

National Assembly for Wales' Environment and Sustainability Committee Inquiry into Water Quality in Wales

Submission by Cyfoeth Naturiol Cymru / Natural Resources Wales

June 2015

Purpose of Natural Resources Wales and key messages

1. The purpose of Natural Resources Wales is to ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used, now and in the future. We welcome the opportunity to give evidence to this inquiry. The focus of this written evidence is on the issues raised in the invitation and principally the Water Framework Directive and Bathing Water Directives, but our role in maintaining and improving the quality of water goes beyond these Directives.
2. 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.
3. The quality of the water in Welsh rivers, lakes and around the coast has been improving over the last 20 years. An example of this is that 100% of bathing waters now comply with the mandatory requirements of the Bathing Waters Directive and 88% with the more stringent guideline standards (only 12% in 1990).
4. However, in Wales we face a number of water management challenges including incidents of pollution and climate change, developments and population increase, which put pressure on already ageing sewer networks, leading to overloaded works and increased overflows, potentially affecting environmental quality and future development.
5. Diffuse pollution pressures are more difficult to tackle than point sources and we look forward to continuing to work closely with Welsh Government on their review of regulation in this area.
6. We are working to maintain and improve the quality of water for everyone and in doing so are committed to a more integrated approach to the management of water in line with Welsh Government's Natural Resources Management policy and proposals in the Environment (Wales) Bill and pursuant to the long-term policy direction in relation to water set out in Welsh Government's Water Strategy.
7. Partnership working is key to our success. We need to work together with our partners in sharing expertise and developing common outcomes we can all work towards. We welcome work with our partners on areas of good practice which are delivering improvements to water quality, the economy and people of Wales.

Natural Resources Wales' role in managing Water Quality

8. Natural Resources Wales has a significant role in protecting and enhancing water quality including (but is not limited to):
 - a. Undertaking our role as competent authority for the Water Framework Directive (WFD) and other Water Directives.¹
 - b. Monitoring 7400 km of rivers, 122 lakes and 102 bathing waters to assess whether they comply with the standards set out in Directives and, if they don't comply, use this evidence to make sound decisions and influence Government policy.
 - c. Identifying the significant sources of pollution which cause individual water bodies to fail and work with partners on plans to improve the water quality
 - d. Working with the water industry and Ofwat to identify and prioritised improvements to sewage treatment works and sewerage infrastructure
 - e. Maintaining water quality through the regulatory permitting process and monitoring and enforcing compliance with these.
 - f. By regulating water abstractions and discharges, and preventing pollution, we contribute to making sure there is enough safe water now and for the future
 - g. Providing advice and guidance relating to water quality and carrying out targeted campaigns in catchments where we are concerned about particular issues.
 - h. Supporting the forestry sector through advice via the UK forestry standards (UKFS)
 - i. Regulating and advising the agricultural sector through providing technical support, monitoring and inspection on Welsh Government schemes such as Cross Compliance and the Glastir sustainable land management scheme.
9. 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. We are developing our approach through three trial areas in Wales, building on existing work and partnerships.
10. We are able to make some significant improvements through our own activities for example through managing the Welsh Government Woodland Estate and our National Nature Reserves. We also work with local and national partners to deliver projects and initiatives to improve the water environment. Examples of this are:
 - a. The Metal Mines Strategy for Wales (We are working to remediate the top 50 sites through the Metal Mines Strategy for Wales) and
 - b. The Diffuse Pollution Strategy, which highlights eight key areas of concern and outlines the actions Natural Resources Wales intends to take to work with those causing the problems to reduce diffuse water pollution.

Progress towards meeting the statutory obligations under the Water Framework Directive.

11. Much of our work in managing and protecting our rivers, lakes, coastal waters and other water bodies is now governed by the EU's Water Framework Directive (WFD). This Framework Directive has several objectives such as preventing and reducing pollution, promoting sustainable water usage, protecting the environment, improving the state of aquatic eco-systems and reducing the effects of floods and droughts. Its ultimate objective

• ¹ 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.

is to achieve a good status for all European Union waters by 2015, unless one or more of the exemptions set out in the Directive can be justified.

12. Natural Resources Wales is the Competent Authority for implementation of the WFD in Wales. We have responsibility for drawing up the River Basin Management Plans (RBMPs) - working in partnership with a wide range of public, private and voluntary organisations (including water companies, local authorities, environmental NGOs, business & industry).
13. Wales has three RBMPs – Western Wales is entirely within Wales, the Severn and Dee are cross-border. In each River Basin District we have a Liaison Panel made up representatives of the key sectors. This provides an open forum for co-deliverers to discuss and influence the development of the RBMPs and assist with implementation. Plans are produced and updated every six years. The first plans were approved by Welsh Ministers in December 2009.
14. The WFD establishes a target for all waters, which goes beyond just water quality – that is Good Status (including insect, plant, fish life, water chemistry) which is a measure of a healthy and robust catchment ecosystem. We must look at the water environment as a whole, integrating water quality, quantity and physical habitat with ecological indicators. Where Good Status cannot be achieved, we must provide a reason why.
15. The RBMPs set objectives for water bodies and summarises the measures which we and stakeholders will deliver to achieve these outcomes for the water environment. Actions range from tackling urban and rural diffuse pollution, metal mines remediation and investment in water company assets to reduce their environmental impact.
16. Since 2009 we have improved our understanding of the pressures on the water environment allowing us to target actions to manage them. The majority of actions published in the first RBMP have been started or completed.
17. In 2009, 30% of water bodies were in good condition. The 2014 interim classification indicates that 40% of all water bodies achieved good or better status. This change is as a result of actions taken and the result of improving data quality and methods of assessment. Many organisations have worked together across the river basin district on a range of projects. We expect to see further improvements as the environment responds realising the benefits of actions already taken.
18. The WFD ‘Challenges and choices’ consultation ran from June 2013 to December 2013 and gave communities and our partners the opportunity to tell us what they thought the most significant issues were with the water environment, the best way to tackle these issues, and what the priorities should be. As part of our ongoing engagement 14 catchment workshops were held throughout Wales; two of which were hosted by voluntary organisations.
19. The outputs from the workshops have helped to shape the updated River Basin Management Plans (uRBMPs) 2015-2021 and the supporting 14 Management Catchment Summaries.
20. The consultation for the uRBMPs began on 10 October 2015 until 10 April 2015 and was supported by further extensive engagement. We continue to review the responses to the consultation and to work with stakeholders to develop an effective programme of measures, and agree a realistic but ambitious set of priorities for the second cycle. Those priorities will be reflected in an updated RBMPs presented to Welsh Government ministers in September 2015. Ministers will make a decision on affordability and overall ambition which will be published in the final updated RBMPs in December 2015.

Progress towards meeting the statutory obligations under the Bathing Water Directive.

21. The bathing water season runs from 15th May to 30th September. The Bathing Waters Directive (76/160/EEC) aims to ‘preserve, protect and improve the quality of the environment and to protect human health’. It looks to do this by minimising pollution of bathing waters and protecting bathing waters against any further deterioration.

22. The quality of Wales Bathing Waters has been improving steadily over the last 25 years. In Wales we have 102 designated bathing waters. In the 2014 bathing season all 102 passed the mandatory European standard, while 90 passed the tougher European guideline standard ensuring Wales delivers the best bathing water quality in the UK.
23. 2015 is the first year of a new Directive (2006/7/EC) that imposes tighter standards on bathing water quality classifications aimed at achieving higher standards than the past Directive. In 2015 all EU countries will use a new classification system for bathing waters. Bathing waters will be classified as: excellent; good; sufficient and poor. The new standards are approximately twice as strict as the previous ones. The consequence of this will be a perception of a decline in bathing water quality.
24. We identify the significant sources of pollution that cause individual bathing waters to fail and progress plans to improve the water quality. These sources include agriculture, sewage overflows, animal and bird faeces at beaches and households and businesses with badly connected drainage. We are continuing to work with our partners, including directing major water company investment, to continue improving bathing water quality.

Identify current sources of pollution of particular concern

25. The following are some of the top threats to water quality and the current and potential future uses of the water environment based on data from 2009 to February 2013²
 - a. Pollution from mines. Failures are related to diffuse and point source pollution as a result of contaminated water draining from abandoned mines and contaminated land
 - b. Pollution from rural areas. Failures are related to agricultural activities, including livestock poaching, erosion of river banks and fields, run-off from grassland and arable fields, tracks and the farm yard, and the poor management of slurry.
 - c. Pollution from sewage and waste water. Failures are related to pollution from sewage discharges. Organic and chemical pollution from continuous discharges (e.g. sewage treatment works) and combined sewer overflows (which discharge during heavy rainfall events) both contribute to this issue.
26. Acidification and pollution from towns, cities and transport are also significant major pressures on water quality. Also, during 2014, there were around 70 significant pollution incidents in Wales having a serious impact on water quality.
27. Of course, similar pressures risk pollution of bathing waters as a result of bacterial pollution from sewage discharges, misconnections and agricultural run-off. However, each bathing water is unique and to help the public to make an informed decision about where to swim, we have produced a detailed bathing water profile for each bathing water in Wales. Each bathing water profile includes: a description of the beach and surrounding area; rivers and streams feeding into the site and details about how we manage pollution at the site.

Examples of good practice;

28. Many respondents to our Challenges & Choices consultation recognised the need for a multi-agency approach with all mechanisms being delivered in an integrated way. It was also recognised that we need to implement measures at a catchment scale. This was considered by stakeholders to ensure local buy-in, partnership working and improve funding opportunities. Below are only a few of the many examples of good practice:
 - a. We are working with others to deliver large-scale implementation of Sustainable Drainage Systems (SuDS) in Wales. We recognise the need to deliver a drainage approach that can cope with current and future challenges, whilst realising wider catchment benefits. Greener Grangetown is a £2 million partnership between the City of Cardiff Council, Dwr Cymru Welsh Water and us to better manage surface

² as outlined in Natural Resources Wales, Living Waters for Wales – supporting information for Wales' Challenges & Choices consultation (2013) and covering all types of water body and where more action is needed.

water in the Grangetown area of Cardiff. This continues the work of Dwr Cymru's innovative RainScape project. Working with us, Rainscape has identified solutions for reducing surface water in sewers across Llanelli and Gowerton, and bringing wider benefits to the local environment, businesses and residents.

- b. An innovative approach to regulation has helped the dairy industry in West Wales and protected the local environment. In order to offset the extra nutrients getting into the water Natural Resources Wales and First Milk, owner of Haverfordwest Creamery, have developed a scheme to reduce the environmental impact of local farming practices. A group of more than 40 farms which supply the creamery with milk have committed to take part in the scheme.

Consider the effectiveness of monitoring and enforcement

29. Our current system for the control of point source pollution from sewage treatment systems and industrial activities, through a system of permits and monitoring, ensures that our water environment is well protected from these sources. However, we will continually monitor compliance and review the effectiveness of these permits as new information emerges on environmental pressures and on the standards of protection required.
30. As well as being a statutory requirement of the WFD and Bathing Water Directives (amongst others), monitoring is a fundamental part of the management of water quality in Wales. Without monitoring we are unable to understand the progress we are making, or to report on the quality of our waters and without that evidence we cannot manage the pressures that act upon them. That ability to act has led to significant improvements in water quality across Wales in recent decades. As an example our monitoring of bathing waters has allowed water companies to target their investment in infrastructure improvements. Now all Welsh bathing waters meet the criteria set out in the Bathing Waters Directive. That compliance has a direct connection to the economy of Wales and the communities that rely on coastal tourism. The results of the monitoring can be viewed by residents, visitors and businesses on our [bathing water explorer](#) allowing them to make informed choices about where and when to visit.
31. We will rationalise our monitoring programme where appropriate so that we can concentrate on the essentials, and look at innovative ways to bolster our information. We'll use others' information where it is suitable and meets our needs
32. Most discharges to water must by law have a permit. We issue permits with conditions to make sure the discharge doesn't cause pollution or threaten the quality of the receiving water (river, lake, sea or groundwater). We routinely check that permits comply with their conditions in a number of ways, from site inspections and audits, to examining data and reports sent to us by the operators.
33. We negotiate agreements and codes of practice with industry sectors and other bodies to operate in ways which prevent pollution. We also negotiate the prohibition of use for some chemicals, so they don't cause environmental harm.
34. We have powers to serve notice on people to require them to prevent or remedy pollution. Ultimately we can take legal action if people cause pollution, or if they don't comply.
35. Our Enforcement and Prosecution Policy is published on our website together with Guidance on Enforcement and Sanctions, which explains how Natural Resources Wales makes enforcement decisions, the types of tools available and the considerations we make during the process.
36. We will use the full range of enforcement and sanctioning tools that are available to us, in combination if necessary, to achieve the best outcomes for the environment and for people. Provision of clear advice and guidance will be our main approach to secure compliance but securing compliance with legal requirements, by using enforcement powers including civil sanctions and prosecution, is an important part of achieving this aim.

37. As Welsh Government's Water Strategy recognises, diffuse pollution can be difficult to identify and control and it emphasises the importance of a joined up approach to land and water management. They wish to work with the construction, forestry and agriculture sectors to understand, review and where appropriate, change current practices and regulatory approaches. 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 to address diffuse pollution. We look forward to continuing to work closely with, and advising, Welsh Government on the evidence base to inform their review of regulation in this area.

Conclusion

38. New sustainable and joined-up solutions must be found to the current and future threats to water quality. 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. Our three trial areas across Wales are helping us understand how we can make this work in practice and how we can ensure that natural resource management is embedded across all our functions.
39. The creation of NRW has been an opportunity to review our approach to delivering the WFD in Wales. The updated version of Living Waters for Wales (LWW) began to explain how we aim to take an ecosystem approach to deliver the requirements of WFD and restore catchments and the related water environment. Our goal is not simply to deliver the requirements of the WFD, but to integrate planning and delivery of objectives for Protected Areas - these are those sites and objectives designated under other European legislation. We will also aim to coordinate and link WFD planning and delivery with our implementation of the Floods Directive.
40. We are delivering an ongoing programme of investigations to identify the reasons water bodies fail to meet their objectives. We are working with co-deliverers to ensure our evidence base is robust and that we develop and target cost-effective solutions. Land managers, farms, businesses, industry, water companies, local authorities, planners, governmental bodies, non-governmental organisations, and individuals must commit to fundamentally changing our relationship with water and the environment it supports. Partnership working is key to success. We cannot deliver our objectives by legislation and guidance alone – we need to work together with our partners in sharing expertise and developing common outcomes we can all work towards.

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