

Implications for Water Companies arising from the Environment Agency's River Basin Planning Consultation

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The Consultation

In this article we take a closer look at the current Environment Agency consultation covering River Basin Planning and consider issues for organisations operating in the Water Industry.

The Environment Agency consultation is open now and runs until 24th April 2020. Following the consultation the Environment Agency intends to produce new river basin management plans in 2021. The Environment Agency consultation seeks to identify the challenges threatening water quality, explore how waters should be managed and who should pay for the actions required. Responses to the consultation can be submitted [here](#).

By way of background, around £5 billion is spent each year protecting fresh water assets and to protect public health and wildlife from pollution. However, only 16% of England's groundwater, rivers, lakes, estuaries and seas are close to their natural state and 90% of UK's wetland habitats have disappeared in the last 100 years.

With a view to narrowing the gap between the desired outcomes¹ and tackling climate change, the Environment Agency is proposing specific plans for each river basin catchment.

The Environment Agency consultation sets out a number of challenges which require addressing including changes to water levels and flows as a result of our demand for clean water, issues relating to water cleanliness including levels of some pesticides and metals in drinking water protected areas and our use/demand for chemicals, the impact of invasive non-native species and physical modifications to waterways which continue to damage the environment and habitats. The Environment Agency consultation also highlights the challenges around pollution from plastics, towns and cities, agriculture and abandoned mining sites as well as from transport. Pollution caused by the activities of the water industry remains an issue - despite significant improvements and regulation around the use of chemicals in waste water treatment including phosphates and ammonia. As a result, water companies are challenged to further improve their treatment systems.

Issues for the Water Industry

In the consultation the Environment Agency asks what opportunities exist for water companies to collaborate with other sectors and organisations on measures to improve the water environment.

Despite the reduction in the levels of treatment chemicals entering the water, the Environment Agency's Asset Performance Report shows water companies continuing to be responsible for over 50 serious category 1 pollution incidents a year. The causes are primarily to unpermitted wastewater discharges from sewage treatment and discharges in breach of Permit conditions plus the treatment, storage and disposal of sewage sludge. The estimated cost to the industry required to meet the water body objectives is £10.5 billion.

New technologies presenting a number of opportunities for future improvement including new applications for sludge including generating energy. Catchment Nutrient Balancing managed via a permitting system is hoped will lead to significant costs savings. Over the next few years, Water Companies will need to have in place comprehensive Drainage and Wastewater Management Plans which tie in heavily with the River Basin Management Plans and the imposition of management conditions within individual permits.

Comment

Climate change risks increased volatility and uncertainty on the sources and supply of fresh water. Add further housing and industrial development to the mix, the demand created on supply and the treatment of waste water generated (which is largely returned to the water environment after treatment) plus the age and vulnerability of much of the infrastructure, it is easy to see how vulnerable one of the basic elements for living could become.

In order to ensure supplies of clean water for humans and ensuring the natural environment alike, significant efforts are required from all stakeholders. The Water Industry has a significant role to play in continuing to deliver improvements whilst

also managing the demands of a growing population. As part of this, there will be opportunities for the Water Industry to diversify its treatment of wastewater, but industry bodies will need to ensure that all activities are managed in a way which does not present a risk to the environment. As technology opens up new applications for the treatment of waste,

organisations will need to develop robust systems and procedure to ensure the risks arising are controlled. Without a doubt, focus will also remain on the activities of the industry's Regulators who are likely to increase their efforts in holding those who fall foul of regulations and permitting requirements to account with very significant penalties through prosecutions or increased financial offer expectations in Enforcement Undertakings.

For more information or advice on the Environment Agency consultation, please contact one of our experts in our regulatory team.

¹The current government plan includes bringing 75% waters to close to their natural state within 25 years

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