

**A CASE  
FOR  
BRAID**

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grayling this  
winter

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**MAKING  
THE MOST OF  
HEN HACKLES**

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The fight, the agony  
and the triumph

**A lake for all seasons**

Acrobatic rainbows from a spring-fed stillwater



# STILL UP THE CREEK

The Environment Act will fail to end the sewage scandal, warns Simon Cooper



**D**O YOU REMEMBER THE AUTUMN OF 2021? When the forces of the public and the media revolted against the scourge of river and coastal sewage pollution. Tory MPs rebelled in the voting lobby. Social media erupted. Feargal Sharkey, punk rocker turned campaigner, became our poster child. 400,000 incidents annually totalling 6.1 million hours of odious output. Whoever knew?

Well, a few did but mostly this was the huge, dirty secret of the water industry and regulators. But suddenly we all knew. And we were, rightly, appalled. Action was called for, which came in the form of amendments to the Environment Bill that was, coincidentally, working its way through parliament. The penny had dropped. Saving the planet was finally going to include saving our rivers. Six months on, can we look forward to sewage-free rivers any time soon? Sadly, I believe the answer is no.

I assumed, wrongly as it turns out, the Environment Act would impose upon water companies obligations to reduce and finally end sewage pollution, enforced by law with the threat of massive financial penalties. But the Act does little more than set out a roadmap of aspiration. Let me explain its essential weaknesses.

There are four stakeholders in this sewage potpourri: the government, the water companies, Ofwat and the Environment Agency (EA). The government claims it has a plan and will publish a statutory report ahead of any action. What this will say and when, who knows, but bearing in mind it's the government that has got us in this mess in the first place it is probably optimistic to expect anything substantive any time soon.

The water companies will be obligated to create a monitoring and testing regime for sewage output, recording when, where and how much goes into rivers. Two things stand out from this requirement. Firstly, in evidence to a parliamentary committee last summer

water company CEOs were doubtful how soon this could be achieved. Why this is so difficult given the sewage is coming out of their pipes at the times of their choosing, I can't tell you. But worse, these water companies, some with an appalling record of illegal dumping, will be both poacher and gamekeeper, responsible for monitoring their own pollution.

Resolving the sewage problem is going to cost money, a lot of it, which is where Ofwat, the regulator that essentially sets prices and profits comes in as the government will be asking it to incentivise water companies to invest. The weasel word here is invest. Some might call it catching up for lost time, spending money on infrastructure that should have been spent in the 30 years since privatisation.

And finally, there is the EA. Ultimately it will be a robust testing regime and sanctions that will reform the current dreadful situation that sees just one in six of our rivers currently classified as clean. But the EA record in this respect is catastrophic. In 1990, under the guise of its predecessor, the National Rivers Authority, prosecutions for pollution were a shade under 300. Since then, the graph has been on a downward trajectory, to 24 in 2019.

So, there you have it: we won the PR battle but lost the war. The Westminster blob, shapeshifter that it is, has realigned the rules but only to maintain the sewage status quo. It's a travesty so much effort has resulted in so little change but those of us who care will regroup to fight another day. It took 40 years to ban farming's organophosphates, which were killing our raptors and otters. I suspect the sewage fight against similarly vested interests will be every bit as long and hard. ■

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