

**Challenges and Choices Consultation 22 June 2019 to 22 December 2019
Written Consultation Response**

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<p><u>Response summary</u></p> <p>Afonydd Cymru (AC) represents Wales' six Rivers Trusts – all are registered charities and deliver actions that should bring about significant improvements to the ecology of our rivers and restore our fisheries and other wildlife for the benefit of society.</p> <p>AC is an organisation that believes the WFD is the best available approach to help our rivers to recover from the abuse we give them and the poor state in which they are currently assessed.</p> <p>This is not the fault of the Framework but a cultural problem in Wales where for too long, we have allowed, accepted and even funded, the use of our beautiful rivers as conveyances for all manner of rubbish, plastic and waste particularly from agriculture</p>	<p><u>Delete as appropriate;</u></p> <p><u>Yes I would like a copy of this response to be included in a summary for the next consultation</u></p> <p>Any response you send us will be seen in full by NRW staff dealing with the issues which this consultation is about. It may also be seen by other NRW staff to help them plan future consultations.</p> <p>NRW intends to publish a summary of the responses. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below.</p> <p><input type="checkbox"/></p> <p>Names or addresses we do not publish might still be published later, though we do not think this would happen very often.</p> <p>For further information about how NRW processes personal data and your rights please see our privacy notice on our website https://naturalresources.wales/?lang=en</p> <p>The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including NRW. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would consider. However, there might sometimes be important reasons why we</p>

	would have to reveal someone's name and address, even though they have asked for them not to be published. In that instance, we would contact the person and ask their views before we finally decide to reveal the information.
Would you like your details to be added to our WFD stakeholder list to keep you updated on this work?	<u>Delete as appropriate;</u> YES
At what scale are you responding?	<u>Delete as appropriate;</u> All Wales

Consultation Questions

1) Is there additional evidence you believe should be included in the preparation of Area Statements and our next Wales level assessment of the sustainable management of natural resources (SoNaRR 2)?

1.1 Our first concern is the need to define some of the terminology used in this and many similar consultations:

- **“Address”** At one time this was a term that carried the implication of action to resolve an issue but like so many other words in our dynamic language, over time it has become a surrogate for all sorts of alternatives to action such as focus groups, workshops, consultations, pamphlets, leaflets etc, but sadly, not necessarily direct action.
- Similarly **“Seek to maintain and enhance.....”** from Section 6 Env Act offers plenty of scope, as with “Address”, to fall well short of what is needed, while giving the appearance of doing something. Examination of outcomes in the WFD and water quality sector seem to support this view
- On the other hand, in the WFD itself (and for our SAC rivers and lakes, the Habitats Directive), there are clear calls and directions for a full range remedial actions.
- It is our conviction that improvements to water quality will only come about through active management and appropriate regulation/legislation

1.2 Without wishing to emphasise the cynicism felt by many in the environmental and (in our case) river management sector, Area Statements and SoNaRR etc may place additional hurdles in the drive to improve our water quality/ prevent deterioration. They sap NGO resources and, at times, the will to live.

1.3 The Natural Resources related to our watercourses should include Clean and abundant supplies of Water, Sustainable inland fisheries, Biodiversity and the ability of these ecosystems to moderate flooding and store carbon, if that is understood, then examining our polluted and degraded waterways and why they are so should motivate solutions

2) Are the options for resolving the significant water management issues (see Annex B) reasonable and achievable? Please state which issue and RBD you are responding to.

2.1 We are responding with respect to the whole of Wales, ie Dee, Western Wales and pt Severn RBD in Wales

2.2 Reasonable and achievable? On the face of it, yes but that begs the question as to why we have neither workable agricultural regulations nor apparently, at the time of writing, the will to enforce them

2.3 To NRW's credit, a combination of river surveys, plans for action and a mechanism for actual delivery will make a start (cf address) at putting right some of the issues that are best classified as In-River issues. These include removal of barriers, habitat restoration and the like.

2.4 There are some urgent regulatory issues that require immediate attention:

- Farm pollution regs. including regulations to halt soil loss
- Fish Passage regulations, currently sitting on George Eustace's desk in Defra where they have sat for over a decade: these are needed to reduce some of the 'barriers' to barrier removal. It is not clear whether it is or isn't a devolved issue but is needed in both England and Wales to enable progress at certain sites where fish passage has to date, remained an issue
- NRW should review its approach to allowing and facilitating action in this and other areas. For example, a 26 paragraph list of instructions was issued the last time a Rivers Trust wanted to remove a redundant weir, only for the last minute introduction for the requirement for having, and then revoking, an Impoundment Licence which required a three months wait. This effectively pushed the project out of time. We stress that this is a UK piece of unnecessary bureaucracy, rather than one inherited from the EU.

2.5 Need for Wetlands: in both upland plantation forest including WGFE, there is plenty of scope to restore former wetlands in the same place they once were and, as these opportunities are often well up catchments, the benefit is enormous in flood reduction and improvement to low water flows. Logically, this should happen as a

matter of course but we are uncertain that it actually happens. This benefit needs prioritisation as does peat restoration. The same is true for integrated wetlands to assist STWs

Equally crazy is to see much of Wales' upland farmland is still being drained, thus increasing the peak height of some floods.

2.6 Keeping Rivers Cool: an NRW/EA project. If we are serious about reducing water temperatures then tree planting in the 2nd 3rd and 4th (and some 1st) order streams is crucial. The potential and as yet unleashed madness would be to introduce Beaver. They chop down trees, create barriers to migration and disseminate Japanese Knotweed which they eat preferentially even to willow. A trip to the Tummel, tributary of Tay SAC will confirm this: beavers have been present there for some time. Last year was the lowest ever recorded catch of salmon, while other Scottish rivers showed some improvement.....coincidence?

2.7 Impoundment and Abstraction: NRW will be familiar with the successful UWAG group which modelled a solution for reservoir releases /abstraction in the Wye and Usk SAC catchments. The essence of which is that by avoiding the 'clipping' of natural spates and even enhancing some of them, the HD requirements were met without a loss of deployable output.

It appears that the level of spate clipping is even more significant on the Dee but there is an unexpected reluctance to undertake the measures recommended to correct this. Why?

2.8 **Planning.** The senior planning officer has written to all planning authorities highlighting the need to take account of the in-combination effects of planning decisions. Advice on this decision often rests with NRW and we are concerned that the criteria for assessing if another development will or will not impact is not clearly understood. There may be a future TAN to define this need more clearly

2.9 **Poultry Units.** Poultry units have sprung up all over Powys and are now appearing in other parts of Wales. Permits are required for units of 40K+ birds but not so smaller units. The problem for water quality arises from three sources:

Please see map appended at the end of this response

- Poultry litter/manure which needs removing from units up to four times per year. From all those sheds, where does it all go? Is there enough land for spreading?
- Sheds are washed out between 'crops' often with some toxic chemicals: where does that go and.....is anyone checking?
- 'Free range' units have up to 39K hens running around outside in a small confined area. The amount of chicken poo, which is a source of highly

reactive phosphates and ammonia deposited on ground that drains into a water course is substantial.

Since the arrival of these sheds in the upper Wye, algal blooms, in this mesotrophic reach, are now annual events and worse as they progress down this unprotected SAC.

2.10 Monitoring Of significant concern for us is how the 2018 published WB status can have improved so much in the face of almost unrelenting agricultural pollution, especially in northeast and southwest Wales and, to some extent, Powys and Monmouthshire. Given that agricultural pollution is by far the biggest cause of WB failure and all our migratory fish stocks are in decline, there is a need for more openness and transparency in what is and isn't monitored and what criteria are deployed and how often and appropriate to that site?.

- 3) Do you have other suggestions for how to address the significant issues identified in the RBDs?

We have put all our suggestions in 2 above

- 4) What opportunities exist to address the SWMIs in each RBD through the Area Statement process? If possible, please specify catchments you believe present specific opportunities.

We are not sure what the Area Statements can add to the needs already outlined in your consultation document

- 5) We don't plan to produce a consultation response document for this consultation but will summarise responses in the draft RBMP, is this agreeable?

OK with us

Afonydd Cymru December 2019

Below Map of Poultry sheds in Powys up to 2015

