

## Freshwater Fish Directive - Consultation response

### Introduction

Wildlife and Countryside Link brings together 32 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practice and advocate environmentally sensitive land management and food production practices and encourage respect for and enjoyment of natural landscapes and features, the historic environment and biodiversity. Taken together, our members have the support of almost 7 million people in the UK.

### Do you agree with the proposed designations?

Wildlife and Countryside Link supports the Governments plan to create over 2,500 additional designations under the Freshwater Fish Directive, encompassing over 11,000km of rivers and canals, and 90 still waters. We welcome the improvements in water quality that will result.

The selection criteria for the new designations must consider the requirement of Article 1(3) of 78/659/EEC, which states that the purpose of the Directive is to protect and improve running or still waters capable of supporting "indigenous species offering a natural diversity". This indicates that the criteria should allow the designation of water bodies known to support ecologically significant fish populations, irrespective of the size of the water body. For example the spined loach is a fish species of conservation concern which lives in slow moving flowing waters and gravel pit lakes of less than 50ha and is protected under the Habitats Directive and Appendix III of the Bern Convention. It would seem entirely sensible that such species should have their habitats designated and protected under the FFD. Designation should also apply to small watercourses and water bodies that provide significant habitat for fish populations during certain stages of life cycle or hydrological events e.g. spawning, juvenile cover, shelter in floods.

### Do you agree with the proposed class designation assigned for each water body?

LINK has limited capacity to comment on the detailed maps of salmonid and cyprinid designation. However, we are concerned that the consultation outlines the approach taken to identify these as being based on "*current water quality data along with advice from fisheries staff at the EA.*" This emphasis on maintaining the status quo is not compliant with Article 1(3) of the Directive which states the purpose of the Directive is to "*protect or improve*" ...waters... "*which support or which, if pollution were reduced or eliminated, would become capable of supporting fish belonging to: - indigenous species offering a natural diversity....*". LINK seeks reassurance that all designations are made not only on the basis of existing water quality and fish populations, but are based on the potential of a water body to support fish populations.

We are aware of a few examples from the North East where designations are inadequate, and seem to have been made so that water companies do not have to improve water quality in certain stretches of river.

The Seaton Burn in Northumberland (NZ 2980074620 - NZ 3363076620) is a small coastal stream with an increasing run of migratory sea trout. It also supports brown trout

(the dominant species with juveniles present), minnow, eel, stone loach and stickleback. The stream has suffered many water quality problems in the past and to think it now supports such species is excellent. It runs for the most part of its course over exposed limestone bedrock, producing shallow pool riffle effects and deep plunge pools and gorges.

The Croxdale (whole course) and Lumbley Becks (NZ 2991050860 - NZ2824051240) are very similar except the bedrock and gorges, but they are rapid flowing trout streams with coarse species present because the current water quality suits them better. Both are streams which would benefit from further water quality improvements as there are expanding otter and kingfisher populations on both, and they still suffer from intermittent pollution episodes.

These three examples are designated as cyprinid but could and should be salmonid. While all the streams do at present support various cyprinid fish species, they are there mainly by accident rather than design. Although water quality has been poor in the past, the aim should be to restore it to salmonid standards.

#### Impacts, costs and benefits of the proposed designations

Wildlife and Countryside Link supports the government's conclusions that it must follow Option 2 and implement a revised designation policy, rather than the 'do nothing' of Option 1.

#### **Costs**

We are concerned that the cost estimates of option 2 should not be considered in isolation from the many other drivers for improved water quality (i.e. bathing waters compliance, SSSI PSA target, BAP and HAP targets, Nitrates Directive, Natura 2000 regulations, Water Framework Directive and Ramsar commitments). The cost of measures taken to comply with the Freshwater Fish Directive will also fulfil these other, overlapping regulatory and policy drivers. This should be explicitly recognised in the RIA, so that the costs attributed to compliance with Freshwater Fish Directive are only for those measures that are introduced over and above the existing requirements. It would be useful to assess the overlap in more detail and calculate for example what cost is additional to NVZ requirements.

The costs will be met through forthcoming water price increases due to PRO4, for which the freshwater fish directive is a driver. The resources involved may be better invested on more long-term sustainable solutions, rather than just technical fixes, which may be more energy intensive. Sustainable catchment based solutions include reedbed treatment plants, river restoration and reductions in diffuse pollution. Such an approach would be in keeping with the holistic aims of the Water Framework Directive, and the concept of integrated catchment management.

Regarding costs to agriculture, we would point out that the consultation fails to mention the various existing drivers for improvement in the farming sector. The agri-environment Entry Level Scheme is a mechanism that could be used to fund manure management plans and nutrient management plans, and will be an incentive for farmers to reduce

water pollution. Resource protection has also been listed as an objective under the new Higher Level Scheme, which may prove to provide even more incentives.

### **Benefits**

We are concerned that all the benefits of the new designations should be recognised, even if they do not have a measured economic value. There are many significant unquantified values, such as improved recreational opportunities, and the fact that the water quality improvements will be very long term and protect fish populations for future generations.

On the issue of **equity and fairness**, we consider that the polluter pays principle justifies the fact that the improvements required will vary across England and Wales, and that costs and benefits will vary regionally.

### **Conclusion**

Overall, as stated, Wildlife and Countryside Link supports the conclusion in the consultation that Option 2 is the best option. The conclusion states it is 'on the basis of evidence currently available'. We feel that it is desirable to gather more evidence along the lines of the points above, in order to make this conclusion more robust and less open to challenge. While evidence is lacking on both costs and benefits, we believe the latter are less well quantified. Therefore, we believe that the Government could state that this conclusion is not expected to change. If the Government does not concur with our view, it should state why this is the case.

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This statement is supported by the following organisations:

Buglife – The Invertebrate Conservation Trust

British Ecological Society

Herpetological Conservation Trust

Plantlife

The Royal Society for the Protection of Birds

The Wildfowl and Wetlands Trust

The Wildlife Trusts

WWF