

Salmon & Trout Association

Fighting for the future of game angling

Patron: HRH The Prince of Wales

President: The Duke of Northumberland

Consultation on River Basin Planning Guidance 2
Water Quality Division, Defra
2nd Floor Ergon House
Horseferry Road
London
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Dear River Basin Planning Guidance 2 team,

Thank you for giving the Salmon & Trout Association the opportunity to respond to the consultation document: 'River Basin Planning Guidance 2'.

The Salmon & Trout Association (S&TA), which was recently awarded charitable status due to our work concerning fish stock management and aquatic conservation, has over 100,000 individual and club members. We represent the public interest over issues relevant to the management and conservation of water, the aquatic environment and all its dependent species.

The S&TA supports the response from Wildlife and Countryside LINK, but would also like to voice a few key points.

Q1. Do you agree that the Secretary of State and Welsh Ministers should adopt all the new standards and environmental conditions limits recommended by UKTAG?

We feel the issues and concerns highlighted in the Wildlife and Countryside LINK responses to the UKTAG technical reviews have not been appropriately addressed. We will only support the standards if these concerns are satisfactorily dealt with.

Q2. Do you agree with the approach to the use of standards in classification and within the regulatory regime?

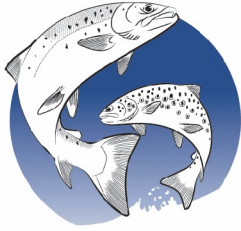
We agree the approach should be based on a regulatory regime based on standards; however we are still dissatisfied with many of the UKTAG standards and request further action is taken to address these concerns.

Further clarification is required on the relationship between the proposed standards, and the classification of ecological status. We are concerned some of the proposed standards are not based on ecology, and are not appropriate for determining good biological status.

Q3. Is the UKTAG classification guidance on how to report water body status (including the confidence in our classifications) adequate?

We feel the guidance is vague and provides few solid definitions on its terminology, categorisations or the science behind the guidelines.

There are inconsistencies in the text; for example, '*UKTAG recommended that all reasonably available and suitable information is used to estimate the status of water bodies, and the use of multiple metrics to improve confidence in the final classification.* Yet, UKTAG also states further on in the document that, *only data on the condition of the quality elements most sensitive to the pressures placing a water body at risk are used in classifying that water body.* We strongly disagree with the latter UKTAG recommendation of classifying a water body only



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using data on the quality elements most sensitive to the pressures. This increases the likelihood of incorrect classification, as key pressures may be missed or other quality elements could fail to meet the standards of Good Ecological Status (GES).

The S&TA is very concerned that the guidelines support positive classification, unless negative impacts can be proved. We feel this could make moderate or poor classification very difficult, even for high risk water bodies. The guidance also states that at least 95% confidence in monitoring data should be required before action can be taken. We would like to know how this figure was calculated.

The guidance should support the precautionary principle if inadequate monitoring data exists. The standards, in theory, have been developed to account for these shortcomings and therefore the standards should be adhered to.

It is recommended that only impacts affecting a significant proportion of a water body are used in its classification. We feel having to prove a failure of good status in more than 15% of a water body is a 'loop-hole' from having to address specific impacts on the water body. Furthermore, this would also be based on estimations at best, and is likely to increase classification errors.

We are also extremely concerned that hydromorphological and certain chemical and physiochemical elements, achieving a high confidence of failure, will not necessarily be sufficient on its own to provide high confidence of the water body being worse than good status. The importance of hydromorphological elements to biological status should not be overlooked, as it has profound affects on a water course's continuity and connectivity, which in turn can greatly impact the ecology. This guidance also does not state which chemical and physiochemical elements will be applicable and why, which raises many questions, such as who will decide, will it be generic, and is this a get-out clause? This guideline is also incompatible with the 'one out, all out' classification approach. We do not feel the proposals to ignore failed standards in some cases should be part of the WFD classification process.

We support the need to indicate confidence levels in classification, but are concerned that UKTAG recommends that confidence is considered as medium if there is more than 50% confidence that the water body is better or worse than its assigned class. We would like to know how this figure was calculated.

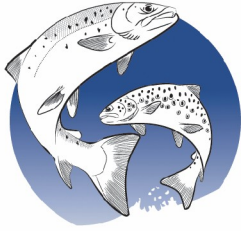
Q4. Do the proposals in the UKTAG classification guidance adequately explain why a classification will not necessarily lead to a programme of measures?

We do not feel the guidance clearly explains why a classification does not always lead to a Program of Measures (PoM). The guidance is vague, unnecessarily complex and not transparent.

Q6. Should the guidance advise the Environment Agency to indicate levels of certainty with objectives?

Yes, we feel it is vital that the EA indicates how certain it is of meeting objectives, to ensure a transparent process and ensure engagement and action from other sectors.

Q7. Should the guidance advise the Environment Agency that its preference should be to extend deadlines rather than setting less stringent objectives, where there is a choice between the two?



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We feel that the extended deadline is the preferred derogation, ahead of less stringent objectives. The majority of water bodies should be aiming for GES by 2015, and therefore derogation should only be used in special circumstances. We strongly oppose the use of time derogations for all Protected Areas.

Q12. Are these the right grounds for justifying an alternative objective or defence on the grounds of technical infeasibility?

We do not believe the Guidance sets out the correct grounds for justifying an alternative objective with regard to technical feasibility. The WFD only allows the derogation of technical feasibility to justify the setting of alternative objectives for heavily modified or artificial water bodies (4.3(b)). We are concerned this misinterpretation has occurred, as there are no articles of the WFD that allows technical feasibility to be used as a justification for the setting of alternative objectives for any water body which is not artificial or heavily modified.

We find the suggestion of derogating due to lack of information deeply concerning, and demonstrates a very low level of ambition for WFD.

Q16. Is it relevant to take account of distributional issues when justifying use of an alternative objective or defence on the grounds of disproportionate cost?

We strongly oppose the use of distributional issues to justify alternative objectives, as we feel this undermines the aims of WFD. The purpose of WFD is to address unsustainable practises within sectors threatening the aquatic environment, and undo the historical damage. Disproportionate costs do not take into account the historical gains from which different sectors have benefited, whilst adversely impacting water bodies, so this should not be used now as a 'get out clause' in WFD implementation.

Allowing these unsustainable practises to continue due to distributional issues also increases the risk of deterioration within the water bodies, which is not permitted under WFD.

The Salmon and Trout Association