

Water UK's response to Defra's consultation on modernisation of salmon and freshwater fisheries legislation; new order to address the passage of fish

Introduction

Water UK welcomes the opportunity to contribute to Defra's consultation on modernisation of salmon and freshwater fisheries legislation and related new order to address the passage of fish.

Water UK represents water and wastewater service providers at UK and European level. Our members provide the UK with safe, clean water and contribute to the protection and enhancement of public health and the environment. We support the principles of sustainability, polluter pays and cost recovery to ensure better outcomes for the environment and consumers.

General comments

We note the intention of the consultation proposal to:

- enable the Agency to require the installation of a fish pass or the placement of screens to facilitate the passage of all migratory and freshwater species;
- give powers to the Environment Agency to require that a fish pass is introduced in extant obstructions whether or not works are underway; and
- require screens to be introduced for all water abstractions/ discharges.

We support the proposal to help achieve Water Framework Directive ecological status. We suggest that a decision to introduce these proposals is subject to further evidence, cost-benefits assessment supported by stakeholder contributions. We note, in particular, the impact of the proposal on water companies' assets and related implications on their water resources plans are not adequately captured. We suggest contributions of the water industry are actively sought and included in the final proposals before they are endorsed and signed off by Ministers.

Timescale for Implementation

It is now generally accepted that WFD good status cannot be achieved for all waterbodies particularly for Heavily Modified Water Bodies (HMWB) by 2015. This is especially relevant for HMWB and Artificial Waterbodies where knowledge and effectiveness of measures on Good Ecological Potential (GEP) is less developed. We would expect this proposal to include improved cost and benefits information which are needed to assess use of the Exemptions. We would support Option 3 but suggest improved information to assess the use of the exemptions is made.

Exemptions and Justification

We suggest the exemptions assessment includes technical feasibility and would be pleased to contribute examples to support this.

We suggest the EA's Statement of Intent makes it clear that priority will be given to existing infrastructure that has the primary purpose for supplying public water, to ensure water resources are, not unduly impacted. If they are, the economic assessment justifying any changes must be made before the implementation can be given the go-ahead.

We also suggest Defra provides clearer guidance for the EA to undertake a cost benefit assessment and justify their proposal. We think use of these powers without economic justification should be unacceptable.

Likely Implication of the proposal on water companies

We think the amendments proposed will impact water companies in the following areas:

- Provision of new fish passes in existing obstructions for water resource assets and waste water discharges.
- Provision of new fish screens on existing abstractions and wastewater discharges.
- Changes to fish passes and screens to be appropriate for all species for expanded scope of the regulation.
- Maintaining fish passes and screens.

Impact Assessment to include cost of owners and operators of these assets

We do not believe the current impact assessment adequately captures the costs in the changes proposed for all sectors. For example we are not aware of the relevant impact and assessment included in the recent final business plans submissions for AMP5. We suggest the Impacts Assessment is revised taking into account the cost, benefits and technical feasibility of the proposals.

Non-monetised benefits

We note that the Impact Assessment does not include monetised benefits. We suggest, given the concerns about the potential underestimate of the cost for Options 2 and 3, steps are taken and further information obtained to provide monetised benefits before decisions on the policies and the legislation are adopted and signed by Ministers. Given the costs exceed the benefits we do not believe the proposals are currently justified based on Defra Guidance to the EA on River Basin Planning.

We note the willingness to pay an estimate of £15.80 per household in Annex B paragraph 76. We think this estimate is likely to change given the current economic environment and therefore do not agree with this value. We suggest this information is updated.

Who Pays and Transparency

We suggest that the revised proposal and Impact Assessment clearly identifies the sources on funding for the improvement. We do not believe most of the changes proposed should be funded by the water industry as they are unlikely to be the sole beneficiary if at all. In such cases they will be cross subsidising other sectors. We will welcome transparency on how the improvement will be funded.