

Agenda

Title of meeting:	Wales Fisheries Forum
Date of meeting:	27 November 2023
Time of meeting:	10:30 - 12:30 to 13:30 - 15:30
Location:	Teams Meeting Join on your computer, mobile app or room device Click here to join the meeting

Present

NRW:

- Steve Ormerod (Chair) - **SO**
- Ben Wilson - **BW**
- David Mee - **DM**
- Sara Sherratt - **SSh**
- David Charlesworth - **DC**
- David Letellier - **DL**

Members:

- Guy Mawle - **GM**
- Mervin Williams - **MW**
- Nigel Davies - **ND**
- Tony Harrington - **TH**
- Paul Edwards - **PE**
- Helen Pearce - **HP**
- Paul Vernon - **PV**
- Creighton Harvey - **CH**
- Chris White - **CW**

- Mark Owen - **MO**
- John Ellis - **JE**
- Sam Jones - **SJ**
- Gail Davies-Walsh - **GDW**
- Robert Ffloyd - **RF**
- Paul Edwards - **PE**
- Denise Ashton - **DA**

Apologies

- Andrew Philips (replaced by Helen Pearce)
- Rachel Evans (Royal Welsh fair)
- Stuart Smith (Paul Vernon)
- Chris Mills
- Fiona Hourahine

1. Welcome, introductions – Steve Ormerod (10:30)

- Steve Ormerod opened the meeting and covered any matters arising

Apologies for absence

- Andrew Philips (replaced by Helen Pearce)
- Rachel Evans (Royal Welsh fair)
- Stuart Smith (Paul Vernon)
- Chris Mills
- Fiona Hourahine

AOB items to be added

- No AOBs

Conflicts of interest

- Fish eating birds (Steve is Vice Chair of RSPB)

2. Admin Matters (10:45)

- Approval of notes from July 2023
- Actions from previous meeting

Action on SSh to upload the meeting notes from July to webpage

3. Fish Eating Birds- Update and Implementation (11:00)

- Paper, presentation and discussion by Dave Charlesworth Lead Specialist Advisor
- DC appointed new FEB Specialist Advisor. He laid out plans to develop guidance and policy, by collecting evidence on a catchment area-based licensing strategy, to improve transparency and streamlining throughout the application process of issuing FEB lics. A range of working groups and workshops have been set up as far.
- Current plan to use the Usk as an example catchment due to it being a principal salmon river, fully in Wales, with SSC status and full, ongoing data. Currently salmon 'AT RISK' on the Usk and designated annex 2 species, so can issue an FEB lic to protect flora and fauna. It was highlighted that the loss of an annex 2 species should be of high conservation importance to all.
- Suggestion for a second catchment study with evidence gathering from local and small scale initiatives as well as smolt tracking (where there is an increased risk of predation). This is especially true as smaller populations, coupled with aggregation increases predation, which can lead to increased variability.

Action on DC to provide roadmap to help clearly outline the project plan. Consider 'action at pace' and early life stages when collecting evidence on the effects of FEB's.

Action on BW & DM to consider whether NRW would be better placed to control FEB's.

Action on BW to organise a presentation on the Teifi demonstration project by John Goldsworthy.

4. Enforcement in NRW (11:30)

- Briefing and presentation Fiona Hourahine Operations Manager (presented by BW)
- 24 SAFFA warranted staff across wales in 6 placed based teams alongside seconded police officers. 6 Apprentices are being onboarded. 16 new CoAPR team officers to deal with highlighted agricultural polluters. Annual Regulation report will give a full overview of prosecutions for 2022.

- Important comments to note from CH:
- Since the drafting of NRW's prosecution guidelines the legislative framework has changed. Previously, a decision on whether to prosecute a pollution offence, usually under the environmental permitting regulations, depended on the culpability of the alleged offender and the environmental impact of the offence. Those guidelines are now insufficient in the light of legislation intended to reduce the risk of pollution rather than deal with a pollution that has occurred.
- An example is regulation 12 of the Water Resources (Control of Agricultural Pollution)(Wales)Regulations. That regulation sets out the circumstances in which nitrogen fertiliser should not be spread. A guide requirement for serious environmental impact renders such regulations unusable. The legislation is there to prevent risk. To limit enforcement options on the basis of there being no serious environmental impact is illogical and undermines the legislation and the Senedd's intention.
- NRW is bound by the Code for Crown Prosecutors. Under paragraph 4.14 e it is appropriate to consider prevalence of an offence in assessing seriousness of offending.
- The prevalence of an offence in a community may cause particular harm to that community, increasing the seriousness of the offending.
- In those cases where the Senedd has enacted legislation to prevent risk then local prevalence may be a more fitting guide to seriousness. Regulation 12's advisory predecessor, chapter 5 of CoGAP, was regularly breached. For evidence of that read the October and November 2019 minutes of the WLMF subgroup on agricultural pollution as well as seeking out incidents reported to NRW. Regulation 12 is being regularly breached.
- The commencement of a notification scheme in 2024 for farmers wanting to apply nitrogen fertiliser over the 170 kg/hectare/annum limit imposed by the 2021 regulations is another example of this situation. We await the final regulations on this but to require serious environmental impact before considering prosecution is surely a nonsense. I am not saying every case should be prosecuted but that the option should be available to the regulator and potential offenders should know that. There should be a deterrent.
- Future plans for NRW to have a workshop based off the wellbeing objectives to reduce pollution as much as NRW can. Research has suggested that dairy farmland has the greatest risk of river deterioration in England and Wales.
- Question raised: Is enforcement effective? Looking at farmer and anglers. In terms of impact are they meeting compliance in line with regulation – the belief of some members is mostly a no. Need a measure of whats being achieved. Needs more publicity of prosecutions and actions being taken to change public attitudes.
- SO: 22 staff directly recruited by NRW for compliance and enforcement to tackle agricultural pollution. Prosecution not only aspect of regulation. 13 prosecutions, 24 formal cautions, 4 enforcement undertakings, 213 warning letters, 31

instances of advice and guidance for DCWW alone, with the environmental rating of the company downgraded to 2 stars.

- Comment that farmers are far less likely to be prosecuted or have action taken against them than larger companies.
- Question raised as to whether low level pollution incidents reported by angling organisations are not being visited. Response being that triaging of incidents' allows for NRW to respond appropriately to all reports. Important that the cumulative effect of low level incidents are considered e.g sediment build up.
- CW lack of accuracy from anglers: Angler catch returns is not a reliable way to manage stocks due to anglers forgetting to record catches.
- PV comments on how stock assessment is being influenced on a catchment and local level rather than a global / regional level. BW replies noting the report will include informed guidance on how local issues.

Action on BW and DM to report back on the process of responding to and categorising including cumulative effect of pollution incidents and whether incidents' are being followed up by the enforcement teams by means of contacting land owners ect.

Action on BW to get and update on the LIFE programme. Possible field trip proposed.

5. Update on the National Salmon Stock Review (12:00)

Salmon and Sea trout PoA update recommendations for the future

- Presentation and discussion Ben Wilson
- Particular focus on the decision making structure for updating the salmon stock assessment process. This will include asking for support on the salmon pressure matrix from WFF members. Highlighted was the use of the river bush stock recruitment curve for setting the conservation limits; potential for setting two biological reference points using maximum smolt outputs as good fixed biological upper reference point; moving towards linear regression model for stock compliance assessment; trialing new and existing methodology alongside each other through 2023 and 2024 with formal implementation of revised stock assessment by 2025.
- Discussion points were: the impact of catch and release on anglers estimation of size due to it being exaggerated and updating the salmon & sea trout plan of action using prioritising the different threats.

Action on BW to send out the ICES journal of Norwegian prioritisation for salmon and sea trout threats.

Action on BW and SSh to send out pressure matrix scoring system to the WFF members (expert panel). One month to complete until end of calendar year.

6. Lunch (12:30)

7. IFM Sea Trout Symposium and Workshop (13:30)

- Chris Mills President Institute of Fisheries Management and Ben Wilson NRW
- Briefing and discussion Ben Wilson
- Chris Mills update on Sea Trout symposium:
- Workshop in London output comments. IFM review current state of knowledge about sea trout. Plan of action(4 aims: biodiversity value recognition, Protection in freshwater & at sea, research.). What organisations that want to take part & how. Discussion between BW, SO & GM that the general feeling at the symposium was that brown trout numbers are stable, however BW suggests that the evidence is variable across different stages of the life cycle and that it is likely flat-lining. Numbers of >0+ trout on Usk has dropped dramatically overall but variation from year to year. Fry not the case, but sites not selected for trout fry abundance so figures not representative. Collaborative group coalition of NGO's being drawn together next and papers published from symposium.

Action on BW to share the symposium presentations.

Action on WFF members to contact Chris if interested in collaborating on the 4 main actions of the symposium. Future discussions with Chris to follow once the papers have been released.

8. River habitat restoration by Rivers Trusts (13:50)

- Gail Davies-Walsh, Chief Executive Officer Afonydd Cymru
- 25 Barriers & easements removed. Welsh Dee pioneering with Welsh Dee trust to purchase land and add buffering – other projects include tree planting and fencing. Gravel augmentation and other schemes (erosion, liming, boulder schemes). Identified a £35 million deficit for restoration on Welsh rivers. Ambition for this coming year to work more collaboratively with organisations, local authorities, funding bodies and companies to improve cost effectiveness and flow of data and information.
- GDW restoration programme still quite small with many barriers. Requires more funding – Need more than just SAFF funding, bid for Swansea University put in another bid for Nature Network for SW rivers for non - SAC rivers. Three trusts for Esme Fairburne, one confirmed, all in bid to increase the restoration programme.
- Comment that speedier planting to provide shady coverage, but funding for tree planting separate bid from fence restoration. Have to go directly to WG, as cant do very often in combo with fisheries schemes. Fishmongers guidance on planting trees, blanket planting rather than targeted planting for best effect to cool rivers as

opposed to putting them anywhere. Mapping required for best practise with tree planting. LIDAR data just in to improve the tree planting and shading. Much more data crunching to create useable output. Getting landowners on board is a big requirement.

Action – BW to get in Susan Hern to discuss the £10 million Wye restoration project plan outline before the next meeting.

9. Updates from other Fora (14:10)

- WLMF: Subgroup on agricultural pollution - Creighton Harvey
- The increase in derogation has come with a licensing scheme which farmers must follow and have to provide phosphorus and Nitrogen figures. This licensing scheme would have been paid for by the farmer to provide funding to NRW to roll it out and manage the scheme. WG have conducted a consultation which declined a licensing scheme, due to there not being enough resources, funding and expertise in NRW, but rather an application process. The application will have to be applied for before the 31st March 2024, which lasts for 1 year only. Unknow what 2025 holds – will WG return to pre existing model of derogation to farms of 80% grassland, licensing scheme or notification scheme as recently agreed. Some requirement increases included in the application include increased buffer zones and details of the phosphorus content of their soils. The failure to pass the licensing scheme has triggered other organisations and associations to gain interest in this area. Notification scheme priority to be given to and concentrate on high risk farms e.g. those that produce slurry.
- It is important to identify those who most at risk of polluting and information given to farmers about the risks of not complying.
- Some focus should be placed on certain schemes such as 'Red Tractor' to not only focus on animal welfare but also on environmental issues as they are currently failing to perform these duties.
- Diazanone and sheep scab programme worries across forum. NRW and WG need to provide monitoring and disposal unit, which is currently not happening and funding not available. Farmers are resorting to inappropriate disposal of waste. AC have been trying to secure funding and get it in place to support the scheme but NRW have not provided a response.
- Included within worries are antifungal agents and other pesticides which are recurrent at many testing sites as performed under research with SO.
- BW continues to discuss the issue of disposal of pesticide waste with AC and securing additional funding, with request to provide details of pollution incidences discussed.
- Water Forum – Steve Ormerod
No meeting held as scheduled so postponed until early December but update paper provided

Action on BW to circulate the Water forum update paper.

10. Updates from Members (14:30)

- Angling Trust – Update Missing Salmon Alliance and Salmon Advisory Group. Salmon and sea trout Advisory Group SSTAG
- Missing Salmon Alliance update – Fish Legal won a legal case judicial review over river basin management planning and consents on sewage placement works, summary: illegal for secretary of state to sign off on management plans so DEFRA are trying to catch up and expecting gov to appeal.
- DWCT in October in Westminster led a all party parliamentary group looking at water and salt water approaches on salmonid conservation.
- MSA attended SEPA sea lice consultation on managing sea lice issue.
- Angling Trust and Salmon and Sea Trout advisory group looking at fishery plans and by-catch particularly. Responses to sea bass management plan.
- Water quality monitoring network running up and running from 2022 supported by ORVIS 625 volunteers from 235 clubs across 175 rivers. Wales: 70 volunteers, 27 clubs & 16 catchments. December push for more in England. Results: results taken up by EA and Fish Legal. Review paper on hatcheries not policy document just an objective review once gone through due process.
- Still part of the EU anglers alliance, hosted 3 day conference in September. Norwegian presentation on pink salmon. Volunteers have netted out thousands of tons of pink salmon. Warming Sea are thought to be less pink salmon friendly. Considerations for whats happening in Norway.
- Using Welsh experiences to attempt change in England in terms of FEB's.
- Diadese project template of socio economic valuation tool of fishing on catchments – waiting for CEFAs to finish off standardising the benefits of fishing.
- BW could be useful to use the socio economic tool for Wales. Focused on diadromous fish.
- MSA and AT have been contributing to economic costs towards the hatchery paper.

11. WFF Update Paper (14:45)

Update paper items:

- Rod licence - 2023 rod licence sales to date
- “Fishing in Wales” latest statistics
- Salmon and sea trout stock performance.
 - Reporting: International Council for the Exploration of the Sea (ICES)
 - Salmon in Wales
 - Sea trout in Wales
- IUCN Red List: Seven species of fish are at risk of extinction in Britain’s waters
- No pink salmon reported in Wales during 2023
- Sea trout symposium – Institute of Fisheries Management
- Measuring our performance and the Annual Regulation Report 2022
- Fish-Eating Birds project update and Catchment Pilot Approach on the Usk
- Dee Stock Assessment Programme (DSAP) – index river programme Autumn 2023 update
- Usk smolt tracking – Year 3 update
- River Teifi Counter
- LIFE Dee River – update
- Rivers for LIFE Project Update
- River Usk Honddu weir removal provides boost for vulnerable fish
- Ringleader of prolific Teifi poaching gang has over £18,000 confiscated to pay for part of his criminal gain
- Paper taken as read, but we invite comments Dave Mee to run through key items

- Rod lic sales: bank holidays may have increased rod lic sales and no further drop.
- Teifi data , catch and release

12. AOB (15:15)

Future items

- John Goldsworth talk: Teifi demo project
- BW 'Plan of action' matrix
- Chris Mills The Sea Trout Programme for Action
- SAC rivers project
- Renuncylus – Susan Hern talk (what extent of loss of renunculus / why / restoration)
- UK forestry standard – forestry applications on failing rivers where fish pops are at threat – regulatory bodies consult with angling clubs with new applications for forestry

March 2024 meeting date. – Date to be confirmed.

- **Meeting Close (15:30)**