



Sir James Bevan
Chief Executive, Environment Agency

By email to: ChairmanOfficeEA@environment-agency.gov.uk>

CC: sarah.chare@environment-agency.gov.uk

29 September 16

Dear Sir James,

Visit to the Wye catchment

Thank you very much for taking time out of your busy schedule to come and visit the Wye catchment to talk about agricultural pollution and abstraction. We realise that we bombarded you with information throughout the day, which reflects both the complexity of the subject and our collective passion for the subject matter. You demonstrated an admirable grasp of our key messages at the end of the meeting, but we thought it might be useful if we were to write with a short summary of the discussion.

We all agree that land use management is the most significant factor affecting the health of the water environment (and its fisheries). We also believe that many of these issues can be solved without undue damage to the short term profitability of agricultural businesses. Furthermore, unless they are solved, many existing agricultural business models will become unsustainable in the near future. Reasonably low levels of investment and fairly simple changes in behaviour would yield very substantial benefits in water retention, fisheries, aquatic ecosystems, flood prevention, carbon sequestration, crop quality, water treatment and highways management costs as well as a game-changing improvement in the water environment, with all the benefits that that would entail for society.

As the Wye and Usk Foundation has demonstrated, it is not necessary to stop farming potatoes, maize and asparagus, or to close down dairy farms for us to achieve the aim of reducing drastically the amount of pollution in our watercourses from agriculture. The secret is to identify the high risk areas in the catchment and then make decisions about crop choice or other measures which will reduce the risk of pollution. A principal factor is the health of the soil, which is closely linked to carbon content and timely operations.

We discussed the critical need for the funding of catchment partnerships to continue. We realise that resources are under extreme pressure, but we stressed the fact that cutting this relatively small amount of money would lead to a waste of very substantial investment of time and money over the past few years and a significant loss of momentum. We will be pressing Defra on this issue and hope that the Agency will continue to be vocal in its support.

Our experience leads us to the conclusion that the roles of regulator and advisor must be separated. We believe that advice is much more appropriately delivered by the third sector which is more cost effective, persuasive and nimble than a statutory body. The Wye and Usk Foundation has demonstrated that this approach can achieve exceptional results, in the context of a mature River Trust with sufficient resources to attract expert staff. Success is much more likely if the regulators are prepared and enabled to take rigorous enforcement action against those who are not playing by the rules. This is much more likely if those agencies are not also involved in offering advice.

The current situation is that Catchment Sensitive Farming (delivered by Natural England) has largely failed to meet its objectives despite a bill to the taxpayer of over £70 million a year, there are very few prosecutions of polluting farmers despite endemic levels of agricultural pollution, and the River Trusts rely on intermittent and unreliable funding from donations, charitable grants and occasional contracts from government agencies which do not appear to be distributed as part of a national strategy. A re-organisation of this chaotic and inefficient arrangement to achieve much better results need not cost any more money.

In particular, we feel that the Environment Agency needs to focus its resources on enforcement. As we discussed on the visit, there are numerous difficulties associated with enforcement of existing standards, including the Good Agricultural and Environmental Condition (GAEC). As you are aware, the consent order resulting from our joint judicial review of the government last year requires a full assessment of all the regulatory tools available to you to meet environmental objectives, including cross-compliance, anti-pollution works notices, new general binding rules and potential Water Protection Zones (WPZs). This assessment, for the Wye and other catchments, will be absolutely vital in understanding the role of regulation, and resources required to regulate effectively, both now and post Brexit. For example, we heard on the visit about serious breaches of GAEC 5 and frustrations on all sides re ensuring compliance. The consent order assessment could help to understand how similar measures, in the short to medium term, could be enforced within a WPZ, and longer term post Brexit, by the Agency as part of a new package of general binding rules. We look forward to continuing to work with your teams on these issues.

Clearly the Brexit discussions are likely to lead to substantial changes in policy and practice over the coming years, but we must not wait for that process to be completed. The government has already confirmed that subsidies will continue in their current form for the next few years and if we are to have any hope of tackling agricultural pollution, then immediate and concerted strategic action is required, given the lag times involved in behaviour change in a large community and the resultant environmental change.

We believe that the WFD provides an excellent high level strategy for water management in this country and is very unlikely to be improved upon. The Environment Agency should be proud that it was largely based on good practice in this country and, more pragmatically, cognisant of the fact that hundreds of millions of pounds of planning and implementation in your organisation, ours and many others have been aligned to achieving its standards. There may be opportunities as part of our exit from the European Union to sharpen the focus on delivery of positive outcomes for the environment. However, we believe it would be a very negative step to put this world-leading Directive onto the bonfire.

Finally, on abstraction, the Agency is doing vital work on this issue. We welcome your commitment to completing Restoring Sustainable Abstraction by 2020 and hope to work with you on abstraction reform on developing catchment rules and environmental flow conditions in particular. However, it's absolutely vital that all unsustainable abstraction is addressed prior to transition to a reformed regime and all exempt abstractions are permitted. Significantly, this includes the additional 600 water bodies at risk of failing to meet WFD standards due to abstraction and we would welcome further commitment from the Agency on resolving this wider issue.

I hope the visit, and this summary, will be useful to you and your team in developing a strategy to address this most pressing of environmental problems. We would be delighted to continue working closely with you all to help achieve the positive outcomes we all seek.

Yours sincerely



Mark Lloyd
Chief Executive, Angling Trust & Fish Legal



Rose O'Neill
Water Policy Manager, WWF-UK