



22 May 2026

Rt Hon Emma Reynolds MP,
Secretary of State for the Environment, Food and Rural Affairs
2 Marsham St,
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By email only: emma.reynolds.mp@parliament.uk;
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Dear Secretary of State,

Re: Water Bill and planning

WildFish is a charity campaigning to protect all wild fish and their habitats throughout the United Kingdom from the impacts of pollution, over-abstraction and other man-made pressures.

You will be aware of our previous correspondence and our positive inputs to various consultations and inquiries, including our amendments tabled for the Water (Special Measures) Bill (now the Water (Special Measures) Act 2025) and the Cunliffe review. As an organisation, for almost 125 years, we have watched the changes to the administration of sewage and water services. We continue to be dismayed at bad decisions on regulation.

We support the aims of the government to “*clean up rivers and seas*” as articulated in the “Clean Water Bill” note provided to augment the King’s Speech. We note, however, that the ambitions appear more restrained than they were heralded by Cunliffe – which is perhaps due to a calmer understanding of the weight and expense of the changes proposed by Cunliffe for which no methodology has yet been provided.

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We are particularly concerned that some of the major proposed changes are unnecessary, expensive and will not achieve the aims of improving the regulation and provision of water and sewage services. The government's *methods* of achieving its aims for economic growth and water regulation remain unclear. As we have said time and time again, what is needed is not complete reform but a mandate from government for Ofwat and the EA to regulate and enforce properly.

Following the headline threads in the Water White Paper and the variations of intent contained in the "Clean Water Bill" note, the obvious highlights are: the re-organisation of water planning, the replacement of Ofwat with a new super regulator assuming the EA's water regulation duties; taking forward recommendations for ending Operator Self-Monitoring; and a reformed approach to Strategic Policy Statements and so on.

The White Paper and the Cunliffe Report do not provide sufficient clarity as to how these aims will be achieved. The more substantial changes to the regime (if they do go ahead) would require amendments and revocations covering a broad and almost unworkable scope: the Water Industry Act 1991 (WIA), Water Resources Act 1991 (WRA) the Environmental Permitting Regulations, the Environment Act 1995, the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and an uncertain number of other linked statutes.

Probably the most concerning issue is that the new economic regulator is set to take on the environmental permitting and water regulation function of the EA with no clear demarcation point for responsibilities and a real risk of internal conflict of interest. It is not explained either in the Cunliffe Report or the White Paper how the pollution control part of the EA will be split and by what amendments or new laws. We believe that serious and unresolvable practical

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problems lie ahead if the government attempts to realise these ill-conceived plans.

Additionally, none of the proposed changes in the White Paper – so far as they can be discerned – would end the major problems of water supply and demand; the pressure on resources due to growth and infrastructure development; the use of local planning authorities as unofficial regulators of sewage and water demand and supply; and the lack of public faith in water companies to undertake works necessary to update infrastructure.

We see the note to the “Clean Water Bill” mentions for the first time the idea of appointing “*new wastewater companies. . .for new developments*” which opens another debate about how creating more water companies would resolve the problem of capacity.

We have already seen how the lack of joined-up thinking and the skewing of obligations and rights in the planning system has led to real threats to rivers.¹ The buck is passed to the planning authority which becomes a quasi-regulator, charged with imposing conditions as a control on development in the context of poorly managed infrastructure development by water companies and Ofwat. And that inevitably leads to bad decisions. But such difficulties can be fixed without root-and-branch reform.

¹ See our court of appeal case Buckinghamshire (R (on the application of WildFish) v Buckinghamshire Council, David Wilson Homes and Anglian Water Services Ltd [2026] EWCA Civ 283. The case exemplifies a broader problem in England. Water companies are subject to s. 106 Water Industry Act 1991 which provides for a “Right to communicate with public sewers”, as construed in Barratt Homes v Dwr Cymru [2009] UKSC 13. However nuanced that obligation might be, water companies such as Anglian and councils including Buckinghamshire approach the issue as it were a *fait accompli* which undermines the purpose of planning conditions.

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In short, we would like to put forward, once more, the modest and efficacious alternative proposals which would have real benefits for improving the current *status quo*. Whilst not as ambitious in appearance as the Cunliffe proposals, they are rational, workable, will have the desired outcomes of Cunliffe and certainly will be much cheaper to put into effect.

At the heart of our proposals are small changes to the law which allow for more coordinated and empowered checks and balances between water and sewage capacity and planning and development and better regulation of the system.

As there appears to be a hiatus with predicted publication of the Clean Water Bill for Autumn at the earliest, we understand that there is some scope for further consideration.

We therefore believe that serious thought should be given to halting the juggernaut while there is still time, taking stock and processing the sensible changes (giving Ofwat the impetus to regulate properly and ensuring the EA does its job; ending operator self-monitoring; publishing real time data and including water companies as statutory consultees for planning applications) and using the most strategically effective methods to achieve clearer aims.

The simplest methods of ensuring that the system of sewage and water provision (in the context of increased demand from development) can be resolved by the following measures:

1. Keeping Ofwat and/ or preserving the separation of environmental and economic regulation through the EA continuing to regulate and enforce permitting / licensing;



2. Making water companies statutory consultees to planning applications (which appears to be one clear intention as expressed in the Water White Paper);
3. Ending the unconstrained right to connect to public sewers: ensuring sufficient sewage treatment capacity when granting planning permission for new builds;
4. Ending the duty to comply with water main requisition: ensuring sufficient water resource capacity when granting planning permission for new builds;
5. Requiring the Environment Agency to review environmental permits applying to water companies;
6. Requiring the Environment Agency and not water companies to monitor in-river impact, and to require publication of data generated;
7. Requiring continuous real time independent monitoring of water company treated effluent storm sewage discharges and emergency sewage discharges;
8. Giving Ofwat or whatever replaces it a primary duty to protect the environment;
9. Ensuring water companies remain as public authorities for the purposes of the Environmental Information Regulations 2004 and requiring proactive publication by water companies of operational sewage and effluent monitoring data to ensure freedom of access to information in the future and to ensure public confidence;



10. Changing the statutory provisions for abstraction licences: requiring improved monitoring and publication of volumes abstracted for water resources;

11. Introducing a general duty to deliver measures set out in Water Resources Management Plans which makes them enforceable.

Each of these proposed changes is explained more fully in the attached document which we submitted in response to the Water (Special Measures) Bill.² We would also refer you to our submissions to the Cunliffe inquiry.

Serious thought needs to be given to following a cheaper and more effective way of achieving the aims set out by government.

We would be grateful for a meeting as soon as possible to discuss our proposals.

We look forward to hearing from you.

Yours sincerely,

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² Some of the ideas contained within this document were picked up by Cunliffe Including an end to operator self-monitoring and the publication of real-time water company data. How these will be dealt with in the Bill remains to be seen.