

NRW B B 10.15 Annex 2

The legal basis for alternative mitigation programmes

Our legal advice for the agreements in place for four of the seven river catchments is as follows:-

Seiont	There is a contractual duty on NRW to implement an agreed Fisheries Protection Scheme which currently includes stocking. The provisions can be amended if NRW conclude that it would be in the best interests of the affected fishery. There is no requirement to meet mitigation commitments solely through stocking.
Mawddach	there is an extant agreement with the Mawddach Trust to provide one tank for rearing of fish until 2020. Imminent discussions are planned with the Trust to inquire whether they would be agreeable to changing this to a programme of alternative mitigation. If this cannot be agreed, then the requirements of the agreement will be discharged through a small fish rearing operation based at Cynrig.
Cleddau }	These are both the subject of existing mitigation agreements with DCWW.
Tywi }	We are in advanced discussion with them, together with the catchment groups, on alternative means for delivery of the mitigation obligation, following which the existing arrangements may be amended.
Taff & Ely	We are in agreement, and in advanced discussion with Cardiff Harbour Authority (part of Cardiff City Council), to implement a programme of alternative mitigations to replace the existing stocking element of the mitigation programme. We will shortly commence work to formally amend the legal agreement.
Dee }	There is no legal basis that requires stocking or alternative mitigation work in the other two catchments.
Wye }	