

The Right Hon George Eustace
Secretary of State for Environment Food and Rural Affairs

By email

14th February 2020

Dear Secretary of State

Fish Passage and the Water Framework Directive

Firstly, congratulations on your elevation to Secretary of State for Defra and Privy Councillor. We met at the launch of the Environment Agency's five point plan for salmon some years ago.

I write again on behalf of the Rivers Trusts of Wales and English Marches as we do every time there is a new SoS. You kindly replied to my last letter to Teresa Villiers on the subject, which in turn had followed a letter to Mr Gove....and so on. You will already know that one of the most significant causes of failure under the WFD is barriers to migration and there are tens of thousands across England and Wales. In countries and regions such as Wales and Southwest England where agricultural pollution is also a significant cause of WFD failure, allowing migratory fish to ascend barriers to spawn above the pollution zone offers a very quick and cost effective way of increasing stocks. However, the 15th January this year marked the ~~ten eleven~~ Twelve year anniversary of the consultation on the:

“Modernisation of salmon and Freshwater Fisheries Legislation; New order to address the passage of fish” (15th January 2008)

The aim of this was to pave the way to addressing the significant problem of fish passage in England and Wales. 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

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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 extending the obligation to all weirs. Failing to raise water bodies status is acceptable where costs are 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 when funding is available? We have been refused consent even when we have available funds.

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. We would be most grateful for resolution to these problems which other ministers have promised but never delivered. It may now require further consultation?

With best wishes

Yours sincerely

A handwritten signature in black ink that reads "Stephen". The signature is written in a cursive style with a long horizontal stroke at the end.

Dr Stephen Marsh-Smith OBE
BDS (Bristol) LDSRCS (Eng) DGDP (UK)

CEO Afonydd Cymru, The Rivers Trusts of Wales