



**UK Technical Advisory Group  
Environmental Standards and Conditions (Phase 1)  
Response of the Fisheries and Angling Conservation Trust (FACT)**

14 April 2006

The Fisheries and Angling Conservation Trust (FACT) is the umbrella organisation for nine leading fisheries and angling organisations in England and Wales, representing anglers, fishery owners and managers and affiliated trades.

We have studied with great interest the work being done on the formulation of standards and conditions to be met in achieving 'Good Ecological Status,' as required by the EU Water Framework Directive. The complexities of the task of devising standards and conditions, which inevitably have to relate to a wide variety of water body types, are appreciated. This, however, makes it even more important that the standards proposed are reliably adequate to ensure that 'good status' is, indeed, good in all the relevant terms set out in the Directive.

It is assumed that the consultation process is following the guidelines for such consultations set out in the Cabinet Office Code of Practice on Consultation published in January 2004.

FACT looks forward to seeing how its views have been incorporated in the final version. If its views are not accepted it will expect a full explanation as required by the Cabinet Office Code.

We associate ourselves with the more comprehensive comments being submitted by the Institute of Fisheries Management and Wildlife and Countryside Link and Scottish Link. In particular we share the perception that "consideration of cost and feasibility have been allowed to influence the definition of standards and conditions." The expert views on water resources have been serially rejected and this is completely unacceptable.

Members of FACT would like to make two fundamental comments concerning the whole approach to the WFD:

- We believe that WFD should be seen as an opportunity by Government and its agencies to significantly improve the ecological quality of our rivers and stillwaters, rather than an unwelcome Directive whose objectives are regarded purely as hurdles to scrape over, with a minimum of effort and investment expended.
- We also believe that fish and fisheries should have a far higher status within delivery of WFD than is being acknowledged within this document. All the issues which impact water inevitably affect fish, making them the ideal natural barometer to the health of a catchment, but this is not reflected in the UK TAG report. We define *Fisheries* as:

*A water body, either flowing or still, in which fish are the highest form of life living wholly in the water. (It is irrelevant to this definition whether or not the fish stocks within a fishery are exploited).*

With regards to this consultation paper, we wish to highlight the following:

There must be concern that at this stage only a draft of Phase 1 has been produced. It is clear from the report that much still needs to be done. Yet, what will be done and when has not been clearly articulated.

### **Water Quality**

Thus for water quality standards for rivers, values have been recommended for only five parameters: dissolved oxygen, BOD, ammonia, pH and phosphates. For all their importance they are not on their own sufficient to classify water quality. For other possible pollutants – siltation, turbidity, suspended solids, pesticides, toxic metals etc. – there would appear to be nothing better at present than to use the proposed values to augment the large number of existing standards. Some of these existing standards may need modifying for different water types, as indeed may the proposed standards in future as greater evidence is amassed on the effect these parameters have on the ecological status of water bodies.

### **Water Resources**

There is concern too that the amounts allowed for abstraction at low river flows are too great in ecological terms. While the intentions behind the proposals are clearly set out, there is no explanation to support the contention that the allowed abstraction rates will still leave rivers in good ecological health. There is also concern that the recommended standards are set below those currently envisaged under the CAMS process (above Q95 this paper proposes at least a 10% allowable take at all flows, whereas CAMS only allows 10% at Q93). Fisheries interests have already lobbied strongly for more stringent controls under CAMS. We believe it essential that the precautionary principle is observed, and that 'Hands Off' flows are set at safe ecological level for individual catchments, especially taking into account the fish species which each catchment supports.

In particular we share the perception that "consideration of cost and feasibility have been allowed to influence the definition of standards and conditions." This is most marked in the consideration of water resources, where it is explicitly stated that the standards for the achievement of good status will be applied dependent on whether "*an abstractor has sufficient flexibility, or where the water supply infrastructure can accommodate them.*" (p.55). We are further dismayed by the sentence on page 57 that "*careful consideration must be given to the implications of changing standards*". Such an approach is clearly unacceptable".

### **Concern about proposed lowering of standards**

Similarly, there are less stringent standards proposed under this report than currently apply for BOD and dissolved oxygen levels, and this we feel are unacceptable. Here again, abstraction and low water flows appear not to have been taken into account, yet flows are critical to both, especially in times of drought and high temperatures. The ability, for instance, for migratory salmonids to ascend rivers and pass through potential ecological blocks such as high BOD or pollution slugs will be largely dependent on available water flows.

### **Siltation issues needs to be addressed**

There is an urgent need for some means of combating the siltation of rivers which, largely as a result of changing farming methods, has increased severely in recent years and which, if unchecked, will prevent many rivers and lakes attaining anything that could realistically be regarded as good status. Siltation impacts in several ways:

- By smothering spawning and juvenile areas for fish species, especially important in rivers supporting salmonids.

- By carrying excessive nutrients and polluting substances into watercourses and binding them within silt on river and lake beds. Insufficient is known about the leaching effect on aquatic ecology of, for instance, agricultural chemicals bound up in this way.
- By altering habitats within watercourses and, hence, the ecology dependent on them.

### **Lack of definition for modification**

Most water bodies in Britain, and certainly in England, have been modified by human activity. There is need for clearer definition of the point at which 'modified' becomes 'heavily modified' and thus, apparently, subject to somewhat lower status requirements if these recommendations are adopted. Indeed, to suggest that any watercourse might be so degraded as for it to be non feasible, or disproportionately expensive, to enhance to Good Ecological Status is an unacceptable position for any environmental regulator to take.

### **Morphology**

The morphology of rivers is an essential ingredient in their ecological status, yet this has obviously been largely misunderstood within this consultation document, and certainly there seems little connection made between morphology and fish status, or indeed issues affecting river habitat quality and hence the ecological status of the rivers concerned. The main problem is a failure to make sufficient connection between river structure and ecology. In its present form the section seems to address only questions of sensitivity to limited criteria, notably hard bank engineering, and not the basic requirements of the system for fish, which is totally dependent on the form and function of the river and associated wetlands. For example, the report states that "*a water body has some capacity to accommodate morphological change without changing its ecological status*", but there is little evidence produced to support this arbitrary approach. The only evidence here is of a poor understanding of the relationship between morphology and ecology, especially where the needs of fish are concerned, and more research is required by ecologists, rather than the engineers one suspects were involved in the compilation of this section of the report.

### **Monitoring**

While biological monitoring is not addressed in this consultation, the WFD makes it clear that biological monitoring is necessary. FACT thought this would be a good time to describe the monitoring that FACT considers important for invertebrates. Rivers with invertebrate populations that are for example, in poor status or declining in quantity, would not meet the requirements of good ecological status. But, without appropriate monitoring, it is possible that rivers could be classed as having achieved 'good ecological status,' when in fact, they have not.

### **Concluding comments**

It is not appropriate for FACT at this stage to make any more detailed comment on the particular values or conditions proposed in the report. That is a matter for the Environment Agency as the competent authority, no doubt acting on the advice of UKTAG. FACT's concern is first that UKTAG will be able to provide advice that will achieve the required results in good time and, secondly, that the Agency will have the resources to monitor the status of water bodies accurately, prevent deterioration of high status waters and, where necessary, raise the status of poorer waters to at least good status. The purpose of WFD is to achieve the prescribed standards, not just to aim for them or seek means for justifying lower objectives or delays. It is for Government to ensure that the WFD's objectives are attained.

Much remains to be done, and the proof of achievement of good status of a water body must, by any reasonable definition, include the existence in it of an abundant and thriving

population of fish of the species appropriate to the type of water, which means that fish and fisheries must be given higher status within the delivery and monitoring of WFD. It also stands to reason that decisions over delivery must be taken at catchment level, taking into account the particular issues affecting individual watercourses.

This is what FACT will look for and, in environmental terms, can properly expect. That is what the Environment Agency, with its statutory duty to *maintain, improve and develop* fisheries, is required to provide and what the standards prescribed must be calculated to achieve, and we fear this document falls short of the required mark in the several issues discussed above.

Ultimately, delivery of the Water Framework Directive is the responsibility of the Government and what is now required is a firm assurance that UKTAG and the Environment Agency will be provided with the resources in manpower, expertise and finance necessary for full and timely compliance with all the requirements of the Directive.

Yours sincerely



Paul Knight  
FACT Director, FACT liaison for the FACT Joint Water and Environment Group

#### About FACT:

1. The Fisheries & Angling Conservation Trust (FACT) is company limited by guarantee that was formed In January 2005 to protect and promote the interests of angling and recreational fisheries in the UK.
2. FACT encompasses the work undertaken hitherto by the National Angling Alliance (NAA), the Moran Committee, and the Joint Angling Governing Bodies (JAGB). Its subscribing members are:-
  - Anglers' Conservation Association (ACA)
  - Angling Trades Association (ATA)
  - Commercial Coarse Fisheries Association (CCFA)
  - National Association of Fisheries & Angling Consultatives (NAFAC)
  - National Federation of Anglers (NFA)
  - National Federation of Sea Anglers (NFSA)
  - Salmon & Trout Association (S&TA)
  - Specialist Anglers Alliance (SAA)
  - Association of Stillwater Game Fishery Managers (ASGFM)
  - Atlantic Salmon Trust (AST)
3. Please respond to FACT Joint Water and Environment Group c/o Salmon & Trout Association, Fishmongers' Hall, London Bridge, London, EC4R 9EL.

**Appendix 1**  
**Salmon & Trout Association**  
**27 March 2006**

## **Appropriate invertebrate monitoring needed**

The current flylife monitoring system conducted by the Environment Agency should be enhanced to meet today's threats to the water environment (such as pesticides, pharmaceutical chemicals, and soil sediments) and requires modification to meet the standards for ecological monitoring required by the new environmental law (WFD).

Rivers with invertebrate populations that are for example, in poor status or declining in quantity, would not meet the requirements of good ecological status. But, without appropriate monitoring, it is possible that rivers could be classed as having achieved 'good ecological status,' when in fact, they have not.

Invertebrate monitoring should include:

- Continuation of long term and detailed flylife studies
- Continued flylife abundance counts and importance of counts.
- Species level identification
- Monitoring in headwaters of rivers and streams
- Focused flylife monitoring at some key locations
- Measures to account for indicator species and rare species
- National involvement of volunteer monitoring of flylife fully integrated with and supported by the EA (as is being collaboratively developed and successfully piloted by the EA in conjunction with the Riverfly Partnership Group). Such monitoring both detects and deters pollution at times and locations where there is no EA monitoring.
- Further recognition of the valuable role volunteer flylife monitoring plays in providing data on flylife trends (S&TA National River Fly Survey).
- Additional EA monitoring where problems are suspected (the SW Wales sheep dip pollution monitoring by EA is an excellent example).