

Notes of Pre-Inquiry Meeting held at 10:00 am on Wednesday 7 November 2018 in relation to an inquiry for The Wales Rod and Line (Salmon and Sea Trout) Byelaws 2017 and The Wales Net Fishing (Salmon and Sea Trout) Byelaws 2017 (hereafter referred to as the Byelaws)

Planning Inspectorate Ref. ENV/3209811

Introduction

1. The Inspector explained that the purpose of the Pre-Inquiry Meeting (PIM) was to help prepare for the inquiry and to enable proceedings at the inquiry to be conducted effectively and efficiently. The meeting was solely procedural and administrative in nature and there was no discussion of the merits or otherwise of the proposed Byelaws. It was explained that if people have been unable to attend the PIM this would in no way prejudice any right to make representations at the inquiry.
2. The Inspector explained he would consider all of the written evidence provided prior to the inquiry as well as any evidence heard at the inquiry and afterwards prepare a report and make recommendations to the Welsh Ministers on the Byelaws and advise whether the Byelaws should be confirmed, confirmed with amendments or refused.
3. The Inspector explained that Welsh translation facilities would be available during the course of the inquiry for those who wish to avail of it.

Participants at the Pre-Inquiry Meeting

4. Natural Resources Wales (NRW) was represented by Nicholas Evans, Laura Thornton and Clara Bakosi of Bircham Dyson Bell LLP.
5. Interested parties were represented by Karl Humphries of the Prince Albert Angling Society, John Eardley of Campaign For Protection Of Welsh Fisheries (CPWF), Rueben Woodford of the Ogwen Valley Angling Association in collaboration with CPWF, Noel Hulmston who identified as a Member of three Welsh Angling Clubs, Emyr Lewis of Llanbrynmair Angling Club, Julian Glantz of the Llanbrynmair Angling Club, Matt Dellar of the Teifi Coracle Netsmen Asscoiation, Len Walters who idientified as a commercial fisherman, Guy Mawle a member of the Usk Local Fisheries Group, Andy Nicholson Independent Journalist from the Angling Times, and Richard Garner Williams of Salmon and Trout Conservation.
6. A number of other individuals from NRW attended the meeting but played no active part, including, David Mee (Senior Advisor), Peter

Gough (Principal Advisor), Ruth Jenkins (Acting Executive Director for Evidence, Policy and Permitting), Samantha Carpenter (Workforce Planning And Equalities Senior Advisor), Ian Davidson (Senior Technical Advisor) and Jason Jones (Fishing Technical Specialist).

7. Luke Davies and Rebecca Gorman from the Welsh Government attended purely to observe.

The main issue to be considered at the inquiry

8. The Inspector explained that due to the early stage of the inquiry process that he was not yet in receipt of the formal statements of case/proofs of evidence, nor had he read all the technical details currently before him. Nonetheless, from the initial reading of the files there was one primary issue before the inquiry as follows:

“Whether the measures proposed under the Wales Rod and Line (Salmon and Sea Trout) Byelaws 2017 and the Wales Net Fishing (Salmon and Sea Trout) Byelaws 2017 are necessary, proportionate, and reasonable in view of fish stocks throughout Wales”.

9. There was general agreement that this was the main issue. The Inspector asked the parties to consider the need for the Byelaws in light of any technical and socio-economic considerations. The Inspector stated that based on the generic responses received to date it would be helpful if all parties could address the following matters in their submitted statement of case/proofs of evidence - grouped together in the following broad headings to allow the evidence to be more focussed thereby saving on inquiry time and on the time of all those involved:

Technical Arguments

10. The Inspector explained he wanted to hear the **technical arguments** of the parties in terms of the advocated catch and release approach, the bait ban for salmon (subject to the exceptions listed in the Byelaw), the effectiveness of barbless/de-barbed hooks and the use of 60 cm slot limit for sea trout, reliability of evidence related to fish populations, trends and catch statistics, the use and effectiveness of the new assessment procedure for sea trout and an examination of the general methodology involved in the evidence base NRW relies on, the effectiveness or otherwise of the use of bag limits and carcass tags; in addition under this heading the Inspector wanted to hear the parties arguments in terms of a programme of stocking either in lieu of the Byelaws or to compliment them.

Socio-economic impacts

11. The Inspector wants to hear all parties views on **socio-economic impacts** of the proposed Byelaws, in particular with regard to angling members and fisheries, and on the visitor economy related to angling.

Other Factors

12. The Inspector also referred to '**other factors**' which impact on fish stocks and which he considered should be addressed by all parties **such as** pollution (from agriculture), avian predation, quality of river habitats, and how these relate/relevant to the proposed Byelaws; the Inspector emphasised this is far from an exhaustive list. All parties were asked to address the necessity of the implementation of both sets of Byelaws.
13. The Inspector stated he wanted to hear evidence from all parties related to the **enforceability** of the proposed Byelaws.
14. In terms of the above matters that need to be addressed in evidence a number of the 'interested parties' queried whether other separate categories could be added. The Inspector explained that whilst he had identified areas to be addressed, however that clearly does not preclude other matters being referenced/raised; the Inspector indicated any other categories could be addressed under the heading 'other matters'.
15. An interested party queried the relevance of the Inspector's reference to a programme of stocking in lieu of the Byelaws or as a compliment to them bearing in mind salmon stocking had been banned in Wales for a number of years. The Inspector explained that the issue had been raised by a number of other interested parties, whilst NRW confirmed it had also had reason to address the issue in previous correspondence. The Inspector therefore considered it was not unreasonable for all the parties to be invited to address the matter.
16. A separate interested party queried whether during the course of the inquiry consideration of the proposed byelaws would be addressed separately in evidence. The Inspector was of the view, based on the evidence to date that, that this would not be the case bearing in mind the evidence base for each was generally linked/intermingled.

Areas of Agreement/Disagreement

17. The Inspector noted that at this point in time it appeared there was little the parties agreed on. The Inspector queried with all the parties whether there were any areas where they could reach agreement on in terms of the evidence submitted to date. The Inspector encouraged

the 'interested parties' where possible to acknowledge as much as they reasonably can any areas of agreement with NRW's written statements of evidence/proofs of evidence (bearing in mind the interested parties will have seen NRW's proofs of evidence prior to submitting their own). All parties were amenable to further discussion to reach agreement on evidence that is not in dispute; it was left for the parties to progress these matters amongst themselves.

Byelaws Amendments

18. The Inspector clarified with all the parties what Byelaws are before the inquiry i.e. those under consideration are those proposed to be amended as detailed in Appendix 9.2 of NRW's submission letter to the Welsh Government dated 20 February 2018. All parties agreed.

Procedures for the Inquiry

19. The Inspector stated that the inquiry would be conducted in the spirit of the Town and Country Planning (Referred Application and Appeals Procedure) (Wales) Regulations 2017. In terms of giving evidence each party would be invited to provide an opening submission (essentially setting out their position with regard to the Byelaws); all opening submissions would be heard prior to the calling of any witnesses. The Inspector requested opening submissions be kept brief and no more than about 10 minutes in duration and he emphasised an opening submission was not absolutely necessary but optional.
20. The Inspector reiterated that evidence be presented on a broad group based approach as discussed at the PIM in the interests of efficiency. The Inspector anticipated hearing evidence from NRW's witnesses first, followed by the interested parties who have provided a formal statement/proof of evidence; he stated he would allow some flexibility to accommodate interested parties availability i.e. if a interested party had exceptional reasons to be heard prior to NRW giving their evidence then they may be allowed to present their evidence first (it was expected this would be the exception rather than the rule).
21. The Inspector explained that in terms of the process each witness would present his/her evidence following which the witness may be cross examined by the opposing parties advocate and/or interested parties who have requested to speak. Each witness may be re-examined by their own advocate in order to clarify the answers they have given; it was clarified that the Inspector may also have questions
22. The Inspector noted that on conclusion of the process of hearing all the evidence from the witnesses that he would ask firstly the interested parties to make closing submissions, i.e. summarising their case,

followed by NRW; the Inspector emphasised there is no obligation to make such a submission.

23. Opening/closing submissions should ideally be provided in writing to the Inspector.

Proposed Evidence, Witnesses and Duration of the Inquiry

24. The Inspector emphasised that the proposed statement of evidence should focus on the main issue he identified and under the identified broad topic based headings.

25. In terms of written evidence to be presented by the witnesses the Inspector highlighted that ordinarily at inquires evidence would be presented in the form of a statement of case (which summarises the overall position of a party), in addition to proofs of evidence from specific witnesses. The Inspector accepted that due to the unique nature of this case that evidence could be presented as either a statement or via a proof of evidence (any of the parties are welcome to submit both if they deem it necessary). NRW indicated it would only be submitting proofs of evidence.

26. As a footnote to the discussion the Inspector wishes to impress upon the interested parties who may not be familiar with the inquiry process that any statement /proof of evidence should clearly include the witness's name, address, relevant qualifications/professional memberships of bodies or other relevant body (if any), and experience.

27. The Inspector sought to establish what witnesses were to be called and the topics each would cover; to that end all parties were asked to confirm the numbers of witnesses that they intended to call and the topic their evidence would cover.

28. NRW confirmed that at this moment in time they were likely to call six or seven witnesses with personnel identified to date as follows:

- P. Gough on the need for the Byelaws
- Ian Russell, John Barry and Ian Davidson would all be giving evidence related to statistical analysis
- In addition Robin Vaughan and Ruth Jenkins would also be called in their capacity in terms of NRW policy matters.

29. NRW anticipated it would take about 6 days to present their evidence.

30. The interested parties were less clear about who may be giving evidence as witnesses, however in broad terms most were likely to present their evidence in person, although some may utilise specialist

witnesses for certain elements of their case e.g. statistical analysis. The interested parties were also open to exploring the idea of nominating individual persons to present their evidence where there was a high degree of agreement/overlap of issues thereby avoiding repetition; the Inspector stressed that this was optional. The interested parties were less clear on the time needed to present their oral evidence and the time for any cross examination of NRW's witnesses or re-examination of their cases. The Inspector indicated they would be heard approximately towards the middle of the second week of the inquiry and at this stage of the proceedings he was confident all witnesses would be heard within the overall time allocated to the inquiry.

31. The Inspector was conscious of concerns raised by the interested parties in terms of the time commitment in attending the inquiry every day. The Inspector emphasised that due to the unique nature of the inquiry that timetabling of proceedings at this stage could only be given as rough estimates and that on the opening day of the inquiry he would be exploring the matter further to allow a more accurate assessment; in this regard it is hoped that days of particular interest to those parties can be narrowed down to allow individuals to plan accordingly.

Inquiry Dates and Venue

32. The Inspector confirmed the relevant dates the inquiry would run from i.e. 15 January 2019 and sitting for 12 days excluding weekends and Mondays. The inquiry would open at 10.00 am each day and adjourn at about 5.00 pm (depending on what stage the proceedings are at this could be slightly earlier or later).
33. The venue would in the same location as the PIM i.e. the Elephant and Castle Hotel, Broad Street, Newtown, Powys, SY16 2BQ. The venue will have internet access and power point available. The interested parties requested that some tables be made available for them to utilise within the inquiry room (it was agreed this should be possible towards the rear of the room). The Inspector requested that photocopy facilities are on hand if required. NRW informed the Inspector there would be separate rooms at the venue available for their use and also the use of interested parties; they also confirmed a room would be set aside for the Inspector.

Timetable for Submission of Evidence

34. The statements/proofs of evidence should be submitted by the following dates:

NRW – by Tuesday 20th November 2018

Interested parties – no later than 4 weeks before the inquiry i.e. Tuesday 18th December 2018.

35. NRW requested an additional week to submit their evidence on the grounds that they had not had adequate time to adequately assess objections to the confirmation of the Byelaws that had been received by Welsh Government, and therefore would not necessarily know the issues being raised or how to respond properly. However the Inspector pointed out that this matter had been previously addressed to a large degree by his colleague Mr Harvey in a letter dated 23 October 2018, the gist of which was that the Planning Inspectorate are of the view that NRW are fully aware of what issues have been raised to responses received by Welsh Government as the majority of correspondence received from interested parties by Welsh Government had previously responded directly to NRW or are raising issues that NRW are already aware of, and therefore NRW should know what to respond to and what evidence is required; the Inspector saw little reason to take a different view to his colleague and declined the request for an additional week to submit evidence.
36. The Inspector agreed at the PIM that NRW be able to submit any rebuttal evidence to the interested parties evidence by Tuesday 8th January. The Inspector also agreed that any response received would be circulated to those interested parties who have submitted formal statements/proofs for further comment/rebuttal (any comments would have to be submitted to the Planning Inspectorate by the day of the inquiry i.e. 15 January 2019, otherwise they could address it in their oral evidence).
37. The Inspector stated there was no particular set format the statements /proofs should take and that a word document was acceptable. All statements/proofs should be submitted electronically, although; postal evidence would be acceptable subject to meeting the stipulated deadlines.
38. NRW confirmed they would advertise the details relating to the inquiry running dates and venue in the Western Mail and the Daily Post.

Any other business

39. Concerns were raised by the interested parties about the NRW's approach to engagement with the public on the proposed Byelaws, the lack of legal representation for interested parties, and overall costs to the public purse in conducting the inquiry; these are not matters I need to address at the inquiry.

The meeting closed at approximately 12.30 pm.

Declan K Beggan
Inspector

13 November 2018