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THE WATER FRAMEWORK DIRECTIVE AND PLANNING

INITIAL ADVICE TO PLANNING AUTHORITIES IN ENGLAND AND WALES



RTPI

mediation of space · making of place



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Local Government Association

THE WATER FRAMEWORK DIRECTIVE AND SPATIAL PLANNING

The Water Framework Directive

The Water Framework Directive (WFD) was published in December 2000 and transposed into English and Welsh law in December 2003. It introduces a new concept of “*good status*”¹ that is far more rigorous than current water environment quality measures. It is estimated that 95% of water bodies are at risk of failing to meet “*good status*”.

The River Basin Management Plans (RBMPs) required by the Directive are important new strategies that should influence development plans, and be influenced by them. The first RBMPs must be published by December 2009.

What it means for planners

Planners should not wait until 2009 for RBMPs. Planning bodies and authorities need to think about the implications of proposed development and land use change on water, including beyond their local authority boundary, and take action now, using their development plan and emerging work on River Basin Management Plans as a starting point.

In parts of England, major growth is proposed where water resources and the ability to handle increased volumes of sewage effluent, are already constrained. Future development needs to be planned carefully so that it does not result in further pressure on the water environment and compromise WFD objectives.

Failure to comply with Water Framework Directive requirements may lead to the European Commission bringing legal proceedings against the UK. Local Authorities have a general responsibility not to compromise the achievement of UK compliance with EC Directives.

Local planning authorities and regional planning bodies can help to deliver WFD objectives in the first WFD cycle by:-

- Identifying the water management issues that are relevant to spatial planning - planning policies should influence the design and location of new development to ensure it does not create adverse pressures on the water environment that could compromise our ability to meet WFD objectives.
- Including policies on sustainable water management in their development plans – including policies in Regional Spatial Strategies (RSS), core policies in Local Development Frameworks (LDFs) and area wide policies in Local Development Plans (LDPs).
- Helping to ensure that understanding of the pressures of, and opportunities for, development are reflected in the analysis underpinning RBMPs.
- Ensuring that spatial plans complement River Basin Management Plans
- Reviewing plans on publication of RBMPs to ensure that they contribute towards, and do not compromise the achievement of, WFD objectives.
- Using established mechanisms for community involvement and communication.

Scope

This document provides **initial advice** to spatial planners about the Water Framework Directive (WFD). It highlights the key elements of the Directive and outlines some of its potential implications for those involved in spatial planning. It reflects the current understanding of the complex requirements of the WFD. Work continues within Europe and the UK to clarify many of the Directive's technical requirements, including work on objective setting and exemptions. Our understanding of the Directive will develop over time and, therefore, **this is not definitive guidance** – this advice is the beginning of a journey, not the final destination. We will update the advice when necessary.

The Environment Agency's Framework for River Basin Planning identifies spatial plans as being particularly important to water planning. Draft Defra/WAG 'River Basin Planning Guidance' notes that *"where measures will need to be delivered through the statutory development planning process, the Environment Agency will have to work with elected councillors to ensure that the relevant RBMP requirements are reflected in the statutory spatial plans"*

For the Environment Agency, Local Government Association (LGA), the Royal Town Planning Institute (RTPI) and the Welsh Local Government Association (WLGA) the publication of this initial advice is the first step in a process of increasing engagement with spatial planners on the WFD and its implications for planning. We are committed to developing a dialogue so spatial planners can increasingly understand the implications of WFD on their responsibilities. By working together, we can ensure that the goals of WFD match and complement the duty for development plans to contribute to the achievement of sustainable development.

INTRODUCTION

Water quality in our rivers, lakes and along the coast, has improved dramatically in recent years. The Water Framework Directive (WFD) aims to build on that progress and consistently achieve new and higher standards, for the water environment across the European Union (EU). It is one of the most far-reaching, exciting and complex pieces of environmental legislation to date. Implementing the WFD will need an increasingly sophisticated understanding of the way whole catchment systems act as the lifeblood of the wider environment. There are also new requirements for engagement with stakeholders and the public, in water planning.

The WFD entered into force in December 2000 and was transposed into English and Welsh law in December 2003. The reforms of the planning systems in England and Wales took place over a similar period, culminating in the Planning and Compulsory Purchase Act 2004. The concept of sustainable development is at the heart of both sets of legislation and both the WFD and the new planning system must aim to meet the three pillars of sustainable development – social, economic and environmental progress. This context is reinforced by the requirement for Sustainability Appraisal of development plans, incorporating Strategic Environment Assessment (SEA), and the application of SEA Directive to the Water Framework Directive.

Spatial planners are increasingly aware of the fundamental need to manage development pressure against a background of challenging water-related issues and constraints. The WFD brings new challenges for planners because the provision of adequate water resources and wastewater treatment must now not cause the water environment to deteriorate. Overall, there must be progress towards improved water status. Spatial planning will have an important role to play in achieving these requirements.

The challenge for planners is greatest when development is proposed where the water environment is already fragile. The effects and impacts of climate change also have to be taken into account because the WFD looks as far ahead as 2027. This is the final deadline for the achievement of objectives, but the planning process continues in perpetuity and objectives may need to be reviewed and updated. With its focus on sustainable water use and ecological objectives, the WFD is an opportunity for all planners to help achieve a more sustainable environment and put sustainable water management at the heart of the spatial planning agenda.

SECTION 1 - THE WATER FRAMEWORK DIRECTIVE

The Water Framework Directive (2000/60/EC) is a major opportunity to improve the whole water environment and promote the sustainable use of water. It applies to all surface water bodies, including lakes, streams, rivers, estuaries and coastal waters out to one mile from low water, and to artificial waters such as canals. It also applies to groundwater.

The overall aim of the Directive is to establish a strategic framework (based on river basins) for managing surface water and groundwater through common objectives and principles.

The key concepts underpinning the WFD are integrated river basin planning and management. All parts of the water cycle are connected, and actions in one part of a river basin can impact in other parts. Integrated River Basin Management Plans (RBMPs) aim to avoid the difficulties that can result from a piecemeal approach to water management. The WFD demands that headline water issues such as the availability of water supplies, maintaining the quality of water in rivers and managing flood risk are considered as a whole rather than addressed in isolation.

One of the purposes of the WFD is to promote sustainable use of water. The core environmental aims of the WFD and RBMPs prepared under it are to

- prevent deterioration of aquatic ecosystems
- protect, enhance and restore polluted waters and groundwater to 'good status'. 'Good status' is based on ecological and chemical factors for surface water, and water quantity and chemical status for groundwaters
- comply with water related standards and objectives for environmentally protected areas established under other EU legislation
- progressively reduce pollution from priority substances¹ and cease or phase out discharges from priority hazardous substances²
- prevent or limit input of pollutants into the groundwater, and to reverse any significant or sustained upward trends in the concentration of any groundwater pollutant

The core environmental objectives are set out in Article 4 of the Directive.

¹ Priority Substances are individual or groups of pollutants that present a significant risk to or via the aquatic environment. They will be listed in a forthcoming Directive by the European Commission and measures should be aimed at their progressive reduction under the Directive.

² Priority hazardous substances are the most polluting. Measures should be aimed at the cessation or phasing out of discharges, emissions or losses.

RIVER BASIN DISTRICTS

The main reporting unit under the Directive is the River Basin District (RBD). This is defined as a river basin, or several river basins, together with stretches of coastal water. There are nine RBDs in England and Wales. Two “cross-border” RBDs are shared with Scotland. Coastal water (out to 1 nautical mile in England and Wales) as well as groundwater, forms part of the nearest or most appropriate RBD. RBDs are similar in scale to the Government Office (GO) regions in England but they have different boundaries. (A map comparing RBD boundaries to Government Office boundaries in England, and to Wales, is at Annex 1).

RIVER BASIN MANAGEMENT PLANNING

The principal output from the new legislation will be a **River Basin Management Plan** for each RBD in England and Wales. These must be published, in their final form, by December 2009. Draft RBMPs will be published for consultation one year earlier, in December 2008. These high-level, strategic documents will be supported by supplementary plans where necessary. They will confirm the environmental objectives for each water body and summarise the Programmes of Measures required to achieve them.

In order to draw up RBMPs and set objectives, we need to understand the complex relationships between river and groundwater flows (hydrology), the physical form of rivers and floodplains (morphology) and chemical concentration/ dispersal in the natural environment.

The purpose of the WFD is set out above. In practice, the setting of firm objectives for each water body will be a complex, iterative process. It will be intimately linked to the development of the Programmes of Measures designed to achieve these objectives. This is because the Directive allows for setting alternative objectives in certain circumstances - notably if the measures necessary to meet the default objectives would be technically infeasible or disproportionately costly. The WFD primary objectives require us to ‘aim to achieve’ good status for surface and ground waters by 2015.

Programmes of Measures must be made operational by 2012 and new monitoring programmes will be put in place to help review their effectiveness.

The WFD objectives are ambitious targets and the Directive includes two further six-year planning cycles (2015-2021 and 2021-2027 being the second and third cycles). In certain cases, the deadline for achieving objectives may be extended to 2021 or 2027 or alternative objectives set. Any alternative objectives must be justified, generally for reasons of disproportionate cost or the technical feasibility of restoration measures, provided the water body is protected from further deterioration taking place.

Where human development activities (e.g. navigation, flood management, water storage) have changed the shape or flow of a water body and prevent it from reaching *good status*, it may be designated as ‘Heavily Modified’ where there is a continued need for the activity concerned. For these water bodies, the objective is to reach **good ecological potential** by 2015. This is also a

demanding objective. It is as close to *good status* as possible, taking account of the impact of the modification.

THE WFD CYCLE

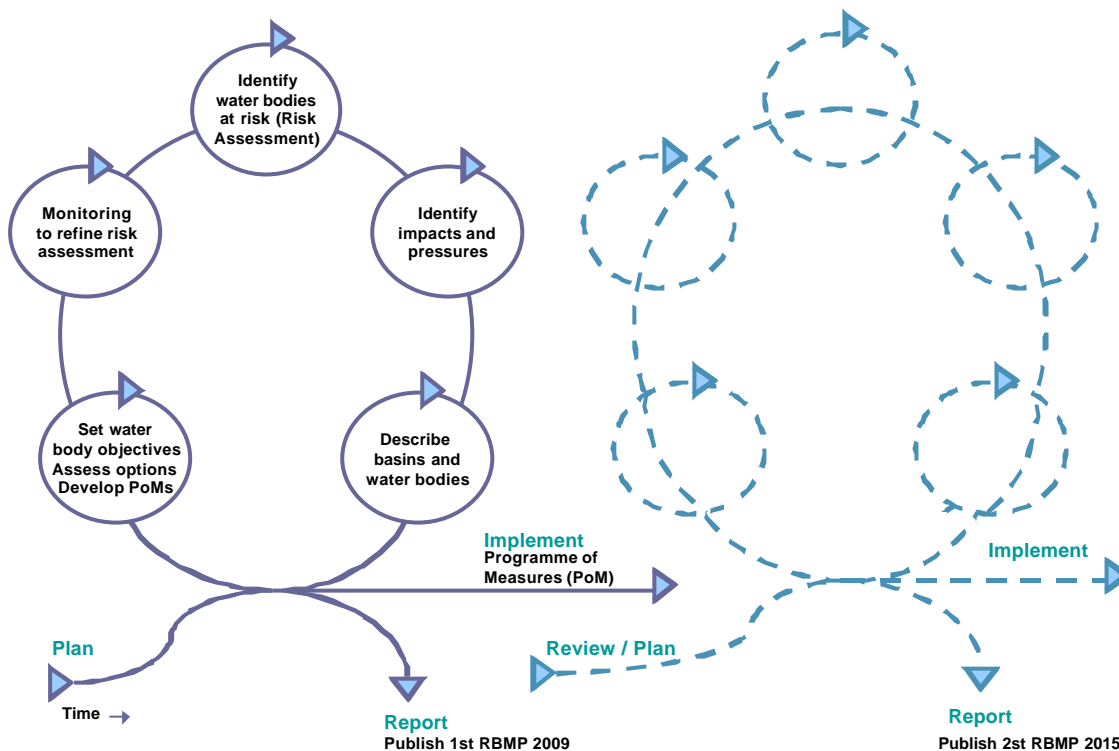


Figure 1: The River Basin Management Cycle

Note: A Programme of Measures (PoM) is a set of actions to achieve Directive objectives and RBMP is a River Basin Management Plan

RIVER BASIN CHARACTERISATION

The purpose of River Basin Characterisation is to assess the pressures and impacts on water bodies in order to assess whether they are at risk of failing to meet WFD objectives in 2015. An initial assessment was completed and risk maps were published in March 2005. This will form the basis for objective setting and developing Programmes of Measures for the 2009 RBMPs. Monitoring programmes, to be put in place from 2007, will enable further characterisation to be carried out clarifying the status of water bodies for subsequent cycles of WFD planning. Water bodies are classified into five ecological status classes: *high*, *good*, *moderate*, *poor* and *bad*. In addition, there are two ground water status classes.

The types of pressures identified by the Directive include:

- point and diffuse pollution sources;
- water abstraction;
- regulation of surface water flows;
- alterations to the morphology (physical characteristics) of water bodies.

PROGRAMME OF MEASURES

Each RBMP must include a summary of the Programme of Measures. These measures will deliver the environmental improvements required to meet the objectives for the water bodies in the River Basin District. Measures can be legislative, financial or voluntary. They might include the use of discharge consents to address point sources of pollution (e.g. from sewage treatment works), education programmes (e.g. on diffuse pollution for farmers), strategies for river restoration **or spatial planning policies**.

The Environment Agency has to consider cost-effectiveness when drawing up Programmes of Measures for each RBD.

Implementing Programmes of Measures will involve bringing together funding from various sources and co-ordination of the activities of organisations with an interest in the use of land and water. Some measures will require local authority implementation through the land use planning system, for example, the granting of planning permission with appropriate planning conditions and/or planning obligations. These could require measures (eg Sustainable Drainage Systems (SUDS), grey water recycling etc.) to be implemented or funds provided.

SECTION 2 - CURRENT LEGISLATION POLICY AND GUIDANCE

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 state that³.

- i) Regulation 17 places a duty on all public bodies to “*have regard*” to River Basin Management Plans (and supplementary plans) in exercising their functions.
- ii) Regulation 19 requires all public bodies to provide information and provide “*such assistance as the (Environment) Agency may reasonably seek in connection with its WFD functions ...*”.

These Regulations will be supplemented by further statutory guidance and/or Directions. Defra and Welsh Assembly Government intends to issue Guidance on River Basin Planning in autumn 2006 (consultation on a draft of the guidance ran from 13 December 2005 – 7 March 2006, see: <http://www.defra.gov.uk/corporate/consult/wfd/index.htm>). This Guidance will set out the expectations of the Secretary of State and the National Assembly for Wales in relation to the key steps and principles of the River Basin Planning process. The consultation draft refers to the links with statutory development planning – especially linkage of RBMPs to Regional Spatial Strategies (RSSs) and Local Development Frameworks (LDFs) and the Wales Spatial Plan and Local Development Plans - question 7 asks whether these links will be sufficient.

Recent Planning Policy Statements (PPSs) for England refer to the WFD. They include:-

- i) PPS 11 ‘Regional Spatial Strategies’ in England, Annex A ‘Policy and guidance on topics to be covered in a RSS’ states that the WFD:-
“Requires all inland and coastal waters to reach ‘good status’ by 2015. It will do this by establishing a river basin district structure within which demanding environmental objectives will be set, including ecological targets for surface waters. See in particular ‘Duty to have regard to river basin management plans and supplementary plans’”.
- ii) PPS23 ‘Planning and Pollution Control’ has an annex on pollution control, air and water quality and advises planning authorities to take account of the WFD now.
- iii) Planning Policy Guidance note PPG25 ‘Development and Flood Risk’ includes references to WFD including, under ‘Purpose and scope of the guidance’: *“Local planning authorities should...consider the issues raised by flooding on the wider scale (of the river catchment and the coastal cell) and the need to work with natural processes in planning future development. This is consistent with the requirements of the EC Water Framework Directive in respect of river basin management plans”,* (para. 7). The Office of the Deputy Prime Minister (ODPM) committed to review Planning Policy Guidance note PPG25 and published a draft Planning Policy Statement PPS25 in December 2005.

³ Separate Regulations cover the Solway-Tweed and Northumbria “cross-border” River Basin Districts

- iv) Draft Planning Policy Statement PPS25 'Development and Flood Risk' includes references to WFD - reference to the WFD Guidance in the introduction, the WFD itself in other relevant texts, and the need for Regional Spatial Strategies to 'have regard' to the policies in other plans, such as River Basin Management Plans (para 6).

Recent planning policies for Wales include:-

- i) Planning Policy Wales (section 13.10.3) – *“Where pollution considerations, which may be relevant to a pollution control authorisation or licence or result from the need to comply with any statutory environmental quality standards or objectives, affect the use and development of land they can be material planning considerations. This will include.....environmental objectives developed as part of the implementation of the European Union’s Water Framework Directive.”*
- ii) Planning Policy Wales (Section 13.10.5) outlines WFD principles
- iii) TAN15 'Development & Flood Risk' includes references to WFD, eg para A5.9
- iv) There is specific reference to WFD requirements in the Wales Spatial Plan (adopted by the Assembly in November 2004). This specifies that *“The Water Framework Directive requires us to manage water as a whole, including all the diffuse sources of pollution – especially from agriculture with its effect on water quality. This will have significant impacts, even though our water quality is generally very good by European standards.”*

ODPM's March 2005 'Core Output Indicators for Regional Planning' include measures relating to: -

- i) (inappropriate) development in the floodplain
- ii) development that adversely affects water quality.

Both are highly relevant to the WFD. Development in the floodplain may have a physical effect on nearby water bodies, the flows within them, or affect environments that are dependent on the water body. Contaminated floodwater can deliver pollutants to both ground and surface waters bodies. Water quality is a key parameter for assessing the status of a water body.

SECTION 3 - WHAT THE WFD MEANS FOR SPATIAL PLANNING

WHY SPATIAL PLANNING MUST INTERACT WITH WFD PLANNING

The new concept of “*good status*”⁴ introduced by the WFD is far more rigorous than current measures of the quality of the water environment, because it looks at ecological, as well as chemical, factors. Chemical and ecological status is underpinned by good hydrology and morphology. To illustrate what this means, 93% of rivers are currently classified as ‘good’ or ‘fair’ based on their chemistry. However, it is estimated that 95% of water bodies are at risk of failing to meet WFD “*good status*”. This could have profound implications for spatial planning, development and investment decisions.

A good or improving water environment can be a stimulus for investment and regeneration, especially in urban areas. Development can contribute to a further improved water environment, encouraging civic pride and making locations attractive for further investment, but it can also adversely impact on the water environment, for example through physical modifications to water bodies. Water and spatial planners therefore have a common interest in improving the water environment. The Case Study below provides an example of water and spatial planning working together.

Case Study 1 – Birmingham River Tame

Sustainable Management of Urban Rivers and Floodplains (SMURF) is a three year project which brings together the various interests in the rivers and involves local communities in how they wish to use the river corridors. It illustrates an imaginative approach to flood risk management in a heavily developed flood plain. Work with the key SMURF partners on the implications of the WFD has highlighted the extent of problems that must be overcome locally to meet the requirements of the Directive – eg . polluted and artificially constrained water bodies, with run-off from the urban catchment leading to low oxygen levels, contamination from former mine workings, urban diffuse pollution and flood risk management problems. The River Tame demonstrates how complex the technical and funding solutions may need to be, if a legacy of environmental degradation is to be addressed. In this case contributions through the planning system (i.e. planning conditions and obligations) to achieve WFD objectives contribute to the overall package.

Three key ways in which spatial planning and WFD planning should interact are:-

1. Tackling Existing Pressures

In places where there is risk of water bodies failing to achieve *good status* spatial planning policy can contribute to, or support, the measures that will have to be put in place to deliver that status. The Environment Agency is a statutory consultee on development plans and already gives top priority

⁴ and for heavily modified water bodies (see Chapter 2) the concept of “*good potential*” applies

to commenting on emerging development plans, including promoting sustainable water management. This is an important foundation for the future. Spatial planners can make a major contribution to the delivery of WFD objectives by incorporating sustainable water management in development plan policies and by including appropriate planning conditions and planning obligations for new developments in relevant planning permissions.

The planning approach to the WFD will need to be iterative because of the different timetables for development plans and River Basin Management Plans. Full advantage of opportunities for development plans to address existing pressures will be progressively realised over successive WFD and development planning cycles, but some action is required now if we are to meet WFD objectives by 2015:-

- i) Location-specific WFD Objectives will not be finalised until 2009. More general sustainable water management policies will, nevertheless, need to be included in the current round of development plans.
- ii) Action is needed now because measures may not have an effect for some time. This may be because of the time lag between the strategic planning process and the development taking place, or because the measures only bring about effects gradually. For example, the impact of Sustainable Drainage Systems (SUDS) will become more significant as the cumulative effect of individual installations builds over the years.

For Regional Spatial Strategies (RSSs) in England it is crucial, given their high level, strategic long-term nature, that they reflect overarching sustainable water management requirements.

2. Future Development and its Impact

Changes in land use and new developments can affect ecological and chemical quality and physical characteristics of water bodies. New development may bring further pressure on the water environment and threaten the achievement of WFD objectives. In some parts of England, there is already concern about the impact of major new development proposals that pre-date the WFD. Not only are water resources constrained but increased volumes of sewage effluent may be an issue. The Case Study (2) below highlights this.

Case Study 2 – Basingstoke

Basingstoke is situated on the headwaters of the River Loddon and the town's sewage treatment works (STW) is less than 8km from its source. This part of the River Loddon is also classified as a Salmonid Fishery under the Freshwater Fish Directive, and designated a Sensitive Area under the Urban Wastewater Treatment Directive. Because of the proximity of the STW discharge to the source of the river, the available flow of water to enable dilution of sewage is limited. The case study highlights that:-

1. Wastewater treatment must be recognised as a key consideration in selecting sites for development;
2. Local authorities, water companies and the Environment Agency must work together to achieve compliance with the Directive;
3. The cost implications of providing infrastructure need to be addressed in emerging development plans.

RSSs should include strategic policies on the WFD. Core policies in LDFs referring to the WFD need to be in place, by 2007, so that any subsequent action area plans can address emerging WFD issues. LDPs in Wales will also need to include area wide policies referring to the WFD. Some plans may need to be reviewed once RBMPs are published in order to ensure that they do not compromise, and indeed contribute towards, the achievement of WFD objectives.

Plan policies should influence the design and location of new development to ensure they do not create adverse pressures on the water environment that could compromise our ability to meet WFD objectives. In drawing up such policies Regional Planning Bodies and Local Planning Authorities should think about the implications of proposed development beyond their boundaries.

Under the WFD, development must not result in any deterioration in the status of surface water bodies. If there is deterioration there would be a breach of WFD objectives and a risk of infraction proceedings by the EU. However, there are provisions in the WFD for setting objectives in the case of:

- “*new modifications*” to physical characteristics of water bodies
- deterioration from “*high*” to “*good status*” as a result of “*New sustainable human development*” activities, and
- heavily modified and artificial water bodies.

There are conditions that must be met for each of these situations. The conditions are different for each of the three cases, but relate to whether:

- it would be technically not feasible or disproportionately costly to achieve the WFD objectives
- the benefits to the environment and society of achieving the WFD objectives are outweighed by the benefits of the existing or proposed modification/ development
- there is a significantly better environmental option for the modification/ development.

3. Provision of Information to the Environment Agency

Emerging development plans will be an important source of information on future pressures that can help the Environment Agency refine its initial Characterisation (see Section 1). The 2004 Characterisation was based solely on existing, documented pressures. It took existing water company investment plans into account, but did not look beyond those.

Further characterisation will look at new development that has not yet been reflected in water company plans. It is particularly important to identify development that may cause deterioration in water status, or which may prevent water bodies reaching good status, because there is a risk of future infraction proceedings if mitigation measures are ineffective. Planning authorities can help the task of characterisation considerably by

providing information. It would help if this information were provided in a consistent format across England and Wales.

WFD PLANS/REPORTS & SPATIAL PLANNING TIMESCALES

WFD Plan/Report	Deadlines	Subject	Development Plans	
River Basin Characterisation (Article 5)	Dec 2004	Water Body Characteristics and Review of Impact of Human Activities on Water Environment	Preparation of RSSs (Wales Spatial Plan Nov 2004)	Preparation of Local Development Frameworks Local Development Plans (Oct 2005)*
Statement of Steps and Consultation Measures	Dec 2006	Timescales and Work Programme for Production of RBMPs		
River Basin District Monitoring Programme	Dec 2006	Monitoring Programmes in place		
River Basin District Significant Issues	Dec 2007	Summary of significant water management issues for each river basin district		
River Basin Management Plan	Draft Dec 2008	Strategic regional plan summarising River Basin characteristics, pressures and impacts, significant issues and Programmes of Measures		
	Final Dec 2009			
Programme Of Measures	Established Dec 2009 Made operational Dec 2012	Programmes of Measures for each river basin district established		

[*Note: For LDPs in Wales the start date is Oct 2005 and there is no end date set for these plans.]

SUPPORTING PLANNING AUTHORITIES

The WFD brings challenging new requirements to achieve “good status” by 2015. However, this complements and extends the established approach to integrated water management promoted by the Environment Agency over many years. The Environment Agency is a consultee on strategic spatial planning and we aim to make sure that sustainable water management is fully incorporated.

In Wales, the implementation of the Wales Spatial Plan (WSP) started in early 2005. This will take account of the emerging key issues that are likely to be relevant to the Programme of Measures (see Section 2) under the WFD. The Environment Agency will provide advice on these issues to the WSP national steering group and the project reference groups established for each of the six WSP Areas.

The Environment Agency will support planning authorities through its role as a statutory consultee on development plans. As a part of its active involvement in development plans it will supplement the current emphasis on sustainable

water management with more specific WFD requirements as information becomes available. It will, for example:-

- i) Develop summaries of Significant Water Management Issues for each RBD with key stakeholders, including planning authorities
- ii) Incorporate sustainable water management into its comments on Sustainability Appraisals of development plans
- iii) Advise on appropriate policies for inclusion in development plans
- iv) Advise on any WFD implications of proposed housing allocations.

It is important that local authorities and regional planning bodies are involved at an early stage in the development of River Basin Management Plans as 'co-deliverers'. The Environment Agency published its Framework for River Basin Planning, which sets out, amongst other things, proposals for how it will engage with co-deliverers and other stakeholders in each River Basin District. The document reflects the 130-plus responses to consultation on the draft strategy "*Water for Life and Livelihoods*". The Environment Agency will be setting up River Basin District Liaison Panels in mid-2006.

STRATEGIC ENVIRONMENTAL ASSESSMENT

The SEA Directive applies to some Environment Agency "plans and programmes" including the WFD River Basin Planning process. For spatial plans, prepared by planning authorities, the requirements of the SEA Directive can be satisfied through the implementation of a Sustainability Appraisal.

The SEA Directive creates the need to gather and assess a broad range of information as well as additional reporting. For example, a distinct Environmental Report must be produced as well as the reporting associated with the plan or programme. Whilst the Environmental Report need not be issued as a separate document from the draft plan or programme, it must be clearly distinguishable. The SEA Directive also includes requirements for consultation with statutory bodies and the public at specific stages in the process. These consultation stages will need to be integrated with the RBP process.

The Environment Agency is a statutory consultee for the SEA of plans and programmes prepared by others. This may be a mechanism to link WFD and land use planning in advance of RBMPs being produced.

MEASURES AND FUNDING

The Directive has implications for a very wide range of organisations both within and outside the water industry. A far more diverse range of sectors and bodies need to contribute directly to measures to achieve good status than has traditionally been the case for water quality. The Agriculture sector and the Highways Agency, for example, will need to act to overcome diffuse pollution. The funding of water infrastructure to support development through the Asset Management Plan process will certainly continue. However, this raises some questions:-

- i) Funding in this way means that infrastructure is not in place until after the development has happened. This has not been challenged in the past, but could be an issue now because of the need to prevent “deterioration”
- ii) Under WFD the cost-effectiveness of different types of measures to achieve good status must be compared. This could lead to a switch from “end of pipe” solutions. Measures such as SUDS and the use of proposed revised Building Regulations may prove better options. These would be delivered through local authorities.

New development can provide an opportunity to tackle existing pressures on the water environment, through imaginative project design and planning, as well as the use of planning conditions and planning obligations attached to planning permissions. Where waste, or a legacy of contaminated land or mine water, is causing pollution of water bodies, intervention through a range of authorities and agencies will be necessary to clean-up or mitigate these problems.

Development of measures to achieve WFD objectives will involve working with all potential contributors (‘co-deliverers’) to establish the most cost-effective means of achieving ‘good status’. Programmes of Measures for each River Basin District may involve combinations of activities that apply at different scales to achieve “good status” in the most cost-effective way. Some measures are likely to apply across the whole of England and Wales (phasing out of certain priority substances etc.), while others may be applied within individual River Basin Districts (RSS policies, Rural Strategies, etc.). Some of the measures will also be applied at the Catchment (sub-District) scale (Catchment Abstraction Management Strategies (CAMS) and CFMP (Catchment Flood Management Plans) policies, environmental licensing and permitting, LDF policies, planning obligation etc.). See Case Study 3 below.

Case Study 3 – Leeds Waterfront

The transformation of the waterfront from squalid backwater to prestigious location for homes and business has been spectacular. It is a prime example of how improvements in water quality can improve an area through attracting new business and investment. However, much remains to be done to avoid the risk of failure to meet WFD objectives. Despite significant recent investment to improve the water environment, the Directive will require further action. Improvements involving a co-ordinated range of technical solutions will be necessary. The creation of the **State of the River Management Partnership (SORM)** is a fine example of partnership working for a common good and a model of a more inclusive approach to environmental management. The SORM partnership aims to improve the environment and amenity of the River Aire through collaborative working and the land use planning process

SECTION 4 – ROLES IN IMPLEMENTING THE WFD

GOVERNMENT

The Secretary of State for Environment Food and Rural Affairs in England and the National Assembly for Wales have the ultimate responsibility for implementing the WFD. They have joint responsibility for the two river basin districts spanning the England and Wales border (the Severn and Dee). This responsibility includes:

- The approval of RBMPs which include environmental objectives and summary Programmes of Measures;
- The power to issue guidance to the Environment Agency and other public bodies, to which they are bound to have regard;
- The completion of economic analyses of water use required by the Directive.

THE ENVIRONMENT AGENCY

The Environment Agency is competent authority for the WFD in England and Wales. In this capacity, it is charged with leading the six-year cycles of planning and initiating action to achieve WFD objectives. The Agency's Vision for the WFD is set out in the RBP Framework:-

“A vibrant water environment for wildlife and people, integrating the management of land and water by:

- *creating a more integrated, long-term approach to river basin planning and management;*
- *working closely with our partners and providing increased opportunity for stakeholder engagement;*
- *aiming to achieve environmental, social and economic benefits concurrently;*
- *directing limited resources to where they will bring about the greatest benefit”.*

This vision can only be realised, however, by working with others. Learning from them, building on existing knowledge and developing common commitment to necessary measures are crucial.

The Environment Agency's River Basin Planning Framework - 'Water for Life and Livelihoods – a framework for river basin planning' sets out **proposed** arrangements for consultation and engagement on WFD based on linking activities at different scales:-

National engagement

A National Stakeholder Group will provide input to policies and procedures to be developed by the Environment Agency and Government.

River Basin District engagement

The River Basin District (RBD) is intended to be the primary focus for engagement with Liaison Panels established in each RBD. A River Basin District is made up of one or more “catchments”. There are 9 River Basin Districts in England and Wales (and 2 cross border districts with Scotland). In England they are approximately the same scale as Government Office regions, although the boundaries are different. This is the main geographical unit for implementing the objectives of the WFD. There will be one River Basin Management Plan and one Programme of Measures for each River Basin District.

Catchment scale engagement

Because some River Basin Districts are large and the environmental pressures complex, it will be necessary to subdivide them into catchments for water planning purposes. Although catchment scale planning is not the primary focus of river basin planning, it will nevertheless make a significant contribution. We will work with existing networks and forums or may create new ones where no network exists.

Local engagement

For many stakeholders, the level at which water related issues matter, and where they want to make a difference, is very local. The aim is to continue to discuss specific local issues with individuals and existing networks, focusing attention on places and communities where the risks are greatest.

LOCAL GOVERNMENT

Local authorities have a central role in implementing the WFD, in partnership with others. Section 3 highlights the importance of the WFD for Spatial Planning. These are the priorities for local authorities:-

- engage in the River Basin Planning process,
- incorporate WFD priorities into other plans;
- deliver or help deliver measures to achieve WFD objectives.

WFD-specific objectives for each water body will not be formalised until 2009. However, policies can be put in place now that will reduce the impact of development on the water environment, maintain water quality, ensure adequate water resources and promote sustainability in water use. Focusing on the principles of sustainable water management will pave the way for success in meeting WFD objectives and help deliver a high quality local environment.

Many other local authority activities can also contribute to achieving WFD objectives, or might be affected by WFD priorities. These include:-

- Sustainable Community Strategies
- Local Strategic Partnerships
- Management of local authority land and country parks

- Local economic development
- Community development
- Flooding and drainage management responsibilities (including adoption of Sustainable Drainage Systems (SUDS))
- Health and Safety, including public water supply.

Case Study 4 provides a good example of strong local authority leadership on water.

Case Study 4 – The Hampshire Water Strategy

The water environment in Hampshire is of high quality and is an important part of the distinctive character of the County. Concern about the impact of development prompted the County Council to establish the Hampshire Water Consultation Group and promote a Hampshire Water Strategy. The Strategy was developed with stakeholders through workshops and consultation. Its goal is “to ensure the long term future of Hampshire’s remarkable rivers, wetlands and aquifers” by developing an integrated approach to water. Although the Strategy has no statutory status key aspects and recommendations will be incorporated into development plans. It is an excellent example of local authority planners’ initiative in engaging stakeholders on sustainable water management through the planning system.

Implementing the WFD successfully needs the active engagement of local authorities across these and all their functions and responsibilities. The Table below identifies the relationship between local authority roles and WFD requirements.

TABLE 1 LOCAL AUTHORITY ROLES & WFD INTERACTIONS

<i>Local Authority Role</i>	Regional	Unitary	District / Borough	County	WFD interactions link with RBMPs or WFD concepts necessary
Planning Authority					
Built Development (including Building Regulations)					<ul style="list-style-type: none"> • Development plans, Catchment Abstraction Management Plans (CAMS) • Sharing of information between LPAs and Environment Agency on areas identified for development – type, scale and timescale as early as possible • Promote sustainable water use, including within new building design • Promote Sustainable Drainage Systems (SUDS) for all developments • Avoid inappropriate development in sensitive areas for example, floodplains and groundwater source protection zones • Adequate Local wastewater treatment capacity (see Basingstoke Case study)
Minerals					<ul style="list-style-type: none"> • Minerals Development Frameworks/Plans
Waste					<ul style="list-style-type: none"> • Waste Development Frameworks/Plans
Transport					<ul style="list-style-type: none"> • Local Transport Plan
Highways Authority					
Roads					<ul style="list-style-type: none"> • Surface water drainage: Apply SUDS solutions, local wastewater treatment capacity needs to be adequate for stormwater flows

Rights of Way					
Waste Management					<ul style="list-style-type: none"> Waste strategies, promote waste reduction, reduce runoff
Drainage / Flood Defence					<ul style="list-style-type: none"> Catchment Flood Management Plans, strategy plans and flood risk management solutions
Land owner/land manager					<ul style="list-style-type: none"> CAMS, management schemes for amenity land including Sites of Special Scientific Interest (SSSIs). Promote good agricultural practice Promote sustainable water use in terms of abstraction and irrigation Use best practice to reduce risk of point source or diffuse pollution
Farm and smallholdings					
Amenity land including parkland					
Rights of way/ open access land					
Information/ advisory services					
Ecology / Archaeology databases					<ul style="list-style-type: none"> Provide information to Environment Agency for Protected Areas Register
Land Management advisers					<ul style="list-style-type: none"> Will be required to advise on WFD implications, so will need relevant information
State-of-environment reporting					<ul style="list-style-type: none"> Exchange information with RBMP
Community Planning					<ul style="list-style-type: none"> Sustainable Community Strategy Consultation on community matters could feed into WFD consultation process. Consider land use and water supply issues Promote efficient water use “good status” has implications for quality of life, health, regeneration etc.
Environmental health					<ul style="list-style-type: none"> Consult Environment Agency before restoring contaminated land to ensure no effect on ground and surface water
Emergency Planning					<ul style="list-style-type: none"> Exceptional circumstances (natural cause or <i>force majeure</i>) that could cause temporary deterioration in water status and planned measures to address this must be included in the RBMP (Annex VII 7.8)
Economic development /					<ul style="list-style-type: none"> Regeneration Plans must consider potential effects upon the water environment. Improved water quality can be of benefit to economic development and regeneration

Sustainable community strategies could be an important mechanism for achieving local involvement in WFD delivery. In practical terms, they should consider how the needs of local communities for housing, security, health, work, education, recreation and access to good quality and safe environments can best be achieved in an integrated way. Strategies should take into account water resources and the need for demand management, as well as flood risk and water quality. They could also recognise the benefits of ‘good status’, for health, employment, regeneration and recreation.

Local Strategic Partnerships in England and Community Strategy Partnerships in Wales can help co-ordinate the workstreams of public and private sector partners to deliver the broad objectives of the community plans. The work of the Mersey Basin Campaign (Case Study 5 below) highlights the

positive role water issues can play in regeneration and environmental improvement supported by local communities.

Case Study 5 – Mersey Basin Campaign

The Mersey Basin Campaign was founded in 1985 and is a pioneering long-term programme of integrated environmental planning. At the start of the Campaign the Mersey was the most polluted river in the UK and possibly Europe. By 2001 salmon had returned to the river after an absence of over a hundred years. The Campaign brings together the key partners in the region with the aim of rejuvenating the environment. This has consequential social and economic benefits. It shows the value of Catchment-wide environmental management featuring strong community and stakeholder involvement.

The regeneration of Salford Quays with its key attractions of the Lowry Centre and the Imperial War Museum North, is a high profile example of what can be achieved when environmentalists and planners work together to engage the public. The Campaign is a partner in three European Union projects. One of these is establishing a network of local authorities and municipalities across Europe to help spatial planners focus on water and deal with the requirements of the Water Framework Directive.

The Environment Agency needs to draw on local government experience to better engage the public on water issues. Established public participation mechanisms such as Local Strategic Partnerships, Sustainable Community Strategy partnerships and public engagement on development plans may have an important role to play. Local authorities can help the Environment Agency establish effective ways to involve communities. There is an opportunity to develop links between the needs of Directive-driven public participation and the involvement activities of local authorities.

OTHERS

Although the Environment Agency will lead the process, it cannot produce River Basin Management Plans or achieve Water Framework Directive objectives alone. Other statutory environmental bodies such as Natural England (English Nature and the Countryside Agency), English Heritage and the Countryside Council for Wales and Cadw in Wales, have a keen interest in how watercourses are managed. Also, the numerous local environmental, amenity and leisure groups that exist to use and protect water bodies will have a critical role to play. Angling organisations, for example, hold a wealth of information about the water bodies they fish, often including important historical records.

Many commercial organisations have an interest in how water is managed and used. Certain activities have a direct impact on the ecological quality of water bodies (such as industries that rely on abstraction from and discharge to rivers). The role of the water companies, in particular, is fundamental.

Every five years, Ofwat (the Office of Water Services) re-sets the limits for prices that water companies are allowed to charge their customers. This is known as the Periodic Review and incorporates water company business

plans (called Asset Management Plans). In their Asset Management Plan each water company sets out the services and improvements it intends to provide. These include environmental improvements such as better sewage treatment and reductions in the impact of water abstraction on rivers, as well as wetlands. These outputs from the Periodic Review are likely to be the water industry's main contribution to the Programmes of Measures.

Although the Water Industry is a sector that will make a particularly significant contribution to WFD implementation, others will also have an important role. Agriculture, for example, will be a major contributor to measures to address diffuse pollution. In addition to contributing to measures, the needs of different sectors may also be in conflict. So, the requirements of key sectors such as agriculture, ports and navigation, chemical industries, pulp and paper, etc will have to be integrated with the needs of healthy water environments and demands of water supply and sewage treatment.

CHAPTER 5 – FURTHER ADVICE

This initial Advice to Planning Authorities has been drafted at a time when much detail about WFD implementation remains to be finalised. It is not final guidance, rather the first stage of our advice. The WFD is an iterative process and our continuing advice will reflect this. As decisions are made and further information becomes available this advice will be expanded and updated.

The Environment Agency published a 'Framework for River Basin Planning' in January 2006. This reflects the 130-plus responses to consultation on the draft strategy "*Water for Life and Livelihoods*".

Defra and the Welsh Assembly Government consulted on River Basin Planning Guidance from 13 December 2005 to 7 March 2006 [see <http://www.defra.gov.uk/corporate/consult/wfd/index.htm>] and aim to publish the Guidance itself in autumn 2006.

The ODPM ran a series of regional workshops at the end of 2005 to explore and develop with spatial planners a greater understanding of the implications of the WFD for the planning community. The Welsh Assembly Government held a similar workshop in March 2006.

The Environment Agency's Regional and Area planners are engaging in development plans and they will use this Advice as a basis for discussions with planning authorities on the WFD and planning.

The Environment Agency, Local Government Association, Royal Town Planning Institute and Welsh Local Government Association are committed to a continuing dialogue and to a programme of events aimed at building awareness, such as the RTPI national conference on the WFD and planning in November 2005 and various RTPI regional conferences.

RIVER BASIN DISTRICT, GOVERNMENT OFFICE AND LOCAL GOVERNMENT BOUNDARIES

NB "Local Government Boundaries" are Local District Authority boundaries for England and Unitary Authorities for Wales.

