



Llywodraeth Cymru
Welsh Government

From: [Redacted: WG Officer 2]
Water, Flood & Coal Tip Safety

Cleared by: Clare Fernandes, Deputy Director
Water, Flood & Coal Tip Safety

Date: 27 October 2022

MINISTERIAL ADVICE

For decision by: Julie James MS, Minister for Climate Change

Subject	Severn River Basin Management
100 word summary	<p>The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 place a duty on Natural Resources Wales (NRW) to prepare and submit River Basin Management Plans (RBMP), which are developed on a six-year cycle, for Ministerial approval.</p> <p>NRW has submitted the plans for the Welsh part of the Severn for Cycle 3 and these are attached for the Minister's consideration, together with supporting documentation.</p> <p>The Minister is asked to approve the plan.</p>
Timing	Routine.
Recommendation	<p>The Minister is asked to:</p> <ul style="list-style-type: none"> i) Note the advice; ii) Consider NRW's submission and the draft RBMPs; and iii) Approve the submitted plans.
Decision Report	This decision does require a Decision Report.

ADVICE

Current position

1. Across Wales, a total of 933 surface and ground waterbodies have been classified to set the baseline for Cycle 3. At overall status (ecological and chemical status combined) across geographic Wales, 40% are at good or better status. This represents an improvement of 3% from 2015. At present, 44% of Wales' rivers are achieving good status.
2. The 2021 data shows an 8% improvement in water quality across Wales since the first classification was released in 2009.
3. Of the 284 water bodies in the Welsh part of the Severn RBD, 34% (98) are at good or better status and therefore have an objective of no deterioration over the third cycle. 48% (137) other water bodies are currently at less than good status and have an objective of achieving good status, but the reasons for not achieving good are yet to be confidently identified or the measures may not be in place by 2027. This results in 83% (235) water bodies (having an objective of good status by 2027, however at present we are only confident that 34% (98) will achieve or remain at good status or potential. It is hoped that 7% (21) of the water bodies will improve by 2033 or 2039 as a result of the measures already in place or planned in the next cycle.
4. There are complex reasons why good status is not achieved under the classification requirements. Annex 2 contains a table which provides more detail regarding the reasons for waterbodies not achieving good status divided into sectors. Agriculture, urban and transport, water industry and mining and quarrying are identified as sectors causing a large proportion of failures.

Classification for Cycle 3

5. Under the The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, NRW is required to monitor surface and ground water quality and collect chemical, physical and biological data in order to classify waterbodies into high, good, moderate, poor or bad.
6. Ahead of the publication of RBMPs, NRW published the classification of Wales' waterbodies on 22 December 2021.
7. The main environmental objectives of the 2017 Regulations are specified as the prevention of deterioration, and the protection, enhancement and restoration, of water bodies with the aim of achieving good ecological status and good chemical status by 2027. Based on current data and trend analysis, meeting the 2027 deadline is not achievable.
8. Consideration will need to be given to setting targets beyond 2027 which will require the review and potential amendment of the 2017 Regulations.

Approach in Cycle 3 – Opportunity Catchments

9. Many lessons have been learnt in the planning and delivery of RBMPs since the requirements of the WFD were first introduced in Wales, such as the necessity of early engagement with partners. The delivery of RBMPs showed that environmental improvements take time and may not be noticeable in the classification within a cycle, which means that improvement may appear slow and gradual.
10. Since the first cycle, NRW's understanding of good status/potential requirements has evolved, and improved monitoring techniques and standards have been reflected in the latest classification. The Well-being of Future Generations (Wales) Act 2015 and Environment (Wales) Act 2016 provide the strategic framework for the RBMPs and the development of a place-based approach which will be introduced in Cycle 3.
11. Opportunity Catchments is a place-based approach to catchment prioritisation. NRW identified ten catchments that represent the best suite of opportunities to deliver sustainable management for water and contribute to the well-being goals. These are:
 - Dee (Wales only)
 - Clwyd
 - Conwy
 - Anglesey
 - Teifi
 - Taff/Ely
 - Cleddau/Milford Haven
 - Swansea Bay
 - Central Monmouthshire
 - Ithon
12. Opportunity Catchments focus staff resource across NRW to support partners to deliver integrated catchment management solutions within these areas. Nevertheless, NRW will continue to work with partners in other catchments that are not selected as Opportunity Catchments, focussing on addressing physical modifications, fisheries restoration plans, metal mine remediation and pollution from wastewater, rural and urban areas.

Cross Border Waterbodies

13. The cross-border nature of two of the RBDs has presented a challenge of synchronising the development and finalisation of the plans for the Dee (with NRW lead) and the Severn (EA lead). This means that RBMPs for Wales were published at different times, i.e. the Dee and Western Wales were published in July 2022, and the Severn will be published in December 2022. This is despite NRW working closely with the EA and Welsh Government officials with Defra colleagues.

14. This situation is not unprecedented. As a consequence of the flooding crisis in Cumbria in 2015, it was not possible to sign-off England and Wales' RBMPs by the statutory deadline.
15. There is already a level of divergence in the way RBMPs are developed in England and Wales, highlighted by the different strategic and wider legislative drivers which apply in Wales, including the Well-Being of Future Generations Act 2015 and the Environment (Wales) Act 2016. It is possible that divergence will further increase as a consequence of EU-Exit in the future. This will need to be taken into consideration during the review of the 2017 Regulations.

River Basin Management Plans (RBMPs)

16. There are three river basins in Wales: Western Wales which lies wholly in Wales, and the River Dee and the River Severn which are cross border river basins with England. NRW is responsible for the development of the RBMP for Western Wales and the Dee and you agreed these plans in July 2022.
17. The preparation of the RBMP for the Severn falls under the responsibility of the Environment Agency (EA) but being a cross border river basin, operational management is shared by the EA and NRW.
18. The Welsh Ministers are responsible for approving and publishing the Western Wales plan, whilst the Welsh Ministers and the Secretary of State have joint responsibility for approving and publishing the Dee and Severn plans.
19. NRW have submitted the draft RBMP for the Welsh part of the River Severn Wales which is attached for your consideration (Doc 2 and Doc 3). The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
20. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (the 2017 Regulations) transposed the EU Water Framework Directive (WFD) requirements in Wales. The WFD and the 2017 Regulations promote a holistic approach to managing water bodies and aim to reduce pollution, improve the condition of aquatic ecosystems, support the sustainable use of water and reduce the effects of floods and droughts.
21. The Regulations are largely implemented via River Basin Management Plans (RBMP), which set the environmental objectives for all water bodies within each river basin district (RBD). RBDs are divided into smaller management catchments which enable localised decision-making, leading to more effective and tailored measures in each RBMP.
22. RBMPs are updated on a six-year cycle. We are currently in Cycle 3. Cycle 1 ran from 2009 to 2015 and Cycle 2 from 2015 to 2021. The statutory deadline for the publication of the third cycle of RBMP is specified by the 2017 Regulations as 22 December 2021. Due to COVID restrictions which caused difficulties with sampling and lab capacity, there has been a delay in developing the plans.

23. RBMPs are regarded as the main mechanism for improving water quality in Wales. The implementation of the plans is based on catchment partnerships and cross-sectoral cooperation between a wide variety of stakeholders. Local Authorities, NGOs, the farming sector, angling bodies, universities, energy companies, utility companies and local action groups are amongst those involved in delivering the RBMPs. The integrated catchment-based methodology has shown positive results and a gradual improvement in water quality, evidenced by the latest classification results.
24. The implementation of the 2017 Regulations underpins the work needed for the delivery of the Programme for Government commitment of designating inland waters for recreational activities which is driven by the objective to improve environmental water quality in Wales. The commitment also supports the development of tourism opportunities whilst aiming to offer water based recreation to local communities.

Advice

25. The full NRW submission includes the following documents:
 - Letter to Deputy Director of Water, Flood and Coal tip safety division – Doc 1
 - Summary of the Welsh part of the Severn RBMP – Doc 2
 - Severn River Basin Management Plan summary and cross border catchments – Doc 3
 - RBMP overview – Doc 4
26. The submitted RBMP summary (Doc 2) contains:
 - Description of the relevant river basins
 - The baseline status of each water body (classification).
 - Summary of Programme of Measures to achieve statutory objectives, including those for Protected Areas.
 - Objectives set for each quality element in all water bodies, including an objective for the water body as a whole.
27. Under Regulation 31 of the 2017 Regulations, you have the following options regarding the plans:
 - a) approve them, in whole or in part, in the form submitted,
 - b) approve them, in whole or in part, either with modifications or subject to such modifications as you may direct NRW to make, or
 - c) reject it.

Recommendation

28. It is recommended that you approve the submitted draft RBMP for the Welsh part of the River Severn. The proposed publication date for the final plans is December 2022.

Legal issues, powers & statutory duties

[Redacted Legal Advice]

Programme for Government

29. The publication of updated RBMPs is a statutory duty placed on the Welsh Ministers under the 2017 Regulations. It is linked to policy objective to improve water quality across Wales, as well as statutory commitments under retained EU law.
30. The Programme for Government commitment of beginning to designate inland waters for recreation is driven by the objective of water quality improvement. RBMPs apply a holistic approach to water management and are seen as a key mechanism for improving water quality.

Financial implications

31. There are no additional financial costs for the Welsh Government arising from the recommended action.

Communications

32. Officials will work closely with colleagues in NRW to develop a communication plan and lines to take following the publication of the RBMPs. NRW has worked with local interest groups so we don't expect there to be any adverse publicity.

Annex 1: ASSURANCE AND COPY RECIPIENTS**CLEARANCE TRACKING**

Aspect	Tracking	Yes	No	N/A	Clearance no.
Finance	Financial implications over £50,000?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Cleared by Group Finance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Cleared by Strategic Budgeting?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Cleared by Local Government Finance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Legal	Legal issues?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Cleared by relevant lawyers?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Governance	Novel and contentious issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Cleared by Corporate Governance Centre of Excellence?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

DEPUTY DIRECTOR, STATEMENT OF ASSURANCE

In clearing this MA, I confirm that I, Clare Fernandes, Deputy Director of Water, Flood and Coal Tip Safety have quality assured this advice, ensuring it is provided on the basis of evidence, accurately presents the options and facts and I am accountable for the recommendations made.

I am satisfied that the recommended decision or action, if agreed, would be lawful, affordable and comply with all relevant statutory obligations. Welsh Government policy priorities and cross portfolio implications have been fully considered in line with delivery of the government objectives.

I have fully considered the statement of assurance contained in the MA guidance to ensure all relevant considerations have been taken into account and that the actions and decisions take account of regularity, propriety and value for money.

COPY LIST

All mandatory copy recipients (as indicated in the guidance). Additional copy recipients specifically interested in this advice:

- PS Deputy Minister for Climate Change
- Gian Marco Currado
- Tracey Burke
- [Redacted 13 WG Officials]
- Flood and Water Mailbox
- CCRA Finance
- ESNR Comms
- Rural Affairs and North Wales Communications
- CCRA Governance and Compliance