



Steven O'Leary
Water Protection Zones and CSF Delivery Initiative Project Officer
Defra
Area 2a Ergon House
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London
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30/03/2009

Dear Mr O'Leary,

Thank you for giving the Salmon & Trout Association (Wales) – S&TA (Wales) - the opportunity to respond to the consultation on 'Draft Statutory Instrument to amend provisions of the Water Resources Act 1991 for Water Protection Zones, and related Draft Statutory Guidance for the Environment Agency'.

The Salmon & Trout Association, which was awarded charitable status due to our work concerning fish stock management and aquatic conservation, has over 100,000 individual and club members throughout the United Kingdom, including dedicated Welsh, Scottish and Northern Irish Chapters. We represent the public interest over issues relevant to the management and conservation of fish, water, the aquatic environment and all its dependent species.

S&TA (Wales) supports the S&TA and Atlantic Salmon Trusts (AST) generic response, but would like to reiterate a few key points from a Welsh perspective. We fully support the concept of Water Protection Zones (WPZs) and the proposed approach for WPZ designation. In our view, the power to designate WPZs is an essential element of WFD implementation. While we are confident that the majority of farmers will farm responsibly and follow guidelines needed to ensure that WFD objectives are met, it is important to ensure that their efforts are not undermined by an irresponsible minority.

S&TA (Wales) therefore:

1. Welcomes the proposal by the Welsh Assembly Government Minister for Environment, Sustainability and Housing to "extend the power of Environment Agency Wales to designate zones to protect water quality" by requiring specific measures to prevent harm to the water environment.
2. Urges that the use of WPZs as a measure to reduce diffuse pollution should be included in the Programme of Measures for the first round of River Basin Management Plans, which are due for completion and sign-off by the end of 2009.
3. Recommends that the WPZ regulations should prescribe, for oil and other potentially serious pollutants, standards for storage facilities that aim to prevent water pollution and pollution of land and property.

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4. Recommends a pragmatic approach to the evidence gathering requirements placed on EA Wales, recognising that whatever level of evidence is demanded, this process can only provide assurance against foreseen risks, and therefore the EA's monitoring and response resources must include a realistic allocation to cover unforeseen risks. The experience of the 1999 pollution incident within the Dee WPZ is evidence of this need; in that incident, for which EAW was unable to find sufficient evidence to justify a prosecution, over 100,000 fish were killed and the ecological damage sustained has taken many years to remediate. Without adequate resources to monitor and facilities to respond to emergencies, much of the value of WPZ designation would be lost.

Although in practice there are limitations to what can be achieved by hydrological restoration actions, we welcome the proposal to use of Works Notices, where damage has been caused to the physical and/or ecological condition of controlled waters, to require restoration of those waters to their state immediately before the damage occurred.

We feel this consultation is also a timely opportunity to highlight again the need to realign and directly link agricultural subsidies and grants with real environmental benefits, alongside close policing of cross-compliance.

To conclude, we feel the concept of WPZs is entirely positive, and fully support the proposals to give the EA Wales powers to combat diffuse pollution and especially damage to hydromorphology. The Government must ensure that the EA Wales has the funds it needs to ensure WFD objectives are met, including funds for WPZ designations, or this again raises the issue; good in principle but how it is going to be delivered? In order to achieve this, we urge Defra to ensure the EA fully engages and utilises information from other stakeholders, particularly NGO's with local aquatic knowledge such as Rivers Trusts and Fisheries Associations, on appropriate areas for designation.

Yours sincerely,

Paul Knight

Chief Executive

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