

Crickhowell & District Angling Society

PRESIDENT: Mr J Devoy

CHAIRMAN: Mr P E Bowen

Honorary Secretary: Mr D.J. Reece

Our Ref: PEB/Ch/AIWW/48/09.

Friday, 4th September, 2009.

Mr. Mick Bates AM.
Chairman – Sustainability Committee,
National Assembly for Wales,
Cardiff Bay,
Cardiff,
CF99 1NA.

Dear Sir,

Sustainability Committee – Inquiry into access to the inland waterways in Wales.

I am writing further to your letter dated 21st July, 2009 and on behalf of the members of our Society.

In this correspondence I will endeavour to answer all the questions that you have raised for the access to inland waterways inquiry.

We have an interest in the issue of access to the inland waterways of Wales as :

- Fishery owners
- Landowners
- Riparian owners
- Anglers (recreational users)

Our fishing club is a member of the following organisations:

- Welsh Salmon & Trout Angling Association
- Salmon & Trout Association
- Atlantic Salmon Trust
- Wild Trout Trust
- United Usk Fishermens Association
- Angling Trust and Fish Legal.

We also have very close working relationships with organisations such as : Environment Agency (Wales), Wye & Usk Foundation, Countryside Council for Wales, Brecon Beacons National Park Authority, various local authorities and numerous other official bodies.

Primarily, we are a game angling club (fishing for salmon, trout and sea trout) and we currently own / rent / use / manage nearly 9 miles of fishing rights in the River Usk catchment. The fishing rights, and in some instances adjoining land, are located in the counties of Powys and Monmouthshire and extend on the main River Usk from Crickhowell downstream to Pant-y-Goitre. On the main River Usk we own the Red Barn Fishery (Abergavenny), Glangrwyne Court Fishery (Glangrwyne), Bullpit Meadow Fishery (Crickhowell), Glan-yr-Afon Fishery (Crickhowell) and the Legar Waters (Crickhowell). We also own fishing rights on one of the main tributaries of the River Usk, the River Grwyne, from Llangenny bridge downstream to its confluence with the main river at Glangrwyne. Our Society currently rents the Home Beat of the Pant-y-Goitre Fishery on the River Usk at Pant-y-Goitre and the fishing rights adjoining Lower Cadfor Farm on the main River Usk at Llanfoist, Abergavenny. For ease of reference I have enclosed a detailed schedule of all the assets that we own for your perusal. When these assets were last professionally valued (in 2005), on an informal basis, they were conservatively valued at £750,000. These assets have gradually been acquired by our members since our Society was formed in the late 1960s.

Our Society is quite happy that our legal rights are clear and well defined at the present time. You will see that HM Land Registry have granted us title absolute for all the fishing rights and land that we own on and adjoining the main River Usk. We still hold unregistered title and deeds and documents relating to our fishing rights on the River Grwyne, a major spawning tributary of the River Usk. The terms of our various rental agreements are also fully understood by our Trustees / Officers / Committee / Members. Furthermore, we are fully conversant with the all current laws relating to fishery issues and to inland navigation on the inland waterways of England and Wales.

The current position regarding the law of navigation on freshwater in England and Wales is fully explained in the statement issued on 12th May, 2009 by the Angling Trust, a copy of which is enclosed for ease of reference. The same information is also freely available to members of the Country Land and Business Association, various farmers unions, etc.

In both England and Wales primary legislation is required to increase navigation rights, as there is currently no ability to extend a CRoW type approach to the inland waterways or the bank sides. Under English law all land, including the bed of a river or lake, belongs to someone (e.g. private individual, fishing club, corporate body, local authority, etc.). It is usually necessary to obtain permission to access such land or water for fishing or canoeing, etc. If such permission has not been obtained, access constitutes a legal trespass, whether or not the owner actively enforces his rights. There is no ownership of the flowing water and all may reasonably use it, provided that they have a right of access to it and a right to use it for their permitted purpose. Where such rights do not exist, the water may be used for angling, canoeing, swimming, and so on, only with the consent of the owner (e.g. by them issuing a fishing permit / licence or issuing an access agreement for canoeing).

Landowners, riparian owners, fishery owners and anglers throughout England and Wales are extremely concerned that the governing bodies of canoeing and other paddle sports are frequently mis-stating the law on navigation on rivers in England and Wales and thereby encouraging conflict.

The members of our Society, and anglers throughout England and Wales, are quite happy with our legal rights at the present time and we are vehemently opposed to the canoeists and other paddle sport enthusiasts being granted free and uninterrupted access to the inland waterways of Wales. We consider it abhorrent that the National Assembly for Wales, via the Sustainability Committee, is even considering the legislative changes that the canoeists are demanding. As far as the vast majority of anglers and landowners in Wales are concerned this whole matter should not have progressed further than the Petitions Committee stage, overseen by Val Lloyd AM and her colleagues. Dr. John

Powell, University of Gloucester, was quite right when he stated that there would be extremely strong landowner and fishery interest opposition to any proposed legislative changes regarding the inland waterways of Wales.

Earlier this year Val Lloyd AM and her colleagues on the Petitions Committee, after hearing evidence from the petitioners, the Welsh Canoeing Association (now Canoe Wales), were of the opinion that the current situation regarding rights to the inland waterways in Wales were confusing, untenable and unworkable and that there should be the same right of public access as there is in Scotland. We, and anglers throughout Wales, could not disagree more with those observations. It is the canoeing bodies who have clearly decided that neither the well-established and relatively simple existing laws of the land, nor the various voluntary access agreements, are sufficient for their purpose and their decision is purely an ideological one. This is why they seek to rubbish the existing law and the existing voluntary agreements. It seems incredulous that the members of the Petitions Committee were taken in by the representations made by the petitioners (Welsh Canoeing Association) and that collectively they took on board the mis-stated legal position and all the other mis-information supplied by them and that they subsequently referred the matter to your Sustainability Committee to undertake a full inquiry into access to the inland waterways of Wales, at no doubt considerable taxpayers expense. The petitioners should have been asked to verify and prove all the information supplied to the Petitions Committee. The existing law, which the canoeing bodies find so obscure and burdensome, is not intended to work in the interests of trespassers. The concept of trespass is quite simple, quite natural and easy to understand. Most householders and landowners understand it instinctively without the benefit of any legal advice. It is surprising therefore that all the complaints about the existing law are coming from the wrongdoers and not the injured parties who, on the whole, and because of the cost of going to law and because of the specific nature of the remedies provided by the law, do not generally complain. The problem of trespass and a multiplicity of riparian and rights owners can be solved with a bit of goodwill (and no ideology) on both sides as has been, and still is being, demonstrated on several Welsh rivers (e.g. River Usk, River Wye, etc.). On our local River Usk, for example, a voluntary access agreement originally entered into with the Welsh Canoeing Association (WCA) in 1984 by the United Usk Fishermens Association (UUFA) worked particularly well for the WCA. (This agreement has been taken over by, and run by, the Wye and Usk Foundation since 2007). Under the old UUFA voluntary access agreement not once were canoeing clubs or individuals refused conditional (but free) permission for 22 years during the fishing close season, and all for the cost of a postage stamp. The canoeists and other paddle sport enthusiasts have now chosen to walk away from, or rescind, such agreements.

The Petitions Committee stated that they thought that there should be the same right of public access as there is in Scotland. We totally disagree with this comment. The 'Scottish Experiment' is still unproven and historically the law, and rights of way legislation in particular, has progressed differently in Scotland than in England and Wales. The Land Reform (Scotland) Act 2003 (LR(S)A) established statutory rights of access to land and inland water for outdoor recreation and the Scottish Outdoor Access Code (SOAC) provides guidance on the responsible use of these access rights. The statutory right of responsible access only commenced on 9th February, 2005, so the whole process is very much in its infancy in Scotland. The emphasis on responsible use of the outdoors will require considerable education of its users and the general public as a whole. The Scottish authorities have estimated that it will be many years before the rights and responsibilities of the users are fully understood and complied with. The writer can speak from personal experience of problems and conflict arising on numerous Scottish rivers and lochs going back many years, having fished on them since a boy in the mid 1960s. Many of our members can relate similar problems on the Scottish rivers and lochs that they fish regularly. Many of the Scottish rivers are very wide and much bigger generally than many of the rivers in Wales, and theoretically problems and conflicts

should not arise, but they do. On the Scottish rivers in particular, the right of open access causes problems and conflict at certain 'hotspot' locations and where the river is confined. The scale of use is also critical. These conflicts have been particularly aggravated by commercial users (e.g. rafting companies, outdoor pursuit companies, canoe / raft hire companies, etc.) utilising rivers and coming into contact with fishermen. The fishery owners, fishing clubs / organisations and ordinary anglers are particularly resentful in these 'hotspot' areas that their legitimate, paid interests are being damaged by the commercial activities of bodies which have been granted free right of access under the SOAC. Believe me when I say it causes terrible problems. The problem is exacerbated on the generally much smaller Scottish rivers, especially in the north and west of the country. Similar problems would undoubtedly arise on the vast majority of the generally much smaller Welsh rivers, and this must not be allowed to happen under any circumstances. The Scottish authorities are desperately trying to find local solutions to the problems that have arisen as a result of the open access arrangements. However, to date, regrettably, their efforts have been mostly unsuccessful. There is very real disruption to the fishing from this type of conflict, and little that the authorities – desperate to achieve agreement – can do to ensure that this type of situation is resolved. It could be argued that what is needed is a strengthening of the access code. There is also a very strong need for ongoing education of the public, a resource implication / issue that was perhaps not fully appreciated when the Act was conceived.

Dr. John Powell, University of Gloucester, mentioned the Scottish Land Reform Act in his report to the Countryside Council for Wales in 2006/2007. He commented that legislative change would be necessary to bring in this approach in Wales but he thought that it would not necessarily solve the access problem, which would still require negotiation and management of conflicting activities wishing to utilise the same stretch of water. Dr. Powell recognised that there would be strong landowner and fishery owner opposition to such proposals being introduced in Wales. He also emphasised that the situation in Wales was totally different to that of Scotland, as there were more landowners and fishery owners in Wales and the Welsh rivers tend to be much smaller and shorter in general than Scottish rivers.

Believe me when I say that Scottish landowners, fishery owners and anglers do not tolerate irresponsible use of the natural resource by other users, or misbehaviour by other users, who have been granted open access to their land or waters under the SOAC and LR(S)A. I have witnessed some extremely ugly scenes over the years.

There are numerous legislative differences, especially rights of access differences, between Scotland and England and Wales. The lower network of paths, combined with Scotland's low population density and less intensive land use means that the access rights created under the Scottish Land Reform Act are not directly transferable to other countries (e.g. Wales) which have markedly different existing access arrangements, population density and land use. It is clear, even at this early stage, that the case for greater access in Scotland is unproven. The rights created in England and Wales under the CROW Act are not widely used, and government statistics clearly show declining numbers of people visiting the countryside for all sorts of outdoor activities. The 'Scottish experiment' - undertaken in a country where the pressure on land and water are much less, and the population density much lower – shows that issues of conflict and responsible behaviour cannot be resolved by the creation of a simple code; that increased rights do not mean increased responsibility; and that as landowners and fishery owners have known for centuries, to maintain the land and waterways in stewardship for the future requires long term vision; the management, and if necessary the denial, of conflicting interests; and the economic resources with which to undertake this management. It must always be remembered that access is never 'free'. It is paid for by someone. Nor is access a 'right'. It is a privilege, and one to be used responsibly, with due regard for

those who make their living from the land or waterways and the environment around. Free, unfettered access devalues this privilege and makes its responsible use harder to enforce. Therefore, we could not disagree more with the comments attributed to Val Lloyd AM and her team on the Petitions Committee.

Sweden (and some other Scandinavian countries) is a country that is frequently quoted as offering unrestricted open access to the countryside but this is not even comparable with the situation in England and Wales. Sweden is a country of some 173,731 sq.miles, which with a population of 9 million people (Statistics Sweden), equates to an average of just 5 head / sq.mile. Compare this to the situation in Scotland, England and Wales, based on figures from the 2001 census :

- Wales – 8015sq.miles – population 2.9million – 351 head / sq.mile.
- Scotland – 31510 sq.miles – population 5.06 million – 160 head / sq.mile.
- England – 50352 sq.miles – population 49.13 million – 975 head / sq.mile.

Again, the writer can speak from personal experience of problems / conflict on many French rivers. In France there are rights of access to all waters in the State domain and common-sense rules and 'agreements' are applied to privately owned water. However, conflicts arise on a regular basis between a multitude of different water users (e.g. anglers, canoeists, rowers, motor boaters, swimmers, divers, ornithologists, etc.).

In U.S.A. and Canada there are various schemes in place to allow access to their inland waterways, and these include canoe trails and zoning schemes. The canoe trails are very similar to the voluntary access agreements currently in place on a number of rivers in Wales and England (e.g. River Usk). They enable access and egress points to be established on identified stretches of rivers, provide suitable facilities for the facility users and they enable the authorities to manage conflict situations and protect sensitive or protected habitats. Time zoning and area zoning schemes operate in some areas of north America. Time zones limit particular users use at set times (e.g. seasonal) and are used to protect sensitive habitat areas at key times of the year and to keep conflicting users apart (e.g. anglers and canoeists / rafters / other paddle sport enthusiasts). Time zone schemes are very popular in many states in the USA. Area zoning allocates certain areas of waterways to be used by particular users. Area zone schemes are hard to police / enforce. Canoe trails and time zone arrangements could be made to work in Wales. However, economic factors would come into play because the schemes in north America have required substantial investment to bring them to fruition.

Our Society has considerable knowledge and experience of voluntary access agreements on the waters that we own / use /manage in the River Usk catchment. Since 1984 there has been a voluntary canoeing access agreement in place on the River Usk and we have always been happy to promote it and allow canoeists access over the waters that we own / use / manage. For ease of reference I am enclosing a copy of the 'Access Agreement for Canoeing on the River Usk', between the Welsh Canoe Association and the United Usk Fishermens Association (UUFA), that ran extremely successfully from 1984 until 2007. Full details of the current access agreement in place on the River Usk, established in 2007 and jointly negotiated by BOPA, Countryside Council for Wales, Environment Agency (Wales) and the Wye and Usk Foundation, can be found at:

www.wyeuskfoundation.org/navigation

Currently, under this new voluntary access agreement the owners of the River Usk have granted canoeists access to the River Usk between Sennybridge and Crickhowell on the following terms:

- Access and navigation is permitted from 18th October to 2nd March (inclusive).

- Spate conditions : Additional access is available outside these dates when water heights are above the red mark on the gauges. (Full details in this connection are on the website).
- Canoeists must proceed generally in a downstream direction.
- Canoeists are responsible for their own safety, insurance and are liable for any damage they may cause.

Negotiations are currently taking place with the fishery owners / landowners / riparian owners / anglers on the River Usk to see if it would be possible to extend this scheme to cover the River Usk from Sennybridge all the way downstream to the tidal waters above Newport.

Generally, the old UUFA scheme and the current Wye & Usk Foundation (WUF) voluntary access agreement have worked extremely well, as they have on other Welsh rivers where similar agreements are, or have been, in place. Most of the canoeists have not caused the fishery owners / landowners / riparian owners / anglers too much trouble at all, as long as they have stuck to the agreed arrangement. However, as in all walks of life, you always get a small minority of idiots who spoil things for the majority. Unfortunately, that scenario has arisen far too often in the last couple of years. Regrettably, a small percentage of the canoeists have extremely militant tendencies. The River Usk fishery interests / landowners / riparian owners / anglers were dismayed to learn that the officials running the various canoeing bodies / organisations have walked away from the negotiating table and decided not to abide by existing voluntary access agreements, or have looked to rescind existing voluntary access agreements, and instead have gone down the road of trying to get their demands met via legislative change. Such actions only lead to a lack of trust between the interested parties and major problems and divisions can arise. What has particularly outraged the local fishery interests / landowners / riparian owners / anglers is the fact that since walking away from the locally brokered canoeing agreement the local access officer(s) for Canoe Wales has been actively encouraging canoeists to break the terms of the existing voluntary access agreement and to canoe on parts of the river where no access agreement is in place or at times outside the terms of the agreement. This is basically inciting their members, and non-members in many instances, to blatantly break the law of the land. We do not know what they hope to achieve by taking such childish actions. Quite frankly, it is a despicable course of action, totally unacceptable and is merely fanning the flames for open conflict. This problem has even been highlighted in the national media of late. Griff Rhys Jones, the well known television personality, recently announced, prior to the launch of his new BBC TV series, 'River Journeys', most irresponsibly, that canoeists 'should disturb as many fishermen as possible'. Legal proceedings should be taken against any individuals calling for such action or carrying out any flagrant breach of the law of the land.

Most fishery interests / landowners / riparian owners / anglers on the River Usk are quite happy for the existing voluntary canoeing access agreement to carry forward in the future. The WUF access agreement is still in place for the sensible, responsible canoeists to use. Most of the canoeists we come across on the river are not linked to any of the canoeing bodies / organisations. Furthermore, they say they have no plans to become involved with them and they do not agree the actions taken by, or recommended by, some of the officials running these bodies / organisations. Anglers are governed by strict rules and regulations and byelaws, have to purchase rod licences from the Environment Agency and permits from the various fishery owners before they can start fishing and have to adhere to laid down close seasons. The canoeists pay nothing for the existing voluntary access agreement in place on the River Usk and they do not at the present time have to pay for any permits, licences or pay any other fees to use the inland waterways of Wales. That is totally wrong and inequitable.

Thousands of Welsh anglers and Welsh residents have recently been signing a petition to pledge their support for the existing laws covering the private ownership of Welsh rivers above the tide and insisting that these laws should be maintained and respected in the future. They believe that canoeists and anyone else who want to use the inland waterways of Wales should enter into access agreements with the landowners / riparian owners / fishery owners and be prepared to pay for their enjoyment of the use of such assets, in the same way that anglers do. I am lead to believe that this petition will be delivered to the Senedd on Tuesday, 22nd September, 2009 by representatives from the Federation of Welsh Anglers and the Welsh Salmon & Trout Angling Association, amongst others.

The members of our Society have bought all the fishing rights and land that we own in the River Usk catchment over many years at a considerable financial cost. It also costs us a considerable amount of money each year to rent additional waters to fish and to maintain the waters that we own / use / manage in the Usk catchment. Many of these costs nowadays are to meet stringent requirements laid down in 'management agreements' that we have with the likes of the Countryside Council for Wales for the maintenance and protection of the various species of fauna and flora covered under the Special Area of Conservation (SAC) and Special Site of Scientific Interest (SSSI) status that the River Usk and its tributaries enjoy. We are the guardians of the aquatic environment. We also have to cover numerous Health and Safety and insurance issues, again at considerable cost to the members of our Society. All this has been achieved by the hard work and support of our membership over many years; since our inception in fact. The canoeists and other paddle sport enthusiasts contribute absolutely nothing towards the upkeep of any of waterways that they are demanding to have free and unfettered access to, and use of, and they do not plan to contribute anything at any stage in the future.

What outrages anglers, and other water users, is the demand by the canoeists and other paddle sport enthusiasts that they be allowed free and unfettered access to, and the use of, all the inland waterways of Wales throughout the entire year. As mentioned previously, we have bought most of our fishing rights and this has involved a considerable financial outlay. We also pay thousands of pounds each year to rent additional fishing rights for use by our members. We need peace and quiet and lack of disturbance to enjoy our sport and we pay for that privilege. We have 170 members in our Society at the present time and our membership is made up of both sexes, all age groups and people from all sorts of differing backgrounds. Our adult members pay an annual subscription to our Society of £70 and that allows them to fish every day of the game angling seasons on any of our waters. Senior citizens and junior members pay a reduced annual subscription of £40. We also have a limited access permit available for junior anglers at a cost of just £6 per season. We have deliberately kept our subscriptions as low as possible to make the fishing affordable for our many senior citizen and junior members and because of the high unemployment in our catchment area. In fact we have not increased our annual subscriptions since 1992. If our members choose to fish on any waters not owned by our Society then they have to pay the owner of the fishery concerned for a suitable permit to fish their waters. New members joining our fishing club pay a one off joining fee of £125 to cover administration costs, etc. Another reason we have tried to keep our annual subscriptions as low as possible is because all anglers in England and Wales over the age of 12 have to purchase a rod licence from the Environment Agency before they can fish for freshwater fish, eels, trout or salmon in England, Wales or the Border Esk in Scotland. Various rod licence fees apply depending upon the type of fishing you plan to undertake and depending upon the length of time you wish to fish (e.g. annual licence, 8day licence, day licence, etc). The fees vary considerably and for ease of reference I am enclosing a copy of the leaflet published by the Environment Agency which shows all the fees that apply for the period ending 31st March, 2010. You will see that the most expensive licence is a full, annual rod licence at a cost of £70 that allows an angler to fish for salmon and sea trout in any of the areas specified above, as long as he / she has permission from

the fishery owner to have access to, and be allowed to, fish on their water. The canoeing lobby are being totally unreasonable and unrealistic when they demand that they be allowed free and unfettered use of all the inland waterways of Wales and not have to pay any licence fees, permit fees or any other associated costs to be able to enjoy their sport. How many other sports are available totally free of charge? The canoeists and other paddle sport participants often state that they take nothing from the river or waterway. So what. Neither do most anglers nowadays, nor a golfer from a golf course or a spectator at a rugby / football / cricket match etc. and they pay handsomely for the privilege of pursuing their chosen sports. You cannot use any of the sporting facilities at your local leisure centre free of charge. It is totally iniquitous that the canoeing organisations charge their members or users fees to use their own facilities but expect to be able to use the assets and facilities of everyone else completely free of charge. You can understand why the fishery interests / landowners / riparian owners / anglers are so angry that the National Assembly for Wales is even considering acceding to the demands of the canoeing lobby. We will not give up our assets and rights without a considerable fight.

Anglers have to abide by strict close seasons. Our fishing rights are run purely as game fisheries. Anglers on the River Usk can fish for trout between 3rd March – 30th September and for salmon between 3rd March – 17th October and pay for the privilege. The fishery interests / landowners / riparian owners / anglers on the River Usk have granted a voluntary canoeing access agreement to the canoeists and full details of this can be found above. The Welsh Canoeing Association, who are now known as Canoe Wales, have chosen to tear up this agreement and walk away from the negotiating table. It is impossible for canoeing to take place on the River Usk and most other rivers in Wales throughout the entire year. The rivers are generally far too small, shallow and confined to allow the sports to take place side by side. There is bound to be conflict. Numerous craft travelling over shallow, confined waters will destroy any hopes of successful fishing for possibly many hours. If their passage coincided with the only fly hatch of the day on a trout or grayling river, for example, then the angler's day could be ruined and he would enjoy no sport at all. This happens on an all too frequent basis. We have witnessed this on our own waters in the last couple of years when illegal canoeing activity has been taking place outside the agreed access period and outside the area covered by the voluntary access agreement that is in place for the River Usk. At the present time most of our waters are not even in the area of the river covered by the agreement.

We, and most fishery interests / landowners / riparian owners / anglers, feel that the best way forward, throughout Wales and not just on our local River Usk, is through an enforceable code of conduct and locally negotiated / brokered voluntary access agreements. Legislative change is most definitely not the way forward. The Environment Agency, who have statutory duties in this sphere, also concluded in their report to Richard Caborn (then Minister of Sport) and Barry Gardiner (then at Defra) on 3rd October, 2006, entitled 'Putting Voluntary Canoe Access Agreements in Place', that canoe access agreements, successfully negotiated at local level, was the best way forward in the future. It is impossible to take a 'one size fits all' approach to dealing with this matter. Every river catchment and waterway throughout Wales (and England) is different and all the local factors have to be taken into consideration before any access agreements can be finalised and put in place. On 10th February, 2009 Jane Davidson (Minister for Environment, Sustainability and Housing at the National Assembly for Wales) wrote to our local AM, Nick Ramsay, regarding the matter about access to the inland waterways of Wales. In her correspondence she stated: 'The Assembly Government is keen to encourage more voluntary agreements to facilitate access by a wide range of users to rivers, lakes and reservoirs in Wales. In recent new agreements on the Wye and Usk rivers, for example, designated access and egress points are publicised and clearly marked for users. Canoeists and canoeing clubs are able to access the rivers on a responsible basis and at certain times of the year (normally outside the fishing season)'. Jane Davidson went on to say that to unlock

further opportunities the Welsh Assembly Government is providing over £400,000 per annum for three years for practical water access projects under the Welsh Access Recreation Fund – or Splash – to enable schemes to be set up for people to be able to enjoy the extensive, wonderful waters of Wales in a safe, responsible and sustainable manner.

Many fishery interests / landowners / riparian owners / anglers on rivers throughout Wales, including many members of our Society, support the views expressed by the Salmon and Trout Association for voluntary canoeing access agreements, provided they address the following issues:

- The adoption of an enforceable code of conduct.
- A unique marking system on canoes and other water craft to allow easy identification.
- Equitable payment for use of the resource.
- An acceptable national form of registration and third party insurance cover.
- Provisions to protect fragile environments and habitats, particularly in SSSIs and SACs and cSAC, including fish spawning and juvenile areas and nesting bird sites.
- Acknowledgement that canoes and other water craft should not be permitted in small streams and on non-navigable rivers.
- Consideration given to controlling the increasing use of rafts, which is already seen as a Health & Safety issue in Scotland.
- Acknowledgement that the unique situation in Scotland, where open access is permitted, has little relevance to Wales, where population density is far greater and the rivers tend to be smaller than in Scotland.
- Acknowledgement that waterborne diseases and parasites (e.g. *Gyrodactylus salaris*) can be transferred between river catchments by canoes (the same as on angling equipment), and that this issue cannot be addressed in the context of an unregulated activity.

From personal experience on the River Usk, we know that voluntary canoeing access agreements can work. However, in the future we feel that all users of the waterways must be licensed and regulated and that all water users should contribute to the management and conservation budgets of the relevant facilities and waterways that they are using. No sport should be allowed to impact adversely on the environment or its dependent species and no incoming sport or activity should be allowed to impact on the enjoyment of any established activity without the express agreement of all the interested parties. As Dr. John Powell stated at the Royal Welsh Showground on 21st July, 2009, voluntary access agreements are effective with dealing with local situations, as they differ so much from place to place, and they can be tailored to suit local requirements and when negotiated at local level they are more likely to be sustainable. He observed that long term agreements were more beneficial. His investigations have revealed that short term agreements can worsen some situations and lead to mistrust and ultimately the break-up of such agreements.

Any voluntary access agreements that are drawn up should be based on mutual understanding and ways must be found to develop consistent, evidence-based, approaches to evaluating and setting up such agreements. The agreements must encourage all the users to respect the needs of:

- Local communities and residents.
- Other individuals and groups enjoying their leisure activities.
- Farming, forestry, fisheries, aquaculture and other countryside based commercial activities.

Other observations that we feel should be considered by the Sustainability Committee during their inquiry are:

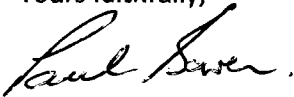
1. Considerable investment will be necessary to set up many voluntary access agreements in Wales. Does the National Assembly for Wales and/or the local authorities have such funding available in the current economic climate ?
2. Liability issues need to be fully addressed.
3. What level of compensation would be paid to fishery interests / landowners / riparian owners if statutory rights of access and navigation were introduced ? This potentially would require enormous amounts of public funding and would the taxpayers / general public be getting value for their money by setting up such projects ?
4. We feel that the report from the Petitions Committee is extremely narrow in its viewpoint, hopelessly flawed and biased in the extreme. This is a very poor place to start your consultations. We hope that the Sustainability Committee will consult widely and come up with a far more balanced conclusion.
5. Please thoroughly investigate all the socio-economic factors. Anglers and angling tourism is a major contributor to the Welsh economy. This is a well known fact and already thoroughly researched by the National Assembly for Wales (see reports and consultation documents from the likes of the Welsh Tourist Board, Environment Agency (Wales), Countryside Council for Wales, National Parks Authorities, Local Authorities, etc.). If the canoeists and other paddles sport participants are given open access at all times of the year to the inland waterways of Wales then it will most definitely drive anglers off the waters. This could have major implications for the Welsh economy, especially in rural areas, and could be disastrous in the current economic climate, and in the long term. There are many more anglers visiting and fishing in Wales than canoeists visiting and paddling on the waterways. The figures quoted by the canoeists are often gross overestimations anyway. Accurate angling data is much easier to collect from the various agencies involved in controlling the sport. It must also be remembered that the vast majority of anglers fishing on the waterways of Wales are local people. Visiting anglers make up a relatively small percentage of the angling facility users, but they still contribute enormously to the Welsh economy, and in particular in the rural communities that they tend to visit. Fishing activity in Wales is very much dominated by the local population whereas canoeing activity is undertaken to a much larger extent by visitors from outside Wales. We see this on our local River Usk. You rarely speak to local canoeists. They are mostly day visitors from places such as London, Home Counties, Midlands, West Country, etc. and generally they do not stay in the area or contribute much to the rural economy of the Usk valley.
6. We urge you to look extremely closely at, and consider, all the environmental / conservation issues and the impact that increased canoeing and other paddle sport activities could have on the often fragile and unique ecology on many Welsh rivers. Great care must be taken to ensure the preservation and protection of the many rare species found in waterways covered by the numerous SSSI / SAC sites throughout Wales. Detailed consultation with the likes of the CCW, wildlife trusts, RSPB, BTO, etc. will be essential as we know that they have many reservations about the possible increased access on many of the protected inland waterways in Wales.

We could not disagree more with the comments made by Val Lloyd when the Petitions Committee launched its report into the petition received from the Welsh Canoeing Association, when she said: 'Access should not be based on the vagaries of permissions bestowed or ability to pay, but on the fundamentals of equity and social justice' and 'the rivers of Wales are a natural 'gift' that everyone should have the right to enjoy' and that 'we believe there should be the right of non-motorised access to inland water in Wales as there is in Scotland'.

We feel that we have covered the key issues for recreational access to inland waterways in Wales, as requested in your questionnaire, and stated how we would like to see them addressed.

To conclude, in our opinion, to go down the statutory route and make legislative change would be a dangerous one. Locally negotiated voluntary access agreements are definitely the best way forward for the inland waterways in Wales. Fishery interests / landowners / riparian owners / anglers throughout Wales will be outraged if the National Assembly for Wales accedes to the requests / demands of the canoeing lobby.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Paul Bowen". The signature is written in a cursive style with a large initial 'P' and a long, sweeping underline.

Paul Edward Bowen.

Chairman – Crickhowell & District Angling Society.

Schedule of Assets.

- a) Land Certificate Title No: CYM283427 relating to the freehold profit a prendre in gross relating to the fishing rights being part of the River Usk adjoining Red Barn Farm, Abergavenny, Monmouthshire. Title Absolute to S.D.Carrington, J.M.Devoy, D.J.Rees and D.Robinson.
- b) Land Certificate Title No: CYM283423 relating to the freehold profit a prendre in gross relating to the fishing rights being part of the River Usk at Bullpit Meadow, Crickhowell, Powys. Title Absolute to S.D.Carrington, J.M.Devoy, D.J.Rees and D.Robinson.
- c) Land Certificate Title No: CYM283422 relating to the freehold profit a prendre in gross relating to the fishing rights being part of the River Usk adjoining Glan-yr-Afon Court Farm, Castle Road, Crickhowell, Powys. Title Absolute to S.D.Carrington, J.M.Devoy, D.J.Rees and D.Robinson.
- d) Land Certificate Title No: CYM206455 relating to the freehold land and fishing rights known as, and being, the Glangrwyney Court Fishery, Glangrwyney, Crickhowell, Powys. Title Absolute to S.D.Carrington, J.M.Devoy, D.J.Rees and D.Robinson.
- e) Land Certificate Title No: CYM283421 relating to the freehold profit a prendre in gross relating to the fishing rights on the River Usk adjoining Vine Tree Meadow, Crickhowell, Powys. Title Absolute to S.D.Carrington, J.M.Devoy, D.J.Rees and D.Robinson. (Fishing rights re: Legar Waters at Crickhowell).
- f) Land Certificate Title No: CYM333964 relating to the freehold land forming part of the River Usk and adjoining land, Crickhowell, Powys. Title Absolute to S.D.Carrington, J.M.Devoy, D.J.Rees and D.Robinson. (River bed and adjoining bank re: Legar Waters at Crickhowell).
- g) Unregistered deeds relating to fishing rights on the River Grwyney in the County of Powys. Conveyance dated 30th June, 1980 between (1) Messrs.C.B.;M.A. and J.A.Innes to (2) The Trustees of Crickhowell & District Angling Society.

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End of Schedule.

Signed for and on behalf of Crickhowell & District Angling Society.



Paul Bowen.
Chairman.

Copy of "old U.U.F.A. Voluntary
Canoeing Access Agreement"

carried out on 42% less km than the previous year but happy that other areas of contamination have been identified and tested.

Incomplete data so far produced indicate that there is a general decrease in the number of positive results, which is good news. Farm site visits suggest that fewer farmers are using SP dips and that these are being replaced by 'injectable' or 'pour-on products'. We hope that more will be used this year as OPs are phased out. One slightly alarming finding is that sheep dip compounds were found in 23 of the 30 sewage treatment works monitored. *We will continue to press the EAW to expand their monitoring programme and to publicise the importance of handling highly toxic Synthetic Pyrethroids to the farming community.* Equally, it is important that members report any suspicion of possible pollution to the EAW - tel. 01222 770088. Early reports often prevent serious pollution incidents.

The Salmon and Freshwater Fisheries Review Group

The Salmon and Freshwater Fisheries Review Group finished their report and recommendations and submitted it to Government at the end of 1999. So what did it say, what were the recommendations, how long will it take to absorb and set in train new legislation for our rivers, how long might it be before we see the results in the form of new legislation? Ages, at a conservative guess new legislation is unlikely to be on the Statute-Book before the last quarter of the next Government. Never-the-less recommendations that form the basis for new legislation will guide fisheries and their strategies and where they invest. The only clue to the content of the recommendations we can glean is that there was evidently unanimity in the

Group recommendations. On the premiss that the Group were all intensely interested in the future of our fisheries we can safely assume that their recommendations are good news! We anticipate that the report will be published at the beginning of March.

Canoeing Report

The UUFA agreement with the canoeists was first signed on the 29th March 1984 and has been renewed every five years ever since, with small modifications. The basis for the agreement has been used on other rivers. The current 5 year term between the UUFA and the Welsh Canoe Association is due for renewal in September 2000.

At the beginning of the present term the committee decided to give the Welsh Canoe Association more responsibility in taking charge of the bookings and policing the access and egress points. We felt that it would benefit the Welsh Canoe Association by encouraging membership and so reducing the number of independent canoeists with little knowledge of the 'rules of the river'. It has worked well, both for us and the WCA. The UUFA is grateful to Pam Bell, of the WCA, for her skills in organising her membership and associated members into the disciplines that help make the agreement work smoothly. It is also their responsibility to keep us informed, by records, of those that use the concession. If there are complaints she follows up the problem and sorts them out.

The majority of canoeing takes place between Talybont and Crickhowell bridges and in that stretch the rules are well known. In other parts of the river there may be problems. If you believe there are please write and tell us. A copy of the present agreement follows.

ACCESS AGREEMENT FOR CANOEING ON THE RIVER USK

This agreement between the Welsh Canoe Association and the members of the United Usk Fishermens Association, who are riparian and/or fishing owners of the Usk and have not chosen to be excluded, has been drawn up in the knowledge that the riparian and fishery

owners have no wish to exercise their rights against the sport of canoeing. It is agreed that WCA canoeists and members of other National Canoeing Associations under the BCU Federal Agreement may take advantage of this concession free of charge recognising that they can only use this valuable asset during specified dates and above specified water levels and with the permission on every occasion of the riparian and fishery owners, as described in the "conditions" below, and on the understanding that all canoeists acknowledge that they go upon the river by the leave of the riparian and fishery owners and no such use of the river will be used for the assertion of any legal rights of navigation.

The agreement will run for a period of 5 years and supersedes the agreement signed on the 27th March 1984 with the option of either side to rescind it without notice at any time. After 4 1/2 years it will be reviewed.

This agreement refers to the River Usk from Sennybridge to the tidal waters. It excludes the River Usk from its source to Sennybridge and all tributaries to the Usk where canoeing is not allowed at any time without reference to and permission from each individual fishery owner.

Should the canoeists not comply with the spirit of the Agreement the riparian and fishery owners will withhold permission to canoe either wholly or in certain sections of the river following a meeting with the WCA and may order transgressors off the river at the time.

The WCA, on behalf of all National Canoeing Associations under the BCU agreement, agree to comply with the following conditions -

1. Canoeing will only be allowed between the **3rd March** and **17th October** only when the level of the River Usk recorded by the gauge at Llandetty is above **1.6m** (Tel: 0891 777666) or from Sennybridge when the river is heavily coloured and in spate.
2. Canoeing will be allowed between **18th October** and **2nd March**.
3. Arrangements for competitions, for a specific stretch of water and with a precise start and finish time, will be considered separately.
4. The leaders of any party wishing to canoe the Usk are responsible for arranging dates for canoeing with the riparian and fishery owners' stated representatives as specified in the WCA publication **ACCESS ON THE RIVER USK Sennybridge to Usk**, giving numbers and at least two weeks notice, except between 2nd March and 18th October when permission may be sought and obtained at times of spate.
5. Canoeing will only be allowed to members of the WCA, BCU and affiliated organisations of the WCA/BCU. Access cards must be displayed, membership cards and shown on request. Canoes must display identification numbers which are easily readable at **20 metres**. Canoists not complying with this method of identification may be ordered off the river by the fishery owner or his authorised agents.
6. Canoeists must keep travelling and will only be allowed to rest (unless in trouble) at the official places provided by the riparian owners. Details of these places are specified in **ACCESS ON THE RIVER USK Sennybridge to Usk**.
7. There is to be a **maximum of 12** in each group on the water.

8. Canoeists will not be allowed on the river unless wearing all the necessary safety gear. Individual canoeists must be covered by a reputable insurance company against liability to a third party for death or injury.
9. Refuse must not be deposited on the river or on the bank of the river.
10. Consideration must at all times be given to the angling and farming interests along the river.
11. Individual canoeists will be responsible for any damage caused to the property of the fishery and the river owners or the owners of the adjoining land

This agreement is to be binding in honour only

Contributions from Members

In 1866 Colonel James Holford of Buckland attempted to establish his right to fish the Glawcoed from his bank, Buckland bank. Our agent, Alfred Addams- Williams, was concerned to rebut these claims and consulted various people who might have relevant evidence. One of these was William Phillips of Whitson House, near Newport, who wrote to him on November 3rd 1866: 'About 20 years ago Mr Hanbury Leigh of Pontypool Park gave me very liberal and kind permission to fish his fishery on the Usk at Glawcoed which I used frequently to do. I cannot speak precisely as to the dates of first fishing there but my late wife (who died in 1849) was with me there and was much excited seeing me kill a large salmon on one of the Upper Pools, and cut a pair of kid gloves all to pieces throwing large stones below my fish to prevent him running down among the rocks and thereby cutting my line'.

William Phillips was described in his obituary by the Monmouth Merlin as 'one of the most accomplished and successful fishermen in the Kingdom'. Born around 1800, he died in 1872, the last of his line

Contributed by Sir Richard Hanbury Tenison KCTO

We never did find out whether Col James Holford established his right!

Ron Gover reports on numerous initiatives and complains where it is necessary. We are able to take the necessary action with the appropriate EAW committee. The results are sometimes helpful. Our thanks for your work.

UUFA on Line www.uskfishing.org.uk

In the next few months we will open our site on the web. It will be designed as an information centre for members and fishermen coming to the area. Its content will include: the UUFA and why membership is valuable, current UUFA news (members only), current news from the Usk Local Fisheries Committee of the EAW, fishing tackle shops in the Usk valley, fishing availability, fishing reports, links to other sites for fishing in Wales, and links for accommodation and hotels