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## Blueprint for Water Preliminary Consultation on River Basin Planning Guidance Volume 3

The Blueprint for Water was launched in November 2006 by a unique coalition of environmental, water efficiency, and fishing and angling organisations to call on the Government and its agencies to set out the necessary steps to achieve “sustainable water” by 2015 and to fully implement the Water Framework Directive (WFD). The Blueprint for Water is a campaign of Wildlife and Countryside Link.

Wildlife and Countryside Link (Link) brings together voluntary organisations in the UK concerned with the conservation, enjoyment and protection of wildlife, countryside and the marine environment. Our members practise and advocate environmentally sensitive land management and food production practices and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 690,000 hectares of land.

This response is supported by the following organisations:

- Angling Trust
- Association of Rivers Trusts
- Buglife – The Invertebrate Conservation Trust
- National Trust
- Royal Society for the Protection of Birds
- Salmon & Trout Association
- WWF-UK

### Do the general principles of River Basin Planning need updating?

**Yes**, given the poor level of ambition and unbalanced contributions from polluting sectors highlighted in the national impact assessment of the final plans, it is clear some fundamental shifts are needed in order to reach the objectives of the Directive.

We feel strongly that new guidance must play an important part in ensuring the second cycle achieves more and is not constrained by the issues that held back the first cycle.

### Specific Comments on issues that should be clarified in the forthcoming Guidance:

#### SWMI's

We feel that too much time was spent considering SWMIs in the last planning process, especially as it was carried out in the absence of any monitoring data. It is imperative that the biggest pressures to waterbodies are identified - but we feel this is best achieved using existing classification data and the information gained from the ongoing investigations program. With this in mind we feel that the SWMI process can be streamlined, giving more

time to identifying, quantifying and apportioning the pressures and identifying the measures necessary to address them.

### **Clear objectives**

Partnerships will only deliver if it is made clear what the expected outcomes are and how sectors will be involved in delivering actions to address the main causes of failures. These objectives should be focused on the achievement of GES/GEP in waterbodies and measures should be selected on the basis of their effectiveness in reaching these objectives within the stated timescales of the Directive.

### **Natura 2000 Sites**

The guidance should require an annual update on progress towards objectives for N2K sites. The next series of plans should set out, in detail, the measures that need to be implemented to improve the N2K sites that had deadlines beyond 2015 in the original plans for achievement of site objectives.

### **Involving stakeholders in setting priorities:**

We agree that stakeholders should be involved in the discussions about how we best reach the objectives. However, some of the sectors engaging with river basin planning may have a vested interest in not addressing pressures. Hence **clear objectives and timescales must be set** by the Competent Authority. The WFD sets out statutory requirements and timescales that must be followed. It is also essential that the Competent Authority drives forward a strategic approach to river basin planning that aligns as far as possible with other strategies that shape the management of rivers and wetlands, for example flood risk management, Habitats Directive, the Sustainable Use Directive for Pesticides and biodiversity strategies.

### **Quantifying and apportioning the problems**

The new guidance must ensure that all new plans provide more quantified information about pressures on waters and their causes. We feel effective measures can only be identified if the causes of failure and the sectors responsible are highlighted.

### **Strategic frameworks for all polluting sectors**

PR09/PRO14 sets a framework for action for water companies, but the Regulatory Impact Assessments of the plans demonstrate that other sectors such as agriculture and local authorities are not currently playing their part. A strategic framework is essential if all sectors are to contribute relative to their impacts.

### **Certainty:**

The guidance for certainty should be completely rewritten, with aspects from the previous guidance (Vol 2) excluded. The new guidance must make it clear how certainty will be used in determining measures. A more cost effective approach is needed, with examples of the kinds of actions that, because of their high cost, will require 95% certainty. We would expect this to be restricted to the need for large scale infrastructure such as the building or upgrading of treatment works.

The guidance must also make it clear how much certainty will be required in order to adopt types of measures that require less expenditure.

### **Investigations**

We welcome the proposals on investigations, but feel strongly that the guidance needs to clearly set out a transparent and accountable process showing how the results of investigations will lead to the identification of the actions necessary to improve the waterbody and how this will be communicated to stakeholders. We would also like to see data presented in a more user-friendly way, enabling civil society groups, landowners and

communities to clearly access new data about local rivers, for example via an on-line mapping facility.

### **Transparency in measure selection**

The way in which local measures were discarded in cycle one was unhelpful and lacked transparency. The new guidance must spell out that each river basin management plan should identify **all measures necessary** to achieve GES/GEP, clearly identifying any that cannot be delivered because they are disproportionately costly or technically infeasible.

### **Disproportionate cost must be determined at waterbody level**

What is considered appropriate expenditure for one waterbody may not be appropriate for others, for example the benefits of delivering measures along a river at the top of a catchment, where the proposed measures may benefit a number of other waters further down the catchment, may be more cost effective than measures along other waterbodies in the catchment.

### **Voluntary/regulatory**

Whilst the emphasis on voluntary measures is understandable, it is essential that a stepped approach from voluntary to regulatory is clearly set out with a clear timeline and that the route to regulatory measures is explicit to all. The guidance must make it clear exactly what conditions, in terms of monitoring data/ modelling data/time frames, need to be met in order to determine that regulatory action is required.

### **Making the most of existing information**

The new plans must take into account all relevant work that has already been undertaken both by the Environment Agency and other bodies. To give one example, the Agency's river habitat survey information can provide valuable information on status and likely pressures in some cases. We support the fact that the value of 3<sup>rd</sup> party information is highlighted as important. Clarity is needed on the data that will be sought and the process for capturing and maximising use of that data.

### **Ensuring WFD delivery through all EA and other Governmental planning and management processes**

We are supportive of catchment scale planning and delivery of WFD and believe this provides an opportunity for integration with other policy areas. More needs to be done to identify the ways in which current EA processes can be adapted and/or amended to improve waterbodies - for example through flood risk planning, maintenance works and drainage pumping decisions. Government also needs to consider its wider roles and responsibilities in relation to WFD delivery across the Defra departments. For example, through land management, land use policies and agri-environment targeting. The entire 'Defra family' should have a responsibility to contribute to GES of waterbodies, something that has clearly not happened to date. All relevant government plans and strategies should make clear how decision-making has incorporated waterbody objectives.

### **Making the most of the time available**

We must start preparing the second round of plans as soon as possible. The constricted timeframes placed on the first planning cycle were a significant barrier to meaningful stakeholder involvement.

### **Highlight the benefits of improvements**

We recommend that Defra highlight a series of best practice cases from the first cycle and from the 2011 pilot catchments, using these to provide a model for future delivery. In the context of the Lawton Review recommendations and the forthcoming Natural Environment White Paper, examples of good practice should demonstrate the value of using catchments

as a geographical unit for ecological restoration and the role of WFD delivery in achieving wider ecological restoration.

### **Addressing heavily modified waterbodies**

The guidance should ensure that the reasons for HMWB designation are clearer and easier for stakeholders to understand. The guidance must also ensure the plans give more detail on how and why certain mitigation measures are being proposed and why others cannot be put in place. Lastly the guidance should set out a clear process for stakeholders to challenge designations should they feel that they are not correct.

### **Involvement of Civil Society**

The Environment Agency remains the Competent Authority and is therefore responsible for meeting the objectives of the Directive. Civil society organisations will require strong endorsement, support and active involvement from the Agency if catchment planning is to succeed.

Civil society organisations cannot fund statutory objectives. Clarification will be needed on what the Competent Authority views as its responsibilities with regards to the plans themselves and the actions they propose. The Government and the Environment Agency will also need to clearly articulate their expectations of civil society involvement.

Defra must ensure that the guidance articulates an ambition for Catchment Plans that will add value to the current River Basin Management Plans. Catchment Plans should be developed with local communities not for them, and should take an adaptive management approach; enabling new information and new approaches emanating from a range of individuals and organisations to be taken into account in catchment planning and implementation.

In general we are very supportive of a greater role for civil society groups in future delivery. However, this principle requires qualification. It should be clearly stated that organisations taking on such a role must be 'fit for purpose'. Clear criteria and conditions will be needed to ensure that civil society groups engaged have the skills and capacity to deliver what is needed. One of the main advantages of engaging civil society in this process is that such groups may be able to deliver both sustained improvements over a long period of time and a greater degree of 'buy-in' from local communities. It will be essential to ensure that civil society groups have the ability to work to deadlines in order to deliver the necessary practical measures, build community engagement with the process and ensure that the wider values of the natural environment (e.g. ecological, archaeological, recreational) are protected and where possible enhanced during delivery.

### **Existing Legislative Requirements**

We are concerned by the wording used in the proposed new content ***“Ensuring operators and individuals comply with existing requirements and obligations before introducing new control measures.”***

Although we support the sentiment that more can be achieved by enforcing existing requirements, this enforcement must be actively targeted and resourced; if this is not the intention it may well be that new regulations will achieve more benefits for water bodies than existing ones. A clear strategy for enforcement of existing regulation is necessary if we are able to model the potential impact on improvements to waterbodies and understand if further measures will be necessary.