

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Amgylchedd a Chynaliadwyedd
NRW 2015 – 30
Cyfoeth Naturiol Cymru – Craffu Cyffredinol 2015
Ymateb gan Rhyl and St Asaph Angling Association (Saesneg yn Unig)

Dear Sir

Thank you for inviting me to write to you regarding our views on the Annual Scrutiny of Natural Resources Wales. I am the Secretary of the Rhyl and St Asaph Angling Association, which is an old established fishing Association, originally formed in 1944, and our present membership consists of 150 anglers. We have over 20 miles of fishing comprising of 19 beats on the rivers Clwyd, Elwy, and Aled. Many of these beats are owned by our Association. These rivers are regarded as the top sea trout rivers, and to some extent salmon rivers, of North Wales.

I have been fishing for over 60 years and in addition to being Secretary of the Association, I have served previously as the Membership Secretary, Vice Chairman, and Chairman. I also sit on the committee of the Federation of Clwyd Angling Clubs, and sit as a member of the Local Dee and Clwyd Fisheries Advisory Group which is run by NRW.

The following views that I express are from members of the Association, and we have no objections if they are made public. The views expressed are not in any way a slight on the hard working NRW fisheries officers who are based in North Wales, who have over the years given us excellent advice and help.

Our Association were skeptical when we were informed that the Environment Agency in Wales was to be part of the formation of Natural Resources Wales, and we voiced our views in writing to you, on our worries that matters regarding angling would be lost in the bureaucracy of setting up and the running of the new NRW.

We have been very disappointed so far, and our fears that we would not be represented fairly and democratically have become a reality. I will briefly list below some of the main issues that have personally affected our Association.

We are appalled at the decision made by NRW to close down the hatcheries in North Wales. I travelled to a NRW seminar at Trawsfynedd to listen to and take part in the discussions regarding hatcheries, and we as anglers gave our views on this matter. It was apparent that whatever our views were, they were going to be ignored. I do not believe that the matter regarding hatcheries was scientifically investigated in a thorough and fair manner by NRW. We all know that even scientists from all over the world cannot agree amongst themselves whether the system of stocking rivers is successful, and it depends whose point of view you take. Obviously the running of hatcheries is expensive and it is an easy excuse for NRW to close down the hatcheries as a cost cutting exercise. I will not go into the full detail of this, as you will already have received plenty of correspondence as to how this will affect the river Dee in North Wales, which I believe will now become a legal matter. Not so many years ago stocking of the river Clwyd took place, from fish brood stock from the hatcheries in North Wales. What will now happen in the future, when fish stocks are hampered by man-made events such as building dams and the construction of hydropower schemes, or natural disasters? The expertise and the knowledge of staff from these hatcheries will be lost forever.

In 2013 the river Elwy in North Wales was seriously affected by the almost full blockage of the fish pass on the Maes Elwy Weir near St Asaph. This occurred on one of the beats owned by us and we took the matter up with NRW. The blockage was caused by a very large tree trunk with its root ball attached, becoming wedged in the top pot of the fish pass. It was clear that this blockage would be very difficult for us to remove without any outside assistance. I reported this matter to NRW and following a site inspection by them, was told that it did not constitute a flood risk, and that the fish pass was not fully blocked, therefore no further action was required. Photographic evidence was taken by our members and forwarded to NRW, however this fell on deaf ears. It was a tragedy to watch large migratory fish bounce off this obstruction whilst trying, and failing to migrate up the river Elwy. This blockage remained for nearly 12 months, until we, as an Association managed under low water conditions to gain access onto the weir, and partially cut the obstruction up with a chain saw and removed the root ball from the fish pass using a tractor as a hoist. This matter was clearly in our opinion a breach of the Salmon and Fresh Water Fisheries Act 1975, and action should have been taken by NRW as the migration of fish, both up and down river was being severely impeded.

On the 7th June 2014 a large sink hole formed in front of the fish pass (on the upstream side) of the Maes Elwy Weir on the river Elwy. The result of this meant that water was not flowing down the fish pass on the weir, but was escaping underneath the structure of the weir. This was a serious matter as the water was at a summer level, and no water was even flowing over the top brim of the weir. It was obvious that fish, especially the local run of sea trout, could not migrate up or down the river. Once again NRW would not take any action other than to say that it was the responsibility of the owner of the weir to take action, however NRW admitted that they did not know who owned this weir. In desperation we contacted Fish Legal who took the matter up on our behalf with NRW. Fish Legal reminded NRW that they were not fulfilling their statutory function in dealing with this matter, and this was a blatant breach of the Salmon and Fresh Water Fisheries Act 1975. To our disappointment it took three months before NRW took action by dropping a lorry load of stones into the sink hole in order to carry out a temporary repair. It was obvious to all anglers that the fish returns from the upper reaches of the Elwy had been severely affected. I would challenge NRW to provide our Association with the catch returns for the 2014 fishing season on the river Elwy, and the catch returns for the previous 5 years of this river. This I know will prove the damage done in preventing fish reaching their spawning grounds.

In 2011 our Association was approached by a developer who stated his interest in the building of an 80Kw hydropower installation at the Maes Elwy Weir on the river Elwy. This would involve one of our most productive beats for which we own the fishing rights. We quickly realised that the pools immediately above and below the weir would be affected. This in turn could have financial implications for us. The Association therefore decided that we had no alternative but to oppose this hydro scheme. Following a pre application by the developer to NRW for an abstraction license, we had sight of the design plans of the proposed HEP scheme. This is when our problems started as we noted that the existing fish pass located in the centre of the weir was going to be decommissioned, and a new fish pass was going to be built into the far left hand bank of the river. In addition the existing flow of water near to the weir would be altered, and in the opinion of Fish Legal who were now acting on our behalf, confirmation was given by their experts that indeed the changes to the fishing conditions in the salmon and sea trout pools immediately below and above the weir would be substantially affected. In fact one of their advisors, who was an ex Environmental Officer, after studying the plans said that considering the small amount of electricity that would be provided that the scheme was bizarre.

On the 8th August 2013 the developer applied to NRW in Cardiff for an abstraction license, WPCC573 refers. This gave us 28 days to reply to NRW with our objections. Fish Legal forwarded our list of lengthy objections to Cardiff on the 5th September 2013. Letter AK/Adv.1957 Refers.

The developer applied to Denbighshire County Council for planning permission for the proposed HEP scheme, Ref No 31/2013/1079, the closing date for objections being 17 September 2013. Our Association forwarded our objections to DCC and we received an acknowledgement that on 17th September 2013 they had received all of our objections.

On 28th October 2013 we had a meeting with NRW officers about the constant changing of the plans concerning the HEP scheme. At this meeting we asked for an update on the progress of granting the abstraction license. NRW staff stated that they could not give us any further information as the matter was being dealt with the permitting team in Cardiff. We were not satisfied and felt that we were not making any progress with NRW, and asked our local MP Chris Ruane to write to NRW to explain that the goal post were being moved and we were very angry as we had submitted a long list of objections to DCC which were based on the original plans.

Our local MP wrote to NRW and received a reply from [REDACTED], the Executive Director Operations North and Mid Wales. His reply stated that NRW were unable to discuss the application until the decision had been made on the application for the abstraction license.

On the 2nd December 2013 DCC wrote to us and said that they could not arrange a date for the public Planning Committee meeting, where a decision would be made on the granting of the planning application, as NRW who were the experts had not yet come to a decision on the abstraction license.

On the 24th March 2014 on advice from the NRW Fisheries Team in North Wales, I wrote a letter to Natalie Hall the Strategy Manager on Hydropower NRW, based in Cardiff. Part of this letter stated that, "Our main concern is that our representations to the NRW Water Resources Permitting Team are based on the original set of plans, which were shown to us by the developer and NRW as far back as 2011. (Plans started at version 'A' and were now up to version 'Q'). Since that date we have had several meetings with NRW, and during those meetings it has become apparent that the original plans have been altered many times. We now find ourselves in a situation where we believe that our original representations may no longer be valid, and NRW are saying that within their processes they do not have any obligation to enter into any discussions, or show us any further iterations. Our Association feels that the whole process is undemocratic, and against natural justice. Fish legal, who are acting on our behalf, are ignored by NRW, letters remain unanswered, and the only way that we can receive a response is via our local MP".

On the 22nd September 2014 we received a letter from DCC saying that they had eventually received amended plans from NRW, and that we had 14 days to make our representations to DCC.

On the 26th September 2014 we found out unofficially that the abstraction license had been granted by NRW. This was despite being assured by NRW that we would be informed immediately. In the end I had to contact NRW to formally ask if the license had been granted. Even then we did not receive the Determination Report until some time later. Consequently this did not give us, or Fish Legal, sufficient time to respond to the closing date of representations to DCC. This now placed us at a very serious disadvantage.

On the 8th October 2014 we wrote to NRW with a long list complaining about the Determination Report which in our opinion had many inaccuracies.

Due to what we believe was the incompetence of NRW, the date for DCC Planning Committee meeting concerning this application was deferred several times and was finally heard on 10th December 2014, when the application for the proposed HEP scheme was approved.

On the 19th December 2014 we received a letter from [REDACTED] NRW Water Resources Permitting Team Leader regarding our complaints about the Water Resources Decision Statement regarding: Application number: WPCC 573/ License number: WA/466/0006/002. The letter stated that NRW was satisfied that the appropriate legislation and guidance had been followed and adhered to during the determination of the application.

Our Association feels strongly that NRW did not treat us in a just and fair manner. It needs to be noted that before the decision had been made by NRW to grant the abstraction license for the Maes Elwy Hydro scheme, the Angling Trust and Fish Legal had been campaigning and taking action over the past years to stop damaging hydropowers on the rivers in England. They had been working with the Salmon and Trout Association on a group set up by the Environment Agency to review the Good Practice Guidelines for developers to follow. The Agency's own experts confirmed that the old version was not fit for purpose. The new Good Practice Guidelines for run-of-River hydropower Schemes was brought out by NRW in 2013. It is a great pity that the NRW chose to ignore the new guide lines, as we are certain that if they used the revised guidelines, this scheme would not have been allowed to go ahead.

We must also bring to your attention a further hydro scheme that NRW granted an abstraction license for, which is located a few miles upriver from the Maes Elwy scheme. This scheme when under construction had a disastrous start by causing a diversion of the river Elwy. We understand that there are still major problems with this scheme. NRW failed to take any of this into account when considering the Maes Elwy scheme.

The NRW from their own publicity state that angling is worth £150m p.a. to the Welsh economy, and it seems to us as anglers that what is going on is complete hypocrisy. If NRW are not prepared to protect salmon and sea trout in North Wales, their numbers will be depleted and this income will be lost.

I hope you can understand our frustrations and why we are losing trust in the NRW, and we ask the question are NRW becoming the puppets of the Welsh Government? We feel that NRW have taken a blinkered approach to green energy, and are supporting it at all costs, even if it means sacrificing the natural wild salmon and sea trout resources of Wales.

Yours Sincerely

Ian Macdonald
Secretary Rhyl and St Asaph Angling Association