

Wildlife and Countryside Link Introductory Briefing on River Basin Planning for NGO Liaison Panel representatives

June 2006

1.0 Introduction

Wildlife and Countryside Link (Link) brings together 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 eight million people in the UK and manage over 476,000 hectares of land.

Link is pleased to support the initiative taken by the Environment Agency (EA) in establishing River Basin District Liaison Panels as key organisations for planning and implementing the Water Framework Directive (WFD). This introductory briefing is intended for use by the non-governmental organisation (NGO) Liaison Panel representatives that have been nominated to serve on the 10 English and Welsh River Basin Districts to aid in the delivery of significant improvements in the freshwater environment that are at the core of the WFD.

2.0 What will Liaison Panels do?

Full meetings of the Liaison Panels are likely to be at least quarterly. There will be additional paperwork and possibly sub-groups on particular themes. The Liaison Panels will undertake a series of key steps:

1. The first job for the Environment Agency and Panels in each RBD is to publish a **Statement of Steps for River Basin Planning** that will set out the timetable for all consultations over the next three years and explain the documents that will be produced. This should also include details of catchment and local planning processes. This is not likely to be very controversial, although we should ensure that it provides adequate opportunities for input before formal consultations.
2. A more important document to be produced in 2007 is the **'Significant Water Management Issues' (SWMI) report**. This is required by the Directive by the end of 2007, but it seems that the Environment Agency is keen to produce it earlier - by mid 2007 - giving more time after the six month SWMI consultation for the draft River Basin Management Plan (RBMP) to be developed. These reports are likely to have a great influence over the final RBMPs in each District. We are concerned that they should be based on the most up to date information on the condition of water bodies, and that they do not limit or exclude any of our favoured measures for achieving Good Status. In particular, all potential measures must go through a cost-effectiveness analysis as part of the RBMP process, and this must not be pre-judged by the SWMI report.
3. The **draft RBMP** must be produced by the end of 2008, and be formally consulted on for six months.
4. The **final RBMP** must be in place by the end of 2009, with its measures operational by the end of 2012 at the latest, or preferably before.

In each RBD the EA will have the final say in river basin planning as they are the Competent Authority. However, the Directive gives clear requirements for active participation of stakeholders, and we must ensure that NGO representatives are fully involved in discussions before final decisions are taken.

3.0 Working as an NGO sector

Each NGO Liaison Panel representative will have a different NGO constituency and way of working with them. As discussed at the initial NGO meetings, it may be an idea for others (apart from the nominated Panel representative) to help ensure good communication between individuals, perhaps through organising pre-meetings before the official Liaison Panel meetings, or by managing email discussions. This is something that will have to be worked out with colleagues, and which we can discuss more at our meeting on 24th July.

4.0 Some Key Issues for River Basin Planning

A number of key issues are likely to be common across all River Basin Districts. Link aims to provide more detailed briefings on these issues in the future:

4.1 Ensuring objectives are appropriately set and avoiding mass derogations

Agreeing objectives for RBMPs will be a major task for Liaison Panels. Although the default objective of the WFD is for all water bodies to achieve Good Status, there is likely to be considerable use of the derogations listed under Article 4. You will need to ensure that derogations (or exemptions as they are also called) are only used where fully justified, and are not used en mass. You should also advocate the use of time derogations - achieving Good Status in a later round of River Basin Planning – in preference to status derogations – which would result in lower ambition (such as Moderate Status) for those waters to which they are applied.

4.2 Ensuring a proper cost-effectiveness analysis and disproportionate costs analysis

These economics analyses should consider environmental costs and benefits, and hence support sustainable water management that also benefits wildlife. All potential measures that could be used to restore waters to Good Status must go through them, and economics will be the basis of decisions on which measures are chosen. These economic analyses represent both an opportunity and a threat. It is vital that all measures that could be taken are included in these analyses. In particular, it will be important to ensure that the economics are done in a way that considers multiple benefits for both society and wildlife. For example, wetland restoration could bring a water body to Good Status, improve water resources through groundwater recharge, reduce diffuse pollution and the need for expensive water treatment, provide recreation opportunities, as well as offset carbon emissions - all these benefits must be included in the analysis. Measures considered to be 'disproportionately expensive' will not be used, so you will need to ensure that there is not excessive use of this exemption to block significant actions. A list of NGO preferred measures is attached with this briefing, and RSPB / WWF will be providing a short guide to the economics of the WFD soon. (Don't be scared we'll keep it simple!)

4.3 The designation of Heavily Modified Water Bodies (HMWBs)

HMWBs are those that have been modified to provide an ongoing useful function for society, such as for navigation or flood defence. They do not have to achieve Good Status, but instead have a different objective of Good Ecological Potential. Not all modified water bodies are automatically HMWBs as many may have functions that are

now defunct, such as embankments and land drains in floodplains to protect marginal agricultural land, old weirs, and uneconomic coastal defences. One of environmental NGOs main objectives for WFD implementation is the restoration of water bodies whose modifications are not serving a useful purpose to society. You will need to ensure HMWB designations are not applied to such water bodies.

4.4 What process of catchment scale engagement will be chosen?

River Basin Districts are huge, and will need to be divided up to engage local stakeholders effectively. The EA have not yet got clear plans for this but have proposed using existing networks where possible and establishing new ones where necessary. You need to ensure that this engagement happens, and that local knowledge of water bodies is captured.

4.5 The inclusion of additional waters

This refers to biologically important, often smaller waters, which have been left out of WFD implementation so far. Although in theory the Directive applies to all waters, in practice only those officially identified as 'water bodies' will be subject to measures to improve their status. Parliamentary questions revealed that only 31% of the river network and 7% of standing waters are officially designated as water bodies. Link is currently engaged in discussions with Defra and the EA, along with English Nature and the Countryside Council for Wales, to ensure that the whole river network is covered, and that SSSIs and BAP habitats - our most nationally important wildlife sites - are identified as water bodies. We will keep you up to date on this issue, which is likely to be resolved nationally, although your awareness could help to maintain pressure.

4.6 How will the EA ensure all those who need to undertake measures actually deliver?

Some measures will need to be delivered by farmers, others by local authorities, others by ports authorities, others by water companies etc. Although the WFD is the law and its objectives must be achieved, the EA does not have the competencies to deliver it alone, nor the power to force other deliverers to act. NGOs will need to ensure that there are clear plans and that Government ensures all sectors take responsibility for measures they must implement.

4.7 Liaison Panel dynamics

You may find that NGOs, Natural England, any fisheries representatives and (hopefully) the EA are the only representatives on the Panels defending the ecological objectives of the WFD. Co-ordination amongst this group may be helpful. Many of the other representatives will be fighting for their sectoral interests, such as farming, the water industry etc., although there may be areas of shared interest with NGOs, for example with fisheries interests in water body quality and the water industry on diffuse pollution. It is better that all sectors, especially those who will need to deliver measures to achieve Good Status, are inside the process. But you may need to play a firm role in reminding all that the default objectives of the WFD are not up for discussion and ecological aims are at its heart – this is the law! Of course, there will be much discussion about the role of 'exemptions' and NGOs will need to prioritise and carefully pick our battles over these.

5.0 What gains can we expect for nature conservation?

Finally, you should always keep in mind why environmental NGOs are involved in this process and what we can hope to get out of it! The WFD is about ecology and biodiversity, and we hope and expect it will bring great gains in these, with more and improved wetland biodiversity and habitats through:

- Tackling diffuse pollution, especially from agriculture

- Tackling continuing pollution from point sources
- Restoration of modified waters, particularly their associated wetlands
- Improved controls on abstraction
- Better and more rapid delivery on wetlands and water bodies that are designated as Protected Areas

6.0 Useful Links

The Water Framework Directive (worth reading the original) and other useful information from the European Union: http://europa.eu.int/comm/environment/water/water-framework/index_en.html

DEFRA WFD site: <http://www.defra.gov.uk/environment/water/wfd/index.htm>

EA WFD site: <http://www.environment-agency.gov.uk/wfd/>

UK WFD Technical Advisory Group: <http://www.wfduk.org/>

6.1 List of Liaison Panel NGO reps and deputies

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South West

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