



Association of Salmon Fishery Boards

Evidence submitted to the Land Reform Review Group

January 2013

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 DSFB's 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.

We welcome the opportunity to submit evidence to the group. Due to the remit of the Association we limit our comments to the following potential reform highlighted in the call for evidence: *Change the way in which fresh water resources are owned and managed in order to secure wider community benefit from these resources.* We would emphasise up front that we found it difficult to respond to the call for evidence as we do not understand the drivers behind this potential reform, nor are we aware of any specific issues that have been identified in relation to this issue. On that basis we would like to meet with the Land Reform Review Group with some urgency, in order to explore these issues further and develop a better understanding of the drivers behind any potential reforms.

Ownership

It is not well understood, but salmon fisheries are businesses with an International reputation and should be recognised as such. Scottish salmon fisheries have a long season which supports jobs and other ancillary business, delivering significant benefits to rural economies in areas often starved of other viable business activities. These businesses, which require significant investment, should be given as much priority as any other rural sector business. Any action that prejudices long-term investment should be seen as highly undesirable. 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. Today these figures would be significantly higher.

The Association takes a neutral stance on the issue of ownership, however it does have a significant interest in ensuring that, whatever the structure of ownership, the required investment in Scotland's salmon fisheries, combined with sound management, is allowed to continue. We have no issue with the principle of local communities having a right to register an interest in and purchase a fishery when it comes up for sale, providing this sale is conducted on a willing buyer/willing seller basis.

The retention of the willing buyer/seller arrangement ensures that there is sufficient security for proprietors over the asset to ensure the long-term commitment and investment that is such an integral part of a sound salmon conservation and management policy. It is worth mentioning that the statutory assessment by Fishery Boards itself places a significant financial obligation on fisheries proprietors, as it would on any community which might purchase a salmon fishery. However, this investment provides only a basic level of support for fisheries management in Scotland. Running parallel to this is the substantial investment in salmon fisheries, on a voluntary basis, by proprietors in the form of protection of the fisheries, providing infrastructure, riparian habitat projects, research, stock restoration and contributions to

the fisheries research trusts which form the backbone of freshwater fisheries research in Scotland. Should compulsory purchase come into play, such investment will be severely compromised, as will the vital organisations which rely on that investment. It will be essential to assess the impact of any proposals which might discourage long-term commitment to investment in the fisheries and indeed to assess how such funding might be replaced.

We believe that salmon fisheries change hands sufficiently frequently for there to be opportunity for Communities to express an interest in and purchase fisheries on a willing buyer/willing seller basis. It might be useful to establish how such communities might not only be encouraged and enabled to make such purchases but also be provided with sufficient funding to adequately invest in these fisheries over the long-term. We believe that this could be achieved without the threat of compulsory purchase and the extremely damaging overall effect that would have on long term, planning and investment.

We believe that if the willing buyer/willing seller arrangement can be maintained - a fundamental principle upon which property rights are based in this country bar certain circumstances where the greater public benefit is involved – then the benefits of these purchases can be realised without incurring the serious cost of fundamentally prejudicing the investment and ability to plan for the long-term so essential for the effective management of this important national resource.

Exception to willing buyer/willing seller

Salmon and Sea Trout are not only of economic benefit but are also of significant conservation benefit. On that basis we believe that there is a potential exception to the willing buyer/seller principle – where there is a fundamental conservation benefit which would outweigh the points raised above. For example, we are in the process of pursuing a statutory right of first refusal for DSFBs to purchase coastal netting stations for reasons of conservation, via the Aquaculture and Fisheries (Scotland) Bill. Recently, Mixed Stock Fisheries (MSFs - any fishery taking fish from 2 or more rivers of origin) have come under increased International scrutiny. The operation of MSFs is contrary to internationally accepted best practise because they prevent management of the resource on an individual catchment basis. However, Scotland is in a unique position because **all** salmon fishing rights are private heritable rights. Marine Scotland Science has stated that the decline in netting effort over the last 30 years has acted as a buffer for the rod fishery in the face of declining marine survival of fish. Rod fisheries have responded through increasing rates of catch and release (In 2011, the overall catch and release rate for salmon was 73%, rising to 91% for spring salmon). However, there is significant potential for netting effort to increase in future and indeed, the high price of wild salmon and sea trout has meant that a number of previously dormant or lightly fished stations have re-opened. Indeed our analysis of the district assessors' valuation roles shows that there are at least 129 dormant netting stations which have the potential to come back into operation. ASFB believe that, when a netting station is put up for sale, or is to be leased to a third party, the relevant DSFB should, in the interests of salmon conservation, have a statutory right of first refusal to purchase (or lease) that netting operation before any proposed sale (or lease) could proceed. Such a right would also not be prejudicial to the fishery owner who would still have to receive appropriate compensation for the value of the fishery, thus protecting the private heritable rights of the fishery owner. It would not prevent such fisheries continuing to operate, but would prevent a significant increase in commercial exploitation, which flies in the face of internationally accepted best practise.

Access to Salmon Fishing

Scotland has many thousands of miles of rivers and these provide a natural and sustainable environment to which our native, wild salmon and sea trout return from their marine feeding grounds. These rivers are renowned worldwide for supporting economically important and environmentally sustainable fisheries for anglers – they provide a wealth of opportunity for anglers to fish for these sporting species. Contrary to popular belief, much of the available fishing is accessible at modest cost, and there is fishing to suit anglers of all ages, ability and financial means.

In spring 2012 we produced a website¹ to highlight affordable and accessible salmon and sea trout fishing in Scotland. The emphasis is on fishings that are not simply cheap, but those that represent good value with a reasonable prospect of fish being present and caught. Good value is difficult to define, as this means many things to many people. However, we highlight fishing that should be affordable to many anglers, both locals and visitors to Scotland. Whilst the website by no means captures all of the fishings in Scotland that meet the criteria for inclusion (less than £60/day, £150/week or £300/year), there are currently 260 fisheries listed on the site.

Many of these moderately-priced and accessible fishings are very productive, for example it is estimated that 15-20% of the national salmon rod catch in Scotland is made from angling association waters controlled or fished by clubs and associations.

As with many other recreational and sporting activities, and to a degree dictated by supply and demand, some salmon fishing at the top end of the market will always attract a premium cost, and this is what tends to reinforce a general perception that salmon fishing is beyond the reach of many anglers. Just as you would expect to pay more to watch a football team in the Champions League Final, than you might in their domestic league, the same principle applies to salmon fishing.

It should also be noted that there are a large number of informal arrangements throughout Scotland whereby affordable and publically accessible fishing is offered. Many of these are not captured by the database within the website.

Management

In Scotland, the cost of the local administration, protection and improvement of the fisheries is privately financed by the proprietors. The District Salmon Fishery Boards finance their work by levying a rate on the salmon fishery owners in the district. Elected representatives of those owners provide the core of the membership of the Board. However, since 1986, the boards are required also to include representatives of salmon anglers and salmon netmen in the district. A further revision to the constitution of the Boards was made in 1999 to allow for even wider representation on the boards by other parties who may have an interest or stake in salmon stocks or fisheries. This was recommended in the Report of the Salmon Strategy Task Force (1997) and was intended to ensure that the legislation governing membership of DSFBs was more flexible, and did not restrict the number of members. On that basis many DSFBs include representatives from SEPA, SNH, Local Authorities, National Park Authorities, in addition to proprietors, netmen and anglers representatives.

In the vast majority of Scotland, DSFBs work in close partnership with Fisheries Trusts, who have a wider, all species, remit and who play a key role in the scientific monitoring of fish populations. The exact nature of the relationship between Board and Trust varies across Scotland, depending on local conditions and priorities, but we believe that the principle of local area management, delivered jointly by District Salmon Fishery Boards and Fishery Trusts remains the foundation of effective fisheries management in Scotland. Some of the outcomes delivered through this management structure are summarised in a recent factsheet produced by ASFB and Rivers and Fisheries Trusts of Scotland (RAFTS)² (enclosed).

The management structures for fishery management in Scotland have been the subject of a great deal of work coordinated by the Scottish Strategic Framework for Freshwater Fisheries. The SSFF was published in July 2008³ with the agreement of a wide range of stakeholders in the freshwater fisheries and associated sectors and is a "road map" for the industry over the next 10 years. The report outlines a number of work areas and priorities (PFAs) in which objectives have been outlined and organisations identified to act as a lead body for delivery of actions. A key factor in these discussions was that one of the great advantages of

¹ <http://fisheries.asfb.org.uk/>

² <http://www.asfb.org.uk/wp-content/uploads/2012/03/Fisheries-Management-Facts-and-Figures.pdf>

³ <http://www.scotland.gov.uk/Resource/Doc/229830/0062252.pdf>

the current structure of fisheries management in Scotland is that the resource is managed at a local area scale rather than centrally, and funding raised locally is spent locally.

District Salmon Fishery Boards and Fishery Trusts play an important, and valued, role in River Basin Management Planning and the wider planning system. Boards and Trusts participate in all RBMP Area Advisory Groups in Scotland with the exception of Orkney and Shetland (where there are currently no Boards or Trusts) and will play a key role in the forthcoming flood risk management advisory groups. In addition, Boards are statutory consultees in the planning system for a range of developments including fish farms, terrestrial and offshore wind farms and hydro developments. Water Bailiffs employed by the Boards play a key role in salmon fisheries enforcement and related wildlife crimes, and work closely with wildlife crime officers across the country. ASFB and RAFTS contribute to a wide range of national advisory groups including the RBMP National Advisory Group, Diffuse Pollution Management Advisory Group, Ministerial Group on Aquaculture, Marine Strategy Forum, Species Reintroduction Forum, Partnership Against Wildlife Crime and the RAFTS Biosecurity and Invasive Non Native Species Programme, aimed at the eradication, management and control of non-native invasive species, is the biggest programme of its type in Europe.

The Aquaculture and Fisheries (Scotland) Bill is currently under Parliamentary scrutiny. The Bill includes provisions to improve the management and governance of District Salmon Fisheries Boards, with the aim of making such bodies more transparent and accountable. The Bill includes requirements for DSFBs to: publish annual reports and minutes of meetings; hold meetings in public and ensure that members of the public can submit proposals for consideration; maintain arrangements for dealing with complaints; and to register and declare relevant financial interests of Board members.

Access for other rivers users

The LRRG may be aware of the recent resolution of a long-running dispute between commercial rafting interests and riparian owners on the upper Tay⁴ relating to disturbance of anglers and the quiet enjoyment of their sport. Prior to the 2003 Land Reform Act, there was a local agreement in place which allowed equitable access to the river between commercial rafting interests and angling interests. However, following the passing of the 2003 Act, commercial rafting began to take place 7 days per week, to the detriment of salmon fishing. The local access forum, in interpreting 'responsible access', accepted that there were negative consequences on the fisheries and indeed Perth Sheriff Court agreed that rafting activity spoiled the fishing beat owners' ability to enjoy salmon fishing on the river. The use of rafts and inflatable craft were therefore outlawed for three days per week during the salmon fishing season. However, the sheriff's decision to impose a ban was overturned when it was ruled that the rafting companies had not been given due notice of the legal action. Subsequently agreement has been reached between the various interests.

Commercial rafting has become increasingly popular since the 2003 Land Reform Act opened up access to rivers, but unless agreement can be reached to ensure that access to the river can be apportioned in an equitable way, such activities can have a significant negative effect on the fishery. We are aware of similar situations to the above on a number of rivers, most notably the River Findhorn, where we understand commercial rafting operations use the river (which is considerably narrower than the Tay) seven days per week. If the quiet enjoyment of anglers is regularly disturbed, those anglers will tend to stay away from the river, resulting in loss of revenue to the fishery with subsequent consequences on the finance available for the management of the resource.

Conclusion

As highlighted above, the management of freshwater fisheries has come under significant scrutiny over recent years. ASFB and RAFTS played a key role in the Scottish Strategic Framework for Freshwater Fisheries and we would very much welcome the opportunity to meet with the Land Reform Review Group to discuss and explain the current and future situation in more detail. We believe that the current

⁴ See <http://www.bbc.co.uk/news/uk-scotland-tayside-central-14063236> and <http://www.bbc.co.uk/news/uk-scotland-tayside-central-20613489>

management structures offer significant wider community benefit and, especially in the light of the additional reforms proposed in the Aquaculture and Fisheries (Scotland) Bill, we do not believe that any further changes to management are required through the Land Reform Review Process

We would again highlight the following points:

- Salmon fisheries are businesses that require significant long-term investment.
- We have no issue with the principle of local communities having a right to register an interest in and purchase a fishery when it comes up for sale, providing this sale is conducted on a willing buyer/willing seller basis.
- We would be extremely concerned if any proposals discourage long-term commitment to investment in the fisheries without a full assessment of how such funding might be replaced.
- The principle of local area management, delivered jointly by District Salmon Fishery Boards and fishery trusts remains the foundation of effective fisheries management in Scotland.
- Wider access to rivers must be balanced and exercised responsibly in order to maintain the current system of raising revenue for fisheries management.

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