



# Draft River Basin Management Plan for the Solway Tweed River Basin District

A Scottish Environment Protection  
Agency and Environment Agency  
consultation paper

Consumer Council for Water Response

June 2009

# A consultation on the Solway Tweed draft River Basin Management Plan

## A Introduction

- 1 The Consumer Council for Water (CCWater) is the statutory body representing the interests of water and sewerage consumers across England and Wales. We have four regional committees in England and a committee for Wales. We have representatives on each of the River Basin District (RBD) Liaison Panels in addition to the Tweed and Solway Area Advisory Groups.
- 2 The Solway Tweed draft River Basin Management Plan (dRBMP) covers a geographical area that includes the water and sewerage service supply areas of Northumbrian Water and United Utilities. Around 2% of the combined water customer base for Northumbrian Water and United Utilities and around 3% of the companies' combined sewerage customer base lies within the Solway Tweed RBD and we represent these customers. We have no remit to represent Scottish water customers. We ask that the following comments be taken into account when developing policies that will affect Northumbrian Water and United Utilities' customers although our collective general views may also merit consideration for all water customers.
- 3 We welcome the concept of co-ordinated plans to address pressures and impacts on the water environment. These should engage all sectors whose activities affect water resources and the natural environment. Solutions should be based on robust science and implemented in a sustainable manner so that they meet the economic, social and environmental needs of the present generation without compromising the ability of future generations to meet their own needs.
- 4 We consider that meeting the requirements of the Water Framework Directive (WFD) should be carefully balanced to make sure that any action is acceptable to customers and affordable in both the short and long term. The fact that the WFD will be implemented over three planning periods is recognition of the huge task involved. We should use this time to make sure that measures are implemented in a way that does not cause significant impact on water customers' ability to pay or reduce the acceptability of environmental expenditure. This is even more pertinent in the current economic climate. Customers' willingness to pay must be assessed in a realistic way so that the expenditure requirements are reflective of the real world priorities of and the ability of a significant minority to pay.
- 5 At the same time as loading new environmental costs onto

consumers, the Environment Agency's (EA's) policy is to press for a programme of compulsory metering in England. This will affect customers in the Solway and Tweed areas supplied with water and sewerage services by Northumbrian Water and United Utilities. We ask the Scottish Environment Protection Agency (SEPA) to bear this in mind when making decisions that may also affect these customers.

- 6 We can provide more information on these effects and look forward to working with stakeholders to address these concerns. It is against this background that we make the following comments on the Solway Tweed dRBMP.

## **B Executive Summary**

- 1 **The experience of river basin planning has been valuable.** With SEPA chairing, a disparate group of stakeholders were able to cooperate in the development of the plans which were issued for consultation in a timely manner. The principle of consultation and cooperation at a RBD level has been established for future planning cycles.
- 2 **We support the application of sound science, so that investment is well targeted.** We have concerns about the inflexibility of the 'one-out all out' approach to assessing the status of water bodies and we urge SEPA to consider these issues carefully. Objectives need to be based around what is achievable and must take into account the impacts of climate change.
- 3 **We acknowledge the measures listed that will be carried out by the sectors outside the water industry, from Government initiatives to volunteer schemes** However, in the Solway Tweed RBD, water companies are already responsible for around two thirds of the costs of the first round of river basin planning. This appears to be a disproportionate load, especially as the main impediments to achieving Good Ecological Status appear to be associated with diffuse pollution and the man-made structures in and around water bodies, such as weirs and culverts. As such, the over-emphasis on paying for WFD through water bills appears out of line with the 'polluter pays principle'. We consider that the Scottish Government, SEPA, Defra and the EA need to continue to support and develop mechanisms and incentives to encourage other sectors to play their part.
- 4 **There is a lack of transparency about the methodologies for assessing customers' 'willingness to pay', disproportionate costs and the distributional effects.** We welcome the fact that the WFD recognises both the concept of disproportionate cost, and that investment to raise environmental standards should not have

adverse distributional effects. But we see very little in the dRBMPs that is clear about potential final costs, their acceptability to customers and the distributional effects in terms of increased water bills.

- 5 **The costs and benefits need to be based on robust information and balanced.** It is vital that when the final RBMPs are presented to Ministers, they contain reliable estimates of costs and benefits. CCWater would not be able to support the final plans if the costs significantly outweigh the benefits or if the estimates continue to be based on incomplete or under developed data.
- 6 **We will continue to support SEPA in communicating WFD to the public but we feel that SEPA could do more to explain costs and benefits to make the proposals relevant to the public.** SEPA must not lose sight of the objective within the WFD to facilitate public engagement on WFD issues.

## C Responses to Questions

**Question 1: Are there water bodies whose condition you think we have described incorrectly? If so, please provide details.**

- 1.1 We feel that SEPA has been proactive in setting up subgroups to evaluate issues relating to categorisation and artificial and heavily modified water bodies. However, we have no comment on whether these water bodies have been described correctly.
- 1.2 In general, we value and support the aims of the dRBMP but we feel that there needs to be an element of realism in the assessment of problems in the water bodies. We said last year<sup>1</sup> that we considered that a blanket adoption of all the UKTAG standards would not be appropriate as some of the standards are over mechanistic and do not relate to the actual ecological health of water bodies.
- 1.3 We consider that the 'one out all out' principle of the classification system can sometimes mask the picture of the underlying biological health of the water environment. The natural life of watercourses can sometimes be healthy even when the supporting physico-chemical elements suggest a problem. This emphasises the importance of having confidence that there is a real problem before taking action to solve it.
- 1.4 Before any major investment is triggered, we would urge SEPA and the Environmental Agency to consider whether the 'one out all out' approach to standard setting is appropriate for those circumstances.

---

<sup>1</sup> CCWater's response to Defra/WAG's Consultation on River Basin Planning Guidance Volume 2

For example, if a river or lake fails to reach a standard because it fails on a single chemical or biological measure, SEPA needs to ask whether it is actually eutrophic, or failing to support a sustainable fish population.<sup>2</sup> This practical approach is especially important where the level of confidence in data is not optimum; the dRBMP indicates that both SEPA and the Environment Agency are still refining their 'fish' tools.

- 1.5 For the sake of fairness across the UK, (with obvious cost implications for water customers), we are concerned that some assessment criteria seem to differ in England and Scotland, for issues such as morphology, hydrology and fish. The dRBMP does not give reassurance that these data sets will achieve parity.
- 1.6 In addition to this, the process of assessing the problems in water bodies has, so far, been separate from the processes for assessing the costs of implementation. The consultation on the dRBMP will be an important opportunity to consider standards alongside a practicable cost yardstick - what is ideal and what is practicable at reasonable cost? In some cases, there may be a critical difference.
- 1.7 For example a standard of 0.1mgP/l for phosphate has been considered, with tougher standards for salmonid waters. If water companies are to achieve and maintain standards at such levels they may need to reconstruct sewage treatment works, rather than simply enhancing treatment procedures. All of this would impose heavy costs on water consumers, as well as carbon costs where extensive engineering work using steel and concrete is required. Joined up thinking and careful prioritisation is required to avoid creating further problems in the future through, for example, the implementation of unsustainable measures.

**Question 2: This plan sets out the objectives for the water environment for the next six years and beyond. To what extent do you agree with what we are planning to achieve in terms of:**

- The level of improvements proposed by 2015?
- The level of improvements proposed by 2027?

---

<sup>2</sup> "Our recent work through UKWIR has shown that phosphorus standards in the EU vary considerably, indicating the uncertainty about the cause and effect of the various proposed standards. In the UK the standards proposed for phosphorus are so tight as to suggest that many of our waters will never make good status and yet they will have, as they do today, thriving fisheries. It would be counterproductive to adopt such standards without supportive evidence of the impact on biology and being able to demonstrate the benefit that will be achieved by the major cost (in both environmental and financial terms) involved."

Source: Water UK response to Defra/WAG's consultation on River Basin Planning Guidance Vol 2.

## General

- 2.1 Broadly speaking, we consider that the objectives which are set out are a good starting point from which to develop the final RBMPs. However, we consider that the likelihood of achieving these objectives may be lower because of a lack of joined up management of the water environment. In particular, we think that more work needs to be done to develop and enhance the information about those measures which are the responsibility of non-water industry sectors. We expand on this in response to question 4.
- 2.2 SEPA states that that it wants to increase the ambition of the dRBMPs through implementation of the 'Closing the Gap' measures. We support this aim with the proviso that there is no increase in the burden on water companies for the reasons we set out in response to question 4. Any further expenditure for Northumbrian Water and United Utilities, over and above what has already been set out for PR09, could be problematic.
- 2.3 There is evidence to suggest that the aspirations for sustainable salmonid waters (including completion of the migration and breeding cycle) may not be realistic or practicable. The following are factors that may affect this:
- The failure to establish a full migration cycle to date;
  - The possibility that this failure is related to temperature as well as other factors; and
  - The probability that summer temperatures will rise above the usual range of Atlantic salmon as overall temperatures increase due to climate change.
- 2.4 It is likely that some or all of these problems will also affect other species of fish. When setting objectives, SEPA will need to consider whether the water is at, or will reach, temperatures above the headroom of the species in question. It is not clear whether this has already been taken into account. Hence, we call upon SEPA and the Environment Agency to review the way in which the fish objectives are being set and measured and whether they are still appropriate in the light of global warming.

**Question 3: Are there water bodies where you think the objective for the future should be different? If so, please provide details.**

- 3.1 We have no specific comments but in general, we strongly support the approach of carrying out investigations in the first round of river basin planning. This will help to identify and confirm what measures may need implementing in further rounds of river basin planning. It will also help to identify where proposed measures may be ineffective, either because the causes of the problems have not been identified or because the benefits that can be assumed from carrying out the work are unclear.

- 3.2 We consider that programmes of investment should not be required unless there is robust evidence that they will address the pressures on the water bodies in a cost effective and sustainable manner. Where this evidence is lacking, it will be necessary to extend deadlines in order to gather more information about causation or to develop new technical approaches to resolving the problem. In principle, therefore, we agree with the need to extend deadlines for meeting the objectives.
- 3.3 We are concerned that in the South Solway Area Management Plan, the initial target is for all water bodies to achieve good status by 2027. This might not be possible but there appears to be no provisions for lowered objectives. We suggest that the final version of the RBMP should explain that for some water bodies in the region achievement of good status, even on a slow timetable, is unlikely. In these circumstances, it will probably be necessary to set less stringent objectives under Article 4.5 of the Directive on grounds of disproportionate cost or expense.
- 3.4 In addition, we feel that more needs to be done to acknowledge the impact of climate change on the water environment as it is currently difficult to see how carbon costs and benefits are factored into the dRBMPs. We are aware that carbon costs will be taken into account in any assessment of disproportionate costs, but this is not applied to Scenario A measures which are likely to be carbon intensive. We believe that this is a serious shortcoming. If the carbon cost is not factored into the plans effectively, this will undermine the long-term sustainability of the Programme of Measures.
- 3.5 However, any assessment of climate change issues will only be useful if it refers to a realistic value for the cost of carbon. Although the valuation of £27 per tonne is widely used, there is a growing body of evidence to suggest that it is also an underestimate. Our understanding is that the Department of Energy and Climate Change is likely to revise and increase this figure. It is vital that SEPA keeps abreast of such issues.

**Question 4: We have identified the most important problems for our water environment and the measures that will help to improve them. How can you help to deliver these actions or any future actions?**

- 4.1 As a member of both the Solway and Tweed Area Advisory Groups CCWater has been involved in the process of assessing the actions that are needed. Throughout the preparation of the plans, SEPA has provided stakeholders with a good opportunity to give careful consideration of the issues. However, we have some concerns about the outcomes.
- 4.2 We are disappointed that the dRBMPs are still relatively silent on the

economic implications of WFD implementation. Throughout the plans there is very little mention of the mechanisms for assessing disproportionate costs, including the distributional impacts or affordability of measures. We are planning to work together with Ofwat and the Environment Agency to develop an approach in this area and we would like to be kept informed of any similar work by SEPA. However, it is a concern that SEPA has not prioritised this work so far.

- 4.3 An additional concern is that the WFD is not being implemented in a wholly even handed or proportionate way. On page 20, the dRBMP lists the significant pressures on the water environment as:
- Pollution, particularly nutrient enrichment;
  - Acidification of the water environment;
  - Significant changes to the physical habitat (morphology) of our rivers and lochs/lakes;
  - Changes to the quantity of water - as shown by the hydrology impacts of abstraction and flow of water;
  - The impact of barriers to fish due to impoundments such as dams;
  - Limited fish classification data from England.

In general, the water industry plays a contributory part in only a few of these pressures - changes to the quantity of water and the impact of barriers on fish. However, as the scenarios in the dRBMP sets out, the water industry will be responsible for around two thirds of the cost of implementation.

- 4.4 Ideally, expenditure should be allocated according to whichever party is/was responsible for contributing towards the pressure on the water body. To address this risk, it appears to us that more work needs to be done to develop WFD specific measures that are targeted at non-water industry sectors. For example, there could be more emphasis on the implications of the following:
- Compliance with agricultural best practice;
  - Local wildlife trust conservations initiatives;
  - How non-water industries can address and reduce pollution;
  - The role of Local Authorities; and
  - The role of inland drainage management.

- 4.5 We strongly agree that encouraging industry, forestry and agriculture sectors to tackle pollution at source in this round of planning will contribute towards the longer term objectives of the WFD, helping to reduce risk of non-compliance in the future. This is a more thorough approach than relying on the water industry to deliver a larger number of expensive projects in future rounds of river basin planning. Customers' pockets will not be bottomless and the future political and economic climate may mean that it is not possible to use water bills to raise all the finance needed to support

expensive programmes of measures. This could jeopardise the quality of waters.

- 4.6 Part of the problem is that many incentives for non-water industry sectors to play a key role in delivering the WFD are not legally compulsory. The water companies have to deliver environmental improvements through a tight regulatory framework. This leads to a situation where responsibility for measures and the costs of those measures are passed to water companies 'by default'. This is unfair and we call upon the Scottish Government, SEPA, Defra and the EA to consider ways of creating more urgent incentives for non-water industry sectors to take responsibility for their impact on the water environment.
- 4.7 As a starting point, the Scottish Government, SEPA, Defra and the EA need to increase the involvement of non-water industry sectors by:
- 4.8
- Providing clear information that conservation groups and wildlife trusts can access to enable them to assess the problems in their area and decide what measures they develop and undertake. NGOs expressed concerns at a recent WFD conference that this does not seem to be happening through the dRBMPs or other related communications.
- 4.9
- Continuing support and funding for the English Catchment Sensitive Farming Delivery initiative. This is an important area of work that supports the development and delivery of good agricultural practices. It is a 'win-win' for farmers, who may be eligible for capital incentives, and for the environment, which will benefit from lower pollution.
- 4.10
- There is an increasing amount of legislation that will contribute towards meeting the requirements of the WFD, such as the forthcoming introduction of Water Protection Zones (WPZs). However, any legislative framework must be supported by proactive 'business as usual' by the Environment Agency. For example, to support the operation of the WPZs, the Environment Agency must be proactive in identifying point source pollution and they must take appropriate enforcement action on the polluters.

**Question 5: We need to work together to deliver the river basin management plan. Do you have suggestions on how we could work better together?**

- 5.1 Although CCWater is not directly responsible for delivering any of the measures, we have participated in the preparation of the dRBMP through our membership of the editorial team. We have also played an active part in delivering WFD communications in furtherance of the objective of increasing public engagement with the issues. We

see this as on-going, with scope to develop this work with the EA and the SEPA. We will continue to take responsibility for WFD communications in this way, although we are a small office with limited resources.

5.2 This work has included:

- Raising and discussing the issues with our own stakeholders, including those who have not been previously engaged with WFD issues but who may have views about the implementation of the plans;
- Sponsorship of the Foundation for Water Research's Water Framework Directive Information Centre;
- Publishing WFD updates in our newsletters;
- Using our website to promote WFD;
- Including WFD issues on the agenda for a public meeting of CCWater's Northern Committee;
- Up-dates from liaison panel members for the other Northern Committee members so that they are aware of WFD issues in relation to other areas of our work; and
- Our endorsement of campaigns which deliver the same message as the dRBMP on "Using Water Wisely".

5.3 We were surprised that there is no reference to research into water customers' 'willingness to pay', bearing in mind that they will fund the most expensive measures required to comply with the WFD. We accept that the first cycle for the Solway Tweed RBMP encompasses a great deal of work that is current or already planned together with a number of investigations, but feel that public opinion will be vital to inform the next planning cycle. There may well be far more extensive measures required as a result of the investigations, the revision of assessment tools, climate change and the stated increased objectives of compliance as we near 2027. There is an opportunity for interested organisations, including CCWater, to share the results of existing and planned research with each other.

**Question 6: To be effective this plan has to influence other planning processes. Have you any suggestions on how to improve the way this plan links to other planning processes?**

6.1 We have no suggestions on this issue.

## **Part 7: Additional comments**

### **Costs**

7.1 In their Final Business Plans (FBPs) for the 2010-2015 pricing period, Northumbrian Water and United Utilities appear to anticipate a much lower level of expenditure on WFD than the estimates in the impact assessments accompanying the Northumbria and North West

dRBMPs. We have asked the Environment Agency to consider and explain why its estimates of WFD expenditure vary from the water companies' FBPs. We appreciate that it will be difficult to breakdown the figures in the Solway Tweed impact assessments in this way but we believe that the issue is still relevant and would ask that you reconsider how the cost estimates are calculated in line with any considerations that the Environment Agency makes.

- 7.2 Lower costs would be good news for water customers but these figures highlight the need for more work to be done to refine the cost estimates. These must be balanced appropriately with the estimated benefits or as a nation we risk tying ourselves into expenditure that cannot be justified. As such, we risk providing the European Commission with inaccurate or unreliable information that may be used against us at a later date.
- 7.3 It is vital that when the final RBMPs are presented to Ministers, they contain reliable estimates of costs and benefits. CCWater would not be able to support the final plans if the costs significantly outweigh the benefits or if the estimates continue to be based on incomplete or under developed data.

### **Benefits**

- 7.4 The National Water Environment Benefits Survey (NWEBS) for England and Wales was conducted to ascertain the willingness of English and Welsh water customers to pay for environmental improvements. Some of the measures in the Solway Tweed dRBMP will be implemented by Northumbrian Water and United Utilities and, hence, the costs will be recovered from their customers. Median values from NWEBS indicate that the amount supported by half the sampled population does not exceed £25 per household per annum.<sup>3</sup> We ask SEPA to bear this in mind in any considerations.
- 7.5 It is important not to over estimate the acceptability of environmental expenditure as this would jeopardise future investment. This is especially true in the current economic environment. The RBMPs have a wider impact than this round of river basin planning alone.

### **Public Engagement**

- 7.6 The dRBMP and the three Area Management Plans are comfortable and informative reading for interested members of the public with no in-depth knowledge of the subject. The case studies and "key messages" are particularly helpful. The cross referencing also ensures that those who are more familiar with the WFD can access more details, particularly where they have a special interest. That

---

<sup>3</sup> National Water Environment Benefits Survey, NERA 2007

said, the public need to be made more aware of the WFD and all its ramifications. We would welcome more opportunities for the general public to learn about the dRBMP, especially the costs and the benefits, and to express their opinions, through workshops, public presentations and such like. This would help to foster the ownership of responsibilities for water bodies in communities which is one of the central tenets of the WFD.

- 7.7 We support the continuance of Area Advisory Groups, and for CCWater's continued inclusion. Principally we represent the interests of water customers, but we have a stated remit to promote sustainable development and have regard for the environment. We can play a balancing yet sympathetic role towards 'single issue' groups and will scrutinise water companies' activities.

### Enquiries

Enquiries about this consultation response and requests for further information should be addressed to:

Bill Ferguson or Sue O'Brien  
Consumer Council for Water  
Eighth Floor  
Northgate House  
St Augustine's Way  
Darlington  
DL1 1XA  
Tel: 01325 464222  
E-Mail, Bill Ferguson: [bill.foungres@virgin.net](mailto:bill.foungres@virgin.net)  
E-Mail, Sue O'Brien: [desmond@dobrien1.orangehome.co.uk](mailto:desmond@dobrien1.orangehome.co.uk)

Or

Sarah Thomas  
Policy Manager  
Consumer Council for Water  
1st Floor, Victoria Square House  
Victoria Square  
Birmingham  
B2 4AJ  
Tel: 0121 345 1042  
Fax: 0121 345 1001  
E-mail: [sarah.thomas@ccwater.org.uk](mailto:sarah.thomas@ccwater.org.uk)