

Brexit - Will the UK return to  
being the "Dirty Old Man" of  
Europe - transnational  
environmental regulation in the  
UK.

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In the 70's and 80's there was a growing awareness of the trans-national aspects of environmental pollution

“Acid rain” – emissions from coal powered power stations from western Europe damaging forests in central Europe.



Previously environmental pollution had been taken to be a local/national issue.

Growth in transnational environmental NGOs and in the science behind ecological damage.

Concept of transnational environmental protection –  
Convention on Long-Range Transboundary Air-Pollution  
1979 -32 countries (EU/US/Canada)



A model for effective international environmental cooperation, bringing together scientists and policymakers to solve complex transboundary problems

# UK in the 70/80' s

- In 60's water management very fragmented – severe drought and floods – resulted in change.
- Water Act (1973) - 10 new regional water authorities (national government and local authority appointees).
- Regional control – integrate water supply and sewerage service, resource management.
- Discharge permits and river quality monitoring (compliance checking)
- Finance – cost recovery basis.
- 70/80's economic instability, insufficient investment especially for environmental protection.
- By 1982 capital expenditure in the RWA had dropped to 50% of 1974 levels.



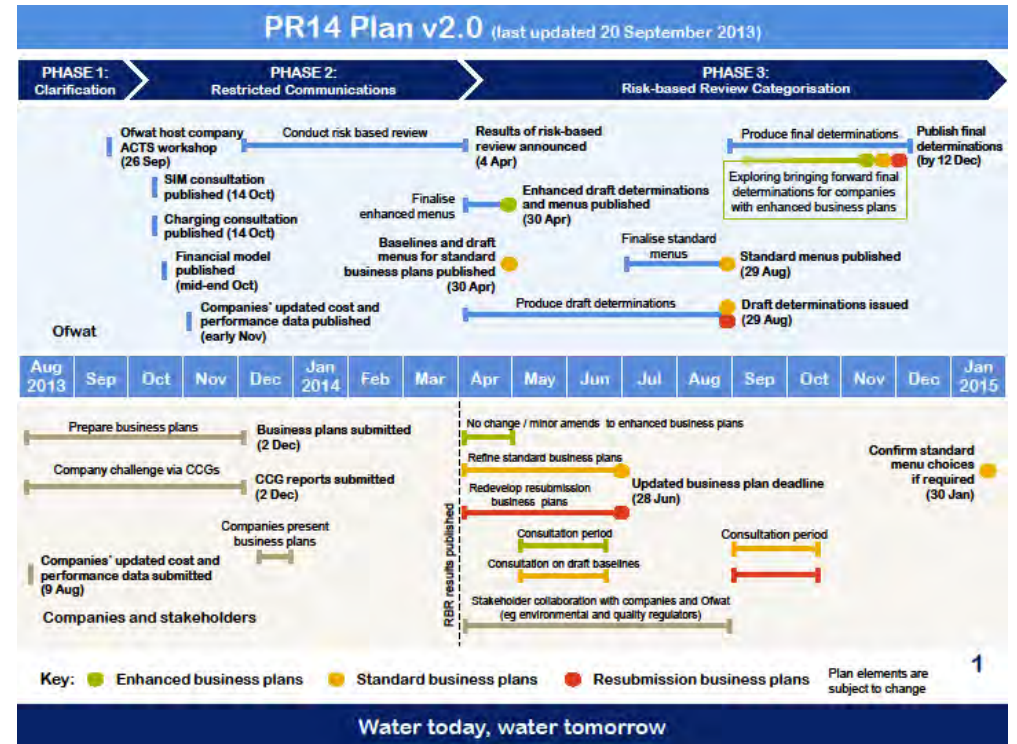
# UK in the 90's

- In 1990 Water Companies in the UK were privatised
- The reason was to take the requirement for funding to improve assets, improve service and better improve the environment would not be paid by taxpayers.
- Water Companies derive their income from customer charges + borrow on the private equity markets – no more government borrowing!
- All companies are monopolies and are regulated
- Drinking Water Inspectorate (formed in 1990)
- OFWAT – Water Service Regulation Authority (reformed in 2006)
- Environment Agency (formed in 1996)
- Five year planning and investment cycles (AMP)



# Water Companies in the UK

- Every five years, OFWAT set limits on the prices which water companies in England and Wales can charge to their customers; this process is known as a Price Review.
- Informed by the EA's Water Industry National Environment Programme.
- The price reviews lead into agreed 5 year program - Asset Management Plans – includes agreed investment in environmental protection
- AMP6 (2020-2025) less bias to capital projects, more total expenditure approach, use of ODI, encouragement of innovation.



# Regulation Driven by Europe



- Environmental regulations are determined via European Directives
- National Governments then transcribe these directives into legislation and regulations
- Urban Wastewater Treatment Directive
- Bathing Water Directive
- Habitats Directive
- Flooding Directive
- Water Framework Directive

## Regulation Driven by Europe (2) – Historical Changes

- Urban Wastewater Treatment Directive (1991)

Article 3 of the EC Urban Wastewater Treatment Directive (UWWTD) requires member states to ensure that agglomerations with a population equivalent of 2,000 or more are provided with sewerage collection systems. The directive acknowledges that it is impractical to construct collecting systems and treatment works to treat all waste water during periods of heavy rainfall.

It places responsibility on member states to decide on measures to safely convey the sewer flows and to limit pollution to receiving waters.

- Water Framework Directive (2000)

The purpose of this Directive is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater which:

(a) prevents further deterioration and protects and enhances the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems and wetlands directly depending on the aquatic ecosystems;

(b) promotes sustainable water use based on a long-term protection of available water resources;

(c) aims at enhanced protection and improvement of the aquatic environment, inter alia, through specific measures for the progressive reduction of discharges, emissions and losses of priority substances and the cessation or phasing-out of discharges, emissions and losses of the priority hazardous substances;

# Consequences in the UK

- 1990-2000 £9.2Bn in WwTP
- Significant focus on CSOs and consequent pollution 2000 onwards
- Discharge consents based on evidence
- New modelling codes of practice
- New modelling tools
- Regulations on aesthetic solids
- Urban Pollution Manual
- Monitoring of CSOs, better reporting mechanisms
- In 2009, 80 per cent of English rivers were of “good” chemical quality – 56% in 1990



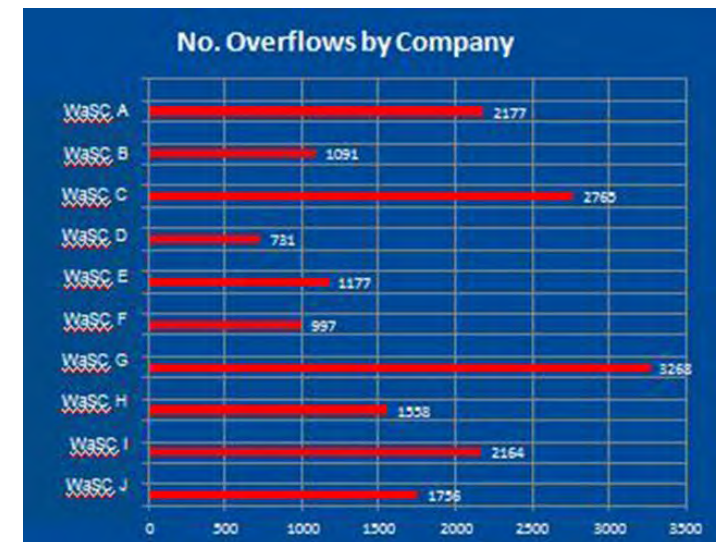
New Regulations - “Causes significant visual or aesthetic impact due to solids, fungus;

- causes or makes a significant contribution to a deterioration in river chemical or biological class;
- causes or makes a significant contribution to a failure to comply with Bathing Water Quality Standards for identified bathing waters;
- operates in dry weather conditions;
- operates in breach of permit conditions provided that they are still appropriate;
- causes a breach of water quality standards (EQS) and other EC Directives”

## Ministerial Direction

Richard Benyon to Water and Sewerage Company CEOs  
July 2013

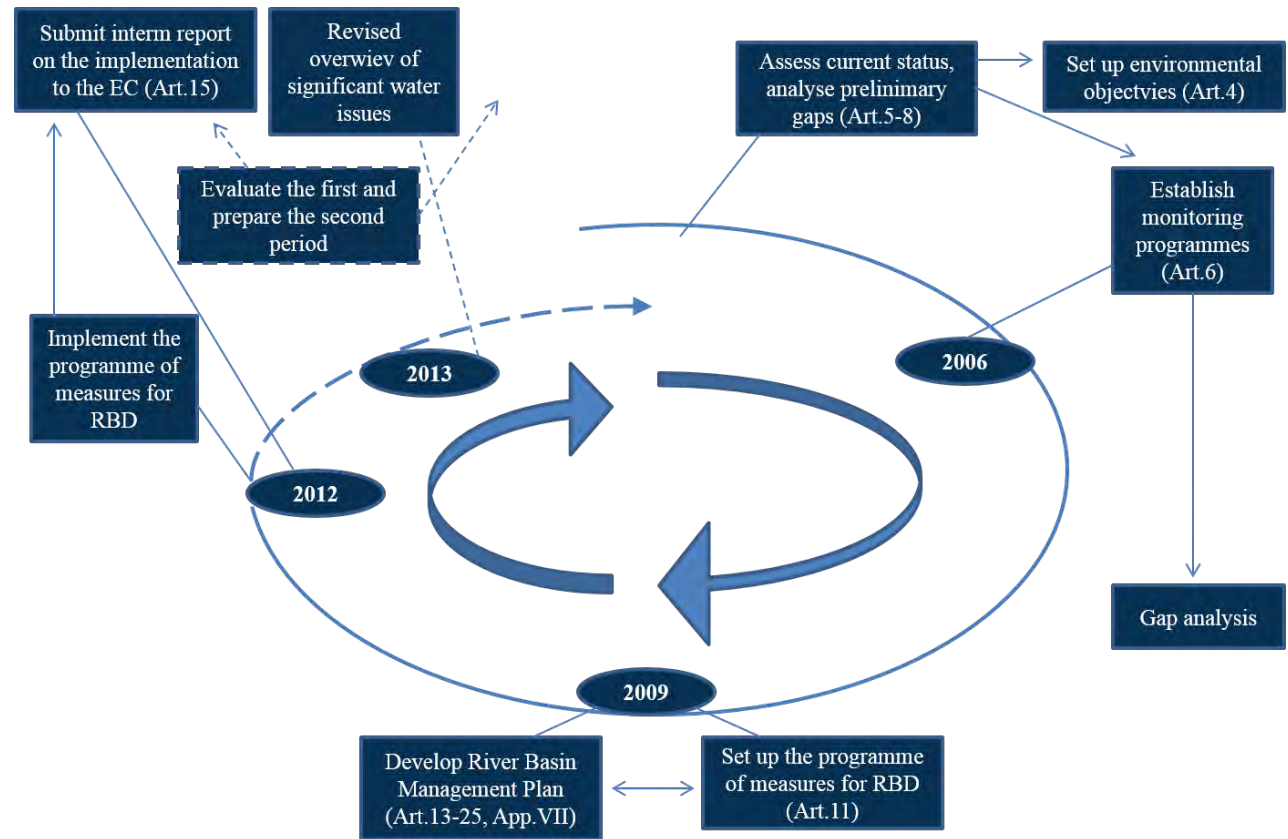
“-- water company understanding where its CSO assets are and how they are performing is a basic element of sound sewerage management”  
“I believe that water companies need to introduce monitoring for the vast majority of their CSOs by 2020.”





# “Popular” UK view of EU Directives

- Complex (UK highly centralised country)
- Additional cost burden - regulatory and compliance costs
- Others do not follow the rules
- Infractions were made to be unpopular – (British – (English?) exceptionalism), but always complied with.



Water Framework Directive – 1<sup>st</sup> Management Cycle Timeline

Example of infraction proceeds against UK, was for not providing an appropriate collection system in London – led (eventually) to the construction of the Thames Tideway storage tunnel £4.9Bn

# The Future for the UK – Danger of Divergence

What is the desire for the UK Government to diverge from existing EU directives on water pollution?

Michael Gove told MPs that the opportunity for ministers to set different standards to those enforced by the bloc would “unquestionably” lead to tougher regulations being introduced, claiming that many “pro-leave” politicians took their stance in the 2016 referendum partly due to the appeal of setting stricter controls than the EU.

“Being different can sometimes mean being better,” Gove explained, citing Norway as an example of a European country which did not rely on the bloc for its strict environmental governance protocols.

“Leavers did not automatically advocate for diversion out of a desire to lower standards.”



Michael Gove  
Chancellor of the Duchy of Lancaster (from July 2019)  
Secretary of State for Environment, Food and Rural Affairs from June 2017 to July 2019

# The Future for the UK – some final thoughts

- The Brexit process has been a debilitating one for the country.
- Many of the civil servants tasked with developing and implementing environmental protection policies have been seconded to other Departments to support more urgent policy areas.
- The water companies are well resourced and have a “comfortable” existence – 5 year Asset Management Plan cycle, reasonably good relations with both regulators – Ofwat and the Environment Agency. Coherent and well understood planning cycle.
- Generally strong “grass roots” support for environmental protection. Open data enhances visibility

However

- There is strong political will to demonstrate “divergence”, but no indication yet that environmental standards in water pollution is going to be an area of divergence.
- Agriculture is likely to be impacted by Brexit – the UK has “solved” point sources diffuse pollution is our challenge.



[www.sas.org.uk/map/](http://www.sas.org.uk/map/)