



## WILTSHIRE FISHERY ASSOCIATION

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24<sup>th</sup> January 2018

Dear Sirs

### Consultation on charge proposals from 2018

I write in connection with the Environment Agency Charge Proposals from 2018 pursuant to the Environmental Permitting Regulations 2016 (EPR), primarily but not exclusively with respect to Flood Risk Activities. Please consider this as our response to the current consultation.

The Wiltshire Fishery Association (WFA) is a volunteer-run organisation which for more than five decades has represented the interests of fishery and riparian owners in the upper Hampshire Avon catchment. This includes the Rivers Wylye, Avon upstream of Salisbury, Bourne, Nadder, Ebble and their tributaries. With the exception of the Ebble all of these rivers fall within the Hampshire Avon SAC/SSSI and so do not qualify for the permitting exemptions under the Environmental Permitting Regulations 2016 which apply to non-designated rivers.

Historically the WFA has enjoyed excellent working relationships with the environmental authorities (EA, Natural England and their predecessors), the water company and NGOs associated with environmental protection and nurture of our local rivers. The WFA is held in high regard by local colleagues in these organisations, and

its views are regarded as sensible, well considered and informative, particularly with regard to the practical management of the rivers and riparian corridors.

Over the years the river restoration and management activities of our members have contributed significantly to the conservation, protection and ecological enhancement of the Hampshire Avon SSSI/SAC, counteracting the damaging effects of abstraction, siltation, nutrient pollution and misguided land drainage schemes. In many instances this work has been undertaken in partnership with the EA, Natural England, the water company and not-for-profit organisations such as the Wessex Chalk Stream Project and Wiltshire Wildlife Trust, the Wessex Chalk Stream & Rivers Trust and the Wild Trout Trust. We bring extensive knowledge of the riverine environment and its management to these projects, as well as the all-important multiplier of value-for-money by harnessing volunteer help.

It is primarily with respect to river restoration work and day-to-day river management operations that we comment on the charging proposals. These activities fall mainly in the category of Flood Risk Activities.

## 1) GENERAL COMMENTS

1.1 The timeframe of this consultation exercise is too short. Given the response deadline of 26<sup>th</sup> January 2018, the intended date for bringing the new charges into force of 1<sup>st</sup> April gives just nine weeks for all the consultation responses to be properly considered and changes to the scheme to be made. If this consultation is to be meaningful and worthy of the effort made by those who submit responses, then the timeframe needs to be substantially extended. Logically and practically the earliest implementation date would need to be 1<sup>st</sup> April 2019.

1.2 The proposed charges as they affect river restoration work are too high and are levied on the wrong parties. The Polluter Pays Principle is as well established as a regulatory strategy as it is just. However here we have a proposal which not only asks the polluter to pay but also levies similar charges on those projects which work to redress the damage, often undertaken at the request of and in partnership with the EA itself! This seems perverse.

1.3 We should not be regarded as businesses. Forward statements in both the consultation document and the schedule of charges say “We charge the businesses we regulate for this [*regulatory*] work”. Fishing clubs, conservation NGOs, local community groups and rivers trusts who undertake much of the vital work to restore our river are NOT businesses. They do not make a profit out of their river restoration activities. Rather they spend considerable effort gathering together hard-won funding from donations, grants, membership subscriptions etc directing it at the delivery of ecological improvements. In many cases these organisations are commissioned to undertake work on behalf of the EA because they are much more efficient at delivery and are able to capitalise on the goodwill of volunteers. They should not be treated as businesses.

1.4 The spectrum of activities covered by the proposed charging scheme is too diverse for a common framework. The consultation document states that the EA wishes to have a common approach and consistent framework to define all the charge funded activities under the EPR. In our view there is so little commonality between the activities specified as to make complete nonsense of this policy. What possible similarity exists between practical river restoration work (covered under Flood Risk Activities) and Radioactive Substance Activities or Mining Waste Activities?

1.5 The proposals are more likely to increase rather than decrease the cost of regulation of river restoration and management. Far from streamlining and reducing the costs involved in regulating river restoration activities on a 'designated' river, it is our view that it will result in increased complexity and higher cost, unnecessarily. What possible justification, is there for undertaking Companies House checks or Previous Conviction Checks on a fishing club or conservation group seeking consent for a river restoration project?

## 2) SPECIFIC COMMENTS RELATING TO FLOOD RISK ACTIVITIES

2.1 It is wrong to seek to recover regulatory costs from those who are working in support of EA. We find it hard to understand the justification for seeking to recover regulatory costs from cash-strapped not-for-profit organisations when they are undertaking work in support of the EA's statutory duty to improve and protect the environment.

2.2 The permitting charges as proposed will curb valuable river restoration work. The scale of charges as proposed is so high that it is likely to be a significant disincentive for valuable river restoration projects on designated rivers, aimed at redressing the effects of abstraction, siltation, dredging etc and enhancing habitat: particularly smaller scale projects, where permitting costs as proposed are likely to exceed on-the-ground delivery costs. At the same time they are likely to drive illicit and less well conceived projects underground. The EA simply doesn't have the resources for adequate enforcement.

2.3 Implementation of the permitting charges as proposed will damage hard-won goodwill and dissipate volunteer energy. It is vital to maintain the current momentum behind river restoration and associated work to address the well-documented ills of the chalk streams and other rivers, if progress is to be made towards meeting the statutory objectives and commitments of DEFRA, the EA and Natural England, in the river environment. This momentum is highly dependent on the goodwill, energy and added value brought by volunteers. Implementation of excessive regulatory charges for river restoration work as proposed will simply drive volunteer effort way.

2.4 Pre-application technical advice on river restoration proposals should not be charged for. Proposals under 4.2.1 suggest that non-charged pre-application advice from the EA will be restricted to bureaucratic matters such as what type of permit is needed and the necessary forms to complete. Any further advice sought will be charged for. Experience tells us that expert technical advice given by EA staff prior to proposals being drawn up makes a huge difference in identifying the best approach to

achieving conservation objectives while minimising flood risk. Charging, as proposed, will discourage proponents from seeking advice and is likely to result in poor quality proposals. Moreover the proposed charge rate of £100 per hour is completely unrealistic in the context of charitable or volunteer-led river restoration activities.

2.5 Discounted charge rates for domestic and charitable organisations should be extended to Flood Risk Activities. We note that substantial discounts are proposed (as much as 95%) on Standard Water Discharge and Groundwater Discharge permit charges for domestic applications and applications from organisations operating for charitable purposes. We feel that it is inconsistent, indeed unfair, that the same principle is not applied to Flood Risk Activities.

### 3) SPECIFIC COMMENTS NOT RELATED TO FLOOD RISK ACTIVITIES

3.1 Reducing abstraction licence charges is wrong. We are in principle against any reduction in abstraction charges. Excessive abstraction is one of the key causes of river habitat deterioration, often driving the need for river restoration work in itself. Our view is that water is already too cheap, and the cost to consumers does not reflect the true cost to the environment. Higher charges for water is one of the key ways to reduce consumption and wastage in particular.

### 4) PROPOSED ALTERNATIVES COVERING RIVER RESTORATION AND MANAGEMENT ACTIVITIES

4.1 Riparian owner management agreements. In November 2016 the WFA, with assistance from the Wessex Region EA team, organised a workshop to appraise ourselves of the new Environmental Permitting Regulations (2016) as they apply to river restoration and management activities. By the end of the day it was clear that there was significant kick-back from our members at the increased level of regulation which would apply on a SSSI/SAC river; the bureaucratic rather than practical approach which had been adopted in drafting the regulations and apparent lack of understanding of the context of river restoration and management activities. We approached the Wessex Area F&B team to discuss our concerns and explore possible options for a more pragmatic approach which would deliver the necessary flood risk safeguards, but reduce the regulatory burden and bureaucracy involved in developing and processing permit applications for restoration and management activities which are routine. Interestingly our EA colleagues had similar views. Following further discussions, consultation with their flood risk and other colleagues including Natural England, we have together developed a proposal for a type of management agreement which might be drawn up with trusted fishery/riparian owners who have a track record of sensible and sensitive river management. Such an agreement would define specific river reaches of A) low flood risk potential where river management/restoration activities within a defined scope may be undertaken without the need for a specific permit; B) river reaches where such activities may be carried out only after consultation with the EA; and C) reaches of higher flood risk potential where a specific bespoke permit would be required for any restoration proposals. A

pilot agreement is currently being prepared with the intention of trialling the concept at one particular fishery within the WFA which manages several miles of river, is well known to the EA and has a track record of sensitive river management. If the trial is successful and provides sufficient assurance in terms of flood risk management and ecological protection, the intention will be to roll out the scheme to other trusted owners within the WFA. Once refined there seems little reason why such a scheme shouldn't be made available to SAC/SSSI river owners and managers more broadly.

4.2 Waiver of regulatory charges under Flood Risk Activities for volunteer organisations. In order to maintain the current momentum of valuable river restoration work, much of which is aimed at delivering the EA's, Natural England's and DEFRA's own objectives, and to continue to capitalise on the goodwill of volunteers, we propose that all charges connected with applications made under Flood Risk Activities by volunteer organisations should be waived.

## 5) CONCLUSIONS

We are deeply concerned that the regulatory costs charging approach and schedule of rates as proposed is not fit for purpose, and does not adequately consider the needs of river restoration and management activities, especially where they are applied in designated rivers. Moreover the one-size-fits-all approach adopted is inadequate for the breadth of activities covered. It appears as if it has been conceived from a bureaucratic rather than practical perspective, remote from the local level (even within the EA itself), and a lack of recognition of the importance of volunteer effort in delivering the EA's own objectives in the riverine environment. The Flood Risk Activities section, in particular, needs substantial revision.

What is needed for river restoration and habitat enhancement is a permitting system which is fit for purpose, flexible, proportionate, easy-to-follow and low-cost.

We therefore ask that you consider our comments and recommendations seriously. Should you wish to discuss any aspect of them in more detail please let us know. As always we are more than happy to help.

Thank you for the opportunity to comment on these proposals. Please feel free to publish this response.

Yours faithfully



Tom Davis, Chairman