

Julie James SM,
Minister for Climate Change
By email: Correspondence.Julie.James@gov.wales

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21 January 2022

Dear Minister,

A dying river? The state of the River Usk

I would like to draw your attention to the deplorable condition of the river Usk, one of Wales's principal rivers, designated as a Special Area of Conservation but whose ecology is deteriorating including protected habitat and species. Its condition is, I fear, indicative of Welsh rural rivers more widely, and part of the Nature Emergency recognised by the Senedd last year. I am writing to request urgent and effective action to address the various factors driving the decline.

In November last year, I wrote to Sir David Henshaw, Chair of Natural Resources Wales, sending a detailed report: *'A dying river? The state of the River Usk'* (letter and report are attached to this email). The management of our rivers, most recently by NRW, has failed to meet its objectives. An updated classification of water bodies under the Water Framework Directive was published late last year. This indicates a 3 percent increase across Wales in the number of water bodies achieving 'Good' status since 2015. Even if accurate, it is a pitiful rate of improvement, especially as a designation of 'Good', as opposed to 'High', can be far from a satisfactory condition for our most important rivers which are Special Areas of Conservation (SACs). SAC features including iconic species such as the salmon and the otter are all in unfavourable status across Wales.

A sea change in approach is required. As noted by the Future Generations Commissioner last year in relation to biodiversity loss: *'It is not too late to make a difference, but only if we start taking action now.'* Continuing with 'business as usual' means further deterioration in water quality, loss of biodiversity and reduced quality of life and economic potential for the Welsh people.

I received a response to my letter from Sir David (also attached to this email). This told me little that I did not already know. While outlining the work it is doing and has planned, it did not indicate that the necessary scale or speed of action would or could be made. It points to a lack of resources, inadequate regulations, and a need for others to do their share. While these are valid points, NRW does not recognise that it is, itself, a major part of the problem and solution. It has been particularly ineffective as a regulator, a role which cannot be delivered by others. There seems to be a shocking complacency among some senior managers.

I offer some suggestions for the Welsh Government to help stimulate the necessary action. These are focussed on the needs of the River Usk but would have wider relevance to all the rural rivers of Wales:

- 1. Press Ofwat, and direct NRW to press Ofwat, to enable funding of improved sewage treatment and infrastructure at the earliest opportunity.** In particular, the phosphate

stripping from effluents to the Usk is urgently needed, even more than malfunctioning storm water overflows. Having discussed the problem with Welsh Water executives, there is no lack of willingness to act but they do need support. As a not-for-profit company Dwr Cymru Welsh Water does not have to pay dividends to shareholders. Consequently, its charges to customers are low relative to both pre-privatisation and other water companies. Dwr Cymru Welsh Water has also found a willingness-to-pay amongst customers for environmental improvements though clearly vulnerable customers should continue to be helped.

2. **Direct NRW to address pollution by agriculture through 'robust enforcement to ensure compliance' through a well-publicised national campaign.** In your remit letter to NRW for 2019/20, you made such a direction. NRW has advised me that though there are 26,000 farms in Wales, there were no successful prosecutions relating to agricultural pollution in 2019. One offender was offered and accepted a caution. There have been fewer than half-a-dozen prosecutions for such offences flagged in NRW news releases since then and none relating to the Usk catchment.
3. **Ensure that NRW is adequately resourced to deliver its duties including monitoring, investigation, enforcement and publicity.** The long-term reduction in funding for NRW and its predecessors has left NRW short of staff with the requisite skills.
4. **Extend existing agricultural regulations to cover shortfalls in the legislation for Wales.** Regulations are needed to address excessive sediment due to soil erosion and the nutrients and chemicals it carries. A regulation to address soil erosion has been in place in England for years, S.10 in The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018: <https://www.legislation.gov.uk/uksi/2018/151/made> .
5. **Stimulate more work, especially in the uplands, to 'slow the flow' from increasingly extreme rainfall.** Research indicates that peak flood flows in the Usk have already increased by 13 percent or more reflecting climate change and land use, and this problem is getting worse. Aside from ameliorating ecological damage, such measures would of course reduce flooding.

This is not a comprehensive list and I hope that you will also be reviewing the recommendations of the Environmental Audit Select Committee at Westminster:

https://ukparliament.shorthandstories.com/river-water-quality/index.html?utm_source=web&utm_medium=inquiry-page&utm_campaign=water-quality-report&utm_content=organic

While this report relates primarily to English rivers, recognising that environment matters are devolved, there are, I suggest, lessons for Wales. Increasing public concern about the state of rivers is not confined to England.

Success should be defined not by activity or expenditure but by results. NRW's second State of Natural Resources Report in 2020 painted a dire picture of the health of Wales's rivers, notably those most protected as Special Areas of Conservation. Without change, at scale and pace, there seems to be little chance of improvement in time for the next report or even the report after that.

Our rivers are in your hands.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G Mawle', written in a cursive style.

Guy Mawle, BA, MSc, PhD, FIFM, CEnv

Enc:

Report: 'A dying river? The state of the River Usk'

Letter to Sir David Henshaw, NRW, sent 15 November 2021

Response from Sir David Henshaw, NRW, received 8 December 2021

cc:

Lesley Griffiths, Minister for Rural Affairs and North Wales, and Trefnydd

Sophie Howe, Future Generations Commissioner

Audit Wales

Sir David Henshaw, Chair, NRW Board