Dr Thérèse Coffey MP
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs
Seacole Building, 2 Marsham Street
London, SW1P 4DF

Dear Thérèse


Thank you for your letter on the above Report, dated 6 May, which was considered by our Energy and Environment Sub-Committee at its meeting on 22 May.

As we noted in our letter to you on 25 April, the Commission Staff Working Document on the UK’s Second River Basin Management Plans identifies a great many areas in which it believes the UK needs to improve and includes three pages of recommendations. Because your Explanatory Memorandum stated that you did not believe the Commission’s assessment was robust and that you considered the report to contain “factual inaccuracies and subjective conclusions” we asked you to provide details of the aspects that you disagree with. Your response provides one example; what we would like to know is how many of the recommendations you accept. Please provide details. In our letter of 25 April, we also asked what steps you are taking to resolve your disagreements with the Commission; please provide a response.

We note your explanation that the Environment Agency adopts a ‘risk based’ approach to monitoring water quality, and that this is compliant with the Water Framework Directive. We also note, however, that the Commission Staff Working Document raised a number of concerns related to monitoring, and makes a number of related recommendations, including that “the United Kingdom should strengthen monitoring of surface water” and that “the monitoring of groundwater networks should also be significantly improved”. Do you disagree with these recommendations? Regardless of whether it is compliant with the Directive, the Commission does not seem to have full confidence in the UK’s monitoring regime. Are you confident that it is robust, and does not need improvement?

Thank you for explaining that the reason for the increase in exemptions relates to the improved evidence base, which allowed the Environment Agency to apply exemptions under Article 4(5) of the Directive (i.e. the UK can aim to achieve less stringent environmental objectives, if achieving ‘good’ status “would be infeasible or disproportionately expensive”). We note that you believe the Environment Agency’s use of exemptions is justified under the
Water Framework Directive. As noted in our previous letter, however, the Commission’s Staff Working Document states: “Efforts should continue to further improve justifications for the application of exemptions in relation to Article 4(4) and 4(5) and to make them more transparent in all RBMPs [River Basin Management Plans]. Particularly the criteria used for the justification of Article 4(5) exemptions need to be reconsidered.” Do you accept these recommendations? If not, what discussions have you had with the Commission regarding this issue?

We note that you expect it to be a “challenge” for the UK to have all water bodies achieve ‘good’ status by 2027. This is particularly disappointing given that the original legislation, that the UK signed up to, specified 2015 as the date by which this should be achieved. What percentage of the UK’s water bodies do you expect to have achieved ‘good’ status by 2027?

We note that you have questioned the Commission’s finding that five river basin districts have reported high values on the Water Exploitation Index (including one “beyond sustainability”). What response have you received? What are the figures that you hold for the river basins in question (Thames, Northumbria, Humber, Anglian and South-East and Dee)?

Finally, we note that your response is focused on the English Environment Agency. As the Commission’s Report covered the whole UK, please provide the equivalent detail for Northern Ireland, Scotland and Wales.

We have decided to retain this Report under scrutiny and look forward to your response within 10 working days.

I am copying this letter to Sir William Cash MP, the Chair of the European Scrutiny Committee, Jessica Mulley, Clerk of the European Scrutiny Committee; Alistair Dillon, Legal Adviser to the European Scrutiny Committee; Les Saunders, DExEU, and John Leach and Craig White, Scrutiny Coordinators, DEFRA.

Yours sincerely,

Tim Boswell

Lord Boswell of Aynho
Chairman of the European Union Committee