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The Rt Hon Michael Gove  
Secretary of State, Defra

By email

14<sup>th</sup> December 2017

Dear Mr Gove

### **Fish Passage and the Water Framework Directive**

I write on behalf of the six rivers trusts in Wales which include three, whose remit spans England and Wales, such as the Wye and Usk Foundation. I founded the Wye and Usk Foundation where I was chief executive for 21 years and now work for the trust's umbrella body, Afonydd Cymru Cyfyngedig.

We are delighted with many of the recent regulatory changes that have come from Defra, especially the resolution of unlicensed abstractions which will have a very beneficial effect on some of our rivers, particularly the Wye SAC.

However, the 15<sup>th</sup> January next year marks the ten year anniversary of the consultation on the:

#### **“Modernisation of salmon and Freshwater Fisheries Legislation; New order to address the passage of fish” (15<sup>th</sup> January 2008)**

The aim of which was to pave the way to addressing the significant problem of fish passage in England and I believe Wales too. During the period when I was CEO of the Wye and Usk Foundation, we dealt with over 70 such obstructions. In some cases this included weir removals. I enclose an example [here](#) which we did in partnership with the Environment Agency on the river Lugg, using our own trained staff. The majority of other sites were resolved with fish passes and easements

Having completed the major part of the problem of barrier removals in the Wye and Usk, we are left with sites where there has been one repeating problem: Those where owners felt they didn't want a fish pass, easement or lowering or where retention of the barrier enhanced their own fishing at the expense of ownerships above. None of these sites were refused on the grounds of expense.

Previous legislation (The Salmon and Freshwater Fisheries Act 1995) put in place contingencies to compel the fitting of fish passes if half or more of the weir or structure required rebuilding or on any new structure. However, since the advent of the Water Framework Directive new rules are needed. Failing to create fish passage and hence raising a water bodies status is acceptable where costs are

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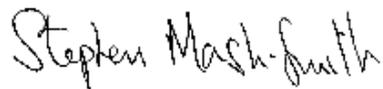
disproportionate but what right does an owner have to prevent the achievement of Good Ecological Status by withholding permission to fit a pass or weir modifications?

With the target date of 2027 for the completion of actions to bring our water bodies into good order, we simply cannot wait for some of these structures to fall into disrepair. It might take centuries. With the possibility of beavers in our watercourses, there is the additional benefit of providing compensation for the inevitable damage they will cause to fish migration.

We would be most grateful for resolution to this problem which other ministers have promised but not delivered

With best wishes

Yours sincerely

A handwritten signature in black ink that reads "Stephen Marsh-Smith". The signature is written in a cursive, slightly slanted style.

Dr Stephen Marsh-Smith OBE  
CEO Afonydd Cymru, The Rivers Trusts of Wales