

ADVICE

Background

1. Each year, NRW issues licences for salmon and trout netting on Welsh rivers. For the majority of net fishers, the season will begin on 1 May 2024. NRW has 53 licences available. Each applicant pays a sum of money in return for a licence (this is known as “licence duty” in the legislation).
2. Only NRW licensed net fishers can legally catch and sell seatrout in Wales. The exception is the Black Rock Lave Fishers who, although licensed, cannot sell their catch. Following the coming into force of the All-Wales Byelaws (‘the 2020 Byelaws’), all salmon must be released, in common with rod fishers.
3. NRW has powers under the Salmon & Freshwater Fisheries Act 1975 (“SAFFA”) to fix duties for salmon and trout net licences in Wales. The net duties vary between fisheries and were originally set in 1996 based on the average catch of salmon and trout equivalents per licensee in each fishery. Before last year’s increase of 5%, the levels of net licence duties had remained unchanged since 2010.
4. Given the concerning decline of sea trout stocks in Wales, NRW are in the process of developing an approach which will ensure trout stocks are only exploited when they are healthy. However, as this work requires significant changes, formal consultation is required and so it has not been possible for NRW to introduce changes for the 2024 season.
5. In order to maintain current levels of service, NRW is proposing to increase net duties by 4% for the forthcoming 2024 season, as follows:

Proposed net licence duties for 2024.

Ardal Bysgota Fishing Area	Dull Pysgota Fishing Method	Toll Duty
Dyfi	Sân/Seine	£635
Tywi/Towy	Sân/Seine	£635
Tywi/Towy	Cwrwgl/Coracle	£606
Teifi	Sân/Seine	£635
Teifi	Cwrwgl/Coracle	£270
Dysynni	Sân/Seine	£407
Taf	Cwrwgl/Coracle	£270
Taf	Bracso/Wade	£90
Conwy	Sân/Seine	£407
Conwy	Byddagl/Trap	£144
Nanhyfer/Nevern	Sân/Seine	£285
Mawddach	Sân/Seine	£285
Cleddau	Cwmpawd/Compass	£105
Gwy/Wye	Gaf/Lave	£90
Trwydded Treftadaeth / Heritage Licence	Cyfyngir dalfeydd i 10 sewin y tymor / Catch restricted to 10 sea trout per season	£90

Consultation

6. There is a requirement under SAFFA for NRW to advertise net duties each time they are fixed or altered. This consultation consists of placing a formal notice of its intention to fix or alter the duties in at least one newspaper in the relevant area setting out the amount of any duty proposed to be fixed or altered and allowing the statutory month period (i.e. 30 days) for objections to be sent to the Welsh Government.
7. In line with previous Welsh Government advice, a statutory notice was placed in the London Gazette on 15 December 2023, with a closing date 26 January 2024 for objections <https://www.thegazette.co.uk/notice/4513735>. At the same time, licenced fishers received notification in writing of the proposed increase in duties for the 2024 season.

Heritage Licence

8. NRW recognises that some fishing methods, including some which have been in existence for several hundred years, represent traditional activities and may therefore have heritage value. These fisheries include the well-known coracle net operations on the Tywi and Teifi, but also the Cleddau compass nets and the Black Rock lave net fishery.
9. Therefore, in recognition of the heritage and cultural values of these net fisheries, NRW has offered all netters the opportunity to apply for a “Heritage Licence”. This license will have a small cost equivalent and will allow netsmen to take a small number of fish proposed to be 10 seatrout per year.

Responses

10. A total of 12 objections were received during the consultation period ***[Redacted to prevent identification]***.
11. A summary of the written objections and points raised during the consultation, and NRW's response is attached at **Doc 1**.
12. NRW wrote to all objectors addressing each of their points, inviting objectors to consider NRW's response, and to withdraw their objection to the 2024 net licence duties. On 8 March 2024 (7 days after issuing the letter) NRW informed all objectors their objection would remain.
13. None of the original objections were subsequently withdrawn. NRW is therefore required under SAFFA to seek formal Ministerial approval for the proposed duties in 2024.
14. Paragraph 5 of Schedule 2 to the SAFFA provides the Minister with the following options in relation to NRW's application:

- A. Approve the application and allow NRW to increase Net duties at the levels they have proposed.
- B. Modify the application (i.e. alter the levels of duty imposed in some or all of the fisheries concerned).
- C. Reject the application.

Advice

15. NRW has followed the statutory requirements for the increase in net duties for the 2024 fishing season. Given none of the 12 objections received have been withdrawn, NRW is now seeking formal approval from the Welsh Government to increase net duties as per Paragraph 5 (above).
16. Having considered the application from NRW, the points raised, and NRW's response, your officials do not believe there is a valid reason to modify the application, therefore, we do not recommend option B. Officials have also considered option C and do not recommend the Minister rejects the application for 2024 as there is not enough evidence from the outstanding objections to justify such action.
17. Therefore, **option A** is recommended given net licence duties have only increased once in the past 14 years and since then, sales and income have been declining whilst high inflation in recent years has reduced the spending power of income received from sales. According to NRW, the proposed 4% increase in duties will help to maintain current levels of service.

Financial implications

18. There are no financial implications for the Welsh Government as a result of this advice.

Legal issues, powers & statutory duties

Powers

19. Section 25 of SAFFA (as amended), in broad terms, requires NRW (as "the appropriate agency") to regulate fishing by way of licence. That section introduces Schedule 2 to that Act, which makes further provision about such licences.
20. Paragraphs 1 to 3 of Schedule 2, taken together, provide that NRW:

- Must fix a duty payable in respect of such licence (except where they grant an exception, which they are empowered to do);
- may fix different duties for different descriptions of licence and different classes of licence holder; and
- must publish notice of its intention to fix or alter the duty.

21. Paragraph 4 of that Schedule provides that if any interested person makes an objection to the Welsh Ministers (as “the appropriate national authority”) within the month following publication of the notice referred to in the previous paragraph, NRW may not fix or alter the duty without the approval of the Welsh Ministers.

22. Paragraph 5 of that Schedule provides that the Welsh Ministers may, with or without a local inquiry, refuse to approve any such duty; or may approve the duty with or without modifications (and the Welsh Ministers may direct NRW to give notice of any proposed modification in accordance with the direction).

23. Paragraph 6 provides that where the fixing or alteration of the duty takes effect in accordance with Schedule 2, no alteration (or, as the case may be, further alteration) may take effect within the following 12 month period.

Communication or media handling

24. No communications are planned in relation to this decision, however, NRW will need to communicate the decision to license holders and objectors.

