such as catchment sensitive farming and an increased EA presence, the Government is committed to supporting the restoration of the River Wye and its catchment area.

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