

Gogledd Cymru/North Wales:
highplains@angler9.wanadoo.co.uk



De Cymru/South Wales:
secretary@ogmoreanglingassociation.com

www.cpwf.co.uk

24th September 2012

Carrie Moss
'A Living Wales' Programme Team
Department for Environment and Sustainable Development
Welsh Government
Cathays Park
CF10 3NQ

Dear Carrie,

Re: Natural Resources Body for Wales (additional consultation)

May we again thank you for offering us the opportunity to respond to the second consultation document on this matter, on behalf of the Campaign for the Protection of Welsh Fisheries and the many thousands of anglers who have pledged their support to our stated aims and objectives as defined in our mission statement which can be read on the Campaign web site located at www.cpwf.co.uk.

We apologise that this submission is not submitted in a bi lingual format.

Our comments are as follows:

Question 1. Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty? (Yes, Mainly, Not at all).
If not, how would you change it?

Mainly, except that physiographical is defined as "the systematic description of nature in general", which must therefore include both native animal as well as aquatic species. The native animal and aquatic species of Wales are directly responsible for the generation of a substantial revenue stream to the country and as such are deserving of protection and enhancement, particularly when considered in conjunction with the following wording included in the last paragraph of the possible wording of the second order:

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“to have regard to any effect which the proposals would have on the economic and social well-being of local communities in rural areas.”

The document appears to exclude reference to enforcement in relation to our inland fisheries yet angling in Wales generates a revenue stream in excess of £100 million each year and this amount is growing. The protection of our fisheries is an investment and the investment is well worth the relatively small cost of adequately funding it.

**Question 2. Do you agree with the proposals in respect of public access and recreation duties? (Yes, Mainly, Not at all).
If not, how would you change it?**

Mainly, save that there appears to be an omission of the word “protect” from the first sentence included in Box 3. **Possible wording for the second order**

“The NRBW may take such steps as it considers appropriate to promote and facilitate public access to, and enjoyment of, the countryside and open spaces in Wales.”

The current levels of apparent criminality associated particularly with our inland waterways often involves actions and individuals the very presence of who inculcate fear in the rightful and legal users of those recreational facilities. There are now regular reports of water users being chased off or being frightened off our inland waters

**Question 3. Do you agree with these proposals for the high level forestry duties? (Yes, Mainly, Not at all).
If not, how would you change them?**

No comment.

**Question 4. Do you agree with the general proposals for cross-border arrangements? [Yes, Mainly, No]
If not what would you change?**

The details offered are insufficient to draw meaningful conclusion, however the lack of even the mention of cross border river enforcement activity is of great concern. These combined bodies seem determined to bury the issue. Most concerning. I would certainly like to see reference to cross boarder river protection and enforcement.

**Question 5. Do you agree with the proposals for the statutory consultee role? [Yes, Mainly, No]
If not what would you change?**

Broadly, however there is no mention of consultation with stakeholders and given that there fisheries interface with eh Environment Agency Wales: FERAC is being disbanded I think it critical that some form of consultative body be set up to facilitate meaningful communications and dialogue between the fisheries interests in the new body and the representatives of the recreational angling community both fresh and saltwater.

With regard to enforcement: again there is no reference to enforcement of fisheries as required by Salmon and Fresh Water Fisheries Act. I would like to see a clear statement of intent.

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Question 6. Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues? [Yes, Mainly, No]

If not what would you change?

No meaningful comment.

Question 7. Do you agree with the proposals for permitting? [Yes, Mainly, No]

If not what would you change?

At last a mention of angling! The current licensing arrangement includes a subsidy to finance fisheries protection. We are convinced that the current levels of fisheries funding are inadequate to provide meaningful protection of our fisheries. For example the

Question 8. Do you agree with these proposals for charging? [Yes, Mainly, No]

If not what would you change?

Broadly, however we feel that there is much time and effort as well as revenue generated by visiting anglers to Wales and we would urge that efforts be made to distinguish visitors from local anglers to investigate if a potential source of additional revenue is possible from, licences purchased across the border but used by anglers mainly fishing in Wales.

Question 9. Do you agree with the proposals for public registers? [Yes, Mainly, No]

If not what would you change?

No comment

Question 10. Do you agree that the new body should be a listed body under the Regulation of Investigatory Powers Act 2000? [Yes, Mainly, No]

Yes.

Question 11. Do you agree that the new body should have powers to use civil sanctions? [Yes, Mainly, No]

Yes, however I think targets should be agreed with stakeholders, especially with regards to fisheries enforcement. Targets need to be realistic, meaningful and measurable but equally important they need to be relevant as well as challenging. Many of the current targets set for the enforcement and fisheries section fail to meet these basic criteria.

Question 12. Do you agree with the proposals for appeal arrangements? [Yes, Mainly, No]

If not what would you change?

No comment.

Question 13. Do you agree with the proposals for cross border monitoring? [Yes, Mainly, No]

If not what would you change?

Mainly, however there is again no reference to cross border co-operation with regard to intelligence sharing and enforcement with regard to fisheries yet much of our border with England is marked by the Rivers Dee and Wye, both of which are heavily poached, particularly in the upper reaches.

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Question 14. Do you agree with the proposals for statutory planning and reporting?
[Yes, Mainly, No]
If not what would you change?

Broadly, however I would like to a requirement for consultation with stakeholders.

Question 15. Do you agree with the proposals for Civil Contingencies and COMAH?
[Yes, Mainly, No]
If not what would you change?

No comment.

Question 16. Do you agree with the proposals for UK wide arrangements? [Yes, Mainly, No]
If not what would you change?

Mainly, however there is no mention of UK wide arrangement to share fisheries protection information, details of know poachers, gangs or potential gang activity especially given the cultural differences between Western and Eastern Europeans.

Question 17. Do you agree with the proposals for transitional arrangements? [Yes, Mainly, No]
If not what would you change

No comment.

In conclusion:

With regard to this consultation document in particular, as with its predecessor, we feel all the questions were “closed” in that they limit the scope for broader comment on more specific and, we believe, relevant issues. For example the fisheries section of the current Environment Agency Wales account for approximately 3% of the Agency budget and about 3% of Agency staff, we are extremely concerned that in the new body Fisheries and Fisheries Enforcement will have become such a tiny part of the whole such that it will lack influence and essentially be buried under the might of the giant that the new organisation will become. It is our view that such a fate is unbecoming for such an important function as the protection of Welsh fisheries, especially the Salmon and Sewin that are synonymous with the nation of Wales to those from outside the province.

In conclusion, I think it fair to say, that we, as an organisation, have worked hard to establish a working relationship with the fisheries section of the Environment Agency Wales. We are about to launch a Bailiffs handbook for the River Clwyd system, which has been produced in collaboration with the Agency and the North Wales Police. We are working to enhance the environment on a major tributary of the Clwyd system and hope that these initiatives will be taken up throughout Wales, tailored to each of the river systems. Anglers generally are being encouraged to take a sustainable approach to their sport and the numbers returning caught salmonids to continue their journey up river to spawn is increasing greatly year by year. We believe we have been in the past and will continue to be in the future guardians of our rivers systems and the fish that depend upon them. However we cannot and should not be expected to protect our fisheries from the ravages of illegal activity: we have neither the power nor the resources.

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We hereby appeal to the members of the new Assembly Government not to be the Government that instigated the failure and destruction of our fisheries by neglect and indifference and respectfully request that they give serious consideration to removing fisheries protection from the potential monolith of the three combined bodies and set up a separate body with responsibility for the protection of all our fisheries, be they fresh or salt water and provide that body with adequate funding to carry out their duties.

Yours sincerely

Allan Cuthbert
For the Campaign for the Protection of Welsh Fisheries
Web site: www.cpwf.co.uk

Only when the last tree has died and the last river been poisoned and the last fish been caught will we realise that we cannot eat money (Cree Indian saying)