



FAO:
OFWAT

17 July 2025

Response to Consultation on Wonderful Windermere BPC

Dear,

I am writing following the recent update to the Wonderful Windermere BPC methodology issued by United Utilities, which has now been submitted to Ofwat. While we acknowledge that several elements have been revised in response to consultation feedback — including increased sampling requirements, the prioritisation of First Time Sewerage, outlining the need for baseline sampling, clarification on septic tank interventions, and the removal of short-term ODI reward potential — I must be explicit in stating that the methodology, as it currently stands, is still not fit for purpose and therefore does not have our support.

Below are a few of our ongoing concerns regarding the BPC:

1. Agricultural Interventions and Unverified Modelling

The continued reliance on modelled outputs, rather than measured data, to account for agricultural phosphorus reductions remains deeply problematic. While *Farmscoper* is referenced as a sector-recognised tool, no commitment has been made to subject its assumptions, calibration, or outputs to independent, peer-reviewed scrutiny.

There is no sampling strategy or assurance schedule in place to verify that agricultural interventions actually deliver the phosphorus reductions they are credited for. This opens up a critical evidentiary gap that undermines the legitimacy of any claimed environmental benefit. The vague nature of agricultural contributions at a local level, unquantified reductions through land-based interventions, conflicts of interest, the absence of a sampling regime, and weak regulatory oversight all fail to address the concerns previously raised.

2. Septic Tank Methodology and Sample Integrity

While we welcome the increase to a minimum of 12 pre- and post-intervention samples, this is still not sufficient, and the methodology still permits defaulting to assumed phosphorus loads and removal rates where sampling is deemed unfeasible. This is clearly inadequate for determining loading on a localised level with any real confidence. The lack of a clearly defined threshold for what constitutes an inability to sample introduces a significant discretionary loophole, which is set to be governed by either Love Windermere or an independent assurer appointed by United Utilities or Love Windermere, with no clarity on who is funding the appointment.

In practice, this could lead to widespread use of assumed values that do not reflect the variability in occupancy, design, condition, or function of individual systems.

It has also been stated to me by United Utilities that septic tanks discharging into a leach field will have phosphorus reductions determined by sampling the river after uptake from the land. This directly contradicts the justification provided for not sampling land-based agricultural interventions, where it is claimed that changes cannot be reliably detected in the watercourse.

There also appears to be an assumption by United Utilities that the Environment Agency is currently undertaking full compliance monitoring for all 1,500 to 2,000 private wastewater systems in the catchment. However, only a small proportion, fewer than 100, actually hold discharge permits, and that no such large-scale compliance assessment is underway. As a result, the vast majority of these systems will not have undergone any baseline assessment to determine whether they are operating in accordance with existing legal requirements.

This raises a serious concern: if no such assessment is carried out, there is no way to robustly determine whether any proposed intervention goes above and beyond what the law already requires. This fundamentally undermines the basis for awarding credit under the BPC.

In addition, reliance on spot sampling as the primary data collection method is not robust. It fails to account for seasonal, diurnal and behavioural variability in discharges, making it an inherently weak basis for calculating annual phosphorus removal. Our recommendation, which was raised directly with Louise Beardmore, suggested that a small number of representative case study areas be selected for real-time or high-frequency sampling regimes far exceeding 12 samples per year. This has not been incorporated or substantively addressed.

3. Ongoing Conflict of Interest Risks

Throughout the methodology, the underlying conflicts of interest have not been resolved. Either United Utilities, or the Love Windermere partnership, in which UU plays a leading role, continues to set the rules, contribute to the modelling approach, select interventions, shape the assurance framework, and ultimately monitor success. The need for a genuinely independent and robust vetting system is critical to ensure that any claimed phosphorus reductions are credible and that the BPC does not become a greenwashing exercise.

Given our ongoing concerns regarding United Utilities' financial agenda, and the fact that Ofwat has only deferred, rather than removed, the potential for financial reward, the incentive to overstate reductions remains in place. So long as Ofwat permits that structure to exist, the motivation to use discretionary assumptions, internally selected tools, and self-controlled assurance mechanisms will persist.

Simply put, parties that design, implement, measure and benefit from phosphorus reduction interventions, whether financially or reputationally, cannot credibly be left to measure such performance while these conflicts remain. This applies whether through direct delivery of the BPC or via unresolved external interests embedded within the partnership structure.

4. Independent Assurance and Governance

Although the introduction of an independent assurer is cited as a governance improvement, this measure lacks credibility. The assurer is to be appointed either by United Utilities or the Love Windermere partnership. As such, the assurer cannot be considered meaningfully independent, nor is their scope or appointment subject to third-party agreement. There remains no external governance body overseeing the BPC process or determining what constitutes

acceptable data or methodology. The lack of clarity surrounding who pays for the assurer also needs to be addressed, as this may influence both participation and conclusions.

Conclusion

In summary, while we acknowledge and appreciate the steps United Utilities has taken to respond to some of the concerns raised through the consultation, the revised methodology still falls short of the basic requirements for transparency, independence and environmental integrity.

Unless the outlined issues, particularly around agricultural data, septic tank assumptions, assurance independence, and systemic conflicts of interest, are directly and substantially addressed, we will not support the BPC and will continue to challenge it through our work, even if approved by Ofwat.

As a final point, if agricultural intervention were to be removed from the BPC, we would be more inclined to support the concept of this piece of work. It is clear that the methodology lacks sufficient rigour to quantify agricultural "improvements", and current source apportionment modelling lacks appropriate on-the-ground evidence to support claims about the percentage of agricultural contributions to phosphorous loading in Windermere.

We remain open to further discussion but must be unequivocal in setting out our position.

Your sincerely