Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

Upper Costa Beck Programme of Measures Ministerial decision and Direction September 2026

1. Purpose

1.1 Following receipt of the revised Upper Costa Beck Programme of Measures (PoM) on 5 June 2026, The Secretary of State has carefully considered the measures, and has decided to approve the PoM with modifications required to expedite delivery of measures 4, 9, 14-19 and 24, and reject the two investigations.

1.2 The purpose of this Direction and the reasoning for this decision is to support the Environment Agency to achieve Good Ecological Potential for the Upper Costa Beck water body as soon as possible.

1.3 The Secretary of State, in exercise of powers conferred by Regulation 12(3)(a) and 12(3)(c) of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, gives the following Directions to the Environment Agency –

2. Direction

2.1 The Secretary of State acknowledges that the December 2027 deadline to achieve Good Ecological Potential for the Upper Costa Beck water body will be missed. The Environment Agency must continue to seek to achieve Good Ecological Potential in the Upper Costa Beck as soon as is possible and the measures should be expedited where possible on that basis.

<u>Approve measures with modifications to expedite measures</u>

2.2 Pursuant to regulation 12(3)(b), the Secretary of State approves the following measures subject to the Environment Agency making the stipulated modifications and resubmitting the PoM within 10 weeks of this Direction:

2.2.1 RNAG 4 - The Environment Agency must complete the commercial fishery sites permit review by Spring 2027 and resubmit the PoM to the Secretary of State within 10 weeks of this Direction.

2.2.2 RNAG 9 – The Environment Agency must confirm with Yorkshire Water when their investigation for this site is due to be completed, request this to be expedited for completion before Summer 2027, and resubmit the PoM with updated milestones to the Secretary of State within 10 weeks of this Direction.

2.2.3 Mitigation measure 14 - The Environment Agency must engage landowners on agreements to deliver embankment removals and complete the required surveys by the end of 2027 and resubmit the PoM with milestones for landowner engagement and geomorphologist walkovers to the Secretary of State within 10 weeks of this Direction.

2.2.4 Mitigation measure 15 - The Environment Agency must engage landowners on agreements to deliver targeted removal of physical modifications and complete the

required surveys by the end of 2027 and resubmit the PoM with milestones for landowner engagement and geomorphologist walkovers to the Secretary of State within 10 weeks of this Direction.

2.2.5 Mitigation measure 16 – The Environment Agency must engage landowners to determine feasibility and complete the SIAOU assessment by the end of 2027 and resubmit the PoM with milestones for sediment source identification, landowner engagement and Significant Adverse Impact on Use (SIAOU) assessment to the Secretary of State within 10 weeks of this Direction.

2.2.6 Mitigation measure 17 – The Environment Agency must engage landowners on agreements to deliver the removal or softening of obsolete physical structures and complete the required surveys by the end of 2027 and resubmit the PoM with milestones for landowner engagement and geomorphologist walkovers to the Secretary of State within 10 weeks of this Direction.

2.2.7 Mitigation measure 18 – The Environment Agency must engage landowners on agreements to deliver tree planting and adding woody material to the channel and complete the required surveys by the end of 2027 and resubmit the PoM with milestones for landowner engagement and geomorphologist walkovers to the Secretary of State within 10 weeks of this Direction.

2.2.8 Mitigation measure 19 – The Environment Agency must engage landowners on agreements to deliver creation and restoration of riparian buffer zones and complete the required surveys by the end of 2027 and resubmit the PoM with milestones for landowner engagement and geomorphologist walkovers to the Secretary of State within 10 weeks of this Direction.

2.2.9 Mitigation measure 24 – Environment Agency must remove invasive non-native plants from Environment Agency property at the water body by September 2027 and resubmit the PoM to the Secretary of State within 10 weeks of this Direction.

2.3 The Environment Agency is directed to make those modifications.

<u>Investigations rejected</u>

2.3 The Secretary of State has rejected the investigations (RNAG 5 and 6) as they are deemed insufficient as measures. The investigations must first be completed, as a separate action to the PoM, with the purpose of understanding the certainty of the pressure(s) and identifying the appropriate measure(s) for the PoM where needed:

2.4 The Environment Agency must complete the project initiation document(s) for the highway drainage investigation and the quarrying investigation and put the work out to tender by 31 December 2026. The Environment Agency must provide Defra with monthly updates on the progress of the investigation(s) once it is underway. If it is deemed that there is certainty of the pressure(s), the Environment Agency must update the PoM to include the necessary measure(s) required within 8 weeks of the investigation(s) being completed.

3 Resubmission

3.1 Pursuant to regulation 12(5), the Environment Agency is directed to resubmit the PoM to the Secretary of State within 10 weeks of this Direction incorporating the modifications specified above.

4 Commencement

4.1 This Direction may be cited as the Upper Costa Beck Programme of Measures Direction 2026 and comes into force on 11 September 2026.

Signed



Secretary of State for Environment, Food and Rural Affairs

Date: 11 September 2026