

St George Neighbourhood Partnership Environment Sub Group Meeting
13th October 2011, 7pm – 9pm, Summerhill Methodist Church

St Georges Park Lake Island / Fishing

The issues around fishing at St George Park Lake were discussed at this meeting.

The basis for the discussion was a report produced by Bristol City Council, Environment & Leisure. This report was produced following concerns raised by local residents and park users at previous sub-group meetings and at the St George Neighbourhood Forums.

Below is a summary of the agreed actions from the meeting.

The report presented to the meeting is on the following pages.

For more information about the St George Neighbourhood Partnership please contact: abdulrazak.dahir@bristol.gov.uk or visit <http://bristolpartnership.org/neighbourhood-partnerships>

Summary of actions:

Karen Lloyd to investigate the following:

- Possibility of a byelaw banning fishing at certain times or parts of the year
- Legal position if an Angling Club is established, in respect of a byelaw giving the club power to say who can fish when?
- Cost of dredging the lake to improve the ecology - with the option of using this as an opportunity to reduce over stocking.
- Cost of engaging BCC Contract Services or a private security firm to support enforcement.
- Advice on how to set-up a fishing club

Karen Lloyd/Denise James/Jamie Roberts to scope out and facilitate the following:

- BCC Parks consultation with angling community.
- BCC Parks conversation with interested groups at Eastville Park - to consider the possibility of an Angling club to cover both parks.

Abdulrazak Dahir / Rob Acton-Campbell to:

- Organise another meeting of the sub-group, to include representatives from groups at Eastville Park. (This to be an extra meeting on just this issue rather than it being one of the regular 3 monthly meetings).

Denise James to:

- Arrange a meeting with representatives of Friends of St George Park, Russell Horsey & Jan Walters to look at the proposed tree works.

St Georges Park Lake Island / Fishing - Issues and Options Paper

Author(s):

Karen Lloyd, Project Officer, Environment and Leisure
Richard Fletcher, Neighbourhood Engagement Manager

This document is for information and discussion. It presents a number of options appropriate to address recent and growing local concerns on the impact of fishing on the wildlife of St George Park lake and the impact on park users from the unacceptable behaviour of a minority of anglers.

The document does not set out a preferred or recommended solution to the current issues but is to be used to start the debate on options that will lead to a preferred solution.

It is anticipated that the steps towards a solution are:

1. To discuss this document at a St George NP Environment Sub-Group meeting. The sub-group acts on behalf of the Neighbourhood Partnership. The aim of the discussion is to explore the pros and cons and the effectiveness of each option, consider different or additional options and agree a process going forward.
2. To carry out targeted consultation with the angling community and carry out further resources and cost analysis of options.
3. To seek a view of options or a preferred option from the Neighbourhood Partnership.
4. For these views to be considered and a decision made by the Service Director for Environment and Leisure Services.
5. Commit or apply for funding, commit resources and implement preferred options(s).
6. Monitor and review.

St George Park Lake / Island Issues and Options Paper

1. Background

St George Park is a well used park with a variety of facilities catering for a range of users. Located in east Bristol it is approximately 0.75km north of the River Avon.

The lake dates from the Victorian era, constructed in 1894 as an ornamental boating lake, with an area of approximately 0.6ha and a uniform depth at approximately 1.2m.

Whilst facing all the common problems of an urban park lake within a densely populated area, St George Park lake generates above average levels of concern. There have been on-going issues relating to conflict of use between general park users, the lake, island and fishermen for a number of years now. There are two main issues that are very much inter-linked:

- Management of the lake and the island
- Problems caused by some fisherman – in terms of impact on wildlife and anti-social behaviour.

Local concern on these issues was raised during work to develop an Area Green Space Plan for St George East and West. This resulted in the option of a ban on fishing being one of many proposals put forward for local parks and tested by public consultation in June 2010. Although there wasn't a high response, the ban was supported by the consultation.

This paper sets out the results of a subsequent practical consideration by Bristol City Council of a ban on fishing at St George Park lake. The Neighbourhood Partnership, via its Environment Sub-group, is invited to comment on the options in the report

2. Fishing - current situation

At present, Bristol City Council permits free fishing at the lake within the designated areas marked on the path around the lake. These are marked out but not enforced. There is no apparent legal basis for the implementation of these no fishing zones (except to say that as owner of the land, the Council only gives permission to fish in certain areas).

Individuals should have an Environment Agency rod licence and are subject to the Agency's regulations. Spot checks for licences are carried out periodically. Bristol City Council has published a code of conduct for fishermen at the lake.

Anglers' litter, especially discarded nylon fishing line and hooks, is creating significant animal welfare issues including the deaths of some birds. A minority of anglers are responsible for serious anti-social behaviour including threatening and aggressive behaviour, disregard for 'no fishing zones', drinking and drug taking, fouling of the immediate vicinity and vandalism.

The bait used in angling is supporting high fish densities in the lake. This 'over-

stocking' results in there being no aquatic vegetation within or around the lake.

Feeding of water birds is a very popular activity but this only adds to the high nutrient content of the lake and results in artificially sustained bird numbers. Trees on the island hamper the establishment of vegetation around the island edge, ground coverage and overall wildlife value of the island.

3. Options considered

The options focus on:

- the feasibility of introducing a ban and the practicality of enforcing it. Both have cost and resources considerations;
- an alternative to a ban that would address the main concerns of the impact on wildlife from fishing, the anti-social behaviour of some fisherman and the management of the lake.

3.1 Ban on fishing

As owners of the water it is Bristol City Council's decision on whether fishing should be allowed to continue on St. George's Lake. If the decision is made to ban fishing on the lake then appropriate signage and enforcement would be required.

Consideration should be made of the likelihood of moving a problem to another site should a ban take place, particularly Eastville Park and the potential to consider two sites together.

See Appendix 1: Bristol City Council Legal Services advice.

Delivery	Cost and resources	Timescale
<ul style="list-style-type: none"> • Envoke and enforce current byelaw; OR • Amend current byelaw; OR • Create a new byelaw • Erect signage in the park stating that fishing is prohibited and constitutes a criminal offence. Amend Bristol City Council's website accordingly. • Enforce the ban. 	<p>Estimated cost: Legal advice = £4000 est Signage = £1000 est</p> <p>Resources to establish ban: The Council would need to commission legal work and advice to take a ban to Secretary of State. Officers would subsequently need to report to Full Council for debate.</p> <p>Resources to enforce: Enforcement is not an Environment Agency or Police responsibility. A local police view of this would be welcome. The Council can commit only the park keeper to enforce the ban who would be available to do this during working hours. A long-term commitment would be needed from the Council. At present this means no enforcement could take place at during evenings and weekends. In addition, enforcement would be at the expense of other duties in the park.</p>	

	There are also health and safety considerations that may mean two officers are needed to proactively tackle those acting contrary to the byelaw.	
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3.2 De-stock the lake

Removal of fish in the lake would manage the impact of anglers in the short term and remove the need for a ban /new byelaw and consequently the need for any enforcement action/expenditure.

Advice received is that this action would result in illegal stockings which could be detrimental to the lake. The ecological impact of this course of action would require further investigation.

In relation to the fish currently in the lake, the Environment Agency are unsure whether they originally stocked the water or whether they simply consented to it being stocked. If Bristol City Council wished to leave the fish in the lake, even if the Environment Agency initially stocked the lake, they would be content for the fish to remain and no action would be taken. If Bristol City Council wished to remove the fish, the Environment Agency would have to consent regardless of whether they originally stocked the lake or not. The Agency has expressed a preference for a management solution.

See Appendix 2: Possible procedure for de-stocking.

Delivery	Cost and resources	Timescale
<ul style="list-style-type: none"> • Register the lake with Cefas (Centre for the Environment, Fisheries and Aquaculture Science) • Obtain authorisation from the Environment Agency to remove fish and also to move them to other waters. • Health-check fish stock • Remove, treat as necessary and relocate fish stock to another water. • Promote alternative fishing areas and install appropriate signage. 	<p>Estimated cost: Env Agency consent = £17.50</p> <p>Health check and treatment & fish removal = £440 /day (est £1000)</p> <p>Fish would need to be removed annually, or more frequently, to combat re-stocking. Annual cost may therefore be £2000.</p> <p>Resources required: There will be a short-term need for the Council to undertake targeted consultation and develop communications material to explain why the course of action is being taken.</p>	

3.3 Manage the impact of fishing

Addressing the two areas of preventing antisocial behaviour and preventing, or minimising potential for, harm to wildlife. These options can be considered in isolation or some can be taken forward together for good effect.

If fishing is to be allowed to continue, the lake must be able to sustain fish life and be able to accommodate anglers without interfering with other users. Nature conservation requires specific management of the banks and island.

a) Option: Establish an Angling Club

An option supported by the Environment Agency.

If BCC did continue to permit angling, then the Environment Agency would recommend the continued use of restricted areas for angling to maintain access for other park users. However, this would need to be better enforced, given the current problems, but this could be resolved if an angling club was formed and a Code of Practice adopted to self regulate. All anglers fishing the lake will require a rod licence from the Environment Agency. Money raised from fishing permits could be reinvested in park / lake improvements.

Delivery	Cost and resources	Timescale
<p>Either:</p> <ul style="list-style-type: none">• Identify an existing club to take over administration, self regulation etc. Support club to apply to charitable funding bodies to enhance lake e.g install proper fishing pontoons, deliver intro to angling and other educational training courses etc; OR• Develop a new angling club and angling participation events• Contact the Environment Agency, the Angling Trust and Angling Development Board for advice and guidance on improvements to the lake and management• Investigate potential funding streams.• Investigate similar schemes in other cities.• Introduce "Get Hooked on Fishing" – a well-run angling scheme that has proven to be a very cost-effective solution to anti-social behaviour as recognised by Department of Justice, Police and Youth Offending Teams among others.• Apply for funding through the Environment Agency either for a fisheries improvement project or angling participation events. (Already achieved with EA assistance at Eastville Lake).	<p>Estimated cost: Minimal</p> <p>Resources required: NEO and park keeper to establish club on-site.</p> <p>Park keeper to maintain ongoing relationship with club and management of progress.</p> <p>A partnership approach with the Council, anglers' club and park group would be needed.</p>	

b) Option: Introduce Park 'Zones':

St George Park has already had a voluntary no fishing area at the lake which has not worked. It is likely that this option would only work effectively if an angling club were partners in its promotion and enforcement.

Delivery	Cost and resources	Timescale
<ul style="list-style-type: none"> Identify, introduce and enforce 'Fishing / No Fishing' zones. Install robust signage at the lake aimed at raising visitor awareness of specific 'controlled' areas. Identify, introduce and enforce a 'No Drinking' zone, either for the whole or part of the park eg. just the area around the lake, the kiosk and the play area. Identify and introduce a 'Family zone' -dogs also having to be on a lead. 	<p>Estimated cost: Signage = £1000 est</p> <p>Resources required: Park keeper would need to enforce 'No Fishing Zone'. Compliance can only be voluntary.</p>	

c) Option: Methods to encourage fish away from the island, change behaviour of anglers accordingly and reduce the potential for snagging

Delivery	Cost and resources	Timescale
Introduce an anchored, floating island - to relieve pressure on the existing island by encouraging fish spawning around the edges and provide additional wildlife habitat.	Estimated cost: £2.5 - £3K	Spring 2012. 3 – 6 months.
Introduce a sub surface reef - to relieve pressure on the island by encouraging fish spawning around the reef and provide additional aquatic plant habitat eg. water lilies, reeds etc. Reef to be located at the opposite end of the lake to the island. Action: <ul style="list-style-type: none"> Establish feasibility. Temporary removal of fish Drain lake Locate reef Re-fill lake 	<p>Estimated cost: £25 - £30K</p> <p>Resources required: Some project management resource will be required to carry out feasibility and implementation.</p>	6 months to 1 year to establish
Reduce size of the lake - relieve pressure on the island by installing a coir fibre roll system anchored to the bank. Located within the 'no fishing' zone around the island end of the lake, plants will effectively form a barrier between the hard edges of the lake and the island and render fishing impossible. The rolls can either be pre-planted and brought to site with plants already partly established, or planted on site. Would require temporary fencing.	<p>Estimated cost: £16,000 est</p> <p>Resources required: A management plan/regime would be required with this option. This could work well with a</p>	March to Sept. 3 – 4 months to establish

As the lake is known to be overstocked with fish already, this option would require the removal of some fish. Consideration would need to be given to the fact that the lake is already deemed to be too small to sustain diverse usage.	fishing club or a vary active local park group.	
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d) Option: Limit access

Delivery	Cost and resources	Timescale
Fix gate or fencing to block off access to the island - to reduce the impact on wildlife and vegetation by physically blocking access to the island end of the lake. 2.0m high palisade galvanised steel fence.	Estimated cost: Approx. £16k There will be a short-term need for the Council to develop communications material to explain why the course of action is being taken.	

e) Option: Manage trees to prevent snagging

Delivery	Cost and resources	Timescale
Management of trees on the island - to improve the establishment of vegetation and reduce the impact on wildlife. Tree removal could be total or partial. More appropriate vegetation could be planted that would reduce snagging and still benefit wildlife - grasses could be the most advantageous option to prevent snagging. The Neighbourhood Partnership has agreed some limited tree works on-site. Bat survey required.	Estimated cost: Up to £3500	Autumn / winter 2011/12

4. General points of information / clarification

4.1 Riparian Owner/Riparian Rights

Bristol City Council is the riparian owner of the lake because it owns all of the land surrounding it. No one else has rights, riparian or otherwise in relation to the land or lake.

4.2 Watercourse/River/Other

The lake within St George's Park is classified as 'Still Waters' by the Environment Agency as it is a lake fed by a natural spring and other than (assumedly) drainage provisions, the water doesn't run anywhere.

The Environment Agency therefore have no interest in the lake except for the purpose of dealing with any issues relating to pollution. The Environment Agency simply issue fishing rod licenses and prosecute those fishing without a licence.

Appendix 1

Legal note regarding ban on fishing:

- a) BCC Legal Services – “The current byelaws covering St. George’s Park state (at byelaw 20) that ‘a person shall not, in any lake take, injure, destroy (or attempt to do so) or willfully disturb any fish’. It is arguable therefore, that fishing amounts to willful disturbance of fish. If so, this would mean Bristol City Council, as owner of the land, could simply withdraw permission to fish on the lake and rely on the current byelaw to do so. That said, in relation to this approach, the Environment Agency urges caution as coarse fishing (catch and release) may not, in their opinion, amount to wilful disturbance of fish.

Amending the current byelaws to include a new provision banning fishing completely on the lake is possible, the process is prescribed and would not take a vast amount of time. Revocation of the old byelaws is also possible by the creation of new ones (following the same process) should Bristol City Council decide that the old byelaws required updating as a whole.

The Power to Create Byelaws is contained in Section 164 of the Public Health Act 1875 which provides that a local authority may make byelaws for the regulation of any public walk or pleasure ground.

The procedure for making byelaws is contained in the Local Government Act 1972 which grants the power to local councils to make byelaws ‘for good rule and government and suppression of nuisances’.

Councils must follow a set procedure when making byelaws and any byelaws made will not come into force until they have been confirmed by the Secretary of State.

The procedure for making bye-laws is as follows:

- After the byelaws have been made by the local council, but before they can be confirmed, an advertisement has to be placed in one or more local newspapers announcing that the byelaws have been made, stating where a copy can be inspected and inviting any objections to be made. Essentially, this is to ensure the notice of the intention to apply for confirmation is given to those potentially affected.
- For at least one month before application for confirmation is made, a copy of the byelaws must be available the council offices for inspection.
- A copy of the byelaws must be available upon request.
- The Secretary of State may confirm, or refuse to confirm, any byelaw submitted for confirmation, and may fix the date on which the byelaw is to come into operation. If no date is so fixed, the byelaw shall come into operation at the expiration of one month from the date of its confirmation.
- A copy of the byelaws, when confirmed, shall be printed and made available at the council offices and shall at all reasonable hours be open to public inspection without payment. Copies should also be available upon request”.

b) BCC legal advice sets out the procedure for having the byelaws confirmed once they have been made:

- At least one month before new byelaws can be confirmed, an advertisement has to be placed in one or more local newspapers announcing that the byelaws have been made and stating the intention to have them confirmed. The notice must also state where a copy can be inspected and where any objections can be made.
- For at least one month before application for confirmation is made, a copy of the byelaws must be available the council offices for inspection.
- The Secretary of State may confirm, or refuse to confirm, any byelaw submitted for confirmation, and may fix the date on which the byelaw is to come into operation. If no date is so fixed, the byelaw shall come into operation at the expiration of one month from the date of its confirmation.
- Section 236 of The Local Government Act 1972 sets these provisions out in full and is available online.
- Once the byelaws are drafted they would need to go, with a report, before full council for approval. They would then need to be sealed before beginning the process described above in order that the bylaws be confirmed. This, potentially, will involve quite a lot of preparation before the report was ready to go and would need to wait for a full council meeting (held about once every six weeks) for this to happen.

Appendix 2

MFL can sort all the Environment Agency paperwork for fish removal which will include the section 28 for the removal and section 30 for the fish to be introduced into any other water. If the fish fail a standard section 30 health check then they can treat the fish for us so they will pass the standard health check and therefore be moved any lake/river with in the UK. This treatment would be audited by Nigel Hewlett's team at the Environment Agency fish labs at Brampton. (Nigel can be contacted on 01480 483802 or Nigel.Hewlett@environment-agency.gov.uk).

In order to appease local concerns about the fish been removed it could be possible to donate some of the fish once they have passed the health check to local fishing lakes and or non-profit making organisations. In addition local news papers or radio stations could be invited to explain how Bristol City Council have helped local fishing charities and angling clubs with the councils "surplus fish stocks.