



# River Esk Tideway Byelaw 2022

A summary of consultation responses

August 2022

We are the Environment Agency. We protect and improve the environment.

We help people and wildlife adapt to climate change and reduce its impacts, including flooding, drought, sea level rise and coastal erosion.

We improve the quality of our water, land and air by tackling pollution. We work with businesses to help them comply with environmental regulations. A healthy and diverse environment enhances people's lives and contributes to economic growth.

We can't do this alone. We work as part of the Defra group (Department for Environment, Food & Rural Affairs), with the rest of government, local councils, businesses, civil society groups and local communities to create a better place for people and wildlife.

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Horizon House, Deanery Road,  
Bristol BS1 5AH

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Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

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# Introduction: Purpose of the Consultation

The Environment Agency is proposing to renew an angling byelaw for the River Esk tideway (the tidal stretch of the river) in Yorkshire. This byelaw has been in place since 1987. It prohibits fishing in the tideway in order to protect stocks of salmon and sea trout. The byelaw was initially approved following a public inquiry and has been subsequently renewed because of the vulnerability of salmon and sea trout in the tideway, to both legal and illegal fishing in this reach of the river. The current proposal also aims to make the byelaw permanent rather than time limited. This consultation sought the views of stakeholders on the proposed renewal of the byelaw.

More information about the current status of salmon and sea trout stocks and the consequent need for this proposed byelaw can be found in the Yorkshire Esk Tideway Byelaw Report 2022 that accompanied the consultation, using this link:

[Environment Agency external corporate report template \(environment-agency.gov.uk\)](https://www.environment-agency.gov.uk/consultation/yorkshire-esk-tideway-byelaw-report-2022)

## How we ran this consultation

The public consultation on the proposed regulations ran for a period of 33 days from 10<sup>th</sup> March to 11<sup>th</sup> April 2022. The consultation was advertised in the London Gazette, as well as the local Whitby Gazette and Scarborough News. In addition, we informed the local Esk and Derwent Catchment Partnership, hosted by The North York Moors National Park. We also sent notifications about the consultation directly to 180 rod licence holders who had provided catch returns for the Yorkshire Esk in the preceding two years.

Responses were invited using the online consultation webpage (<https://consult.environment-agency.gov.uk/yorkshire/river-esk-byelaw-consultation>) or in writing or email directly to Defra.

The consultation resulted in 115\* representations being made directly to the Environment Agency and Defra. All responses were received through the online consultation webpage; none were sent by email or post. Of those representations received, 87 (76%) agreed that the proposed byelaw was required to ensure future sustainability of the salmon and sea trout stocks, while 28 (24%) objected to it. We are very grateful to everyone who responded to the consultation.

A summary of responses is presented in this document.

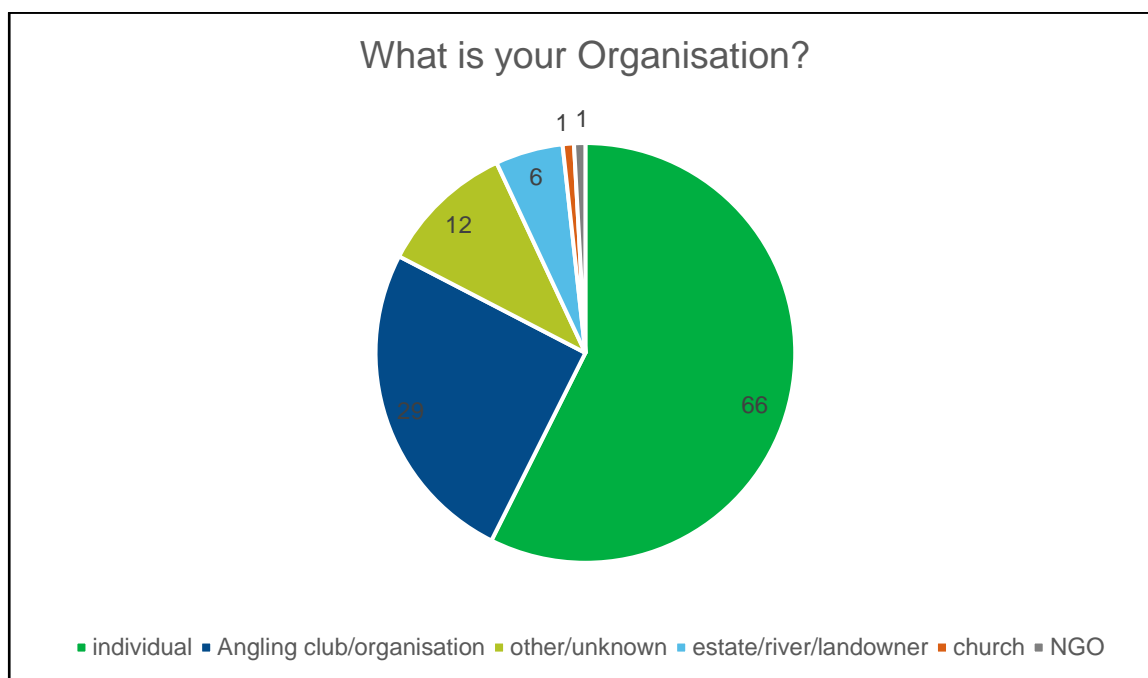
\* - While 117 responses were received, two were from members of Environment Agency staff. These responses were removed from subsequent analysis, as they are not consistent with the impartiality of the Agency in its own consultation exercise.

# Summary of key findings

The main findings of the consultation are summarised below.

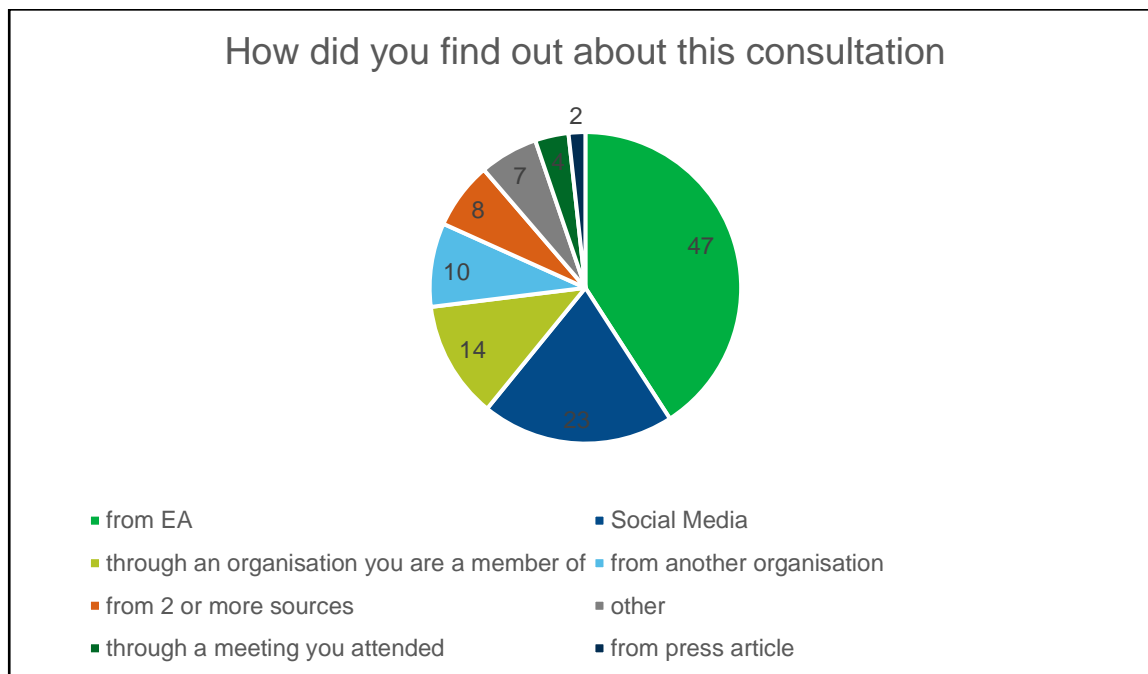
## Question 1: Who responded

Of the 115 responses received, the majority (66) were from individuals, with no identified organisational allegiance. Twenty nine responses were from angling clubs or representatives of organisations, six were landowners and twelve did not indicate their status and thus classed as unknown. The named organisations that responded are listed in Annex 1.



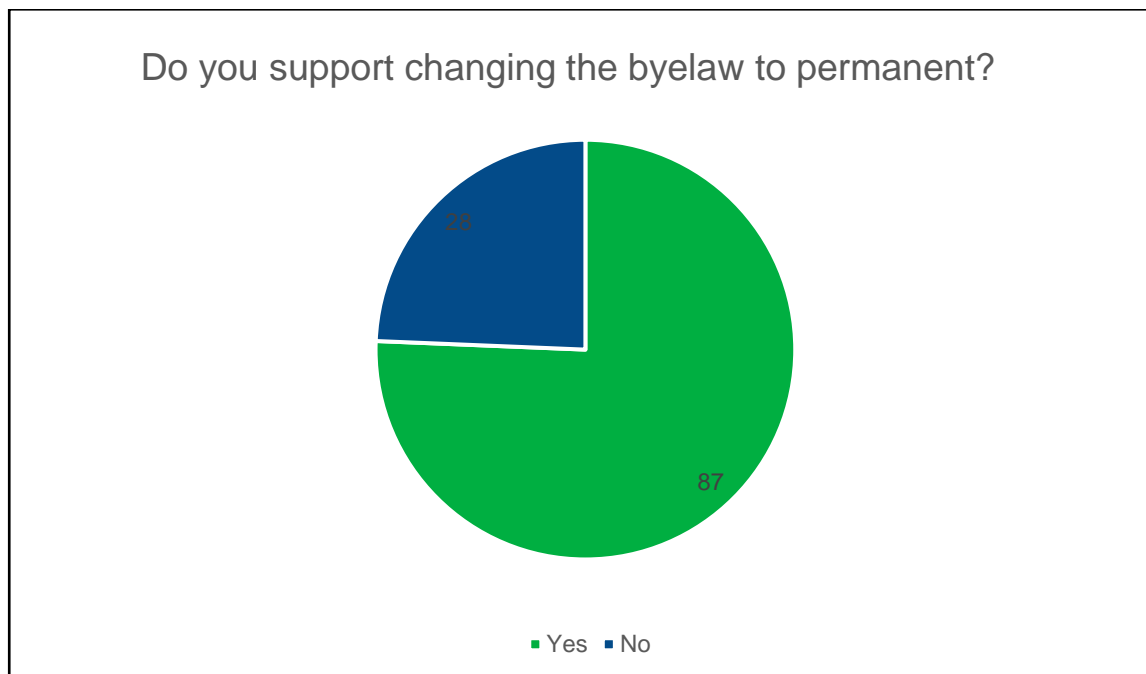
## Question 2: How did they hear about the consultation

The majority of respondents (47) were made aware of the consultation through notifications from the Environment Agency. Social media alerted 23 respondents while another 14 were made aware through an organisation that they were a member of. Only two respondents were alerted to the consultation through the statutory national and local press adverts, although another two listed press adverts among a group of sources.



### Question 3: Do you support changing this byelaw from temporary to permanent? Yes or no?

A significant majority of respondents - just over three quarters - were in favour of the byelaw proposal (87), while 28 respondents objected to the proposal.



### Question 4: Please explain your views.

#### Comments in support of the byelaw

Of the 87 respondents who supported the byelaw extension, 75 provided further justification for their views. These can be grouped into several themes.

The most frequent theme was the declining status of salmon and sea trout stocks in the Esk tideway at present and the consequent need for protection afforded by this proposal; this was noted in 64 of those 87 comments. Whilst there was some disagreement in opinions over whether the byelaw had benefitted salmon and sea trout stocks in the river, many respondents felt strongly that a decision to make the byelaw permanent, rather than just extending it, was essential to achieve the goal of increasing stocks of those species. Many respondents felt that the fish needed as much protection as possible, in the face of pressures from predators, pollution, water abstraction and poaching. Seven of them described how they had noticed a decline in the number of fish they had caught themselves over a prolonged period. Some mentioned already practicing a 'catch and return' policy whilst the most extreme viewpoint suggested all fishing should be made illegal. Often comments were framed by the larger picture of declining fish stocks across the UK and river ecosystems under great stress. Comments were also made about the negative impacts of global warming and human pollution on fish stocks.

Illegal fishing was viewed as presenting a significant threat to fish stocks with almost a quarter of all respondents mentioning concerns about poaching. The area was seen by some as particularly vulnerable to poaching and difficult to police, making the byelaw essential to maintain declining stocks; without it, respondents agreed that poaching would

restart. Most of these respondents agreed that a permanent byelaw would make it easier to spot and deal with poachers. Some of these respondents supported the byelaw because they wanted fish stocks to improve to the point where leisure fishing can eventually be permitted again for future generations of anglers.

Other comments made included supporting the byelaw to enable as many fish as possible to migrate upstream to spawn. However, some respondents noted that the weir at Ruswarp acts as a barrier, restricting migration and making fish particularly vulnerable at low tide. They felt that this issue needs to be addressed as well.

### **Comments objecting to the byelaw**

The 28 participants that objected to changes to the byelaw provided a wide range of responses. Several respondents objected on the grounds of equality, stating that it applied to an area of the river where people should be able to fish for free. They pointed out that fishing upstream required a licence or was restricted to syndicates or landowners, making it unaffordable for 'the common man'. Another issue raised was that restricting all fishing would be unfair to local anglers as it is believed catching fish using a rod and line has a very low impact on fish stocks. Several respondents also suggested that restricting legitimate local anglers can create more opportunities for poachers as they acted as the 'eyes and ears' of the river. Without them, there is less monitoring of the river. The maintenance of angling groups for recreational fishing was also seen as economically beneficial to the local area.

Several objectors stated that there was a lack of evidence to support the maintenance of the byelaw and suggested that the operation of the current byelaw over the last forty years has not improved fish stocks. One respondent felt the proposed byelaw is based on theory and not on data. Some suggested that a permanent byelaw might not always be needed, should stocks recover sufficiently.

Predation was a theme in four of the "no" comments. They felt that the impact of predation on fish populations, particularly by seals, had not been properly considered. Several expressed the view that predation has a much greater impact on fish stocks than fishing and suggested that fishing in the Esk assists in the control of seal populations.

## **Next steps**

As part of the byelaw preparation process, all responses to the consultation have been considered. Responses have been provided to those who objected to the byelaw extension in a separate document, sent to all consultation respondents. Objectors are offered the opportunity to withdraw all or part of their objections, based on the explanations provided.

After a fixed period, all consultation responses will be forwarded to Defra for their consideration of this byelaw proposal. All respondents to the consultation will be notified of Defra's decision when that becomes available.



## Annexe 1

### List of organisations who responded

Catholic Action for Animals

Dalesport

Freshwater Biological Association

LEFTA

MOP

Northern Fishing School

Pabasso

Reditent

WigWam

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## Incident hotline

0800 807060 **(24 hours)**

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