

WildFish response to Consultation: “River basin planning: Significant Water Management Issues

Challenge 1: Climate change

Question 1: What do you think is most needed to support environmental planners to make informed decisions to deliver measures in the context of climate change?

Please select one option and tell us why in the box below:

Open-access datasets to make it easier to use future information in risk assessments and planning activity (please specify below which data you feel are needed but not already available or not accessible in a usable format)

Bespoke products and guidance (please explain using the free text box below)

Training, perhaps aligned to a competency framework, to help environmental planners deepen their knowledge of climate change and skills

Legislation to set out precisely when and how climate change should be considered in environmental plans (please use free text box to suggest how prescriptive this should be)

Please tell us why:

Transparency is vital in the environmental sphere – particularly where there is a perceived (or actual) reluctance of the EA to properly monitor environmental standards and to act on findings.

Challenge 2: Changes to water levels and flows

Question 2: What criteria should we consider when deciding where to prioritise abstraction reductions?

It is surprising in the context of Water Framework Directive (WFD) and the enabling regulations that this question should arise. The duties under WFD are not to prioritise but to meet targets vis a vis good ecological status (GES).

Putting the question this way indicates an avoidance of the main issues. If an abstraction is having a detrimental effect on the ability of waterbodies to meet

GES, then measures must be applied to ensure that they do. There should be a full discussion of these pressures in a detailed Programme of Measures that meets the criterion for compliance with the law as per *Pickering*. The method by which this is achieved should be set out in the river basin management plans (RBMPs).

Where the targets cannot be met, then that can only be lawful where there is no deterioration and one of the limited exceptions applies (i.e. “technical feasibility” and “disproportionate expense”). Otherwise, deterioration and missed targets can only be justified if the criteria laid down in articles 4 (6) and (7) are met (4 (6) (“Temporary deterioration in the status of bodies of water shall not be in breach of the requirements of this Directive if this is the result of circumstances of natural cause or force majeure “) and 4 (7) (“the result of new sustainable human development activities [where]. . .the reasons. . .are of overriding public interest. . .”).

Therefore, the issue of meeting targets should not be compromised by priorities.

Challenge 3: Chemicals in the water environment

We hope the information provided here has been helpful and improved your understanding of the challenge posed by the chemicals in the water environment. Having read this information, we would appreciate your feedback on the following questions:

Question 3: What more could we do to provide you with information and materials to help you understand the challenge posed by the chemicals in the water environment?

This is an odd question to posit as an opener on chemicals as it seems to imply that the problem is simply down to public understanding!

If the question meant whether there should be transparency in the data on chemicals, we would argue that a key element of the Environmental Information Regulations 2004, transcribing a crucial pillar of the Aarhus Convention, is that not only should environmental information be accessible to the public; it should also be actively published. That includes, for instance, pesticide use records which are held by farmers and other users on behalf of the Health and Safety Executive. The key issue for chemicals lies in their regulation, so the information access issue is important.

The pressures from chemicals should be detectible through monitoring- currently the monitoring of chemicals in the environment is not sufficient- and set out in the RBMP/ Programme of Measures.

Question 4: What action do you intend to take, if any, in tackling the challenge posed by chemicals in the water environment (e.g. influencing others, communicating the problem to others, changing your behaviour)?

It is concerning that a key regulator is asking the public what it intends to do to deal with the problem of chemical pollution. The solution lies in the regulation, marketing and production of chemicals and their use.

Would this action be community level, or as an individual?

Individual

Community

Please provide details:

Question 5: If there any citizen science initiatives you feel could support this area of work, please provide details

Citizen science fills the gap left by inadequate monitoring by the regulator. SmartRivers – a project undertaken by WildFish alongside community groups – uses invertebrate data as a fingerprinting tool for identifying different forms pressures including chemicals- via the SPEAR biometric. Invertebrates are key to understanding pressures, including chemical pressure, because they live in the water for months and in some cases years. Each species has different tolerances to different pressures. Using this information and the present/absence of a species gives a much better overview of the impact of pressures than a spot sample in time. Regulators should use high-quality citizen science projects, such as SmartRivers to supplement their monitoring, but also incorporate SPEAR into their own analysis too.

Question 6: What additional action do you think public bodies need to take to regulate or address chemicals in the environment to achieve environmental objectives?

The UK needs to be further aligned with Europe on REACH and pesticide regulation through the SPS. That is an inevitability given the intention of the UK to remove barriers to trade.

Further action is required to regulate veterinary medicines- please see our latest report here- https://wildfish.org/wp-content/uploads/2026/02/26.02.26_Vet-Meds-Report.pdf

Challenge 4: Invasive non-native species

Question 7: Are there any barriers stopping you adopting good biosecurity when you are in or near water?

N/A

Question 8: Do you think that our approach to invasive non-native species is appropriate?

N/A

Question 9: Please share any challenges or good experiences relating to prevention, control, eradication and management:

N/A

Challenge 5: Physical modifications

Question 10: What duties, powers and responsibilities could present, or future water regulators have to effectively respond to, and deliver measures for, physical modification pressures across rivers, catchments and coasts?

English rivers are failing to meet targets to achieve good ecological status. The reasons for this include the physical barriers that stop all fish, including salmon and sea trout from migrating to access breeding, nursery and feeding grounds.¹ At the same time, Atlantic salmon have been added to the “Red List” meaning they are at risk of extinction.²

¹ There are an estimated 0.75 barriers per 1 km of river in Great Britain, and only 1% of rivers are free of artificial barriers, with an estimated 28,000 man-made barriers in England and Wales, of which about 19,000 are weirs, with the remaining being a selection of dams, culverts, locks and sluices.

² The situation is so bad that Atlantic salmon were added to the IUCN Red List of Threatened Species as “Endangered” in 2023, after campaigning by WildFish.

Back in 2009, following a consultation, the government proposed to introduce legislation to ensure fish passes are introduced to alleviate obstructions for migratory and freshwater fish. But the proposed legislation never saw the light of day despite promises made by successive governments.³

The reluctance to do anything about this massive pressure on salmon is at odds with the WFD and its implementing regulations in England – the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. The Regulations oblige the government and the Environment Agency to comply with WFD and its objectives – including getting water bodies up to Good Ecological Status (or GES) by 2027. The process should be straightforward: the pressures on rivers including barriers should be investigated and solutions set out in the “programme of measures” for waterbodies, included in the River Basin Management Plans (RBMPs). But that just has not been happening.

The OEP agrees with WildFish that there is a “*potential failure by the EA and Defra to comply with Regulations 3 and 12 of the [WFD] Regulations*” as the Programmes of Measures “*do not properly address blockages preventing fish passage.*”

The OEP has therefore *written to the EA and Defra, giving them 2 months to respond, and asking them to confirm that their draft River Basin Management Plans (RBMPs) “will include sufficient measures to be applied to remedy blockages within rivers which may prevent fish passage”.*

Question 11: How might these duties, powers and responsibilities evolve to support delivery of measures to deliver water body environmental objectives and wider nature recovery, climate resilience and sustainable development?

Barriers will have to be dealt with if we wish to reverse ecological damage and protect migratory fish species from further decline. The most effective method of mitigating the negative environmental impacts of river barriers is their complete removal.

[Freshwater fish highlight escalating climate impacts on species - IUCN Red List - Press release | IUCN](#)

³ DEFRA’s Impact Assessment of measures to address obstructions to the free passage of migratory and freshwater fish from 2009 can be found at [\[ARCHIVED CONTENT\]](#)

Where barriers cannot feasibly be removed, other restoration strategies must be considered to ensure fish passage.

We urge the Government to:

1. Introduce comprehensive fish passage legislation without delay
2. Prioritise removal of obsolete and harmful barriers wherever possible
3. Require effective fish passage solutions where removal is not feasible
4. Give the Environment Agency stronger powers to enforce these measures

Question 12: How should success in addressing physical modification pressures be defined and measured in environmental, social, and economic terms?

WFD (which we presume is central to the consultation) requires that the targets are met. It does not take into account “social and economic” targets. Nor should it. These other targets are often at odds with environmental targets.

Challenge 6: Pollution from agriculture and rural sector

Question 13: How effective do you think current government policies, such as agri-environment schemes (e.g. payments for environmental land management), or targeted habitat restoration, are in improving water quality?

The EA needs to enforce existing law. See below.

Question 14: How effective do you think farming regulations are in dealing with agricultural pollution?

It is not a question of how effective farming regulations are -for instance, the Reduction and Prevention of Agricultural Pollution Regulations 2018 are an important tool or measure for achieving objectives. It is a matter of whether they are enforced (which they are not). The Regulations or the Farming Rules for Water are clear and reasonable. They are based on non-statutory rules that had been in place for many years and which were recognised as very basic standards to be followed by farmers. They cover key areas of agricultural regulation including fertiliser spreading – which is a key source of diffuse pollution. They were introduced to fill the gap in regulation and were at least a partial alternative to Water Protection Zone designations. They stand as

basic measure for the purposes of the WFD. See for instance the preamble to the Regulations. Yet they have not been enforced and, at the last count, there has only been one prosecution for breach. That is not because of a defect in the regulations but a lack of enforcement from the EA. There has been too much 'carrot' and not enough 'stick'. Voluntary measures have gone as far as they can- we now need political will to enforce the law.

Question 15: What kind of advice and support do farmers and land managers need to take effective action to improve water quality?

See above. Where there is certainty over the enforcement of the regulations, there will be compliance.

Question 16: Who do you think is best placed to provide advice farmers and land managers?

Question 17: How can trust in advice to farmers and land managers be strengthened?

Question 18: Based on your experience, what types of evidence or monitoring would help build confidence in understanding agriculture’s impact on water quality?

Question 19: How should regulation, financial support, and market incentives be balanced to help the farming sector reduce its contribution to water pollution?

Challenge 7: Pollution from towns, cities and transport

Question 20: What do you see as the main causes of pollution in urban areas?

Overwhelmed sewage infrastructure leading to poorly (or un-treated) sewage;
Run-off pollution from roads;
Misconnections;
Trade effluent.

Challenge 8: Pollution from water industry wastewater

Question 21: Which pollution issues linked to water industry wastewater should be prioritised and why?

Infrastructure should have capacity to deal with the volume of sewage and, in particular, the “growth” in development planned by the government

Question 22: Which measures do you think should be prioritised in dealing with wastewater pollution?

This should not be a matter of prioritisation. The EA has the legal duty and the regulatory means to prevent pollution by enforcing against polluters through the EPR regime.

In 2023, WildFish took the secretary of state for the environment to court for publishing a soft-touch “Storm Overflows Discharge Reduction Plan” (SODRP) which set more lenient targets than the statutory scheme allowed

and was therefore, unlawful (*R (oao WildFish et al) v Secretary of State for the Environment, Food and Rural Affairs [2023] EWHC 2285 (Admin)*).

Holgate J gave a clear signal that the EA did not have to sit back and wait for Ofwat to sign off on investment by water companies to get them to comply with the law; it could use the permitting regime as a way of ending pollution. So, forget the plans: simply reviewing and strengthening permits could drive change. That is a “measure” which could be used by the EA to ensure that targets are met under WFD.

On the face of it, we have the necessary legislation to deal with the problem. In an ideal world, Ofwat, advised by the EA, would agree an economic and investment plan to take into account capacity and the cost of improvement and that this would entail that the water company worked to its obligations under the WIA -with the threat of enforcement by the secretary of state or for permit breaches by the EA.

In June 2022, following a complaint by WildFish, the Office for Environmental Protection launched investigations into whether the Defra, Ofwat and the EA were failing to comply with their statutory duties in relation to the regulation of the use of storm overflows by water and sewage companies. The OEP concluded that they have indeed failed to implement well-established laws which means sewage utilities have been allowed to continue polluting rivers without acting to update works and provide sufficient capacity <https://www.theoep.org.uk/news/oep-finds-there-have-been-failures-comply-environmental-law-relation-regulatory-oversight>.⁴

Recent OEP reports, published in December 2025, look at the regulation of combined sewer overflows (CSOs) as a part of its on-going investigation in the context of non-compliance with the laws governing sewage treatment.

As the OEP writes in its report, “*frequent or prolonged discharges of untreated sewage pose significant environmental risks, such as damage to ecosystems, degradation of water quality, harm to biodiversity, and create*

⁴ <https://www.theoep.org.uk/news/oep-finds-there-have-been-failures-comply-environmental-law-relation-regulatory-oversight>

risks for human health and recreation. Effective regulation is therefore essential to protect waterbodies and the communities that depend on them.”

The report on Defra makes three recommendations which includes that there should be monitoring of the implementation of the SODRP requirements through Environment Agency permitting. It also required the EA update its Guidance to water companies for CSOs and review the Storm Overflows Assessment Framework (SOAF 2025) every five years as well as dealing with CSOs discharging outside of properly defined ‘exceptional circumstances’ where “BTKNEEC”, is misapplied.

The EA has the tools to properly regulate and enforce for the purposes of achieving GES. It just needs the will and resources to do so.

Question 23: Is the balance right between taking short term solutions and considering longer, more nature friendly solutions?

Question 24: How can new data and technologies help to address pollution from water industry wastewater?

There must be full publication in real time of all sewage treatment and discharge data as well as abstraction records and data.

Pollution for abandoned mines - South West and Northumbria River Basin Districts

Question 25: What can be done to address pollution from abandoned mines in these river basin districts?

State of nature decline

Question 26: What do you see as the biggest opportunities and barriers to scaling up and accelerating nature recovery through these approaches?

How could these challenges be overcome (are there good examples we can learn from)?

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Question 27: What data and information do you need to target investment and action to deliver wildlife-rich water habitat and benefits for water-dependent species (locally and on a larger scale)?

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Question 28: What actions are needed to enable the recovery of estuarine and coastal environments, ensuring they deliver long-term benefits for biodiversity and climate resilience, while supporting thriving coastal communities?

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Local Partnerships

Question 29: How can local delivery partnerships be strengthened to better achieve priority outcomes in the water sector, while preserving their unique local relevance?

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Question 30: What information, guidance, or tools do local partnerships need to drive action towards a healthier water environment with broad environmental, social, and economic benefits?

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Supporting information: Strategic Environmental Assessment scoping reports

The Strategic Environmental Assessment scoping reports are available on the following government web site:

<https://www.gov.uk/government/publications/strategic-environmental-assessment-of-river-basin-management-plans-scoping-reports>

Question 31: Do you agree that we are focussed on the potential environmental effects?

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Some questions above seem to suggest that there are wider aims than the WFD targets

Question 32: Is there any other information that we should be considering as part of the assessment?

Evidence

Question 33: Let us know if there is an issue you consider significant which hasn't been covered in this consultation (tick box that applies or add under 'other')

Fine Sediment

Plastics

Microplastics

Pollution from abandoned mines

Pollution from private domestic treatment plants

Other:

About you

Please tell us some information about you before you submit your response. This will allow us to ensure your response gets to the right people and let us contact you when our response document is published.

Privacy Notice

The Environment Agency would like to keep you informed about the outcomes of the consultation. If you would like to receive an email acknowledging your response and to let you know that the consultation response document has been published, please provide your email address with your response.

By giving us your email address, you consent for us to email you about the consultation. We will keep your details until we have notified you of the consultation response document publication. You can additionally advise us you would like to be informed about future river basin planning publications. We will keep you on a list for this purpose until the updated river basin management plans are published, planned for 2027.

We will not share your details with any other third party without your clear and full consent, unless required to do so by law.

You can withdraw your consent to receive these emails at any time by contacting us at RBMPconsultation@environment-agency.gov.uk

The Environment Agency is the data controller for the personal data you provide. For more information on how we deal with your personal data please see our [personal information charter](#) on GOV.UK.

Please contact the Data Protection team at dataprotection@environment-agency.gov.uk for more information.

Your information and how we'll use it

We will not publish names of individuals or personal data. We will publish the name of the organisation for those responses made on behalf of organisations.

We will publish a summary of responses on our website in which we will publish the name of the organisation for those responses made on behalf of organisations.

For more information see our [Personal Information Charter](#).

‘About you’ question 1: When we come to analyse the results of this consultation, it would help us to know if you are responding as an individual or on behalf of an organisation or group. Please select from the following options

Responding as an individual

Responding on behalf of an organisation (Please specify which organisation or group and include what type it is, e.g. business, environmental group, etc)

Other

Name of organisation or group:

WildFish

‘About you’ question 2: What is your email address?

If you provide us with your email address, we will be able to follow up with any enquiries relating to your response. This could be seeking clarity or asking for evidence you have recommended we review. If you do not wish any further contact, leave the email address blank.

Email address:

justin@wildfish.org

We notify individuals and partners when we publish river basin planning consultations (as well as our consultation response documents) and updates to the plans. If you would like to be added to a list of those notified, please tick the box below. If you leave it unticked, we will assume you do not want further notification.

Please add me to the notification email list

‘About you’ question 3: Please select which river basin district your response to this consultation applies to (you can select more than one or submit a national response by selecting 'England').

(Required)

- | | |
|--------------------------------------|---|
| <input type="checkbox"/> Anglian | <input type="checkbox"/> South West |
| <input type="checkbox"/> Humber | <input type="checkbox"/> Thames |
| <input type="checkbox"/> North West | <input type="checkbox"/> Dee (English part) |
| <input type="checkbox"/> Northumbria | <input type="checkbox"/> Solway Tweed (English part) |
| <input type="checkbox"/> Severn | <input checked="" type="checkbox"/> England (all river basin districts) |
| <input type="checkbox"/> South East | |

You can identify what river basin district you are in by using the [interactive map](#) on the catchment data explorer (opens in new window).

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it.

‘About you’ question 4: Are you happy for us to publish or quote your response? We will not publish any personal information or parts of your response that will reveal your identity.

Yes

No

‘About you’ question 5: Finally, it would really help us if you let us know where you found out about this consultation.

- Advert in newspaper
- Email from the Environment Agency
- Government website
- Internet search
- Through engagement with Environment Agency
- Other (please specify below)

Submit consultation

Once you have completed this form, please send it via e-mail to RBMPconsultation@environment-agency.gov.uk

Alternatively, you can post it to:

Dave Trewolla,

RBMP Programme Manager,

Environment Agency,

Sir John Moore House,

Victoria Square,

Bodmin,

PL311EB.

The closing date for receipt of your comments is 20 May 2026.