

Liberal
Democrats 

**Are you
drinking what
we're drinking?**

**Water Industry
Spokesperson's
Paper**

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Table of contents

1 Introduction.....	3
1.1 The Problem.....	3
2 Reforming the water companies.....	5
2.1 Introduction.....	5
2.2 Public benefit corporations.....	5
2.3 Adding environmental groups to water company boards.....	6
2.4 Creating 'mutual' companies to manage key assets.....	6
3 Strengthening regulation.....	8
3.1 Introduction.....	8
3.2 Abolishing Ofwat.....	8
3.3 Enhancing the powers regulators.....	9
3.4 Local authorities.....	11
3.5 Public Regulators.....	11
4 Protecting the Public.....	13
4.1 Introduction.....	13
4.2 Increasing Monitoring.....	13
4.3 Compensation.....	13
4.4 Water social tariff.....	14
4.5 Retrofitting.....	14
5 New legislation.....	15
5.1 Introduction.....	15
5.2 Sewage Tax and bonus ban.....	15
5.3 Bathing Waters.....	15
6 Conclusion.....	17
Acknowledgements.....	18

1 Introduction

1.1 The Problem

- 1.1.1 In the UK there are 13 regional “water and sewerage” companies; there are also several smaller “water only” companies. Water only companies supply water, whilst water and sewerage companies also take sewage away.
- 1.1.2 All the companies that cover England exclusively are privately owned. Dŵr Cymru (Welsh Water) is run on a not-for-profit basis. Scottish Water is owned directly by the Scottish government, as is Northern Ireland Water.
- 1.1.3 Ofwat regulates the Welsh and English water companies, not least by issuing licences to permit them to operate. Ofwat also approves the 5-year plans set out by water companies; these are plans outlining both planned investment as well as expected consumer bills. The Water Industry Commission for Scotland is the equivalent regulator for Scotland.
- 1.1.4 The Environment Agency (EA), Natural Resources Wales (NRW) and Scottish Environment Protection Agency (SEPA) are responsible for environmental regulation, and in particular river health.
- 1.1.5 This paper will primarily focus on England’s water companies.
- 1.1.6 England’s water system is at risk of ceasing properly to function; water companies are responsible for the dumping of sewage into rivers, lakes and coastlines.
- 1.1.7 The mechanism by which such dumping occurs is via the relief valves known as storm overflows. Between 2020 and 2022, England’s water companies have used storm overflows over 1 million times over 7.5 million hours. The problem is not limited to England’s privately-owned water companies; in Wales storm overflows were used over 287,000 times for nearly 2.3 million hours, while publicly owned Scottish Water used storm overflows 37,000 times for over 400,000 hours. Mass sewage discharge is endemic.
- 1.1.8 Increased monitoring of these discharges has highlighted the extent of the problem. In 2023 the vast majority of storm overflows were successfully monitored in England and Wales. In Scotland however there is presently no such requirement.
- 1.1.9 The impact of these discharges has nonetheless been dramatic. Just 15% of England’s rivers are in a “good” ecological state, albeit agricultural ‘run-offs’ have also contributed to their pollution.

- 1.1.10 Despite water shortages becoming more common, water companies continue to lose millions of litres of water every day through leaks.
- 1.1.11 Ultimately, water companies (of all ownership structures) have failed to invest in the infrastructure of water delivery. Whilst this has helped keep water bills relatively low, it has come at a tremendous environmental cost. Ofwat has permitted water companies not to make the required investment in the water system; no reservoirs have been built in England and Wales since the early 1990s.
- 1.1.12 Meanwhile English water companies have made significant profits, paid out to shareholders. This was money that could and should have been reinvested into the system; Ofwat did nothing to limit these profits.
- 1.1.13 At the time of privatisation, water companies were debt free, but in the years since then, that debt has grown to £54 billion. Meanwhile, in the same period, water companies have paid at least £66 billion in dividends to shareholders. Many water companies are on the brink of collapse: Thames Water may run out of money by April 2024.
- 1.1.14 Furthermore, water scarcity is likely to rear its head as the influence of climate change on our ecosystem grows; the water industry is not presently prepared for this.
- 1.1.15 In short, the water industry needs fundamental reform. This policy paper will detail some of those reforms.
- 1.1.16 The impact of agriculture and other sources of pollution on our rivers, lakes and coastal waters was addressed in Policy Paper 154 – *Food and Farming* and Policy Paper 155 – *Tackling the Nature Crisis*.

2 Reforming the water companies

2.1 Introduction

- 2.1.1 There are 10 combined water and sewerage companies in England, as well as 10 water-only companies. Many of these smaller companies are owned by the larger water companies.
- 2.1.2 Additionally Welsh Water supplies parts of the West Midlands. Otherwise, the companies providing and controlling England's water are in private hands.

2.2 Public benefit corporations

- 2.2.1 Liberal Democrats do not believe renationalisation is a silver bullet. While it is clear that privatisation of the water industry was a Conservative-led national mistake, renationalisation would be an expensive distraction. The day after nationalisation water companies would still be dumping sewage and losing millions of litres of water through leaks. Privatisation has failed to deliver investment, but it is also clear that there has been regulatory failure too.
- 2.2.2 Liberal Democrats are therefore calling for a new model for water companies. The English water companies must be transformed into Public Benefit Corporations. This would mean that public benefits would have to be considered explicitly in how the water system is run. This model is deployed in 36 states across the USA and is a well-established model from which the UK could learn.
- 2.2.3 A public benefit corporation must write into its articles of association that their purpose is to pursue particular environmental, social or public objectives to be recognised as such.
- 2.2.4 The regulator would then oblige the water company to keep to those objectives, as part of the regular 5-year price review. Liberal Democrats propose such purposes should include seeking to make no more than a reasonable rate of return necessary to support its ongoing operations, as well as environmental commitments.
- 2.2.5 Anglian Water has already made similar changes along these lines¹. Liberal Democrats suggest the public benefit model must be strengthened to ensure that water companies make environmental concerns central to their efforts..
- 2.2.6 Liberal Democrats also support those companies which wished to mutualise.
- 2.2.7 Water bills must be reformed to make clear to the bill payer where their money is going. Easily comprehensible summaries, constructed similarly to how tax bills are sometimes

¹ Anglian Water – [Anglian Water becomes first water company to embed public interest at its core](#) – July 2019

explained, would assist. These summaries should also include key information on leakage, and justifications for difficult decisions (for example, implementing a hosepipe ban).

2.3 Adding environmental groups to water company boards

- 2.3.1 Local environmental groups have led the way in highlighting the damage being done to our rivers, lakes and coastlines. The former frontman of the Undertones rock band, Feargal Sharkey, is also a leading campaigner, trying to save rivers from sewage.
- 2.3.2 Liberal Democrats call for representatives of these groups to be added to water company boards. This would further ensure that protecting the environment is central to key decision-making.
- 2.3.3 Local groups would hear first-hand how bad the problem is and be able to push for greater transparency. Alongside this, from within the 'machine', these campaigners would better understand the problems water companies face and help resolve them.
- 2.3.4 Liberal Democrats would also add consumer representatives to water company boards too, to ensure bill payers are properly represented.

2.4 Creating 'mutual' companies to manage key assets

- 2.4.1 Liberal Democrats believe greater reform in the water industry is essential to dealing with long-term structural debt.
- 2.4.2 The Liberal Democrats propose considering the extraction of some water company assets and handing them to a mutual company. All company "profits" could be reinvested back into the system. This debt free company would also be able to raise capital for further investment.
- 2.4.3 Such a change would provide openings for local authorities and/or environmental groups to take over such assets. Mutualisation could also offer an appropriate way to deal with other environmental concerns, such as National Parks or designated bathing water places.
- 2.4.4 Liberal Democrats suggest the creation of mutual companies in environmentally sensitive areas, such as Windermere in the Lake District, which has been polluted by United Utilities. Such smaller mutual companies could test the effectiveness of the 'mutual' model more widely.

3 Strengthening regulation

3.1 Introduction

- 3.1.1 Regulators have repeatedly let water companies off the hook when it comes to sewage dumping and water leaks, while their strict investment rules also work to prevent the industry innovating.
- 3.1.2 For example, if the best way to improve river quality is for a water company to pay a farmer to establish a new margin at the edge of their field and thereby prevent agricultural run-off, this must be incentivised.
- 3.1.3 We believe that a 'whole catchment' approach is vital to clean up our rivers, lakes and coastlines. It would allow companies and the government to target investment to cut down pollution and restore our waterways. However, it is for the regulator to ensure that this approach tackles pollution meaningfully; water companies should not use such an approach as an excuse to "greenwash".
- 3.1.4 We also need to ensure that when water companies are treating water, they remove pathogens or bacteria, which is not currently a requirement. Liberal Democrats would invest in research and development of new technologies to screen out pathogens and bacteria from our water.

3.2 Abolishing Ofwat

- 3.2.1 Ofwat must be abolished. Ofwat has failed to hold water companies accountable for their actions and instead seems to greet modest improvements with great fanfare. Ofwat has also permitted the owners of water companies to render them functionally insolvent. For example, the present, highly-indebted, state of Thames Water is largely the result of the period when it was owned by funds overseen by Macquarie. Despite its clear failures, a Macquarie fund has recently been permitted by Ofwat to acquire Southern Water.
- 3.2.2 The Government must provide an independent water regulator which keeps consumers' bills low whilst also forcing water companies to invest in the system. Ofwat's current powers and duties under the Water Industry Act 1991 are insufficient.
- 3.2.3 One of Ofwat's key duties presently is allowing water companies to secure "reasonable returns on their capital investment." By contrast, Ofwat's environmental duties fail to include any requirement to maintain or improve water quality.
- 3.2.4 Ofwat has thus set unambitious targets for water companies to improve their environmental performance or to reduce the amount of water lost through leaks.

3.2.5 The Liberal Democrats demand a new "Coastal, Rivers and Lakes Authority". This regulator would take on relevant powers from the Environment Agency and work with Natural Resources Wales to replace Ofwat.

3.3 Enhancing the powers of regulators

3.3.1 Another key regulator of our waterways is the Environment Agency. Its budget has suffered significant cuts since 2015; its ability to improve water quality has therefore been curtailed. In our 2019 manifesto we called for *"Increas[ing] the budget for the Department for the Environment, Food and Rural Affairs, ensuring that agencies such as Natural England and the Environment Agency are properly funded."*²

3.3.2 Liberal Democrats would ensure that these funding cuts are reversed and that the Coastal, Rivers and Lakes Authority is properly funded; it must be able to enforce existing legislation, and have sufficient resources to increase monitoring of rivers, lakes and coastlines. The current system of "self-monitoring," where water companies essentially mark their own homework, must end. Unannounced spot checks must be part of the new regulatory framework.

3.3.3 The Environment Agency has also said that water company executives should be directly responsible for pollution targets and, if they fail to meet them, should face the threat of imprisonment.³ Liberal Democrats agree. The Coastal, Rivers and Lakes Authority must have powers to fine top executives when companies repeatedly fail to uphold the law. The Coastal, Rivers and Lakes Authority should be able to pass the most flagrant cases of illegal water company management to the Crown Prosecution Service. The severe penalties for directors who transgress regulation in the online sector should be replicated for the water industry.

3.3.4 The Coastal, Rivers and Lakes Authority will be open to innovations proposed by the water companies. Proposals will be looked at on their merits.

3.3.5 The Coastal, Rivers and Lakes Authority should be required to consider nature-based solutions alongside conventional engineering options. Such proposals should take into account the wider benefits of a given scheme to biodiversity, ecology and the climate.

² [Liberal Democrat General Election Manifesto](#) - 2019

³ The Guardian - [Jail water firm bosses over 'appalling' pollution, says Environment Agency](#) - July 2022

- 3.3.6 This new authority will work with water companies to produce a 25-year infrastructure plan for the water industry; these plans should be reviewed every five years. Such a move would provide long-term investment, certainty and complement the move to a whole catchment approach.
- 3.3.7 A Passport System, used to test managerial ability, experience and financial strength of potential water company directors, as in the rail industry, would help to ensure high standards of governance.
- 3.3.8 Liberal Democrats would legislate to ensure the Coastal, Rivers and Lakes Authority has the power to remove licences without having to give 25 years' notice to water companies.
- 3.3.9 Natural Resources Wales and the Scottish Environment Protection Agency must also be properly funded to hold water companies to account.

3.4 Local authorities

- 3.4.1 Local councils need greater powers to hold water companies accountable, from fixing leaks which damage roads and homes to preventing sewage polluting rivers.
- 3.4.2 Local councils should have the power to partner and form new "water boards". This would be most effective at a county council level, alongside groups of unitary authorities too. These boards could also include representatives from environmental and consumer groups.
- 3.4.3 These boards would not only hold water companies to account, but also work closely to create catchment partnerships which could force water companies to address local issues. As well as identifying and fixing issues, these boards would improve flood water management; Thames Water's partnership with local authorities in the Thames Valley could form the basis of a model for such arrangements.⁴
- 3.4.4 These boards could set targets for cleaning up local rivers, lakes and coastlines, as well as reducing leaks, and ensuring water companies' policies align with the public's priorities. Any failure to meet these targets should have a direct effect on the salaries and bonuses paid to directors and senior staff of water companies. These boards should work closely with the Coastal, Rivers and Lakes Authority. These boards could also make the case to designate new bathing waters.
- 3.4.5 Local authorities and water companies must work together to ensure that our cities and towns can be turned back into 'sponges' which naturally absorb rainfall, rather than letting large quantities of water runoff into rivers. Regulations should ensure that sustainable drainage systems are installed in new properties and that changes to existing properties do not cause increased use of storm overflows.

⁴ Thames Water – [Thames Water partners with local councils to improve surface water management](#) – December 2020

3.5 Public Regulators

- 3.5.1 Water companies are not transparent. Currently, water companies are not subject to Freedom of Information (FOI) requests and instead only need to respond to much narrower Environmental Information Requests. The Liberal Democrats would legislate to make water companies subject to FOI rules, as well as other private companies which operate natural monopolies.
- 3.5.2 In the US, the WaterKeepers Alliance and the Natural Resources Defense Council have used legal action and the threat of legal action to keep rivers clean. A similar mechanism could work in the UK, where private citizens as well as charities and other groups should have the right to take a polluter to court and receive a portion of the fine as a bounty for a successful prosecution. The money could then be used by successful individuals and groups to clean up waterways.
- 3.5.3 We also believe that a small proportion of water company revenue should be used to fund environmental reporters, similar to those used by the Local Democracy Reporting Service, set up by the BBC to fill a gap in local reporting. These "sewage sleuths" would help hold the water companies to account.

4 Protecting the Public

4.1 Introduction

- 4.1.1 The public are now more aware than ever of the damage that is being done to our waterways. Much more needs to be done to protect the public from this damage.
- 4.1.2 We believe our policies would negate the need for significant bill increases by ensuring that shareholders increase investment. Our new public benefit model and increased regulation, alongside new 25-year investment plans will help with this. A new social tariff and a retrofitting programme would also ensure bills are kept low.

4.2 Increasing Monitoring

- 4.2.1 One of the few successes in the water industry has been the installation of monitors on storm overflows, which means we now know the number of spills and how long they have lasted.
- 4.2.2 Liberal Democrats would go further, as monitors come to the end of their lives, we would mandate replacing them with monitors that measure the total volume of liquid being dumped as well as an estimate of how much in each spill is sewage.
- 4.2.3 With increased monitoring, we will learn the full extent of the problem. Water companies, too, would be better able to target investment in the most problematic areas first. We would also mandate that new monitors cover designated bathing waters and sites of environmental importance such as SSSIs. Liberal Democrats are not afraid of innovative solutions such as eDNA forming part of the solution.
- 4.2.4 Water companies must be required to be transparent about the quality of treated sewage discharges to ensure that the increased scrutiny on storm overflows does not mean problems are shifted elsewhere.

4.3 Compensation

- 4.3.1 There have been numerous anecdotal reports of people or their pets getting sick due to the discharge of raw sewage into waterways. Surfers Against Sewage have received 1,900 sickness case studies, which has led to 1,987 days taken off work due to sickness.⁵ Liberal Democrats believe that there should be a scheme in place to compensate people or their animals who have suffered direct harm as a result of the actions of water companies.
- 4.3.2 Liberal Democrats demand the establishment of a sewage illness victim compensation scheme, funded by water companies and monitored by the new Coastal, Rivers and Lakes Authority.

⁵ Surfers Against Sewage - [Water Quality Report 2023](#)

4.4 Water social tariff

- 4.4.1 The government has stated that water bills would likely go up to fund much-needed improvements in our crumbling water infrastructure. Ideally, in a reformed industry, water companies would be expected to fund much of this themselves by limiting dividends paid to shareholders.
- 4.4.2 By offering a “social tariff”, water companies already attempt to protect those less able to pay. Water companies offer their own version of a social tariff, but the criteria for qualifying is different for each company, as is the amount of support offered. The social tariff needs to be cross-subsidised by all water companies because water poverty is not spread evenly across water company regions. Liberal Democrats would introduce a single social tariff for water bills to help eliminate water poverty within the next parliament.

4.5 Retrofitting

- 4.5.1 Retrofitting older properties is vital to improving water resilience and cutting water bills.
- 4.5.2 The campaign group Waterwise estimated in 2020 that 400 million litres of water leak from UK toilets every day, which would be enough to supply 2.8 million homes.⁶
- 4.5.3 With water scarcity likely only to worsen, there must be schemes and incentives in place to help people use less water.

⁶ The Guardian - [Dual-flush toilets 'wasting more water than they save'](#) - September 2020

5 New legislation

5.1 Introduction

- 5.1.1 The Conservatives have failed to help water companies reduce the amount of water they dump via storm overflows.
- 5.1.2 Water companies have consistently called for Schedule 3 of the Flood and Water Management Act 2010 to be implemented, as it already has been in Wales. This would make water companies statutory consultees on planning developments and effectively remove the automatic right of property owners to connect to the sewerage system. Such changes would ensure new developments are better planned in relation to our water and sewerage resources, while potentially reducing the amount of surface water that ends up in the sewerage system.
- 5.1.3 Alongside this, water companies have called for a ban on wet wipes which do not meet the water industry's "Fine to Flush" standards, to reduce blockages. The Conservatives first announced a ban on wet wipes in 2018, and despite numerous consultations and announcements it has yet to be enacted.

5.2 Sewage Tax and bonus ban

- 5.2.1 Liberal Democrats have called for a sewage tax on water companies to fund the urgent clean-up of our most polluted rivers, lakes and coastal areas. This would amount to an additional 16% levy on top of corporation tax, which would have raised £340 million in 2020.
- 5.2.2 Alongside this, Liberal Democrats have called for bonuses paid to water bosses to be banned or reduced until regular sewage dumps are ended. Since 2020, water bosses in England, Wales and Scotland have been rewarded with £42 million in bonuses, benefits and incentives. Top executives should be paid bonuses only when the regulator has assessed that the right action is being taken and when a company's environmental performance is improving.

5.3 Bathing Waters

- 5.3.1 The UK lags behind the vast majority of European countries when it comes to bathing water designations. The UK has just 421 designated bathing waters; Italy has 5,529, France 3,370, Germany 2,292 and Spain 2,268.
- 5.3.2 When the number of bathing sites per 100,000 people is considered, the UK is the third-worst in Europe, with just 0.62 bathing waters per 100,000, behind only Slovakia and Romania.
- 5.3.3 Liberal Democrats believe that bathing water status should be awarded more frequently, that testing should take place regularly throughout the year – including

outside the normal bathing season (May to September) – and that the granting of bathing water status should be made easier.

- 5.3.4 The Liberal Democrats would aim to increase the number of designated bathing sites to around 1,500 by 2030. This increase in bathing water status would be combined with our proposals for new “blue flag” standards for rivers, streams and lakes. Liberal Democrats would ensure that people have appropriate access to much greater stretches of our rivers and streams through a new Open Environment Standard.
- 5.3.5 At the moment, designated bathing waters are 'de-designated' if a bathing water receives 5 poor results in a row. When Bathing Waters are rated poor, we must see a targeted action plan to improve bathing water quality to drive up standards, rather than the site simply being forgotten.
- 5.3.6 We would also set legally binding targets to prevent sewage dumping into bathing waters and highly sensitive nature sites by 2030.

6 Conclusion

- 6.1.1 The Conservatives have let the country down by failing to tackle the pollution that has defiled our rivers, lakes and coastlines for decades.
- 6.1.2 Ofwat has been asleep at the wheel. Meanwhile, the Environment Agency is grossly underfunded and has not enforced the law.
- 6.1.3 Liberal Democrats would end this national scandal. We believe that water companies should be held accountable for their actions, should be encouraged to invest in the right solutions, and that the public must be directly involved in rescuing our water industry. Our five-point plan would be to:
- Reform the English water companies through their re-establishment as public benefit corporations.
 - Replace Ofwat with a new 'Coastal, Rivers and Lakes Authority' which would have increased powers and funding, take on relevant powers from the Environment Agency and work with Natural Resources Wales.
 - Increase the role of local authorities through new "water boards".
 - Increase the levels of monitoring in our most sensitive areas.
 - Ensure that the most vulnerable are protected with a new, national, social tariff for water.

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Note: Inclusion here should not be taken to mean that these people or organisations necessarily agree with every statement or every proposal in this paper.

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Are You Drinking What We're Drinking?

Conference notes that:

- i) Sewage dumping remains a major problem affecting Britain's lakes, rivers and coastal areas.
- ii) In the last three years, sewage has been dumped by England's water companies over a million times lasting over 7.5 million hours.
- iii) Water company executives in England, Wales and Scotland have paid themselves £76 million over the last three years including £42 million in bonuses, benefits and incentives.
- iv) The problem is not limited to England, with sewage dumping also a problem in Wales, Scotland and Northern Ireland.
- v) Water companies lose millions of litres of water every day through leaks.

Conference believes that:

- I. The Government and regulators have failed to hold the water companies to account for their failures, while also failing to encourage the right investment from water companies.
- II. Local authorities need far more powers to hold water companies accountable and need to work closely with them to prevent discharges and leaks.
- III. Citizens should be able to hold water companies accountable directly. IV. No-one should be in water poverty.
- V. The UK has significantly fewer designated bathing sites than other countries in Europe.

Conference reaffirms calls for:

- A. Meaningful targets and deadlines to be set for water companies to end sewage discharges.
- B. The introduction of a Sewage Tax on water companies profits to fund the cleanup of waterways.

C. The abolition of Ofwat and its replacement with a new 'Coastal, Rivers and Lakes Authority', taking on relevant powers from the Environment Agency and working with Natural Resources Wales.

D. The addition of local environmental groups onto water companies' boards.

E. The transformation of water companies into public benefit companies, so that particular economic and environmental policy objectives must be considered explicitly in the running of the companies.

Conference therefore supports the following policies on the water industry, taken from the spokesperson's paper *Are You Drinking What We're Drinking?*:

1. Strengthening the powers of the new 'Coastal, Rivers and Lakes Authority' by:

a) Ending self-monitoring by water companies of rivers, lakes and coastlines and increasing monitoring by the regulator.

b) Issuing fines to the top executives of water companies and initiating prosecutions.

c) Ensuring that water companies can make the right investments with a 25-year investment plan, including innovative options, such as nature based solutions.

d) Closely regulating the ownership of water companies. e) Revoking water company licences in extreme circumstances.

2. Increasing the powers of local authorities to hold water companies accountable by:

a) Creating new water boards.

b) Establishing my catchment partnerships between the water companies and local authorities.

c) New planning powers to require sustainable drainage systems are installed and existing properties don't make the sewage crisis worse.

3. Ensuring citizens and the environment are protected by:

a) Increasing monitoring by ensuring that new storm overflow monitors measure volume and percentage of sewage, particularly in sensitive areas such as SSSIs and designating bathing waters.

b) Extending the Freedom of Information Act to cover water companies.

c) Establishing a new 'Sewage Illness Victim Compensation Scheme'.

d) Permitting citizens as well as charities and other groups to take water companies to court.

e) Forcing the water company to fund local environmental reporters.

4. Adding consumer representatives to water company boards and make water bills show exactly where money is spent.

5. Trialling the creation of new not-for-profit mutual debt free companies to take over water company assets, particularly in sensitive areas, allowing them to raise the required capital to make investments.

6. Creating a new water social tariff, aiming to eliminate water poverty by the end of the next parliament.

7. Ensuring that energy retrofitting programmes also includes measures to improve water resilience and cut bills.

8. Aiming to increase the number of designated bathing water sites to 1,500 by 2030.

9. Setting legally binding targets to prevent sewage dumping into bathing waters and highly sensitive nature sites by 2030.