



matt's angle

The river fishing season comes to an end for three months on March 14th, but do we really need the break? Matt Maginnis has been researching the subject and has uncovered some very interesting facts...

I talked a bit about the close season this time last year and didn't intend to do so again this year, but after another really dire winter with very few opportunities to fish on many of our rivers the close season has become more of a talking point than ever.

Over the last couple of months I've heard many different ideas about how best to approach the situation but none of them have sounded too convincing. I therefore decided to look into the whole thing more thoroughly than I have before, to find out what the current situation really is, what would need to happen if ever it is to change and how anglers could best go about influencing the process.

There is a common misconception that the coarse fishing close season on rivers, streams and drains (to give it its proper title) was introduced by and for the benefit of game anglers in order to protect their precious salmon and trout and keep the common coarse anglers away.

However, the truth is that coarse anglers themselves originally drove the close-season legislation, introduced in the late 19th century. At that time most coarse fishing was carried out in competitions, but there were no keepnets so all the fish caught were killed in order that the winner could be decided. The close season was established in an attempt to restrict the damage this was perceived to be doing to fish populations – particularly during the spawning season.

In 1995 the close season on stillwaters was lifted. It was felt that the single ownership under which most stillwaters operated meant that local actions could and would be taken to prevent damage to fish populations at spawning time. If you want to be cynical you could argue that no study was done and that the change came about as a result of

concerted lobbying by interested, articulate and powerful commercial-fishery owners.

Then, in 2000, the close season was also lifted from canals. This time a study was carried out, which concluded that there would be no resulting detrimental effect on fish populations. This study had the benefit of being able to look at canals that, in some parts of the country, already had no close season. This inconsistency was a result of regional variations in bylaws, and removal of this variation was a strong incentive for the study being commissioned and the close season eventually being lifted.

Also in 2000 the independent Salmon and Freshwater Fisheries Review proposed that the close season on rivers should be lifted other than "where its retention is necessary to avert serious risk of damage to fish stocks". Intervention by Parliament confirmed that it couldn't be lifted until supporting scientific evidence was available.

As a result, the Environment Agency's (EA) position on rivers remains that it feels it must take the precautionary stance of retaining the close season, until such time that it can be confident that removing it wouldn't have a detrimental effect on fish populations. Its view is that this evidence could only be provided by an appropriate study being undertaken.

In 2004 a report about the close season was produced by consultants on behalf of the EA. This report reviewed the close season and described in detail what a study into the impacts of removing it would entail.

Some key elements of the 2004 report about the close season were:

- A review of existing research data

- The identification of gaps in knowledge
- The identification of new research proposals including:
 - The likelihood of spawning fish getting caught
 - The impact that getting caught would have on spawning fish
 - The possible benefit to spawning fish of being able to eat anglers' bait
 - The likelihood and impact of groups of spawning fish being disturbed
 - The effect of game fishing on spawning coarse fish
 - The potential to define fish spawning sanctuaries
 - The need to study species not previously studied, eg roach
- A description of methodology proposals including:
 - Study of fish in artificial ponds and raceways
 - Study of fish in a country with no close season, ie Ireland
 - Study of canal fish
 - Study of spawning fish behaviour and spawning locations
 - Study of expert opinions
 - Identification of costs and timescales

The report concluded that a study would cost a minimum of £100,000 and take at least two years to complete.

Many countries on the near Continent including France, Italy and Holland, plus Ireland of course, don't have a close season on their rivers and it could be argued that if there are no problems with fish stocks in these countries we don't need to do a study in this country.

However, it could also be argued that:

- Weather conditions are different here (although very similar to Ireland)
- Fishing pressure is greater in this country than in most others
- Our fish populations already face a range of other pressures which aren't faced by fish populations abroad
- There have been declines in fish populations in some other countries, eg Ireland and Denmark, which could possibly be attributable to the lack of a close season (although there might be no relation at all)

I have tried to find out if there is any relevant evidence from these countries, but

to date have been unsuccessful.

The bottom line is that there is no way the close season will be reviewed (or removed) in this country until a study has been carried out and, for what it's worth, if reliable evidence cannot be found from abroad, I think I agree with this. While I'd love to be able to fish on rivers all year round I certainly don't want to do anything that might detrimentally affect the very fish populations my sport relies upon.

The most likely source of funding for a study would be the EA's operational budget, which means that something else in its programme of works would inevitably suffer. Therefore, particularly given what the study would cost, the EA would have to be convinced that the expenditure could be justified and its current position is that it would need to be persuaded that a majority of river anglers were in support.

However, in 2003, before the 2004 close season report was produced, market research was carried out by the EA in which rod licence holders were asked about their views on removal of the close season. Out of 173 responses from river anglers, 55 per cent supported the removal of the close season and 45 per cent didn't.

Despite this, though, it was decided not to commission a study, partly based on figures that included the views of anglers who don't fish on rivers, which showed

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that 35 per cent supported the removal of the close season, 50 per cent didn't and 15 per cent didn't know.

In most regards I can't really see why the opinions of anglers who don't fish on rivers are relevant. However, the funding for a study is likely to come from the budget that is created by all anglers' rod licences, and so it could be argued that they all ought to have a voice about what their money is spent on. Then again, I'm not aware of any other areas of EA activity on which anglers get to vote.

Out of interest, a survey of Match Fishing readers was carried out in 2009 in which 98 per cent supported the removal of the close season and two per cent didn't.

I feel that a new survey ought to be carried out as soon as possible, ideally by a coordinated partnership between the EA, the Angling Trust and all of the angling press, but this time asking river anglers:

- whether or not they support the removal of the close season and
- whether or not they support a study being commissioned



MATT MAGINNIS

Why should anglers be robbed of the chance to fish rivers if there is no real need for a close season?

So, the key to getting a study commissioned and possibly the close season reviewed would be to lobby and persuade relevant decision makers and those individuals and groups who might influence them to take appropriate action. Such a campaign would, therefore, need to carefully identify the decision makers, the groups that might influence them, the key messages that

- Non-angling media
- Anglers

The key messages would be really straightforward. To the EA the message would be "commission a study". To ministers and Government departments (DEFRA and DCMS) the message would be "support the commissioning of a study by the EA". And to all of the other potential influencers the message would be "lobby the EA to commission a study" and "lobby ministers and Government departments to support a study being commissioned".

The main methods to get these messages across would need to be good old letters, meetings, presentations, phone calls and press articles, possibly combined with publicity events to raise general awareness.

Any such communications would need to present sound arguments supported by evidence wherever possible. For example, a very strong point to make to ministers might be about the potential boost to the economy resulting from the removal of the close season, particularly given the current financial climate. This point would be considerably more powerful, though, if it were to be supported by information about the types and numbers of businesses that might benefit, and particularly an idea of the potential figures involved.

- MPs with riverside towns and/or businesses which would benefit in their constituencies
- Key ministers with relevant portfolios, eg Environment, Fisheries, Economy, Culture/Sport
- Department for Environment, Food and Rural Affairs (DEFRA)
- Department of Culture, Media and Sports (DCMS)
- The Angling Trust
- Town, city, district, unitary and county councils for riverside towns
- Local Enterprise Partnerships
- Riverside businesses – accommodation, pubs, cafés, restaurants
- Tackle shops
- Tackle companies
- Bait companies
- Angling clubs/associations
- Angling media

In addition to gathering evidence, and considerably more challenging, would be inspiring and coordinating the efforts of potential influencers given their breadth, number and, in the case of individual anglers, their tradition of being hard to mobilise.

Broadly speaking, the argument for commissioning a study would be that it is better to be properly informed about the issue of the close season, which currently stands in the way of a number of key benefits. ▶▶

Potential Benefits

Boost to the economy

My Thoughts

Particularly in the current climate it is hard to believe that the economy is restricted in such a way for three months every year.

Hundreds, if not thousands, of riverside businesses would benefit from the extra trade.

Other fishing related industries would also benefit, the most obvious being tackle shops, tackle manufacturers and bait companies.

Improved health and wellbeing

The potential benefits of fishing to anglers' health and wellbeing are well acknowledged and additional opportunities to fish on their chosen venues must be a good thing.

Introduction of 'localism'

The ability to make local decisions about if, when and where to close sensitive river stretches would chime extremely well with the current Government localism agenda.

Increased choice

Individual anglers would be able to choose whether or not to fish during what is currently the close season and fishery owners/managers would be able to choose when to close and open their water if/when they feel it to be appropriate.

Reduced bureaucracy and associated costs

Adherence to the close-season laws would no longer need to be policed and administered. The resulting cost savings could either contribute to the EA's current efficiency targets or, even better, be diverted into increased general bailiff presence.

A better protected environment

It is widely accepted that anglers can provide an extremely valuable early warning, watchdog service.

Protection/enhancement of the 'big society' concept

River-based angling clubs, which are almost entirely run by local volunteers, are facing increasing pressures to the extent that many are under threat. The removal of the close season could make the difference between their extinction or survival.

Increased opportunities to fish

A significant and seemingly increasing part of the current fishing season is lost to a combination of flooding and ice.

Climate change projections indicate wetter winters with more flooding and an increase in flash flooding during summer.

There are of course potential disbenefits of removing the close season and any campaign would need to properly consider them.

Potential Disbenefits

Negative impact upon spawning fish and therefore fish populations

My Thoughts

There is no evidence to suggest that there would be a negative impact, including from countries where there is no close season.

There is no evidence to suggest that removal of the close season on canals and stillwaters has had a detrimental effect.

Spawning fish don't feed and therefore don't get caught (or very rarely get caught).

If there is a need to protect particular pockets of spawning fish, owners/managers of fishing rights could close known spawning areas as and when necessary on a locally determined basis.

Break with tradition (enforced break, magic of Glorious 16th etc)

Anglers would have the choice to observe the traditional close season if they want to but without inflicting their wishes upon everyone else. For example, some anglers choose to use traditional fishing tackle but that doesn't mean all anglers should be forced to do the same.

Just because something is traditional doesn't mean that it is necessarily good or desirable. For example, it was once 'traditional' to send young children to work down mines and it is still traditional for some people to eat all of the fish they catch.

Deterioration in river bank vegetation, which won't have a chance to regrow

There is no evidence to support this.

Regular use by anglers might reduce the need for extremely intrusive strimming during May/early June.

If there are severe problems, affected pegs/areas could be closed at local fishery manager/owner's discretion.

Time and financial cost of changing the law

This would easily be outweighed over time by the wider economic benefits and the removal of close-season policing costs.

The costs could be split between the EA and the potential beneficiaries.

Negative impact upon other wildlife, which will no longer benefit from a break from angling activity eg nesting birds

There is no evidence to support this.

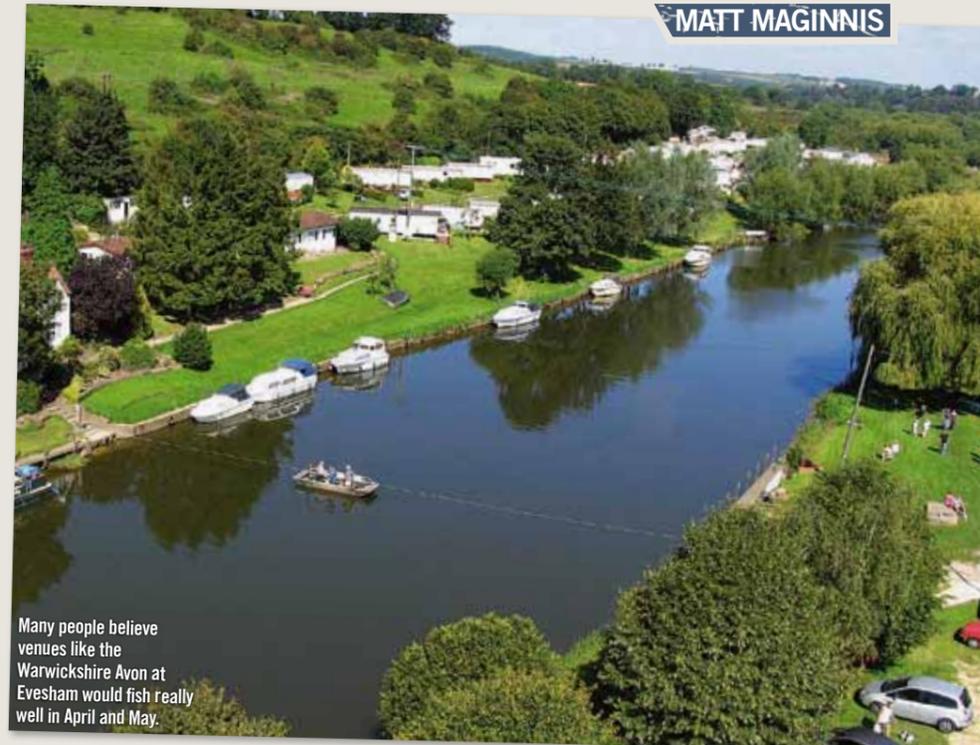
Any impact would be negligible as rivers continue to be used by other river users during the close season, eg boaters, canoeists, rowers, walkers, cyclists, dog walkers, game/eel anglers.

Anglers provide a wildlife watchdog role which is currently missing during the close season.

See above re strimming/bank cutting in May/early June.

Negative impact upon other river users who will no longer benefit from a break in angling activity, eg inappropriate car parking, noise, conflicts, litter etc

Any impact would be minimal and outweighed by the benefits.



Many people believe venues like the Warwickshire Avon at Evesham would fish really well in April and May.

Should a study be commissioned and its findings support the removal of the close season the following process could then unfold:

- Recommendation for change made by the EA
- Statutory public consultation – likely to cost at least £80,000
- Legal change process including ratification by relevant ministers and statutory advertising – likely to cost at least £25,000
- Possible public enquiry – likely to cost at least £50,000

Added to the cost of producing the study, this comes to an estimated £250,000. While I'm convinced that in time this would easily be paid back into the economy it is still a very significant sum and is one of the main reasons that the EA would need to be completely convinced about the demand for this expenditure and the resulting benefits.

Conclusion

In my opinion, the current precautionary position adopted by the EA with regard to the coarse fishing close season on rivers, streams and drains is completely understandable and probably correct.

However, I believe that the benefits that might result from the removal of the close season – particularly to the economy – justify the commissioning of a study into its potential impacts upon fish populations. I also feel that particularly vulnerable spawning areas could be protected by locally determined measures, possibly even better than they are currently by a fixed, inflexible close season.

What is clear to me, though, is that for the time being any efforts from those wishing to, or potentially wishing to, see the close season removed, ought to be directed towards:

- Demonstrating majority support for a study to be commissioned by responding to any market research and
- Lobbying the EA and those who might influence them with letters and /or e-mails

During the course of my research into this issue I've had many conversations with a range of anglers, tackle-shop owners, riverside-business owners and folk in the tackle and bait industries, all of whom would wholeheartedly support the commissioning of a study. In fact, most of them would actually remove the close season without one.

Of course, there are others who support the status quo, or a variation of it, but I feel sure that most of them do so out of a precautionary concern for fish populations

akin to that of the EA. And I'm guessing that many of these would also support the commissioning of a study.

There are also what I believe to be a very small number of belligerent supporters of the status quo including, of course, Keith Arthur. I have a huge amount of respect for Keith and would fiercely defend his right to hold and express his opinions. However, the close season is on the growing list of Keith's opinions with which I completely disagree. I feel that quotes from him such as "there is NO case for coarse fishing rivers during the close season, never was, never will be..." are extremely blinkered and unhelpful. While I am a bit concerned that some anglers might be taken in by it all, I suspect that they're able to see through it and make up their own minds. What concerns me more, though, is that non-anglers, and particularly those who make decisions about our sport, might actually believe that Keith's views

are representative of what most of us think. I am convinced that they are not!

Anyway, I'd like to finish by expressing my thanks to the EA for providing me with lots of useful information and answers to the numerous questions I sent to them – they could not have been more helpful.

I'd also like to thank Mark Lloyd, the chief executive of the Angling Trust, an organisation that could have the ability to coordinate a campaign and mobilise anglers if it so wished. Mark explained to me that the Trust currently adopts a neutral position with regard to the close season, reflecting the split views of its membership.

However, he also indicated that the Trust might be willing to support and even lobby for a study to be commissioned, in order to make any future discussions better informed. On the basis of this indication I have just sent off my £25 membership fee...



Isn't it time we had a study carried out to establish whether a 19th-century law is outdated?