



Steven O'Leary  
Water Protection Zones and CSF Delivery Initiative Project Officer  
Defra  
Area 2a Ergon House  
Horseferry Road  
London  
SW1P 2AL

29/03/2009

Dear Mr O'Leary,

This response 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' is on behalf of the Salmon and Trout Association and Atlantic Salmon Trust.

The Salmon & Trout Association (S&TA), which was 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 fish, water, the aquatic environment and all its dependent species.

Established in 1967, the Atlantic Salmon Trust (AST) is a UK-wide organisation which champions the wild salmon and sea trout. It does not represent any other interests or body, only the fish themselves. It:

- a. Works for the conservation and improvement of wild salmon and sea trout stocks to a level which allows sustainable exploitation.
- b. Conducts and supports marine and freshwater research.
- c. Gives practical advice on the management of fisheries and rivers.
- d. Gives independent research based advice to governments, international and national authorities and to commercial enterprises.
- e. Coordinates activities with other conservation, environmental, fishery, heritage and wildlife agencies and organisations.
- f. Holds and supports seminars and workshops to investigate specific issues.
- g. Publishes high quality reports and booklets to inform and educate the public.

We strongly 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. The EA therefore needs to be able to impose compulsory measures via WPZs and Works Notices (WN). We particularly support the extension of WPZs to address hydromorphological problems

Fishmongers' Hall, London Bridge, London EC4R 9EL  
T: 020 7283 5838 | F: 020 7626 5137 | E: [hq@salmon-trout.org](mailto:hq@salmon-trout.org) | W: [www.salmon-trout.org](http://www.salmon-trout.org)

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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.

The evidence gathering required to designate a WPZ will, however, be a large task (except for drinking water protection) and we are therefore concerned whether proposals for designations for this reason will succeed. We support the proposed amendments, but seek clarification that they are practical for the EA to implement.

### **Proposed approach for WPZ designation**

The proposed approach requires the EA to gather 'extensive' evidence to justify an application to the Secretary of State, or Welsh Minister, for designation of a WPZ. This will also involve consultation with stakeholders, preparation of impact assessments and other analyses to establish cost benefits, etc. It will need to show that sufficient monitoring and modelling has been completed to demonstrate the need for improvements to WFD requirements. An analysis will also be required into the sources of pollution or damage, and how the WPZ will improve on the situation. The EA will therefore be involved in a considerable amount of costly investigatory and consultative work before any application can be made. We are concerned that, with the EA's restricted resources, this will lead to limited WPZ actually being designated. Adequate resources for monitoring, analysis and modelling will be required to prepare a robust proposal to ensure that any unjustified appeals are rejected.

The lack of EA resources also raises the question that if an WPZ is designated, will the EA continue to monitor and therefore demonstrate not only merely an improvement in condition, but one that has been achieved as a direct result of the WPZ?

WN have been used sparingly in the past because of fears of legal challenges and we urge the Environment Agency to be bolder in testing their use in the future. We believe they should provide an effective tool in preventing pollution in cases where WPZ designation is not appropriate

We strongly support the use of WPZ when existing regulatory or voluntary measures are insufficient to meet the Water Framework Directive (WFD) objectives. We are, however, concerned as to the level of monitoring and/or certainty required to deem the previous action insufficient, when limited post-appraisal work of, for example, Catchment Sensitive Farming options, currently exists.

The proposal to extend the scope of WPZs to protect hydromorphology of water bodies is a welcome extension, as it provides a measure for controlling land management practices with the purpose of reducing sedimentation and other pollutants that might accompany soil loss. Excess sediment in rivers causes major problems to fish populations, particularly salmonids, where smothering of spawning gravels and oxygen deprivation of eggs and fry, result in reduced reproductive success. Tackling the issue of excess sediment reaching our watercourses, particularly from poor land management practices, therefore has huge potential to address many other problems affecting the quality of our aquatic systems.

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## Comments on draft statutory instrument and guidance

Again, we welcome the proposed amendments relating to hydromorphology, and the proposal to make WPZs more flexible in order to achieve WFD e.g. through removing the Nitrates exemption, and including measures to deal with activities damaging to hydro-morphology, as well as polluting activities.

## General Conclusions

The concept of WPZs is entirely positive, and we support the proposals to give the EA powers to combat diffuse pollution and especially damage to hydromorphology. Designations should be backed up by monitoring data, however where problems are evident, but a lack of evidence as to the precise cause, should not prevent action being taken in accordance with the precautionary principle.

The Government must ensure that the EA 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,

A handwritten signature in black ink, appearing to read "Paul Knight".

Paul Knight

Salmon and Trout Association Chief Executive, on behalf of the Salmon and Trout Association and Atlantic Salmon Trust

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