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Thank you for your letter of 22 May. I am responding in relation to England’s water and Defra Officials have obtained comments from the Devolved Administrations on their territories, reported below under separate headings.

Report Recommendations

There are 23 largely technical recommendations in the UK report. I explained in my previous letter that the Environment Agency (EA) and Devolved Administration (DA) agencies queried a number of the report’s conclusions on which the recommendations were based. Further dialogue is needed with the EU Commission on a number of the recommendations before we can come to a view on what action may be needed.

An annex is attached providing more detailed comments from Defra and the EA on each recommendation, indicating key areas we would wish to seek clarification and dialogue on with the EU Commission.

The EA and DA agencies provided comments to the EU Commission on the draft report explaining how we have met or are meeting these recommendations in the 2nd Cycle plans and their implementation. We will seek clarification whether the EU Commission accepted our explanations and if not, why a number of them have been included in the final report in footnotes. If any gaps in our implementation remain we will consider those in the next cycle of planning which is already underway with the EA and DA agencies.
In addition, it is often unclear from the report the geographical extent of the issues raised. Some of the recommendations will apply largely or wholly to one country of the UK or even just one river basin district in the UK.

We generally agree with those recommendations around improving our understanding of the pressures on water bodies and how programmes of measures should address these. The EA and DA agencies have already made good progress in this area which the 3rd Cycle plans will build on.

You asked me what steps we are taking to resolve these issues in the report with the EU Commission. At the EU Commission’s Strategic Co-ordination Group for WFD in May, Member States were informed that the Commission would write to them about any outstanding specific issues raised in their respective reports. The UK will take that opportunity to further discuss the conclusions and recommendations in the report. Other Member States are seeking similar clarifications about their country reports.

**Monitoring**

I explained that the EA established a strategic and risk-based monitoring network in England for the 2nd cycle RBMPs, both for surface water and ground water, which was robust and compliant with WFD and CIS Guidance. We accept that technical improvements based on our growing understanding of the water environment is an on-going process and the UK Agencies via the UK Technical Advisory Group (UKTAG) are constantly improving monitoring techniques. We do not, however, believe that there is a problem with the strategic approach itself, which the UK and other Member States have adopted. The consultants drafting the report included these explanations on strategic monitoring in footnotes. In addition, last minute changes by the EU Commission to the EU WISE database uploading tool led to the exclusion of data on monitoring of physico-chemical substances and chemical groundwater substances. Defra officials wrote to the EU Commission about this as it would affect the figures on monitoring site reduction. The footnote on page 10 of the report expresses this caveat to the conclusions on monitoring.

**Wales**

The Welsh Government confirms that Natural Resources Wales (NRW) also employs a risk-based, strategic approach to monitoring. It will be reviewing its risk assessments for the next planning cycle.

**Scotland**

The Scottish Government state that Scotland has moved to a more risk-based approach to sampling. As knowledge grows, this allows shifting effort to target those aspects of the environment which are less understood. The EU Report shows a reduction in a small number of monitoring sites in the Scotland RBD (UK_01) between the first and second RBMPs.

The EU report notes that loch fish are not monitored under WFD in any country except Northern Ireland. Scotland has developed a loch fish monitoring tool, which they intend to implement in 2020.
The report also claims that river continuity is not assessed in the UK. Since 2007, Scotland has assessed river continuity for fish passage; a significant driver of downgrades in status, and Scottish Ministers are funding an ambitious programme to remove fish barriers across Scotland.

**Northern Ireland**

Similar to the EA in England, the Northern Ireland Environment Agency (NIEA) follows a risk based approach to monitoring. This approach is compliant with the requirements of WFD and set out in the UKTAG guidance on location of sites, elements monitored based on risk assessment, and the frequency of element monitoring. Nutrients (nitrate and phosphorus) cause most of the failures in Northern Ireland groundwater and are monitored at a higher frequency therefore fulfilling the requirement of the operational monitoring.

Assessment of the groundwater monitoring network in Northern Ireland must consider local factors. Over half of the aquifers in Northern Ireland consist of poorly productive rocks dominated by fracture flow. Additionally, the NIEA need to rely on third party bore holes for monitoring. These issues were raised by NIEA experts commenting on the draft report.

**WFD Article 4**

Defra officials raised with the EU Commission why the report recommended the need for greater justification and transparency in relation to WFD Article 4(4) and 4(5) exemptions as it was not clear from the evidence in the report. In particular, Defra asked the EU Commission what the report comment on Article 4(5) was based on. We have yet to receive a response and will take the opportunity to discuss this area again with the Commission. The EA are confident that the process of objective setting for the 2nd Cycle RBMPs was robust, compliant and transparent, involving a full economic appraisal. The approach was discussed fully and transparently with stakeholders in advance and detailed results were shared with them on request. Results at local, sub-catchment level were publicly available and the results were summarised in the RBMPs. The process for objective setting will be refined and further improved in the next cycle of RBMPs, work on which, including the public consultations, is already underway.

**Wales**

The Welsh Government stated that NRW has used Article 4(5) in very few situations (less than 3% of all water bodies wholly in Wales) and where it did so, it was justified in the RBMP.

**Scotland**

The Scottish Government stated that Scotland has applied exemptions under Article 4, in line with the requirements of WFD. They can provide detailed documentation for these exemptions, setting out their use. The change in the number of exemptions between cycles reflects their increased understanding of the environment, and improved knowledge of what is feasible.
Northern Ireland

In Northern Ireland, the only reported exemptions under Article 4(4) were for natural conditions and technical feasibility. Northern Ireland did not report any less stringent objectives under 4(5). The reasons for establishing an alternative objective follow the guidance produced by the UKTAG. This was in line with the approaches permitted by the WFD.

State of the Water Environment

I mentioned that most EU Member States, including the UK, will realistically find it a challenge to meet the ambition of the WFD by 2027. The complexity of the water environment and its required recovery time is now much better understood than when WFD was adopted in 2000. The current picture in England is detailed in the EA’s state of the water environment report. It is not possible for the EA to forecast the picture in 2027 until the 3rd Cycle plans are in place and objectives set at the water body level. These plans will be published at the end of the current cycle in 2021.

Wales

For 2021, the Welsh Government forecast a 6% improvement on the current classification results - 37% in 2015 for all water bodies and 40% for surface water bodies only in 2018. NRW have not yet undertaken the objective setting exercise for the third cycle RBMPs so cannot yet accurately forecast for 2027.

Scotland

The Scottish Environmental Protection Agency (SEPA) provide data on SEPA’s environment hub. SEPA have already set objectives into the third cycle and forecasts that 89% of water bodies in Scotland will be at good or high status by 2027. The remaining 11% will be in different status classes, either due to an Article 4 exemption, or because of an extended recovery time.

Northern Ireland

The Department of Agriculture Environment and Rural Affairs (DAERA) concurs with Defra’s view on progress to good status by 2027. The NIEA will also be setting water body objectives for the 3rd Cycle plans.

Water sustainability

I accepted that there are significant abstraction pressures in the RBDs in England mentioned in the report. I highlighted the steps we are taking to tackle these pressures, including our abstraction licensing reforms, the National Policy Statement including water resources infrastructure and local catchment measures. The primary water supply companies for the Thames RBD (Thames Water and Affinity Water) have significant abstraction control measures required by the EA in their water resource management plans for 2019. The EA queried the calculations referred to in the report. Having investigated further they inform me that their data supports the conclusions that there are high levels of water stress in those RBDs and it is very high in the Thames. The EA collect abstraction data annually. The calculation in the report is
based on data over the period 2007-12, done for the 2015 Plans. Any improvements will not be known until a new WEI+ calculation is done in 2021 for the 3rd Cycle RBMPs.

The Welsh Government made no additional comments on the Dee RBD, most of which lies in Wales, but NRW and the EA have worked jointly on abstraction measures in this cross border RBD.

I am copying this letter to Sir William Cash MP, Chairman of the European Scrutiny Committee. I am also copying this letter to the Clerks of the Commons and Lords Committees, Lynn Gardner and Chris Johnson respectively; Les Saunders, Department for Exiting the European Union; and Amy Seakins, Defra Scrutiny Coordinator.

Yours sincerely,

DR THERESE COFFEY MP