



Association of Salmon Fishery Boards

Comments on 'The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - Proposed Amendments to General Binding Rules'

April 2012

Introduction

The Association of Salmon Fishery Boards is the representative body for Scotland's 41 District Salmon Fishery Boards (DSFBs) including the River Tweed Commission (RTC), which have a statutory responsibility to protect and improve salmon and sea trout fisheries. The Association and Boards work to create the environment in which sustainable fisheries for salmon and sea trout can be enjoyed. Conservation of fish stocks, and the habitats on which they depend, is essential and many DSFBs operate riparian habitat enhancement schemes and have voluntarily adopted 'catch and release' practices, which in some cases are made mandatory by the introduction of Salmon Conservation Regulations. ASFB creates policies that seek where possible to protect wider biodiversity and our environment as well as enhancing the economic benefits for our rural economy that result from angling. An analysis completed in 2004 demonstrated that freshwater angling in Scotland results in the Scottish economy producing over £100 million worth of annual output, which supports around 2,800 jobs and generates nearly £50million in wages and self-employment into Scottish households, most of which are in rural areas.

We welcome the opportunity to comment on the proposed amendments to the General Binding Rules. We set out our comments on each of the proposals below.

Specific Comments

Proposed revision of GBR18 – fertiliser use

We support the proposed amendments to GBR18 and welcome the resulting consistency with cross compliance requirements.

Proposed revision of GBR23 – pesticide use

We support the proposed amendments to GBR23 and the resulting likelihood of a reduction in the entry of pesticides into the water environment. However, we believe that the minimum requirement should be 2m rather than 1m to be consistent with the GBR20 no-cultivation zone.

Proposed revision of GBR3 – construction of a borehole

Proposed revision of GBR4 – abstraction from a borehole

We support these proposed amendments.

Proposed revision of GBR6 – surface water outfalls

Proposed revision of GBR10 – surface water outfalls

We welcome the revision of these GBRs to address issues relating to the design and construction of outfalls from surface water drainage systems. We seek reassurance that the removal of GBR10, rule (h) (*construction or maintenance of the outfall must not result in pollution of the water environment*) has not been lost, as we do not believe that this is picked up in the proposed amendments to GBR6.

Proposed revision of GBR13 – removal of sediment

We have significant concerns regarding this GBR and would make the point that under Section 23(2) of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, any person who knowingly: injures or disturbs any salmon spawn; or disturbs any spawning bed or any bank or shallow in which the spawn of salmon may be, is committing a criminal offence. We would emphasise that it is the responsibility of the individual seeking to remove sediment to ascertain if it is a salmon spawning ground. We therefore believe that the local District Salmon Fishery Board or Fishery Trust should be consulted prior to any such work and this recommendation should be included in any guidance that accompanies the proposed revisions.

We understand the thinking behind the requirement to return any sediment to the river, burn or ditch from which it was removed. The impact/benefit of such a course of action is likely to vary on a case by case basis, and in some instances may be potentially damaging and/or have the effect of simply displacing issues relating to sediment further downstream. Given this uncertainty, we would question the suitability of authorising such a course of action by a GBR. We are also concerned at the potential for cumulative impacts on spawning beds if such activities occur on multiple occasions in a specific water body. Again, we would recommend that the local District Salmon Fishery Board or Fishery Trust be consulted prior to any such work and this recommendation should be included in any guidance that accompanies the proposed revisions.

We believe that Rule (i) should be broadened to include the following text ‘...or contribute to the spread of invasive non-native species’.

Finally, we do not understand why, in rule (a), (b), (c), (d) and (e) the word ‘must’ in the existing regulations has been replaced with ‘shall’. We seek reassurance that this change in terminology will not materially alter the legal standing of this GBR.

Proposed revision of GBR19 – keeping of livestock

Whilst we support the intention behind this proposal, we believe that livestock feeders should be positioned in such a way as to prevent poaching and pollution of the water environment. The existing wording might be thought to imply that some poaching around a feeder is acceptable.

Proposed revision of GBR20 – cultivation of land

We support the proposed amendment to clarify that the no-cultivation zone is from the top of the bank.

For further information please contact:

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RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

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3. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No