

15th August 2018



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Dear Heidi,

Addendum to the Stage 1 Habitats Risk Assessment and CRoW Appendix 4 for the proposed Salmon and Sea Trout Protection Byelaws

Natural England welcomes the opportunity to comment on the Environment Agency's addendum to the Stage 1 Habitats Risk Assessment and CRoW Appendix 4 for the proposed Salmon and Sea Trout Protection Byelaws.

On behalf of Natural England I have attached a signed copy of the addendum document. The associated advice, based on detailed phone discussions held on 14th August 2018, is listed below:

The advice delivered by Natural England applies to rivers designated as Special Areas of Conservation and Sites of Special Scientific Interest. This advice is underpinned by Common Standards Monitoring (CSM) Guidance for Freshwater Fauna (2015) and the associated Favourable Condition Table for Atlantic salmon (*Salmo salar*). CSM guidance states that, '*the Management Objective forms the numerical adult population target for favourable condition in SSSI / SAC rivers*', with a Favourable Condition Table target ensuring, '*all exploitation should be undertaken sustainably without compromising any components for the population*'.

1. Changes to Schedule 1 as a result of using 2017 stock assessment data.

The addendum states:

'The River Axe has also moved to 'At Risk' status in the 2017 stock assessment, however it will not be included in Schedule 1 at this time as these measures did not form part of the proposed Byelaws when they were advertised.'

Natural England acknowledge the legal difficulties surrounding the lack of inclusion of the River Axe within advertised byelaw changes and the lack of salmon as a notified feature of the site, however, as salmon is listed in the SSSI citation and due to its Annex II & V protected status we would recommend that the outcome of achieving the necessary reductions in salmon exploitation are implemented as if it were included in Schedule 1. This is likely to be best achieved via the voluntary approach to deliver 100% catch and release for Atlantic salmon within the River Axe SAC / SSSI.

The addendum states:

'The River Derwent is an SAC and SSSI river, failing for salmon. The 2017 assessment has indicated an improvement from 'At Risk' to 'Probably at Risk'. Despite this change in status we still consider that the Derwent's salmon stock does not have any harvestable surplus. However under the decisions approved by our Board and stated within the case that supported the advertisement of the proposed Byelaws, this now means that the release of salmon by the Derwent rod fishery will be delivered by the voluntary approach rather than by byelaw. This was unforeseen by the Environment Agency, and due to how the proposed byelaws were advertised the Derwent cannot be put forward for mandatory catch and release as it no longer has 'At Risk' status. The outcome we would seek for the Derwent will be voluntary catch and release rates of 100%, as this reflects the SAC/SSSI status of the river and vulnerability of salmon stocks.'

Natural England support the outcome of 100% catch and release for Atlantic salmon in all designated rivers where salmon are a notified feature and stocks are considered 'Probably At Risk' or 'At Risk'. This may be delivered via voluntary or mandatory means.

2. Removal of Byelaw 13 (rod and line method byelaws)

The addendum states:

It is now considered that the outcomes that Byelaw 13 is seeking to achieve will be better delivered at a local level, initially through codes of practice, than they can be through a national byelaw.

Natural England acknowledges the legal difficulties surrounding the implementation of method / gear restrictions by national byelaws. We accept that the outcome of increased salmon survival, post angler release, may be better delivered through codes of practice rather than attempting to legislate for the many and varied types of gear available. However, should these codes of practice be shown to provide insufficient protection to a specific designated river, method / gear restrictions should be delivered by targeted, local byelaw. This situation may be particularly relevant to the River Eden SAC where method / gear restrictions were specifically excluded from a review of local byelaws due to the national byelaw review process.

4. Conclusion

The addendum states:

'The conclusions of the Stage 1 HRA state that no likely significant effect either alone or in combination for the River Derwent & Bassenthwaite Lake SAC and River Eden SAC will occur. These conclusions are still considered valid. CRoW Appendix 4 conclusions stated that it was not likely to damage the features that are of special interest. The conclusion of no likely damage would remain valid.'

Natural England agree with the Environment Agency conclusions of 'no likely significant effect' on site integrity and 'not likely to damage' notified features, provided that the Natural England advice above is incorporated into decision making related to exploitation of Atlantic salmon within designated sites.

Yours sincerely,



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