

## **CONSULTATION ON DIRECTIONS TO THE EA FOR THE CLASSIFICATION OF WATER BODIES**

**Response by Wildlife and Countryside Link**

December 2008

Wildlife and Countryside Link (Link) brings together 39 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management, 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.

We welcome the publication of this consultation as Link has endeavoured to become involved in the classification process and has been responding to Water Framework Directive (WFD) consultations since 2003. We are frustrated that our combined knowledge and expertise appears to have been disregarded and are interested to learn how Government intends to involve the community in the consultation process and in the subsequent delivery of measures to achieve WFD objectives.

This response is supported by the following organisations;

- Anglers' Conservation Association
- Association of Rivers Trusts
- Buglife – The Invertebrate Conservation Trust
- Campaign to Protect Rural England
- Institute of Fisheries Management
- Pond Conservation
- Royal Society for the Protection of Birds
- Salmon & Trout Association
- Wildfowl & Wetlands Trust
- The Wildlife Trusts
- WWF - UK

### **1. General Comments**

Link believes that all 'consultation' on classification undertaken so far has been fundamentally flawed. We have experienced extreme frustration and dissatisfaction with the two 'technical reviews' held by UK Technical Advisory Group (TAG) on their development of the standards for classification. As a collective of NGOs supported by 8 million members and employing significant specialist aquatic knowledge, we invested a great deal of our limited resources in compiling a detailed critique of these standards. However, despite our efforts, no changes at all have been made, and in the case of our comments on the UKTAG guidance on Good Ecological Potential, the submission from the RSPB was not even acknowledged, and there has still been no response even after resubmission. This experience reflects most of our dealings with UKTAG, which we have found to be an impenetrable and uncommunicative body.

Transparency is critical to the Defra consultation on its Directions to the EA. Endorsement is being sought of a process that has been far from transparent and which has involved little input from stakeholders.

The covering letter to the package of consultation documentation makes the point that there have been previous consultations on the technical aspects of the classification process, implying that the methodologies have been generally endorsed and that there is no longer any need to examine them. However, the questions raised previously by Link have not been addressed satisfactorily. In fact, as far as we are aware, none of our comments have led to any changes in the classification regime.

In addition, some of the detailed methodologies have only just been released, some do not include all the aspects required for that biological measure and some are still in draft form so there has been no consultation on them at all. A Direction to the Environment Agency is inappropriate with respect to these methodologies.

## **2. Specific comments**

### **2.1 Reference Sites**

The way in which the standards are transformed into an Ecological Quality Ratio that gives classification class boundaries for water bodies involves extremely complex formulae, which requires justification, and is not covered in these directions. The status class boundaries are all set relative to reference sites, yet no lists have been published, despite requests from Link for the release of this information. Reference sites lists that cover a broad and comprehensive range of water body types should be published at the earliest opportunity, as without these it is difficult to comment on the Ecological Quality Ratio process.

### **2.2 Parameters not covered by the Standards**

There are no standards for suspended or deposited solids, transparency or nitrates for either rivers or lakes and there are still no standards for temperature in lakes. We consider these serious omissions, which have significant impacts on the ecology of water bodies. An explanatory note must be added to the Directions setting out the ongoing work in these areas, any consultation arrangements and a timeframe in which additions to the classification regime will be implemented.

### **2.3 Spatial Variation**

There is no clear guidance for taking into account spatial variation of quality within a single site. Mention is made of this in paragraph 79 of the main document where it states that the UKTAG guidance on classification has not been used on this issue, and in section 8.3 of Annex B where it states that the EA should ensure classification only reflects ecological impacts of 'sufficient spatial extent'.

### **2.4 Mitigation Measures**

With reference to the setting of Good Ecological Potential for HMWBs (Heavily Modified Water Bodies) and AWBs (Artificial Water Bodies), part III of Annex B directs EA to classify HMWBs as Good or Maximum as long as 'all applicable mitigation measures have been taken'. Yet, no list of these mitigation measures is provided, and indeed none has been consulted on. Nor is there any guidance as to what determines whether a measure is 'applicable' or not.

### **2.5 High Status Waters**

Part IV of Annex B on determining high status for hydromorphological elements, includes a list of criteria for rivers, lakes, coastal and transitional waters, with no explanation of how they have been chosen, or how they are to be used, or how consistency in the application of these criteria will be assured across the country.

### **2.6 Specific comments on classification of lakes**

The methodology for using macrophytes as a biological quality element in lakes was only released on the UKTAG website in October 2008 so there has been no consultation. The recently released documents do not even include any explanation as to how basic metrics (e.g. the Lake Macrophyte Nutrient Index) have been derived. This makes it difficult to express any opinion on their validity. Also, some of the assessment methods (e.g. *UKTAG Lake Assessment Methods: Macrophytes (Lake LEAFPACS)*, October 2008) are still in draft form, so they may still be subject to amendment.

Some aspects of the classification scheme are missing from the latest documents (e.g. *UKTAG Lake Assessment Methods: Macrophytes (Lake LEAFPACS)*, October 2008). For instance, macrophytes were to have been employed in lake classification not only in relation to nutrient enrichment but also as indicators of hydromorphological pressures (see Table AP2 in *Surface Water Classification Scheme for the Purposes of the Water Framework Directive*, UKTAG, December 2007). It should also be possible to use macrophytes in relation to acidification.

### **3. Conclusions**

The Water Framework Directive (WFD) lays out specific requirements for the consultation process and includes community participation as one of its major objectives. Despite the best efforts of Link members to become involved in the classification process, we feel deeply frustrated that our combined knowledge and experience has been disregarded. We are concerned that little notice has been taken of Link's specialist input and we are interested to learn how Government intends to involve the community in the consultation process and in the subsequent delivery of measures to achieve WFD objectives.

**Wildlife and Countryside Link – December 2008**