

**P-05-810 Give Welsh Fishing Clubs and Salmon and Sea-Trout a Chance, Correspondence –  
Petitioner to Committee, 30.08.19**

**Response to Petitions Committee WG – All Wales Byelaws (Fisheries) – Public Inquiry – Inspector’s  
Report**

**Petitioners Response – Mr Reuben Woodford (Afon Ogwen Anglers in conjunction with  
CPWF/Petitioners) [PetitionP-05-810 Give Welsh Fishing Clubs and Salmon and Sea-Trout a  
Chance]**

**To Report [ENV/3209811] 190/16-LG-Written Statement-Marine and Fisheries – Inspectors Report**

**30 August 2019**

**Summary of key points:**

- General and specific suppression of objector/CPWF evidence
- General and specific tendency to adopt NRW stance even when unsubstantiated by objective evidence – an appearance of bias
- The inspectors report mirrors the dismissive tone and tact adopted by NRW. It should be noted that within the PI proceedings NRW legal team stooped as low as to belittle objectors.
- In our dealings with NRW it is very apparent there has been little compromise nor is there compromise within this report. At worst, the comments made are based on conjecture, in particular when it comes to ‘fishing’ matters.
- There are a considerable number of erroneous statements made – therefore the context of numerous arguments is lost.
- The phrase ‘Notwithstanding’ unfortunately weighs heavily upon us, as used re-iteratively within the report by the inspector it marks the pre-cursory signal that our evidence is to be given a superficial airing only to be superseded by statements reflective of NRW’s own, backed up with varying degrees of substantiated evidence.

Below are key elements of objector evidence, we perceive the report fails to substantiate and therefore fails to apportion requisite weight and influence in the formulation of conclusions and thus ultimately the inspectors decision upon the necessity for; proportionality of and how reasonable the byelaw measures actually are.

Aside from the above, in addition to the substantive evidence we provided at the Inquiry that the byelaws simply cannot be enforced, sources at NRW now indicate they are limiting their enforcement potential even further since the Inquiry to a mere handful of specialist fisheries enforcement officers across Wales. In the absence of regulatory enforcement the angling community currently sit between a rock and hard place, alienated from shaping their future however tasked with an unmanageable and obtuse workload.

The report omits to present critical objector evidence in appropriate context for the following:

- Shortfalls and implications of 1) Stock Reporting 2) River Classification Model 3) Policy – Decision Making Process
- Critical relevance of CPWF evidence as a contribution to future statistical reviews – (The very same evidence NRW legal team attempted to quash is now considered highly relevant to the ongoing process) this evidence underpins a number of the objectors arguments and was suppressed
- The River Classification Model underpinning NRW’s evidence – has not been peer reviewed and is not periodically reviewed. This leaves the system open to challenge.

- The 'precautionary principle' is already built into NRW's statistical analysis – manual application of the concept beyond that stage creates an overly precautionary response.
- Under NASCO Guidance all rivers in Wales should, formally be given the opportunity to achieve 90% return rates for salmon before mandatory measures are considered. This has not happened and is a failure of ministerial direction.
- CPWF/angling community's proposals for a community centric alternative to the byelaw measures, conducive with principles of sustainable management and well-being goals.
- Progress made by the angling community – 86% return rate of salmon across Wales in 2016 – is treated as failure not success.
- There are rivers within the 23 principal salmon rivers in Wales that are compliant year on year with their Conservation Limits (compliance with NASCO Management Objective) – mandatory measures should not be applied to them under the NASCO Decision Structure.
- All rivers in Wales outside of the 23 principal salmon rivers are subject to the All Wales Byelaws order. This is in direct contravention of the NASCO Guidance and a contradiction that these are not, pan Wales byelaws as stipulated by NRW. This is clearly application of the organisations institutional preference and is contradicted by their approach to managing sea-trout stocks.
- Consideration of rivers on a catchment by catchment basis – which is what the Inquiry has been stated to provide – has not been possible. This is illustrated by the blanket and generalised statements made in the report.
- There has been a critical failure by NRW to ingrain considerations of well-being (WFG Act (Wales) 2016) and principles of sustainable management (Environment Act 2010) (achievement of well-being). In parallel to these statutory requirements NRW have not qualified the socio-economic; socio-cultural risks posed by these measures to community angling clubs and communities. No true evaluation of the byelaw measures has been made.
- The mandatory byelaws are inequitable; unfavourable and infringe on people's rights.
- One of the principal reasons for disagreement between CPWF and the NRW is because their inaction and inability to manage other threats has led to stock decline on certain, but not all rivers.
- Loss of salmon fishing methods will severely inhibit many anglers fishing for salmon under most water conditions.

***Further detailed review of the report is contained in the document below.***

The consequence of the above is to disable appropriate consideration and illustration of requisite evidence to make an appropriate decision upon the necessity for; proportionality; how reasonable the byelaw measures are and their enforceability.

Reflecting upon the perceived inadequacies of the process (***Please see letter to First Minister – included – Originator Chris White CPWF***) and weakness of the report to present a seemingly fair and balanced representation of fact and requisite decisions. It is with urgent necessity that we ask members of the Senedd's Petitions Committee to make a stand for appropriate judicial and democratic process to prevail.

Without the angling community holding a pivotal role within the management of our fisheries and inappropriate and high risk byelaw measures in place we will all struggle to achieve meaningful progress. Many fishing clubs are currently fire-fighting the consequences of the Cabinet Secretaries decision – our resources are meagre and resilience challenged. Something has to change.

Thank you for your attention to this matter.

On behalf of representatives from the angling community of Wales (petitioners),

Reuben Woodford

**Detailed consideration of the Inspectors Report:**

{The Inspectors comments are underlined/italic *Inspector*}

[Our comments – bulleted]

**548. [ Deviation from objective evidence at catchment scale] NRW accept that fishing effort i.e. rod days fished, are not taken into account in terms of estimations relating to compliance with Conservation Limit assessments.....In addition, NRW maintain, equally the impact of weather conditions can affect fish migration and angling effort.**

However, notwithstanding any shortcomings, in this regard, based on substantive evidence available, it is apparent there has been, overall, a significant and sustained pattern of progressive decline in the majority of salmon and sea trout stocks in Wales.

- Angler's behavioural responses have become a key variable in the variability of stock assessment as an extrapolation of catch return information.
- 'Rod days fished', critical to our understanding of the relevance of catch return data to actual stock is not considered by NRW.
- Generalisation of the pattern of fish stocks in Wales for salmon and sea trout stocks distracts from the catchment by catchment and conservation limit focus necessary to be able to make proportional decisions on a catchment by catchment basis.

**555. The electro fishing surveys carried out by NRW indicated a marked and widespread reduction in abundance of salmon and trout fry across a number of catchments in Wales.**

- Electro fishing surveys undertaken by NRW very rarely represent a widespread area of river catchment. It must also be recognised that the inspector's statement only applies to a single years' sample.
- The report fails to state that in some catchments there was no marked reduction in abundance of salmon or trout juveniles and therefore there is the appearance of bias.
- Without temporal context, there is no attempt to retain objectivity and balance in this statement - however there is apparent bias which suggests a far greater magnitude of phenomenon than the actual evidence illustrates.

**558. Neither the above objections, or any others relating to data sources, provided substantive evidence to challenge the validity of NRW's stock assessment data.**

- This statement has the appearance of bias.
- The reader must be reminded that the 'All Wales Byelaws' Inquiry was responsible in part for considering evidence at a catchment scale.
- The validity of objective data presented for individual catchments, has been denied by imposition of blanket generic statements.
- Forming conclusions on this basis illustrates an intent to override a catchment view to this process; to deny the reader visibility of the catchment specific evidence that contradicts the broad brushstroke statements and an intent to 'cover up' evidence critical to assessing the proportionality of the byelaw proposals.

**571. I would tend to agree with Mr Russell of NRW who expressed the view in oral evidence that 'the absence of perfection doesn't stop us acting in a precautionary way'**

- The absence of a fit for purpose stock assessment methodology however provides reasonable doubt that we should all be cautious in the actions we take, as overstepping the mark in terms of the severity of the response imposes additional risks to both the angling and regulatory systems.
- As the Inquiry progressed and the inspectors report considers the 'precautionary principle', it appears the principle itself becomes an ever present all, consuming general rule of thumb that allows NRW to justify each and every decision it makes. The angling community do not oppose precautionary principles, however when the actions proposed are proven to be disproportionate to the evidence and counter to sustaining the resilience of fisheries and angling institutions, those actions in themselves can be seen to undermine the very system we are reliant upon.

**574. [CPWF – Dublin Statisticians evidence]** *The above casts significant doubt as to the veracity of the evidence presented by the Dublin Statisticians via parties such as CPWF. Without significant evidence to indicate otherwise, I prefer the statistical testimony submitted by NRW whose three expert witnesses appeared before the Inquiry, as it was overall much more robust and justified than that of untested third party evidence given via objectors to the proposed byelaws.*

- It has to be questioned, whether the inspector's 'preference' for one statistical testimony over another has any bearing on his personal ability to comprehend the validity of those calculations. The inspector was at full liberty to seek independent expert witnesses to enable fully objective scrutiny of the evidence provided by both parties and yet he chose not to utilise this option. Ultimately, his decision upon very complex and contentious statistical analysis was reliant on the narrative dictated by NRW's legal team and not necessarily an objective critique of facts.
- The time spent at the Inquiry by NRW's barrister attempting to quash CPWF's Dublin Statistician evidence was excessive and ultimately CPWF were prevented from presenting their evidence in entirety. Whilst the inspector had repeatedly throughout the Inquiry hurried members representing CPWF along, NRW were allowed an inordinate period over which to attempt to discredit a key element of CPWF's evidence.
- It is very hard to envisage, how, bias can be thwarted, when ultimately evidence is concealed by manoeuvres unfit for a public inquiry of this nature.
- A critical fact of significant irony is not exposed by the report – that being, that the assessment process utilised by NRW and the EA in England is not quality assured and validated and both organisations are fully aware the stock assessment model must be revised.

**576.** *Concerns raised by Mr Ashwin of CPWF and others were that NRW were not following NASCO guidance, nor that of its own, in terms of the procedure for the 'Decision Structure' for developing salmon fishing controls in Wales and England. That process, it is argued, requires in the first instance, voluntary measures to be adopted for these rivers – not mandatory measures.*

- The requirement for this staged approach is clear. It is unclear therefore why and how NRW have deviated from best practice guidelines.
- The damage of not following this guidance is not only to bypass a means of empowering fishing clubs, but to leap frog forth into a high risk scenario with certain consequential impacts that NRW have on the basis of personal belief, chosen to play down and in some instances completely ignore.
- Considerations of proportionality and well-being have been denied by NRW's 'draconian' response – the inspector in para 578 unwittingly divulges NRW's exact tact:

**578.** *The approach taken by NRW is broadly in line with the Decision Structure i.e. they have considered a range of options and then selected their preferred options.*

- NRW's 'preferred option' of mandatory catch and release, which dictates crudely the method adaptations included in the byelaws has been common knowledge for many years.
- The regulator's query has always been 'what should we ban', rather than 'what should we promote'.
- Failing to make appropriate consideration of the proportionality of the measures and the likely consequential impacts upon current and future wellbeing over a transitional period (a statutory

requirement placed upon them) has led to decisions not concordant with the decision structure, but mirroring NRW's long standing 'preferred option'. The 'broad' compliance with the decision structure referred to by the inspector becomes meaningless when behind that broad compliance sits a very specific failure to utilise it in a pragmatic way that assists in ironing out the death of problems this set of measures as a mandatory response delivers.

- What is quite clear in para 578 is that the inspector has failed to grasp 1) the risks posed by the 'All Wales Byelaws' to fish stocks and community angling clubs and what they provide to communities and through ecosystem services; 2) the inherent problem of being compliant with C&R targets that have until now been vague, variable and poorly communicated.
- There is no evidence 'banning' elements of fishing are going to result in positive outcomes. There is evidence, empowerment of anglers has wide ranging benefits. To suggest that the 'precautionary approach' by default equates to the byelaw measures is simply a misnomer and NRW's red herring of all red herrings reiterated by NRW's legal and management team without proof of its validity.

**580** ....even if I had reservations about some elements of the statistical methodology employed by NRW, the entirety of the evidence base, would suggest the application of the precautionary approach.....would be prudent in terms of the interpretation of any data....

- Given a key part of the evidence base provided by NRW is reliant upon a river (risk status) classification system that is proven to be very poor at predicting actual salmon stock status and which the inspector states he has reservations about, it defies logic, that the 'entirety' of the evidence base is then seen by him to prove the necessity to apply a precautionary principle.
- It is quite evident from the reports consideration of the 'precautionary principle' that without exception, the byelaw measures as stipulated by NRW in their 'preferred option' are considered by the inspector as the only conceivable option which satisfies this requirement. This is simply not the case and it is a construct devised by NRW and substantiated by endless repetition rather than objective substance.

**581** The proposed byelaws offer several solutions to the decline in fish stocks.....

- This is an erroneous statement and a misnomer which has spread like wild fire throughout this debate, being erroneously stated on a number of occasions by NRW management teams. NRW themselves stipulate that the 'All Wales Byelaws' are not the solution to the decline in fish stocks. It is exceptionally hard to instil this fact.
- It remains to be explained therefore why NRW have pursued this version of the byelaws to the extortionate cost, both time, money and resource of the organisation to the detriment of not providing a robust and holistic, course of action to tackling the causes of stock variability.

**589** Therefore, there is substantive and compelling scientific studies, in addition to first-hand anecdotal evidence that C&R is an effective management tool to maintain fish stocks and fisheries.

- This is an erroneous statement - on two counts.
- There is not clear evidence to illustrate that early season 100% mandatory C&R leads to increased salmon stock levels in Wales. There is substantive evidence which indicates the primary controls on salmon stock abundance are environmental controls/degradation.
- The statement also seems to be suggesting that C&R as a stand-alone measure has the propensity to maintain fish stocks – it does not.
- It is critical therefore that the proportionality of the byelaws is considered in true context and that C&R as a mandatory measure is understood fully in particular given as a proportional measure, it arguably carries greater ability to do widespread good and to support sustainable management principles. NRW's approach deviates from a sustainable response because it focusses on an ideology which negates to consider the fundamental requirements of a system that retains functionality.

**590** A common argument against the introduction of mandatory C&R was that most anglers already practice voluntary high levels of C&R e.g. the figure for 2016 is approximately 86%.....

- The primary focus of NRW's argument to counter the implications of this statement is that all salmon should be returned to the water. It is not nor should it be, necessary for every salmon caught to be returned to the water in most rivers in Wales.
- With reference to NASCO guidance, if there is a primary target to focus upon, then it is the 90% return rate. To class an 86% return rate by anglers on a voluntary basis as failure is disingenuous.
- The action of returning a mortally wounded fish to a river to fester as a carcass lies beyond the moral compass of most if not all anglers and the public at large.

**592** Allowing anglers the freedom to continue to intentionally kill those fish would further risk declining stock of these species, and would also introduce inequality between those who voluntarily practice C&R and those who do not...

- Misleading statement – The primary causal factors of stock decline are perpetuated because of regulatory inaction to manage the environmental inhibitors to optimal fish stocks. The angling community do not seek the 'freedom' to kill fish, they seek the ability to apply a proportional system that sustains rather than undermines fisheries management.
- Angling and the stock assessment system thrive on inequality. Invariably, the primary inequality is not between those who keep and return fish, but between those who expend hundreds of hours to fish and return fish with the intention of keeping the occasional fish and the casual angler who contributes by a far lesser degree to the catch return statistic that allows NRW to attempt stock assessment. Without that inequality – NRW have no stock management system.
- There are considerations of equality and fairness to be made, however these are only effectively managed and sustained at club and catchment level.

**593** The proposed byelaws will establish a level playing field.

- It has been illustrated that the byelaw proposals are un-enforceable.
- NRW have now announced plans to disband most of their specialised fisheries enforcement potential.
- The disparity between 'obedient citizen' and 'hard-core poacher' will widen.

**596** [Hook Restrictions]

The proposed byelaws.....

- **Erroneous statement**

Hook size restrictions will reduce the chances of deep penetration and potential fatal injury...

- **Erroneous statement**

Restrictions on the use of flying 'c' type lures.....

- **Erroneous statement**

**600** [Ban on worm fishing – salmon] Objectors made no significant arguments to counter the ban

- **Erroneous statement**
- CPWF illustrated that it is impossible to fish certain spate conditions for salmon without use of the worm method. It is traditionally the most prized angling experience on the spate, rivers of North Wales. Fishing with worm for salmon is a traditional method applied under all water conditions and seen as a 'fair method' during low water conditions when spinning usually is not.

- Adaption to the worming technique in an early strike makes this a highly favourable method in terms of limiting damage to fish.
- Omission of this evidence in the report is unacceptable.

### 603 [Bunching of worms]

- Comments made by the inspector are mere conjecture and make a mockery of the reports repeated reference to the inadequacy of angling representatives anecdotal evidence of methods they and they alone practice.

604 During the cross examination of Mr Gough of NRW by an objector, it was claimed small rivers can only be fished with worms, which in effect would preclude them from angling; Mr Gough's experience indicated otherwise. I suspect the reality is the effectiveness of fishing such rivers without worm bait is very much down to the skill of the individual angler.

- Given Mr Gough has as far as we are aware very little if any angling experience, it is apparent this conclusion is drawn upon the basis of predominantly conjecture.
- There are hundreds of small rivers across Wales which sit outside of the 23 principal Salmon rivers, and yet without explanation apart from a general intent to include them under a 'precautionary principal', they are subsumed by the byelaws.

607 In terms of justifying the use of shrimp/prawn to after 1<sup>st</sup> September, NRW highlight that for a reason currently unknown, salmon will take a shrimp in warm water conditions.....

- Salmon will take any bait/lure under summer conditions if it is presented well. Worm and crustacean baits have the advantage of being naturally alluring to salmon.
- This element of the byelaws defies logic when considered in context.

.. there was no substantive evidence to challenge NRW's approach.

- **Erroneous statement**

608 The overall approach to the use of shrimp/prawn is measured and proportionate.

- This regulation constitutes a ban on bait fishing for salmon for at least 4 months of a 5.5 month season on average.
- Most fishing with shrimp/prawn is undertaken in the spring and summer months.
- The conclusion drawn is based upon **erroneous** evidence.

### 611 [Sea-trout slot limit 60cm]

- Deviation from an evidence based/catchment specific justification for the byelaws.
- The opportunity to take a 'trophy fish' of any kind (traditionally the greatest draw to angling for migratory species) is denied in entirety by this additional step.
- Science contradicts the importance of these fish stipulating they have done their work (genetically).

### 613 [Striking a balance – nets/rods]

- Deviation from an evidence based/catchment specific justification for the byelaws – rivers without nets.

### 614 [General poor state of sea trout stocks]

- Deviation from an evidence based/catchment specific justification for the byelaws.

**624 [Equality considerations]** As regard the ban on worm fishing for salmon, it is argued this would affect people with physical limitations who are not able to fish with either a fly or spinner; this was deemed to be indirect discrimination under the Equality Act 2010.

**626 [Adaptions to Byelaws]**

- The adaptations to the byelaws do not mitigate the consequence of 'indirect discrimination' imposed upon salmon anglers with physical limitations during the majority of the fishing season.

Furthermore, less physically able anglers would still be able to continue to use bait for coarse fishing which is unaffected by the proposed byelaws.

- North Wales Rivers are primarily not coarse fisheries.
- In context this statement implies that less physically able anglers can go elsewhere for their fishing experience – this appears to be direct discrimination against less physically able anglers.

All these measures are a proportionate response given the current state of sea trout and salmon stocks in Wales.

- Blanket approach.
- Apparent false justification of discriminatory decision.
- Deviation from an evidence based/catchment specific justification for the byelaws.
- This statement does not appear to be appropriate to this paragraph

**631 [Enforcement]**

I accept there may be challenges to effective enforcement however that is not a defence to doing nothing at all....

- NRW's statements are given president over CPWF evidence
- There is substantive evidence to illustrate that the byelaws are not enforceable
- The unenforceability of the byelaws alone illustrates the non-functional scenario presented to WG
- The alternative option is not to 'do nothing at all'. The alternative is the option presented by CPWF to empower angling clubs to optimise sustainable angling practices on their waters

**632**

I have no reason to doubt the proposed byelaws would not be generally accepted and complied with as per previous byelaws...

- NRW's statements are given president over CPWF evidence. Critical CPWF evidence is not given exposure.
- Significant evidence was presented by representatives of CPWF illustrating barriers to the enforceability of the byelaws, not least opposition by the majority of anglers.

**635**

..there is still a preponderance of other licensed anglers, riparian land owners, other members of the public and other agencies who would still be on the river banks and be likely to report incidents

- The preponderance of evidence from the angling community does not substantiate this position.
- The byelaw process has not only alienated the angling community, but many rural communities in Wales.

**636 [Socio –Economic Impacts]**

- NRW statements are given president over CPWF evidence. Critical CPWF evidence is not given exposure.

**637** [Socio – Economic Impacts] NRW's consideration of the socio-economic impacts of the proposed byelaws is detailed in several documents, contrary to the view of a number of objectors who indicated otherwise.

- The risk to community angling clubs has not been qualified
- Without the necessary consideration of the direct and indirect consequences of the byelaws, the socio-economic; socio-cultural and thus all well-being considerations cannot and have not been made.
- Whilst NRW argue over the net worth of angling to Wales at a macro scale, localised impacts and the long-term resilience of clubs remains the key concern to local volunteers fire-fighting to sustain community clubs – the means of access for local anglers to local waters.

**641** I concur with NRW's viewpoint that if nothing is done to eliminate the intentional killing of fish, whilst other initiatives to improve freshwater habitats are pursued, then the timescales for stock recovery will inevitably be prolonged.

- There is clear evidence that the angling community in Wales have progressively adapted angling practices in a proportional manner to protect vulnerable stocks of salmon and sustain the resilience of angling clubs.
- The primary limitation upon stock enhancement is arguably inactivity by NRW and its legacy organisations. As Peter Gough (head of NRW fisheries and NRW manager behind the byelaws) stipulated at the inquiry, catchment improvements would only come to fruition if river restoration plans did not sit on the shelf within an organisation that is clearly resource poor.
- The byelaws are not a proportional response in relation to the evidence nor the current level of progress made by NRW to restore environments capable of sustaining optimal smolt production.

**644 [angler tourism/tourism impacts]**

- Critical CPWF evidence is not given exposure.

**645** Overall in terms of the socio-economic impacts of the proposed byelaws, I prefer NRW'S evidence...

- The All Wales Byelaws impose a risk to community angling clubs.
- NRW do not have evidence to illustrate the risk or means of mitigation to manage the short to medium term impacts on clubs through lost members and the consequential impacts that brings.

**646 [Other measures to address the decline in fish stocks]**

- There is a significant gap between the progress aspired to by NRW and actions on the ground.
- As indicated at the PI NRW's reputation for developing weighty strategic plans over meaningful outcomes is clear – The State of Natural Resources report (SoNaRR).

**650** NRW maintain that if the other measures were pursued in the absence of the proposed byelaws, then there is a risk that on-going catch and kill fishing would increase the risk of further decline of stocks, as the on-going depletion of spawning reserves would continue.

- On a catchment by catchment basis there is no guarantee other measures will be pursued. (these are catchment by catchment byelaws) As Dr Mawle stipulated at the PI the byelaws serve little purpose if the other habitat improvements are not achieved.
- The current level of kill by anglers (2016 figures) represents a mere 4% shortfall in the ideological NASCO set threshold. It is not angling with rod and line that poses the significant risks to fish stocks.

## 652 [Statutory purposes of NRW]

- The report omits critical CPWF evidence which illustrates NRW has failed to promote:
  - 1) The Sustainable Management Principle
  - 2) Well-being considerations in line with the WFG Act
- The byelaws pose a significant risk to economic prosperity; socio-cultural/amenity values; health and participation; evidence and analytics; future partnerships and prevention of illegal activity. NRW have played down these risks and undertaken no meaningful risk assessment. Well-being considerations have simply not been ingrained in this process, thus allowing NRW to engineer measures they falsely claim have little consequence in the short term and will bring well-being benefit in the long.
- The Well-being Act, interprets ‘Sustainable Development as the process of improving well-being.’ This is our joint aim and NRW’s responsibility under ‘the WFG Act’. As NRW have developed measures that illicit ill-being, then this is not ‘sustainable development’ and those measures through definition should be deemed inappropriate.

653 Despite the reservations of some, there is no substantive evidence to believe that NRW or others would not actively pursue the range of other measures referred to above, particularly bearing in mind its duties under the aforementioned statutory framework.

- Various NRW managers/technical specialist at the PI indicated the organisation is currently hamstrung by resource deficit.
- NRW stipulated at the PI they did not have a requirement to consider all 7 well-being goals as stipulated under the WFG Act – No evidence was provided to substantiate this position.
- SPFST – Core Guidance Document WFG Act – Stipulates in terms of ‘well-being considerations’ – this is ‘about complex , but real world interconnections between our environment, our economy, our society and culture.’ Without due consideration for the limitations posed by the byelaws, NRW have applied certainty to the ability of these byelaws to stimulate stock recovery and improve future well-being.’ Neither assumption is evidence based.

658 In any event irrespective of the impacts of avian or other predation on Welsh salmon and sea trout fish stocks, the fact of the matter is that those fish are generally in a very vulnerable state, and the deliberate killing of fish is unsustainable and contributes to the problem albeit to a more modest extent.

- **Erroneous statement**
- Why if this is the case, has gathering evidence in relation to natural predation impacts been an afterthought? Failure to apply proportional response.
- CPWF evidence suppressed. Catchment specific evidence suppressed.

661 The proposed byelaws would also apply to a modest number of other non-principal salmon rivers. NRW accept that the inclusion of these other non-principal rivers in the proposed byelaws may give the appearance of a blanket approach.

- **Erroneous statement**
- Clear indication of misuse of precautionary principle – inclusion of all these rivers is a failure to comply with the NASCO Decision Management Structure.
- This is a ‘blanket approach’.
- Catchment specific evidence suppressed – Ogwen and other rivers exceeding CL year on year in compliance with NASCO Management Objective.

662

- **Erroneous statement**

663

- **Erroneous statement**

**665** *I do not consider direct parallels can be made between NRW's approach as advanced in the proposed byelaws and that of equivalent agencies in other jurisdictions.*

- NASCO Guidance has not been complied with.
- The Environment Act/ WFG Act places greater onus on Wales to consider sustainable principles and thus well-being considerations (social, economic, cultural & environment) in the short, medium and long term with the focus on parallel advantages to all. The consequential impacts of the byelaws illicit ill-being.
- Wales is being put at disadvantage to other jurisdictions.

**667 [NASCO Guidance; Conservation Limits; Allowable Angling Practices]**

- NASCO Guidance has not been complied with.

**671** *Objectors.....considered their views were simply ignored and that the outcome was a fait accompli.*

- There has been no meaningful attempt to reach consensus.
- Minutes of Local Group Meetings used as evidence at the Inquiry were bias and censored and thus non representative of proceedings during the consultation period.

**682 [10 year byelaws; 5 year interim review]**

- The 10 year period compounds the negative consequences of the byelaws.
- No details of the interim review have been made publicly available.

**684** I am satisfied the byelaws have been progressed on a sound legal basis and in accordance with the principles of natural justice, with all interested parties given the opportunity to present their case.

- Reference – Letter Chris White to First Minister – Copy Included

**685** *NRW who have assessed the impacts of the proposed byelaws on those likely to be affected in a proportionate manner.*

- **Erroneous statement**
- NRW have not assessed the impacts of the byelaws

**688 (Well-being Goals)**

- This has not been done by NRW

**689 (Well-being Goals)**

- No evidence was presented to substantiate this statement – CPWF presented evidence to illustrate that ill-being is being stimulated by lack of appropriate consideration of well-being goals within this process.

**695** *There was no convincing arguments that the raft of measures contained within the proposed byelaws were not appropriate, reasonable and proportionate.*

- Critical CPWF evidence is suppressed and given undue consideration within the report.
- Critical CPWF evidence was suppressed and given undue consideration within the Inquiry.

**697** *It should be noted that the proposed byelaws would affect only about 15% of anglers...*

- **Erroneous and misleading statement**
- The future of angling on Wales Rivers is at risk – without a fishing club, an angler can invariably not fish.

**698** *It is only reasonable therefore that anglers and nets men play their part in the solution.*

- NRW and the report are highly disingenuous to the part the angling community already play in instigating sustainable practices.
- The CPWF proposals for a workable way forward have been given little if any coverage within the report. Anglers aspired way forwards is thus suppressed and ousted from consideration.
- Anglers are a critical component of a progressive means of developing improvement in fisheries – the PI and the report confound the alienation of the angling community from this arena.
- There has been no attempt by NRW to reach a point of consensus.

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