

9 July 2015

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| <b>Paper Title</b>        | <b>Water Framework Directive and the River Basin Management Plans – Next steps</b> |
| <b>Paper Reference:</b>   | <b>NRW B B 44.15</b>                                                               |
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| <b>Purpose of Paper:</b>  | <b>Discussion / Information</b>                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Recommendation:</b>    | <p>The board is asked to:</p> <ul style="list-style-type: none"> <li>Note the summary of the consultation responses to the draft Water Framework Directive River Basin Management Plans and the next steps in the development of the final plans.</li> <li>Endorse the involvement of the environment board sub group in developing the final River Basin Management Plans.</li> </ul>                                                          |
| <b>Decision Required:</b> | <p>The board is asked to:</p> <ul style="list-style-type: none"> <li>Note the recommended level of ambition within the plan and provide views on this to guide our development of the final plan for Ministerial approval.</li> <li>Advise on whether the Board supports the retention of an NRW Corporate target of striving for 50% of waterbodies in Wales achieving good status in the second River Basin Management Plan cycle.</li> </ul> |

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| <b>Impact:</b> To note – all headings might not be applicable to the topic | <p><b>Impact on the Environment:</b><br/>River basin plans set out the objectives and mechanisms for maintaining and enhancing the water environment over a six yearly planning period set out in the Directive.</p> <p><b>Impact on the Economy:</b><br/>For the consultation we screened all failing water bodies to identify where we think WFD objectives are disproportionately expensive. We also presented an</p> |
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|  | <p>overview of the costs and benefits of meeting objectives (split by sector). Measures will have a cost to government, industry, business and communities.</p> <p><b>Impact on Community:</b><br/>In many cases, the updated plans will be implemented at a local or catchment level involving communities in the process. Working in partnership is a key requirement of the Directive.</p> <p><b>Impact on Knowledge:</b><br/>The river basin plans are underpinned by high quality evidence which defines the state of the environment, sources of pollution and evidence on the effectiveness of measures.</p> |
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## **Issue**

1. A sufficient quantity of good quality water is essential for living organisms and to support Wales' diverse wildlife. People and the economy also derive clear benefit from Wales' natural water resources. We all rely on clean water to go about our daily life, whether for drinking, washing, industry, food production or recreation. It is important that our rivers, groundwaters, lakes and coastal waters are healthy and sustainably managed to ensure that we can continue to enjoy and benefit from them in the future.
2. New sustainable and joined-up solutions must be found to the current and future threats to the water environment. The proposals in the Environment (Wales) Bill will help us focus on a more integrated approach to natural resource management, looking at the root causes of problems and working with stakeholders to find appropriate solutions.
3. Implementation of the Water Framework Directive (WFD) is at a critical stage. We are reaching the end of the first river basin planning cycle and are updating the river basin management plans (RBMP) for the 2nd cycle (2015-2021) which will be published by the statutory deadline of 22 December 2015. We consulted on the draft plans for 6 months from October 2014. Engagement with communities and our delivery partners has been an essential part of the consultation process. The consultation closed on the 10 April 2015. We will publish a summary of the responses on the 10 July 2015.
4. River basin planning reflects the broad principles of natural resource management by being area based, involving stakeholders, evidence based, promoting collaboration etc. During the second cycle, delivery will be supported further by priorities identified within the Welsh Government's Water Strategy for Wales (e.g. development of an area based approach, abstraction reform, review of regulatory approaches to diffuse pollution). Through the planning process we will ensure that actions are focussed where they will deliver real environmental outcomes, and ensure we develop our understanding of wider benefits to society.
5. The RBMP, including the level of ambition, requires Ministerial sign off (and Secretary of State for cross border sites). To inform development of our updated plans for consideration by the Minister in the Autumn, we are seeking the Board's view on our direction of travel and the level of ambition.

## **Background**

### **Water Framework Directive**

6. The RBMPs work on a six yearly cycle and we must update them by 22 December 2015. For each River Basin District this includes several detailed documents (including RBMP, technical annex, 1st cycle progress, Strategic Environmental Assessment & Habitats Regulation Assessment). The plans require Ministerial approval and the deadline for submission to Welsh Government (and the Secretary of State for the cross border plans) is the 22 September 2015.
7. We will work with the Liaison Panels and our communications team in taking forward how we launch the final plans in the New Year and subsequently on delivering the outcomes on the ground.

8. An important part of the consultation was communicating the changes to the classification system which will result in a new baseline, as described in Board paper NRW B D 45.14 (9 July 2014).

Consultation responses on draft River Basin Management Plans

9. We actively promoted the plans through holding 16 stakeholder catchment workshops across Wales and attending over 60 national and local workshops/meetings. We received 100 responses.
10. NRW must publish a summary of the consultation responses by the 10 July 2015. We received many positive responses on the presentation of detailed information, local scale data in the catchment summaries and at waterbody level on Water Watch Wales which all helped stakeholders in understanding the issues. There was general agreement around measures proposed with some suggesting additional measures that could be added. Some respondents suggested ways in which they could help improve the water environment through work they already do e.g. tree planting, removal of invasive species, habitat creation, upland peatbog restoration etc. Many expressed a desire to continue or to be more involved in working with NRW (e.g. Coal Authority, Water Companies, Rivers Trusts, National Parks and individuals at a local scale). Some organisations offered to share their data and monitoring information with NRW.
11. The top 5 issues coming from the consultation responses are summarised in table 1 below. These are based on the gravity of the issue/impact rather than number of concerns raised.
12. Our responses to the concerns raised have been discussed with many staff across NRW. In addition we are holding a session with the liaison panel members for discussion. The response document will, as far as possible, outline some of the changes we will make as a result of the comments received. However, there are some outstanding issues to resolve. We will show how we have considered these concerns in the final RBMP.

Table 1: Summary of the top 5 issues raised in the consultation responses.

| Issue                                      | Background                                                                                                                                                                                                                                                                                      | Concerns                                                                                                                                                                                                                                                                            |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Change to network of waterbodies           | Several small coastal streams have been removed from the waterbody network for England & Wales due to their small size in comparison to waterbodies in the rest of EU.                                                                                                                          | Many disagreed with removing these due to concern relating to the lack of monitoring and action/funding if removed. Possible impacts on bathing water as a result of pollution not being monitored.                                                                                 |
| Inclusion of lake SSSIs as Protected Areas | In the draft plan we proposed to treat SSSI lakes as Protected Areas so as to better integrate protected sites and WFD.                                                                                                                                                                         | A mixed response as to whether SSSI lakes should be included as Protected Areas. Concerns around the perceived extra burden for monitoring these sites and for action to bring them into favourable condition particularly if we don't have the resources for the existing network. |
| Lack of monitoring                         | The draft plan did not refer to a review of monitoring. However, we will rationalise our monitoring programme where appropriate so that we can concentrate on the essentials, and look at innovative ways to strengthen our evidence base. This monitoring review is underway.                  | Concerns that less monitoring is being undertaken and as the competent authority we should be doing more not less to build a robust evidence base.                                                                                                                                  |
| Changes to classification                  | At a UK level there have been changes to many WFD standards. These are specified in the Defra/WG River Basin Management Guidance and will be published as UK Directions in September.                                                                                                           | There was concern that the way we classify status of waterbodies has been modified and that we've moved the goalposts. In particular the fish element assessment was questioned.                                                                                                    |
| Phosphorus standards for freshwaters       | The draft RBMP were published for consultation on the 10 <sup>th</sup> of October. The plans did not include proposed phosphorus targets for freshwater N2K sites. These were published during the consultation period and shared with the Liaison Panels on 18 <sup>th</sup> of February 2015. | Some concern in relation to the way and timing of how we consulted on the Phosphorus standard. The proposed change was late in the consultation and didn't allow for discussion in relation to the issue. Also difficult to gauge improvements when standards are being changed.    |

### Updated River Basin Management Plans

13. Currently, we are working across NRW to develop an affordable programme of local and national measures and to quantify our ambition in terms of WFD improvements. This will consider the level of improvements that can be made through the mandatory basic measures (including designation of Nitrate Vulnerable Zones and actions to comply with the Urban Waste Water Treatment Directive) and supplementary measures, which go beyond this where they are necessary in order to achieve WFD objectives.
14. In 2009, 31% of Welsh water bodies achieved the “good” or better status which the Directive requires us to aim to achieve. In 2014 this had improved to over 40% (see Figure 1). In the first cycle a **level of ambition was set in each RBMP** (e.g. for Western Wales a target to improve Good Ecological Status from 29% in 2009 to 36% by 2015 was cited) which required Ministerial sign off. We are required to report on progress to meet this target in the RBMP publication and to Europe.
15. We also raised our ambition by setting an internal **corporate target to aim to achieve 50% overall good status by 2015** for Wales. However, when setting the target there was a lack of evidence of the complexity of issues and the time for recovery at some sites.

16. Table 1 summarises the ambition for the first cycle and progress against those targets. During the first cycle significant resources have been allocated to meeting these targets. For example, we received £850k over 3 years from Welsh Government to support delivery of WFD partnership projects. A wide range of third sector projects were supported including activities such as fencing, tree planting, tackling invasive species and barrier removal, as well as a number of community engagement and awareness raising projects. However, we have not met the ambition for the Dee RBD set out in the first cycle nor the ambitious corporate target.

Figure 1: Overall ecological status for Welsh surface waters in 2009 and 2014.

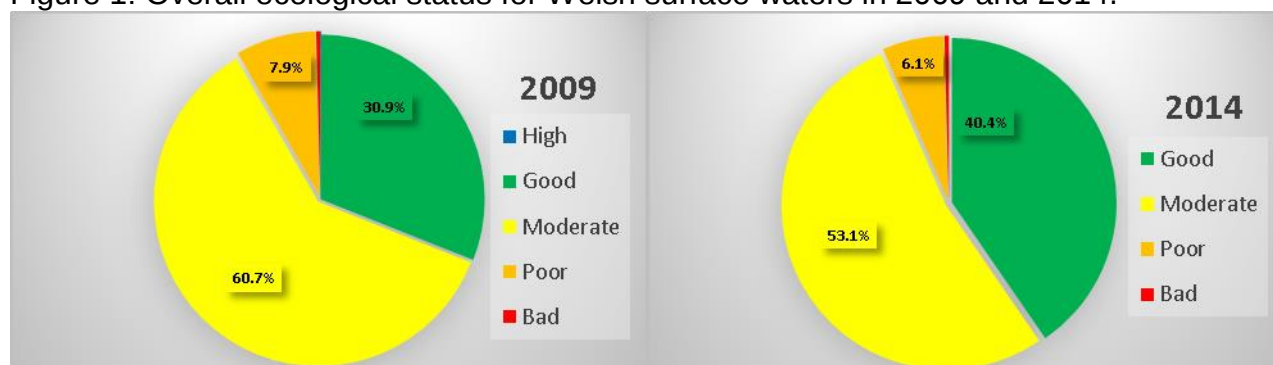


Table 1: Summary of the ambition for the first cycle and progress.

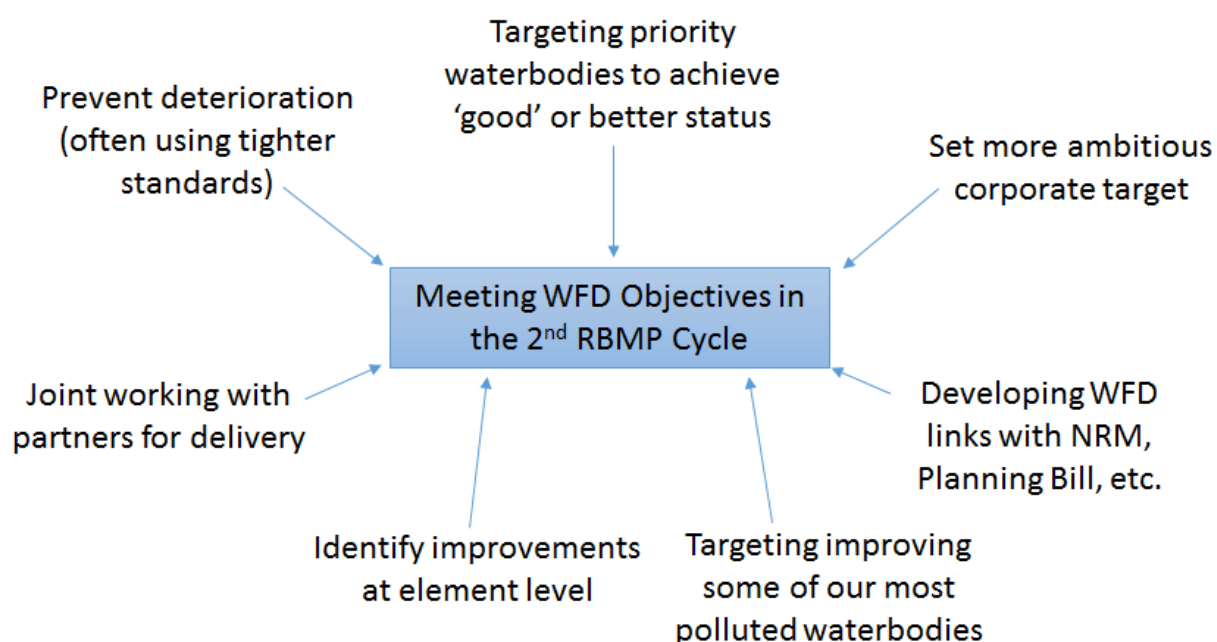
| Area                 | Waterbodies achieving 'good' or better status |                   | Ambition set in 1 <sup>st</sup> RBMP plan (% progress) | Ambition set in Corporate Plan (% progress) |
|----------------------|-----------------------------------------------|-------------------|--------------------------------------------------------|---------------------------------------------|
|                      | 2009                                          | 2014 <sup>3</sup> |                                                        |                                             |
| Western Wales RBD    | 29%                                           | 40%               | 36% (+4%)                                              | -                                           |
| Dee RBD <sup>1</sup> | 28%                                           | 32%               | 38% (-6%)                                              | -                                           |
| Wales <sup>2</sup>   | 31%                                           | 40%               | -                                                      | 50% (-10%)                                  |

<sup>1</sup> Dee RBD includes parts of England

<sup>2</sup> Political Wales (including Welsh section of the Severn RBD)

<sup>3</sup> Data based on the interim 2014 classification. This will be updated for the final RBMP.

Figure 2: Summary of our ambition for the 2<sup>nd</sup> RBMP cycle



17. For the 2<sup>nd</sup> cycle we propose that our focus will be on (see figure 2):

- **Preventing deterioration** in all waterbodies. This will be to the new tighter standards.
- Improving compliance with good status and also improving some of our worst performing water bodies.
- **Targeting measures locally** in an integrated way to deliver environmental improvements in WFD water bodies and Protected Areas, including areas protected for water habitats and species.
- Identifying where **element level improvements** will be achieved during the second cycle, but where further measures will be required to deliver an overall ecological status change. This will enable us to measure progress towards achieving good status and will lead to important benefits for the environment and improve ecological resilience.
- Developing our approach to **natural resource management** by working at a local catchment level and capturing the wider benefits delivered through WFD. Water is a valuable natural resource and WFD is a key tool in delivering natural resource management. We will engage and advise on how the RBMPs can input into the proposed Area Statements. We are already working with partners to deliver improvements (e.g. Water Industry programme, Coal Authority and eNGOs) and looking for opportunities to **'join up' local actions** to maximise benefits to the environment, economy and society of Wales. We will also make the most of opportunities provided by the requirements of the Well-being of Future Generations (Wales) Act 2015, the Planning and Environment (Wales) Bills to help us deliver objectives.

18. The RBMP including the level of ambition requires Ministerial sign off (and Secretary of State for cross border sites). We plan to discuss our proposed focus and targets with the liaison panels at a meeting arranged for the 1 July 2015. **We also wish to seek advice from the board. Whilst we continue to develop the plans, preliminary indications suggest that we could deliver a 5% improvement in WFD compliance across Wales (from 40% to 45% of all water bodies achieving good or better status).** We see this as a minimum improvement that we would be committing to achieve during the next 6 years and, if supported by the Minister, would be the commitment we would make to the European Commission. We continue to work with partners to identify further opportunities to take actions to improve the quality of our waters during the 2<sup>nd</sup> cycle.

19. Furthermore, as in 2009, we also want to set ourselves an internal corporate target to drive opportunities to improve compliance with good status. By developing an ambition linked to local outcomes we will provide a focus for strategic and local delivery, and be better able to measure progress towards implementing WFD improvements. **We therefore recommend retaining the corporate target of 50% of waterbodies achieving good overall status. This target should better reflect what we and our delivery partners from all sectors are truly striving to achieving, but are less certain that we can deliver. We would welcome the Board's support on this.**

20. We are also working to ensure our locally targeted programme is supported by national measures to resolve widespread issues. We will develop an overview of the costs and benefits of the draft programme of measures and the outcomes that will be delivered.

21. In 2021 we will report to Europe on whether we've met the objectives set in the RBMP. We will be formally writing to Welsh Government to seek their indicative agreement on

the level of ambition we are working towards, though ultimately the Minister may direct us differently at the end of the year.

## **Challenges**

22. There remains some uncertainty over how realistic or affordable this level of ambition is. The Board will recognise the significant challenges affecting the achievement of Good Status. Preventing deterioration alone will present difficulties because, in many cases this will be to the new tighter standards. The “one out all out” principle means that achieving good status is also a difficult challenge. Furthermore, opportunities to deliver improvements are constrained by evidence, funding and available mechanisms and certainty of action by all sectors. For example, addressing the legacy of mine water pollution and removing the number of barriers to fish migration will require appropriate funding from Welsh Government. As regards mechanisms, Welsh Government’s Water Strategy recognises that diffuse pollution can be difficult to identify and control. We welcome that they plan to review and where appropriate, change current practices and regulatory approaches. As part of this they will consider whether a similar approach to that taken in Scotland is appropriate for addressing some of the issues in Wales. This has involved the use of general binding rules (GBRs) to address diffuse pollution. We support the development of GBRs and will continue to work closely with, and advise, Welsh Government on the evidence base to inform their review of regulation in this area.

## **Next Steps**

23. We will set a new baseline in the updated plans which will reflect new standards, revisions to water body boundaries and new assessment tools. Actions will be assigned to improve the objectives of the directive and appropriate objectives set for each water body.
24. As well as meeting the statutory deadlines of the river basin planning process our challenge is to meet the aspirations of our partners. We have held initial workshops to identify local issues and solutions and to start building partnerships in catchments. We will need to consider if and how our plans can be incorporated into the area statements referred to in the Environment (Wales) Bill.
25. The key next steps in the river basin planning process are:
- Publish the summary of responses to the consultation on the 10 July.
  - Complete the objective setting process and allocation of actions for every water body in Wales which will reflect a suitable level of ambition around which to build the plans;
  - Work with the Environment Agency to ensure our differing approaches are reflected in the Severn and Dee river basin plans;
  - Engage with partners to develop implementation of local actions. Most actions are not delivered by Natural Resources Wales but by local authorities, water companies, land managers, voluntary organisations, and communities;
  - Submit final updated plans to Welsh Government on the 22 September;
  - Publish updated river basin plans on the 22 December;
  - Report results to Europe via the Water Information System for Europe in March 2016;
  - Transition of classification tools and databases from the Environment Agency;

- Further develop natural resource management approach to river basin management, building on catchment workshops held with local communities and interested parties.

## **Risks**

26. There are several risks associated with the consultation on the updated river basin plans:

- Staff resources for delivery of final plans to Welsh Government by the 22 September. We are working closely with the Environment Agency to ensure there is no duplication of work and prioritising publication of the updated river basin plans in our work programming. Risk owner - Natural Resources Wales
- Not clearly being able to communicate the key WFD messages internally & externally. Risk owner - Natural Resources Wales & Welsh Government
- Acceptance by our partners of the objectives and actions we recommend in the plan. Risk owner - Natural Resources Wales
- Raising expectations of action which may be reduced by political considerations of affordability. Risk owner – Welsh Government
- Resources for delivery of actions specified in the final plans. Risk owner - Natural Resources Wales & Welsh Government

## **Financial Implications**

27. Actions in the updated river basin management plans have financial implications for those expected to deliver them. The plans will influence many programmes, including the water companies' investment programmes and the Wales Rural Development Programme including Glastir.

28. Updated river basin plans will present economic information on the overall costs and benefits of the actions within the plans, and which sectors need to act. The final ambition and affordability of the plans is a Ministerial decision.

29. A number of actions recommended in the plan will be for Natural Resources Wales to implement directly, including:

- Managing our flood risk or hydrometry assets to mitigate against their impact on rivers for example improving fish passage.
- Promoting best practice on the Welsh Government Woodland Estate to mitigate against impacts upon the water environment.
- These are in addition to undertaking our role as Competent Authority for the Water Framework Directive (WFD) and other Water Directives<sup>1</sup>, as well as our roles of regulatory, advisor and partner. Natural Resources Wales also plays a central role in taking a natural resource management approach by supporting catchment based activities with evidence, expertise, advice and guidance.

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• <sup>1</sup> For the WFD as competent authority we are responsible for carrying out the analysis required for characterisation, monitoring, identifying waters used for the abstraction of drinking water, and establishing a register of those waters and other protected areas. We have to prepare proposals for environmental objectives and programmes of measures for each river basin district, and prepare draft River Basin Management Plans. We must also ensure public participation in preparation of the River Basin Management Plan and make certain information required under the Water Framework Directive accessible to the public.

### **Communications**

30. Public engagement is a key aspect of river basin planning. We have already conducted three consultations to inform the content of the updated plans. These determined the approach we would take and the issues which are most important in Wales. We have built on that with a series of catchment workshops to build a shared understanding of local issues and opportunities. To support the delivery phase to 2021 we will need to work closely with our Communications team in developing a communications plan.

### **Equality impact assessment (EqIA)**

31. An EqIA has not been carried out as part of the river basin planning process.