

Proposals for extending water bodies and identifying new ones of biodiversity significance in England

Response from Wildlife and Countryside Link March 2007

1.0 Introduction

Wildlife and Countryside Link (Link) brings together 37 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management and food production and encourage respect for and enjoyment of natural landscapes and features, the historic environment and biodiversity. Taken together, our members have the support of over 8 million people in the UK.

The issue of characterising additional water bodies of biodiversity significance is of very great concern to Link and the wider environmental NGO community. As you may be aware, we wrote to the Minister in July 2006 in support of the position adopted by Natural England and to express concerns about ongoing delays in implementation. We therefore welcome this opportunity to comment on proposals made by Natural England (NE) and the Environment Agency (EA) for extending water bodies and identifying new ones of biodiversity significance under the Water Framework Directive (WFD).

This response is supported by the following organisations:

- Association of Rivers Trusts
- Buglife – The Invertebrate Conservation Trust
- Herpetological Conservation Trust
- The National Trust
- Pond Conservation – The Water Habitats Trust
- Royal Society for the Protection of Birds (RSPB)
- Wildfowl & Wetlands Trust (WWT)
- The Wildlife Trusts
- Woodland Trust
- WWF
- Zoological Society of London

2.0 General Points

Link believes that the WFD will remain the main driver for improvements to water bodies for the foreseeable future. If the additional waters proposed are not included within river basin characterisation it is almost inevitable, under current management systems and budgetary constraints, they will be sidelined in favour of those rivers and lakes which have been identified as water bodies and have statutory obligations attached to them.

As a result, rather than implementation of the WFD facilitating the *protection of all inland waters* (its stated aim), the narrow focus of the UK approach is likely to stifle opportunities for improvement across the wider freshwater environment and miss the very water bodies which are richest in biodiversity. We therefore consider the proposals to identify as *water bodies* the additional waters of biodiversity significance crucial to the effective implementation of the WFD.

It is our opinion that implementation of the WFD beyond the current minimalist approach would not only reduce infraction risk, but also effectively lay the foundation for achieving integrated and sustainable catchment management, and provide a great opportunity to deliver many domestic policy goals. These include sustainable farming, climate change adaptation and, in particular, the PSA target for SSSIs and UKBAP targets.

The cost benefit analysis confirms our belief that extending water bodies and identifying new ones of biodiversity significance will bring significant benefits and vastly outweigh the modest costs involved. However, even if in individual water bodies the measures required to meet 'good status' are found to be disproportionately costly, the WFD already provides a route for relaxing objectives or timescales through the application of derogations. Therefore, the overall outcomes should remain beneficial to society.

Furthermore, Link believes that passing up this opportunity to further Government biodiversity commitments in an integrated and cost-effective manner, simply because they fall outside the letter of Directive, is inconsistent with the principles of Better Regulation.

3.0 The Proposals

Rivers

Link supports the proposals made by NE and the EA to include the whole river network in WFD. We strongly believe that the WFD objective – of achieving 'good ecological status' – will only be attained in rivers by managing catchments in a holistic, integrated way.

Adopting a unified approach will also avoid complex mixtures of regulations that treat the same pressure on a river differently in different locations, and therefore is consistent with the principles of Better Regulation.

Standing waters

A large proportion of standing waters currently identified as water bodies are reservoirs that are often important for waterfowl but have little value for wider aquatic biodiversity. As a result species and the ecology of standing waters will derive little benefit from implementation of the WFD.

Link believes that it is contrary to the spirit of the Directive to exclude waters that contain the most diverse and sensitive ecology simply because of their size and that the current approach poses a significant risk of infraction. Therefore, we support the proposals made by NE to include all SSSIs which have been designated for their aquatic interest and waters that have been identified as significant priority habitats under UKBAP. These additional standing waters only represent a fraction of the total resource that exists in England, but we believe they include the most significant in terms of biodiversity.

4.0 Cost Benefit Analysis (Jacobs Report)

It is Link's opinion that the cost benefit analysis elaborated by Jacobs has a very narrow focus looking at institutional and administrative costs. However, many of the additional water bodies are likely to contribute to wildlife improvements and this brings a wide range of benefits to society. These can include:

- Green infrastructure, which contribute to the sustainable regeneration of communities and supports economic activity;

- Access to green space benefiting physical and mental health;
- Educational opportunities for current and future generations; and
- Ecosystem Services e.g. improved water quality and quantity and flood risk reduction.

It is notable, therefore, that even given the limited scope of the benefits considered in the Jacobs Report, the benefits accrued far outweigh the modest costs of identification, monitoring and reporting. Indeed, given the potential benefits to delivery of Government biodiversity objectives and society as a whole, it would be hard to argue that the returns on investment look anything less than extremely good value.

5.0 Potential Compromise

Link understands that a compromise position may be sought whereby the additional water bodies proposed in the joint NE and EA paper are identified in domestic river basin management plans but not reported as water bodies to Europe.

While this proposal appears to be a pragmatic solution to the integration of domestic biodiversity targets within a European framework, we have serious concerns about the effectiveness of such an approach. Our greatest concern is that the EA will inevitably prioritise action in those areas where it has European statutory obligations. As a result simply identifying “non-water bodies” in the river basin management plan will not guarantee any additional monitoring, funding or measures and would still leave the UK open to potential infringement proceedings.

Therefore if a non-statutory approach to additional water bodies is to work, it will be essential that the Minister considers how the targets and service level agreements Defra sets the EA would be used to embed designation of domestic water bodies into an official process that will ensure delivery. However, as a recent board paper from the EA outlines¹, the existence of Defra targets alone does not necessarily guarantee delivery when budget constraints force prioritisation and we urge the minister to reject such an approach for the certainty that full European designation will provide.

**Wildlife and Countryside Link
March 2007**

¹ Environment Agency open board paper No: 8(b) presented 7th February 2007 suggests the EA is currently scaling back its planned expenditure on BAP and SSSI even though it is acknowledged this will have some impact on performance against Defra High Level Targets.