25 April 2019

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 Explanatory Memorandum (EM) on the above Report, which was considered by our Energy and Environment Sub-Committee at its meeting on 24 April.

We note that the Commission makes eight recommendations to the UK in its Annex to the Report and that you will take these into consideration in the next cycle of development of River Basin and Flood Risk Management Plans.

We note that the Commission Staff Working Document assessing the UK’s Flood Risk Management Plan finds “some” or “strong” evidence for all the criteria being met.

We were very concerned, however, to read the long list of weaknesses identified by the Commission in its Staff Working Document on the UK’s River Basin Management Plan. In your EM, you state that you do not believe that their assessment is robust and that it contains a number of factual inaccuracies and subjective conclusions. Please provide details of the aspects of the Document that you disagree with. What steps are you taking to address these disagreements with the Commission?

We note that the Document identifies a wide range of areas in which it believes the UK needs to improve. Monitoring features heavily, with concerns ranging from the required biological quality elements not being monitored in any water body, to not all River Basin Specific Pollutants or Priority Substances being monitored with the required frequency, to a large proportion of groundwater bodies not being subject to monitoring. Are you confident that you are meeting the monitoring requirements of the Water Framework Directive? What plans do you have to improve the monitoring regime?

The Document also notes the “significant number of exemptions” that the UK has applied and that “those related to Article 4(5) have increased.” It states that there is “a lack of detail for
the justifications and applied criteria” and that “those related to Article 4(5) need to be reconsidered.” Why have the number of exemptions increased? Do you intend to provide further justification for your exemptions, or reconsider your approach, as the Commission recommends? Given the number of exemptions, is the UK on course to meet ‘good’ status for all water bodies by 2027?

We were concerned to note that five river basin districts “have reported high values of Water Exploitation Index +, and one of them likely beyond sustainability.” What are the reasons for this, and what action are you taking to address this?

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 Maria Crastus, Scrutiny Coordinators, DEFRA.

Yours sincerely,

Lord Boswell of Aynho
Chairman of the European Union Committee