



Parliamentary Briefing - October 2017

EU Withdrawal Bill

The Angling Trust is very concerned to read that the EU Withdrawal Bill appears to rule out the vital precautionary and polluter pays principles that are at the very cornerstone of our environmental protections.

https://www.theguardian.com/environment/2017/oct/17/uk-withdrawal-bill-rips-the-heart-out-of-environmental-law-say-campaigners?CMP=Share_iOSApp_Other

These principles are contained in Article 191 (2) of the Lisbon treaty which states policy on the environment should be:

based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

As currently drafted Schedule 1 of the withdrawal bill rules out these EU principles as a basis for challenge in British law. It states:

there is no right of action in domestic law on or after exit day based on a failure to comply with any of the general principles of EU law, and that no court or tribunal or other public body may, on or after exit day, quash any conduct or decide it is unlawful because it is incompatible with any of the general principles of EU law.

This is a complete reversal of the government's previous commitment to enshrine current EU environmental protections into U.K. law as part of the Brexit process. The precautionary principle sets a benchmark to guide both policy and development proposals from doing harm to the environment whilst polluter pays is a vital deterrent to those who would seek to damage our rivers, streams and estuaries and the wildlife they support. If the polluter is not to pay then either the taxpayer will be forced to pick up the bill or we are going to reclaim our previous reputation as the 'Dirty Man of Europe'.

And of course all of this makes a mockery of the proud boast by the current government that as part of their 25 year Environment Plan the ambition is to be: “the first generation to leave the environment in a better state than we found it”.

We note that some amendments have been tabled by Caroline Lucas, Kerry McCarthy and Mary Creagh and hope that these attract sufficient support to convince the government to re consider and make good on its promise to enshrine al EU environmental protections into U.K. law.



The polluter pays and precautionary principles are vital to clean water and a healthy environment

Case studies

The Angling Trust is working with the Wildlife and Countryside Link, Blueprint for Water and Greener UK on compiling a dossier of case studies illustrating the effectiveness of the precautionary and polluter pays principles.

They include:

- Fish Legal’s successful legal action on Llyn Padarn in Wales to save one of the few remaining populations of Artic Char
- BLUE Marine Foundation’s campaign to end damaging scallop dredging in Lyme Bay which is host to some of the UK’s most important reef habitat and is considered to be both nationally and internationally important in ecological and conservation terms.
- The cleaning up of the River Mersey and many other river restoration projects.
- Saving the Severn Estuary from huge ecological damage that would have been caused by the proposed barrage.

Days at Sea

The lobby group ‘Fishing for Leave’ have been pressing hard to replace science based catch quotas with an effort based system for commercial fishing known as Days at Sea. Under this system, which has been trialled and failed before, the boats can catch what they like and are only limited by the time spent on the water. Endangered and undersized stocks are targeted and over fishing is incentivised. This is the very system that led to the collapse of the New England cod fishery in the 1980’s throwing 40,000 people out of work.

Groups representing marine conservationists, recreational anglers and commercial fisherman have all opposed this damaging and unsustainable system which would make a mockery of the UK's commitment to achieve Maximum Sustainable Yield (MSY) by 2020. Nevertheless DEFRA have been talking about repeating the trials that were abandoned in 2010 in response to political pressure.

Reactions:

- The National Federation of Fishing Organisations (NFFO) recently published a blog outlining their concerns. *“Our conclusion is that the system of TACs and quotas comes with many challenges, especially within the context of the landings obligation. But a leap into an unworkable system of effort control could be a lot worse.”*
- A detailed report from 2014 on the failings of the system in New England - <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2014/09/risky-decisions>
- New Economics Foundation Blog - <https://www.opendemocracy.net/can-europe-make-it/griffin-carpenter/brexit-so-long-and-thanks-for-all-fish>.
- Andrew Clayton, who is leading Pew's working on the CFP, has penned this blog - <http://www.pewtrusts.org/en/research-and-analysis/blogs/compass-points/2017/03/29/how-will-brexit-affect-efforts-to-end-overfishing>



The introduction of an 'Effort Based Days at Sea system will lead to a return to completely unsustainable overfishing of UK waters.

Angling Trust Letter to the Times Oct 24th

Dear Sir

It's disappointing to see Matt Ridley trotting out almost verbatim the tired old argument from 'Fishing for Leave' to abandon science based quota systems to regulate commercial catches in favour of an effort based system known as 'Days at Sea'. (Oct 16).

If there was ever an example of short term, producer driven lobbying seeking to ignore evidence and compound the already serious problems of over fishing in our seas, this is it. As the Angling Trust made clear at the recent Defra Stakeholder meeting, where this proposal was roundly condemned, it takes a rare skill to unite the environmental, recreational and serious commercial fishing organisation on any marine fisheries policy.

Effort based systems are indiscriminate and have led to spectacular crashes in global fish stocks. Most notable being the destruction of the New England cod stocks in the 1980s which only began to recover when science based catch quotas were reintroduced following legal action by conservationists. Mr Ridley calls for government trials to prove the effectiveness of this regime change in fisheries management once we leave the Common Fisheries Policy (CFP). This conveniently ignores the Defra trials that took place in 2009/10 which ministers had to abandon halfway through as the effort based system was leading to dangerous levels of over fishing. There is an opportunity to create a world class marine fishery around the shores of the UK. This means improving on the building blocks of the reforms to the CFP that were driven by Britain. It will involve casting our nets wide to embrace the very best of established good practice from around the world. What Matt Ridley and Fishing for Leave are proposing is the very opposite. It is literally a race to the bottom of the sea.

*Mark Lloyd
Chief Executive of Angling Trust and Fish Legal*

We are hoping that MPs raise these concerns with DEFRA ministers on behalf of marine conservationists, recreational anglers and commercial fisherman and stop this damaging and unsustainable system from being introduced to the UK.

A New Water Bill

Making the most of every drop - Why we need a new water bill to save our rivers



This year many rivers and streams ran dry as early as April due to over abstraction and low rainfalls

Nearly a quarter of rivers in England are now at risk from unsustainable water abstraction without enough left in rivers for wildlife to survive and thrive. We must act now. A growing population is putting increasing pressure on water resources. Longer, drier spells are more likely with climate change. After a dry winter, some rivers in the south-east dried up completely in spring 2017.

Back in 2011, the government recognised that the current water abstraction regime was out of date and not fit for purpose. In the Water for Life White Paper they announced their intention to reform the abstraction regime to ensure sufficient water for wildlife and economic growth. The proposals for reform were set out in the 2013 consultation paper, *Making the Most of Every Drop*.

Four years later and still no sign of the promised Water Bill

It's not just wildlife that is under pressure. Recent analysis shows that the economic and social costs of suffering from drought far exceed the costs of addressing the problem. There is also strong public mandate for action with research showing that four out of five people want greater protection for wildlife and the environment.

Following the WWF report Water for Wildlife, DEFRA announced an intention to bring in some abstraction reform through secondary legislation. This is a welcome step but simply does not go far enough and our wildlife and environment remains at risk.

We continue to urge the Government to bring forward the promised primary legislation in order to:

- Deliver on the commitments in the 2011 Water White Paper to complete the promised abstraction reform "early in this Parliament".
- Avoid non-compliance with the EU Water Framework Directive (which will continue post Brexit) as now over 500 water bodies are failing to meet good ecological status because of over-abstraction.
- Fully address the fundamental problems with the current system of abstraction including: removal of damaging licences; setting of legally binding environmental flow levels; new duties on the Secretary of State, OFWAT, the Environment Agency and the water companies to ensure resilience and better storage in their supply systems.

WWF and the Angling Trust have drafted a bill 'to make provision to complete planned reform to the licensing of abstraction of water and reducing ecological damage to rivers and lakes in England'

If you would like to help save our rivers and wildlife please contact Martin Salter (martin.salter@anglingtrust.net) at the Angling Trust or Becky Spencer (bspencer@wwf.org.uk) and Catherine Moncrieff (cmoncrieff@wwf.org.uk) for a full briefing on how you can help.
