

Rebecca Pow MPParliamentary Under Secretary of State
Department for Environment Food & Rural
Affairs

Your Ref:

Our Ref: DH/md

Please ask for: Councillor D Hitchiner

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2nd February 2022

Dear Rebecca,

Water Protection Zone- River Wye and Lugg Catchment

I am writing to advise you that at a meeting of our Council last week members carefully considered and voted unanimously on a motion calling for a Water Protection Zone. This follows a similar decision of the River Wye Catchment Nutrient Management Board on the 19th January 2022.

Your department will be aware that in 2015 Fish Legal and others brought a case against DEFRA for failure to protect our rivers – the judgement in that case was that they needed to use all available regulatory tools and had 6 years to show results or a WPZ would have to follow. Those 6 years have passed. The draft RBMP (30 October 2015) states in the "Information on Mechanisms for the Water Framework Directive (WFD)" Annex, that WPZs can be designated to establish additional statutory provisions to prevent water pollution where evidence shows that existing statutory or voluntary measures have not been or are unlikely to be sufficient to meet WFD objectives.

The critical question is, has all else failed and is it likely to continue to fail?

We accept that we are dealing with a movable regulatory background. Subsequent to the 2015 case the government introduced the FR4W and this has been given a few years to bed in and start to take effect. There are concerns about the efficacy of FR4W and the EAs recent statement that they will not investigate cat 3 incidents does little to augment confidence in the regulatory response. On the Welsh side there is a regulatory gap as the new regulations are yet to be fully implemented. The other element that has changed the likely efficacy of existing regulatory and legislative controls is the research done by the University of Lancaster that shows the critical role played by legacy phosphate in the soils that is being mobilised and leaching into the river during peak events.

There has been a sustained voluntary effort and multi million pound investment in this hope but, whereas in 2014 the source apportionment told the board that the share between sewage treatment works and agricultural diffuse was 45% and 45%, the more recent apportionment data has shifted that to 25% and 66% whilst the total has remained broadly the same. Indeed, the University of Lancaster has the source apportionment at 71% agricultural diffuse against 26% sewage with an equivalent accumulation of 3000t/pa into the soils and thence into the river.

It is not unreasonable to conclude therefore that voluntary measures – whilst arguably working in individual cases – are not being effective in reducing the overall contribution from agriculture. Therefore, there are reasonable grounds to argue that the existing regulatory arrangements are

insufficient within this catchment and other measures will be necessary to restore the catchment to favourable status by 2027.

Some of our farmers who are really on the leading edge of farming innovation to reduce soil loss, increase soil health and reduce pollution. They would have little to fear from a WPZ as they are doing the right thing anyway. Others want to play their part but their business model makes this unsustainable. A WPZ, or the planning for such a concept, would put pressure on all, including water companies and the supply chains our farms feed into, to play their part.

We see that the concept of a WPZ is already being used in the Poole Harbour catchment and it would appear to be having a beneficial effect. Essentially there is a glide path of nutrient reduction and if the targets are not met a WPZ will be triggered. It is important to be realistic about an agreed rate of reduction but a start must be made.

Herefordshire Council is keen to build on the unanimous support of our elected members by bringing all parties to work together. There is strong support across our county, and indeed the catchment, for taking action. Sadly, there is widespread disagreement about who is causing the problem and therefore what needs to be done to solve it. Unless this is addressed there is no prospect of progress.

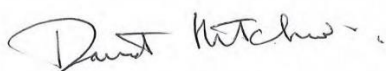
I believe there is an opportunity to bring all partners together through a Phosphate Commission. This would allow a review of the evidence base and consideration of source apportionment in an open public forum before developing a renewed action plan with the full and active engagement and participation of stakeholders. I would ask you to raise this request with the inter-governmental group and seek their support to ask all statutory partners to engage with this process for the benefit of residents, business, farming and agriculture across the catchment. There is an opportunity here to create a new plan, with a clear glide path similar to the measured approach in place in Poole.

I would like to take this opportunity to thank Minister of State Chris Pincher's for his recent offer of financial support for strategic work across the catchment. The £100k provided will be an excellent investment in our Phosphate Commission.

Some commentators have suggested that unless action is taken which has the effect of reducing pollution in the River Wye within the next two years, irreparable damage will be done. I do not want to be known as a politician who sat on their hands while an ecological disaster unfolds. I trust you do not either. The power and ability to take the necessary action is much more in your hands than mine.

I hope that you will accept our offer to work in partnership.

Kind regards,



Cllr David Hitchiner
Leader of Herefordshire Council

CC
Jesse Norman MP, Bill Wiggin MP
Michael Gove MP
Leaders of Powys and Monmouthshire Councils
Cllr Elissa Swinglehurst, Chair- Nutrient Management Board

Simon Evans, Chief Executive- Wye and Usk Foundation
Martin Williams, Vice Chairman - National Farmers Union
Tim Ryecroft, Chief Executive Officer- Agriculture and Horticulture Development Board
James Stevens, Director for Cities and Nutrient Lead- Home Builders Federation
Dr Caroline Turner Chief Executive- Powys Council
Marian Spain, Chief Executive- Natural England
Sir James Bevan, Chief Executive- Environment Agency
Peter Perry, Chief Executive- Welsh Water
Merry Albright- HCILG
All Members of the Wye Catchment Nutrient Management Board