

Coarse fishing close season on English rivers

Appendix 1 – Current coarse fish close season arrangements

The close season on different waters

In England, there is a coarse fish close season on all rivers, some canals and some stillwaters. This has not always been the case. In the 1990s, only around 60% of the canal network had a close season and in some regions, the close season had been dispensed with on all stillwaters.

Stillwaters

In 1995, following consultation, government confirmed a national byelaw which retained the coarse fish close season on rivers, streams, drains and canals, but dispensed with it on most stillwaters. The rationale was twofold:

- Most stillwaters are discrete waterbodies in single ownership. Fishery owners can apply bespoke angling restrictions to protect their stocks, including non-statutory close times.
- The close season had been dispensed with on many stillwaters prior to 1995 without apparent detriment to those fisheries. This presented strong evidence in favour of removing it.

The close season is retained on some Sites of Special Scientific Interest (SSSIs) and the Norfolk and Suffolk Broads, as a precaution against possible damage to sensitive wildlife - see Appendix 1. This consultation is not seeking views on whether the close season should be retained on these stillwaters

While most stillwater fishery managers have not re-imposed their own close season rules, some have, either adopting the same dates as apply to rivers or tailoring them to their waters' specific needs.

Canals

The Environment Agency commissioned a research project in 1997 to examine the evidence around the close season on canals to identify whether or not angling during the close season was detrimental to canal fisheries. Given that the close season had already been dispensed with on many canals, the project was able to make a direct comparison between canals with and without close seasons, in terms of both fish populations and angler catches. It concluded that "On the grounds of fish stock protection and conservation, the evidence examined has indicated that there would not appear to be any justification for maintaining a close season for coarse fish angling on canals."

In an Environment Agency consultation, there was almost unanimous support from fisheries interests to dispense with the close season on canals. As a consequence, the close season was removed from most canals in 2000, but retained on a few canalised rivers - see Appendix 1.

Rivers

In contrast to stillwaters, most river fisheries are in multiple ownership. River fish are not owned by a fishery owner (until caught) and are free to move between stretches owned by

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different people. Fisheries management actions taken by one owner can impact on neighbouring waters; this is of particular importance with regard to spawning sites on rivers, which are often localised.

In February 2000 the independent Salmon & Freshwater Fisheries Review considered close seasons and recommended that:

"Byelaws should be introduced to remove the close season for coarse fish on canals and rivers except where its retention is necessary to avert serious risk of damage to fish stocks."

The Government supported the Agency's view that such a proposal should be based on sound science. A scientific comparison similar to that done for canals would be needed, however, because all river coarse fisheries have a close season, it would be virtually impossible to gather the required evidence. The Environment Agency's view has been that in the absence of scientific evidence, it must take a precautionary approach towards rivers, retaining the current close season.

The history of the coarse fish close season is summarised below.

ENVIRONMENT AGENCY**WATER RESOURCES ACT 1991****COARSE FISH CLOSE SEASON (ROD AND LINE) BYELAWS****ENGLAND**

The Environment Agency, in exercise of its powers under Section 210 of, and paragraph 6 of Schedule 25 to, the Water Resources Act 1991 and all other powers enabling it in that behalf, makes the following Byelaw.

This Byelaw shall apply to England, being for the purposes of this Byelaw the area specified in Section 6(7) of the Environment Act 1995 in respect of which the Agency carries out its functions relating to fisheries except the Upper Esk.

Byelaw 6 of, and Schedule 3 to, the Fisheries Byelaws confirmed on 14 March 2000 shall be revoked and substituted with the following Byelaw.

Byelaw 6 Coarse Fish Close Season (England)

(1) For the purposes of this Byelaw-

- (a) the meaning of the term “drain” is not confined to that assigned to it by the Water Resources Act 1991;
- (b) any lake, reservoir, pond or canal which discharges to any river, stream, or drain shall not itself be regarded as a river, stream, or drain;
- (c) “The Broads” means the Norfolk and Suffolk Broads as defined in section 2(3) of the Norfolk and Suffolk Broads Act 1988;
- (d) “Specified Sites of Special Scientific Interest” means those areas which have been notified by the Natural England pursuant to the provisions of section 28(1) of the Wildlife and Countryside Act 1981 and which are listed in Schedule 3 to this Byelaw and shall include parts of areas which have been so notified if only parts of such areas are so listed; and
- (e) “canal” means any artificial channel or cut of two hundred and fifty metres or more in length, which has artificially maintained water levels with negligible flow over a majority of its length, other than that derived from water resources or navigation, and a towpath over the majority of its length.
- (f) “Upper Esk” has the same meaning as assigned to it in the Scotland Act 1998 (Border Rivers) Order 1999.

(2) The annual close season for fishing for freshwater fish-

- (a) in rivers, streams, drains and waterways (other than canals);
- (b) in all waters in the Specified Sites of Special Scientific Interest and the Broads listed in Schedule 3 to this Byelaw, but excluding the lakes, reservoirs and ponds listed in Schedule 5 to this Byelaw;
- (c) in all waters listed in Schedule 4 to the Byelaw;

shall be the period from and including the 15th day of March to and including the 15th day of June following.

(3) In all other waters, including canals, there shall be no close season for freshwater fish.

(4) During the period from and including the 15th day of March to and including the 15th day of June following, fishing by rod and line for eels is authorised in those waters where the close season for freshwater fish has been dispensed with.

(5) Existing byelaws which contain reference to “the annual close season for freshwater fish” shall henceforth be read and construed as if the said byelaws apply only to the waters in relation to which a close season for freshwater fish is imposed in Byelaw 6(2) above notwithstanding anything to the contrary in the relevant existing byelaws.

This Byelaw comes into force on 23 March 2010

SCHEDULE 3 Specified Sites Of Special Scientific Interest (England)

In this Schedule a group of two letters and six figures identifying or associated with any point represents the map co-ordinates of that point estimated to the nearest one hundred metres on the grid of the national reference system used by Ordnance Survey on its maps and plans.

BEDFORDSHIRE

Felmersham Gravel Pits (SP991584)

Houghton Regis Marl Lakes (TL008235)

BERKSHIRE

Rapley Lakes (SU889653, SU901647)

Heath Lake (SU829652)

Swinley Park & Brick Pits (SU895675, SU905670)

Wasing Wood Ponds (SU578636, SU583633)

Wraysbury & Hythe Gravel Pits (TQ014737)

CAMBRIDGESHIRE

Fowlmere Watercress Beds (TL406454)

Grafham Water (TL150680)

Holme Fen (TL205895)

Little Paxton Pits (TL200637)

Stow-Cum-Quy Fen (TL515527)

Wicken Fen (TL555700)

Woodwalton Fen (TL230840)

Dogsthorpe Star Pit (TF213025)

Nene Washes (TL200977, TF395029)

Ouse Washes (TL393747, TL571987)

DERBYSHIRE

Carver's Rock (SK330227)

Hilton Gravel Pits (SK249315)

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Ogston Reservoir (SK376602)
Morley Brick Pits (SK389418)
Cromford Canal (SK299569 – SK351520)

DORSET

Frome St Quintin (ST585035)
Arne (SY966880)
Blue Pool and Norden Heaths (SY937833)
Chesil Beach and the Fleet (SY496885, SY683734)
Ham Common (SY981907, SY983914)
Hartland Moor (SY948855)
Holton Heath (SV946902)
Hurn Common (SU125015)
Lodmoor (SY688813)
Lulworth Park and Lake (SY861838)
Morden Bog (SY915910)
Norden (SY944837, SY950833)
Poole Harbour (Brownsea) (SZ022880)
Povington and Grange Heaths (SY890840)
Rempstone Heath (SY990849)
Sandford Heath (SY938902)
Stoborough and Creech Heaths (SY933846)
Studland and Godlingston Heaths (SZ030845)
Talbot Pit (SZ063931)
The Moors (SY950870)
Thrasher's Heath (SY971838)
Warmwell Heath (SY755871, SY864874)

EAST SUSSEX

Ashburnham Park (TQ695148)
Ashdown Forest (TQ450300) - Pippingford Lakes only
Eridge Park (TQ576344)
Herstmonceux Park (TQ650107)

Pett Level (TQ903157)

EAST SUSSEX/KENT

Walland Marsh (Royal Military Canal) (TQ933227 – TQ991320)

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ESSEX

Abberton Reservoir (TL970180)

Colne Estuary (TM075155)

GLOUCESTERSHIRE

Frampton Pools (SO753073)

Soudley Ponds (SO662112)

Cotswold Water Park (SU000930 - SU200990)

GREATER LONDON

Mid Colne Valley (TQ043896)

Brent Reservoir (TQ217873)

Denham Lock Wood (TQ055863)

HAMPSHIRE

Alresford Pond (SU593331)

Avon Valley (Bickton-Blashford) (SU150100)

Bramshill (SU766605)

Fleet Pond (SU822551)

Lower Test Valley (SU360153)

Shortheath Common (SU775366)

Southampton Common (SU415145)

Titchfield Haven (SU539035)

Warren Heath Ponds (SU769599, SU782588)

Castle Bottom to Yateley Common (SU815587)

New Forest (SU298081) - Hatchet & Cadnam ponds only

HAMPSHIRE/SURREY

Basingstoke Canal (SU719514 – SU967575) & (TQ016597 – TQ046616)

HEREFORD & WORCESTERSHIRE

Ashmoor Common (SO852467)

Bittell Reservoirs (SP018750) excluding Lower Bittell Reservoirs

Grimley Brick Pits (SO840605)

Hewell Park Lake (SP010690)

Upton Warren Pools (SO935672) excluding The Sailing Lake (SO913672)

Brampton Bryan Park (SO360716)

Berrington Pool (SO509630)

Flintsham and Titley Pools (SO318589, S0325595)

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Moccas Park (SO341425)

Hurcott & Podmore Pools (SO854779) excluding Hurcott Pool

KENT

South Thames Estuary & Marshes (TQ770785) excluding Beckley Hill ponds (TQ717741)

Holborough to Burham Marshes (TQ712618)

Medway Estuary & Marshes (TQ850720) excluding Stoke Angling Club reservoir and section of the Delph Ditch (TQ835751) and Abbot's Court northern 2 lakes (TQ795723)

Oldbury & Seal Chart (TQ571558)

Romney Warren (TR085262)

Sevenoaks Gravel Pits (TQ522569)

Stodmarsh (TR222618)

The Swale (TR000670) excluding Murston pits southern 3 lakes (TQ931649)

Walland Marsh (TQ960240)

Dungeness (TR050180)

Marden Meadows (TQ762445)

Orlestone Forest (TQ982350)

Sandwich Bay (TR353585) excluding Cottington Lakes (TR357532) & Finglesham Ponds (TR340535)

Scotney Castle (TQ690350)

LEICESTERSHIRE

Blackbrook Reservoir (SK458174)

Barrow Gravel Pits (SK568166)

Buddon Woods & Swithland Reservoir (SK560145)

Cave's Inn Pits (SP538795)

Empingham Marshy Meadows (SK956093, SK957087)

Frisby Marsh (SK686174)

Groby Pool & Woods (SK521083)

Kilby – Foxton Canal (Grand Union) (SP611969 – SP699899)

Grantham Canal (SK747317 – SK790359)

Ashby Canal (SK346099 – SK387043)

NORFOLK

Didlington Park Lakes (TL777963)

Dillington Carr, Gressenhall (TF971158)

East Wretham Heath (TL910882)

Gunton Park Lane (TG221345)

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Sea Mere, Hingham (TG035012)
Stanford Training Area (TL870940)
Thompson Water, Carr & Common (TL930955)
Wretham Park Meres (TL902918)
Westwick Lakes (TG273274) excluding Captain's Pond

NORTHAMPTONSHIRE

Higham Ferrers Gravel Pits (SP945686)
Pitsford Reservoir (SP780708)
Twywell Gullett (SP947775)
Yardley Chase (SP857540, SP841553)

NOTTINGHAMSHIRE

Clumber Park (SK622744, SK643773)
Holme Pit (SK536345)
Thoresby Lake (SK630703)
Welbeck Lake (SK580729)
Attenborough Gravel Pits (SK522341)
Misson Line Bank (SK715961)
Chesterfield Canal (SK722821 – SK762944)
Kinoulton Marsh and Canal (Grantham Canal) (SK677306 – SK690305)

OXFORDSHIRE

Wychwood (SP335168)

SHROPSHIRE

Berrington Pool (SJ525072)
Bomere, Shomere & Betton Pools (SJ504078)
Brown Moss (SJ562395)
Cole Mere (SJ433332)
Fenemere (SJ445228)
Marston Pool, Chirbury (SJ296027)
Oss Mere (SJ565438)
Shelve Pool (SO335979)
Sweat Mere and Crose Mere (SJ434304)
White Mere (SJ414330)
Morton Pool & Pasture (SJ301239)
Prees Branch Canal (Shropshire Union Canal, Llangollen Branch) (SJ496341 – SJ497332)

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Montgomery Canal: Aston Locks to Keeper's Bridge (Shropshire Union Canal) (SJ328257 – SJ351287)

SOMERSET

North Exmoor, Pinkworthy Pond (SS770360)

STAFFORDSHIRE

Aqualate Mere (SJ770205)

Chasewater Heaths (SK039080) including Wyrely & Essington Canal, Anglesey Branch (SK042073 – SK046071)

Cop Mere (SJ802297)

Doxey & Tillington (SJ906245)

Maer Pool (SJ789384)

Cannock Extension Canal (SK019044 – SK020069)

SUFFOLK

Benacre to Easton Bavents (TM537855)

Cavenham/Icklingham Heaths (TL755733)

Lackford (TL890710)

Lakenheath Pools Fen (TL701827)

Minsmere/Walberswick Heaths & Marshes (TM465662, TM465735)

North Warren & Thorpeness Mere (TM460594)

Sizewell Marshes (TM466638)

Stallode Wash, Lakenheath (TL675853)

SURREY

Ash to Brookwood (SU920540, SU956545, SU958555, SU945537)

Bookham Commons (TQ128565)

Chobham Common (SU973648)

Epsom & Ashted Commons (TQ181602)

Godstone Parks (TQ353516, TQ360509)

Hedgecourt (TQ355403)

Langham Pond (TQ002721)

Ockham & Wisley Common (TQ082585, TQ084592, TQ078595, TQ070585)

Papercourt (TQ035563, TQ035569, TQ042565)

Puttenham & Crooksbury Commons (SU915464, SU890453)

Staines Moor (TQO40730)

Vann Lake & Ockley Woods (TQ156392)

Whitmoor Common (SU985535)

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Thursley, Hankley & Frensham Commons (SU885405, SU915410, SU855405)

WARWICKSHIRE

Alvecote Pools (SK249050)

Brandon Marsh (SP385755)

Coleshill and Bannerly Pools (SP200860)

Combe Pool (SP392794)

Middleton Pool (SP190983)

Stockton Railway Cutting and Quarry (SP440650, SP444643) excluding The Big Quarry Pool

Ufton Fields (SP383615)

Ensors Pool (SP348903)

WEST MIDLANDS

Edgbaston Pool (SP054841)

Sutton Park (SP098974)

Fens Pool (SO920886)

WEST SUSSEX

Arun Banks (TQ029100)

Arundel Park (TQ015082)

Buchan Hill Ponds (TQ245343)

Burton Park (SU977177)

Cow Wood & Harrys Wood (TQ270299)

Ebernoe Common (SU977270)

Forest Mere (SU820300)

Shillinglee Lake (SU968311)

St Leonards Ponds (TQ200308)

Wakehurst & Chiddingly Woods (TQ334316, TQ348323)

Waltham Brooks (TQ025159, TQ021152)

WILTSHIRE

Coate Water (SU188820)

SCHEDULE 4 Canals where close season applies

North East Region:-

- Aire and Calder navigation between Castleford Weir and Ferrybridge Lock.

Midlands Region:-

- Stroudwater and Thames Canal.

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Anglian Region:-

- Fosdyke Canal.

Thames Region:-

- Kennet and Avon Canal downstream of confluence with River Kennet at Kintbury.
- Lee navigation upstream of Aqueduct Lock.

SCHEDULE 5 Stillwaters in the Broads where no close season applies

In this Schedule a group of two letters and six figures identifying or associated with any point represents the map co-ordinates of that point estimated to the nearest one hundred metres on the grid of the national reference system used by Ordnance Survey on its maps and plans.

Aldeby Hall Pits (TM 441 930)

Shell Club, Aldeby (TM 444 928)

Marsh Trail Lakes, Beccles (TM 429 913)

Farm Reservoir, Dunburgh (TM 404 911)

Ditchingham Pit (TM 335 907)

By Pass Pit, Bungay (TM 327 898)

Earsham Pits (TM 318 900)

Bungay Common Pond (TM 332 902)

Cantley Sugar Factory Lakes (TG 390 036)

Limpenhoe Fishery (TG 393 038)

Reedham Ferry Touring Campsite Pond (TG 403 014)

Boundary Farm Campsite Pond, Oby (TG 403 149)

Mill Road Fishery, Stokesby (TG 426 108)

Snakesmeadow, Winsford Hall, Stokesby (TG 446 120)

Martham Pits (TG 447 195)

East Ruston AC Pit (TG 344 272)

Priors Diesel Pit, Martham (TG 439 191)

Weavers Way Fishery, East Ruston (TG 354 263)

Mown Fen, East Ruston (TG 341 278)

Penneygate, Barton Turf (TG 358 231)

New Pit, Mustard Hryn, Martham (TG 440 189)

Holly Farm Lakes, South Walsham (TG 384 134)

The Secretary of State for Environment, Food and Rural Affairs confirms the Coarse Fish Close Season (Rod and Line) Byelaws made by the Environment Agency on 16 December 2009. The Byelaws come into force on 23 March 2010.

A Senior Civil Servant, for and on
behalf of the Secretary of State for
Environment, Food and
Rural Affairs



22 March 2010

A brief history of the UK coarse fishing closed season

We need to go back 140 years to find the origins of the coarse fisheries close season in the UK. Back in those times, match angling was prolific with much rivalry between local clubs. At the end of a competitive day's fishing, before the advent of keep nets, fish were killed for the weigh in and as no close season existed, matches were run all year. This meant that spawning fish were often killed and the overall angling pressure on the fishery was relentless. Recognising that this amount of angling pressure was impacting on their sport, some enlightened clubs started lobbying Mr Anthony Mundella, their local Member of Parliament for Sheffield^{1,2}. These events eventually lead to the creation of the **Freshwater Fisheries Act (Mundella Act) of 1878**.

The act put in place a seasonal window in time in which coarse fishing was closed on rivers, lakes, ponds and drains. The original draft bill had the close from 1st March to the 31st May. Prior to the bill passing through parliament, the close season period was hotly debated between Angling Clubs from the North, the London Angling Association and the Piscatorial Society. During these debates, the stakeholders could not reach consensus on which months to close the water, so they opted for a compromise and split the difference. Henceforth, the close season for coarse fish was fixed from the 15th March to the 15th June. Ever since 1878, various other types of fisheries related legislation has been amended or newly introduced. However, from a river angler's perspective, the close season law has remained unchanged. A timeline of fisheries legislation is shown below.

Since 1878, the competent authority in charge of fisheries management has changed on numerous occasions. The **Salmon and Freshwater Fisheries Act (1923)** encompassed all the previous legislation (Mundella act & its amendments). The 1923 Act also established the Fishery Boards whose role it was to enforce the National Salmon and Freshwater Fisheries Act and manage local waters and bylaws.

In 1948, the **River Boards Act** created a multifunctional catchment based organisation. The River Boards held responsibilities for land drainage, fisheries and river pollution. The roles and responsibilities of the former Fisheries Boards were combined with those duties of former catchments board created under the former Land Drainage Act 1930.

The **Salmon and Freshwater Fisheries Act 1975** (amended) consolidated the Salmon and Freshwater Fisheries Act of 1923 with certain other enactments relating to salmon and freshwater fisheries, and repealed certain obsolete enactments relating to such fisheries. Within this act, no changes were made to the by now almost 100 year old rule on the coarse fisheries close season.

In 1978 the **European Freshwater Fish Directive (78/659/EEC)** came in UK regulations. However, this was not about angling or fisheries populations. This directive set standards of water quality for the protection of coarse and game fisheries, together with monitoring requirements. Waters were split into Salmonids & Cyprinids systems and appropriate water quality standards set to support these fish populations.

In **1995 fisheries byelaws** removed the close season from stillwater fisheries (the close season was retained on stillwater SSSIs where year-round angling could affect designated features). The decision was not based on any specific study, but followed consultation with angling, fisheries and other interests. The rationale was twofold:

- Most stillwaters are discrete water bodies in single ownership; this enables the owner to manage the fish stocks and to impose whatever restrictions are felt to be needed, including non-statutory close seasons.

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- The fact that the close season had been dispensed with on many stillwaters without any apparent detriment to those fisheries, presented strong evidence in favour of removing it.

Within many closed systems, the fish populations are artificially supplemented by stocking and therefore do not rely on natural recruitment. Furthermore these closed systems are less subject to the influences from the wider catchment but more importantly management of such systems would have a minimal impact on other stakeholders.

In 2000, an **Independent Salmon & Freshwater Fisheries review**^{3,4} recommended the removal the close season on rivers but this proposal was rejected by Government due to concerns around a lack of evidence on the impacts of lifting the closed season. As documented in the report, the decision in part was also influenced by lobbyists from other waterway user groups.

In **2000 fisheries byelaws** removed the close season from Canals. This was based on evidence from a British Trust for Ornithology lead study⁵ which compared the differences between canal systems that for various historic reasons were either regulated or unregulated with regards to close seasons. The report's recommendations were supported by all eight Regional Fisheries Advisory Committees. Following further consultations, the byelaw was passed in 2000.

In 2003, the **Water Framework Directive (England and Wales) Regulations 2003** came into force. It applied to all surface freshwaters including Rivers, Canals, and Lakes (>50 ha). Fish species as indicators of the ecological health of a waterbody are now part of the WFD classification process. This means that if a waterbody fails for fish ecology, it fails for the overarching WFD ecological status test for a waterbody. This factor may influence the precautionary approach taken by the Environment Agency in reviewing the close season rule. WFD superseded the Freshwater Fish Directive (repealed 2013). The former Freshwater Fish Directive designated sites were re-designated as WFD Protected Areas (Fish) and new WFD water quality standard were applied to protect fish stocks in these waters.

In 2004, an **Environment Agency study**⁶ scoped out the work required to help make a decision on the close season. The report concluded that there were significant knowledge gaps which required research funding (>£200k) before any reliable decisions could be made. At the time, on cost grounds, a decision was made not to fund this research. This decision in part was influenced by a limited survey (conducted in 2003) of anglers' attitudes towards revoking the close season.

In 2015, the **Close Season Study Group** was formed to review the evidence base on the close season debate. The group includes external stakeholders with fisheries interests. The work is ongoing, but will look at any new evidence since the last review in 2004.

Since the original close season legislation was introduced, much has changed in anglers' attitudes and behaviours to fisheries conservation, with catch & release being commonly applied in most coarse fisheries. In the last 20 years, there has been also been a significant change in the angling pressures on rivers. As a whole less people are now fishing and those who are tend to favour stillwaters over rivers.

It would be too simplistic, just to look at fishing pressures and angling impacts in the close season debate. If we are to be successful in protecting and enhancing the coarse fish stocks in our rivers we must take a more holistic and catchment based approach to sustainable fisheries management. Since the original close season rule was introduced,

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non-angling catchment pressure impacts on fisheries have change dramatically, for example, we have seen the rise of intensive agriculture and our waterways have become heavily modified to meet flood risk and water resources needs. Water quality, flow regimes, riverine habitats and fish passage are other big factors influencing fish populations. In other words, when looking at whether or not we stick with the current close season, alter it or get rid of it, we need to take in account not only the direct impacts of angling pressures on fish stocks but the other catchment pressures as identified in the WFD river basin management plans.

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2. The Early History of the Coarse Fishing Season, By The Monk, published 17/06/2003, Online article - <http://www.fishingmagic.com/features/diaries/11367-the-early-history-of-the-coarse-fishing-season.html> Accessed July 2015.
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