

Ymatebion i'r Ymgynghoriad y
Pwyllgor Cynaliadwyedd ar
Ymchwiliad i Fynediad i Ddŵr
Mewndirol yng Nghymru

Consultation Responses to the
Sustainability Committee Inquiry
into Access to Inland Water in
Wales

Ymatebion a gafwyd cyn 18 Medi 2009
Paratowyd Medi 2015
Cyfrol 3 o 5

Responses recieved prior to 18 September
2009
Prepared September 2015
Volume 3 of 5

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



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Proses Ymgynghori | Consultation process

Ar 15 Gorffennaf 2009 cytunodd y Pwyllgor Cynaliadwyedd y cylch gorchwyl a ganlyn ar gyfer ei ymchwiliad i fynediad i ddŵr mewndirol yng Nghymru:

- i archwilio'r sefyllfa bresennol ar gyfer mynediad i ddŵr mewndirol yng Nghymru a gwneud argymhellion.

Cyhoeddodd y Pwyllgor alwad am dystiolaeth ysgrifenedig, a gaeodd ar 18 Medi 2009.

Derbyniwyd 491 o ymatebion yn ystod y cyfnod ymgynghori a daeth tua 100 arall i law ar ôl y dyddiad cau (ac felly na chawsant eu hystyried gan y pwyllgor).

Mae'r ddogfen hon, a baratowyd ym mis Medi 2015, yn cynnwys y 491 o ymatebion gan y cyhoedd a dderbyniwyd erbyn y dyddiad cau ar gyfer yr alwad hon am dystiolaeth ysgrifenedig. Oherwydd y nifer fawr o ymatebion maent wedi'u cyhoeddi fel cyfres o 5 llyfryn sy'n cynnwys hyd at 100 o ymatebion yr un i wella'r hygyrchedd i'r wybodaeth hon.

Mae adroddiad y Pwyllgor ac ymateb Llywodraeth Cymru i'r adroddiad hwnnw ar gael ar wefan y Cynulliad.

Mae'r holl ymatebion yn cael eu cyhoeddi yn yr iaith y cawsant eu derbyn ynddi.

At ddiben cyfeirio mae'r llyfryn cyntaf yn cynnwys rhestr o'r 491 o ymatebion

Cyrol 1 – 001 – 099

Cyrol 2 – 100 – 199

Cyrol 3 – 200 – 299

Cyrol 4 – 300 – 399

Cyrol 5 – 400 – 491

On 15 July 2009 the Sustainability Committee agreed the following terms of reference for its inquiry into access to inland water in Wales.

- to examine the current position for access to inland water in Wales and to make recommendations.

The committee issued a call for written evidence, which closed on 18 September 2009. 491 responses were received during the consultation period and approximately a further 100 were received after the closing date had closed (and were, therefore not taken into account by the committee).

This document, prepared in September 2015, contains the 491 responses from the public that were received by the closing date of this call for written evidence. Due to the large number of responses they are published as a series of 5 booklets containing up to 100 responses each to improve the accessibility to this information.

The Committee's report and the Welsh Government response to that report can be found on the Assembly website

All responses are published in the language in which they were received.

For reference the first booklet contains a list of all 491 responses received

Volume 1 – 001 – 099

Volume 2 – 100 – 199

Volume 3 – 200 – 299

Volume 4 – 300 – 399

Volume 5 – 400 – 491

Cwestiynau i'r ymholiad i fynediad i ddyfrffyrdd mewndirol

01. Beth yw eich diddordeb yn y mater o fynediad i ddyfrffyrdd mewndirol

- Perchennog tir
- Defnyddiwr hamdden
- Pysgota
- Defnyddiwr ar gyfer hamdden ar ddŵr (ee canwio, rhwyfo ac ati)
- Arall (rhowch fanylion)

02. A ydych yn aelod o sefydliad sy'n gysylltiedig â'ch defnydd o ddŵr?

- Os ydych, pa sefydliad/au?

03. Pa ddarn/ddarnau o ddŵr yr ydych yn berchen arnynt/eu defnyddio/eu rheoli?

Hawliau cyfreithiol

04. A ydych yn fodlon bod eich hawliau cyfreithiol yn glir ac wedi'u diffinio'n dda?

05. A allwch amlinellu'n gryno eich dealltwriaeth o'ch hawliau cyfreithiol dros y darn/darnau o ddŵr yr ydych yn berchen arnynt/eu defnyddio/eu rheoli

06. A hoffech weld unrhyw newidiadau i'ch hawliau cyfreithiol?

- Os byddech, pa newidiadau yr hoffech eu gweld?

07. A ydych yn ymwybodol o unrhyw ddeddfwriaeth sy'n bodoli mewn gwledydd eraill y gellid ei defnyddio yng Nghymru?

Cytundebau gwirfoddol

08. A oes gennych unrhyw brofiad o gytundebau gwirfoddol ar gyfer mynediad i'r darn/darnau o ddŵr yr ydych yn berchen arnynt/eu defnyddio/eu rheoli

- Os oes, amlinellwch yn fyr y cytundebau sy'n bodoli a'ch profiad o sut y maent yn gweithredu.

09. A hoffech weld unrhyw newidiadau i'r cytundebau gwirfoddol?

- Os byddech, pa newidiadau yr hoffech eu gweld?

10. A ydych yn ymwybodol o unrhyw drefniadau gwirfoddol sy'n bodoli mewn gwledydd eraill y gellid eu defnyddio yng Nghymru?

A allwch chi amlinellu'n fyr yr hyn yn eich barn chi yw'r materion allweddol ar gyfer mynediad hamdden i ddŵr mewndirol yng Nghymru a sut y byddech yn hoffi eu gweld yn cael eu trin.

Questions for the access to inland waterways inquiry

01. What is your interest in the issue of access to inland waterways

- Land owner
- Recreational user:
 - Fishing
 - User for waterborne recreation (e.g. canoeing, rowing etc)
 - Other(please specify)

02. Are you a member of an organisation related to your use of water?

- If yes, which organisation/s?

03. Which stretch/es of water do you own/use/manage?

Legal rights

04. Are you happy that your legal rights are clear and well defined?

05. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

06. Would you like to see any changes to your legal rights?

If yes, what changes would you like to see?

07. Are you aware of any legislation that exists in other countries that could be used in Wales?

Voluntary agreements

08. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

- If yes, please briefly outline the agreements that exist and your experience of how they operate.

09. Would you like to see any changes to the voluntary agreements?

- If yes, what changes would you like to see?

10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

200. Rod & Anna White

We are active North Wales canoeists who work with local young people through Clwb Antur Dyfryn Peris. We are saddened that this new generation of paddlers are unable to enjoy their local rivers due to the current access situation. As such, we are in agreement with the Petitions Committee's short inquiry into Access Along Inland Water, which has clearly highlighted the issues present and their recommendation that the Land Reform (Scotland) Act 2003 provides a useful basis from which a unique Welsh model of legislation could be developed.

201. Simon Morse

201.1. What is your interest in the issue of access to inland waterways?

I have been Canoeing, Walking, Swimming, Canal cruising, Gorge walking across Wales since the late nineteen seventies.

201.2. Are you a member of an organisation related to your use of water?

Yes the Welsh Canoeing Association.

201.3. Which stretch/es of water do you own/use/manage?

Many upland rivers across Wales and also canals and low lying rivers and lakes.

201.4. Are you happy that your legal rights are clear and well defined?

They are not clear and well defined.

201.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage?

There is no legal restriction to prevent canoeing on most rivers across Wales. There are certain legal implications to do with land adjacent to rivers and this often requires that access and egress is made from a public access point (Bridges, lay-bys etc.), however in the main part and especially in remote areas making access across land by foot carrying the canoe can be done without infringement and with limited impact. But this does not stop Fisheries and anglers continuing to claim canoeing as being in violation of trespass laws under the premise of Riparian land ownership. And claims against legality of canoeing under environmental laws (especially those derived for the protection of fish).

201.6. Would you like to see any changes to your legal rights?

Yes, I would like clarity. In particular the natural resource of rivers should be clearly identified as not being owned by any individuals or organisations, and that they should be designated as free for access for all users.

201.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Scottish Land reform act.

201.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage?

Yes. I have ignored many voluntary agreements for years. I have, however, observed the requirement to pay attention to environmental issues and have as a result elected not to canoe on many occasions due to low water levels. Agreements have historically been restrictive with no real concern for the environment but instead to give anglers exclusive use of rivers.

Canoeists require water, this comes into the rivers in the form of precipitation. It is a natural process that cannot be easily forecast and with respect to high mountain rivers the rainfall is often so localised it is impossible to predict more than several hours in advance of when the river will become ideal for canoeing.

Any agreements would need to reflect water levels to avoid any potential environmental concerns.

201.9. Would you like to see any changes to the voluntary agreements?

If yes, what changes would you like to see?

201.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Voluntary agreements do not work. They are unlikely to work until equal weighting is given to all sides when they are drawn up. The current situation is such that agreements should not be sought. In all other countries agreements are not needed because the law gives clarity.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Key issues for recreational access in Wales:

Anglers claiming exclusive use of rivers and making false claims of environmental impact to intimidate people away from rivers. Threats and acts of violence towards canoeists and threats and acts of damage to canoeists cars. "No Canoeing", "No swimming", "No walking" signs.

Voluntary agreements unfairly restricting canoeists.

Environmental concerns.

Lack of clarity of the law.

Anglers need to accept that they can longer claim exclusive use of the rivers. The situation in Scotland shows clearly that multiple activities can be amicably sustained.

Threats against canoeists are unacceptable the fisheries and national fishing representatives should be making public addresses to denounce these tactics and control their members.

Voluntary agreements do not work and should not be entered into. Clarity in the law and a National code of conduct for river use should be sufficient to ensure rivers are protected with local water levels agreed with EAW and WCA.

Remove all the "No canoeing", "No swimming", etc. signs.

Environmental concerns need to take into account the entire river environment and not just concentrate on fish. Biodiversity is the key to healthy and sustainable rivers and the EAW should be transparent in their work to protect this without overly investing in promoting fish stocks at the expense of other plant/animal species.

The law needs to show clearly that everyone has a fair and equal right of access to inland waterways and that they also have an equal share in the responsibility to protect our natural heritage.

202. Rev'd Douglas Caffyn

Interest:-The Law relating to access along rivers in Wales and England.

Membership:-Basic member British Canoe Union.

Title:-The Common Law and the Right of Navigation.

Summary.

- There was a public right of navigation on all rivers prior to 1750.
- This right still exists.
- It is shown how a misunderstanding arose.
- It is shown that the rule written by Woolrych, but thought by others to be the law, was unclear, uncertain and biased.
- The National Assembly of Wales is requested to confirm the original law.

The historic law relating to the right of navigation.

A riparian owner of a non-tidal river (the owner of the bank) owns the bed as far as the middle line. If he owns both banks he owns all the bed of the river.¹ He has the right to fish in his section of the river,² to take small amounts of water³ and to use the river to power his mills.⁴ It will be shown that if the river is physically navigable then there is a public right of navigation on the river.

In the most recent treatise on the Law of Waters Bates wrote:

It is suggested that in early medieval England, following Roman law, a permanently flowing non-tidal river was regarded as public property (*res publicae*) except so far as its banks were concerned. Thus, any member of the public who could navigate the river had the right to do so. By the time of Henry VI riparian owners had come to own the bed of the river but, it is submitted, those owners took their new property subject to the public right of navigation over it that had existed from time immemorial.⁵

Roger de Hoveden wrote in about 1180 that the lesser rivers which were used for transport were to be cared for in the same way as the roads.⁶ In 1190 a writ of *Ad quod Damnum* was issued for the river Lee which shows that there was by then a well established structure to the law relating to the use of rivers.⁷ In 1215 Magna Carta declared that all *kydells* were to be utterly put down on all rivers.⁸ This meant that boats always had, and always would have, the right to pass along rivers. In about 1260

¹ *Blount v Layard* [1891] 2 Ch 681, 689; Reported under *Smith v Andrews* [1891] 2 Ch 678.

² *Hanbury v Jenkins*. [1901] 2 Ch. 401.

³ *Bailey & Co. v Clark Son & Morland* [1902] 1 Ch. 649.

⁴ *Belfast Ropeworks Co. Ltd. v Boyd* (1888) 21 I.R.Ir. 560.

Loud v Murray (1851) 17 L.T.O.S. 248.

Palme v Persse (1877) 11 I.R.Eq. 616.

⁵ J.H. Bates, *Water and Drainage Law*. London: Sweet & Maxwell. 1990, para 13.18.

⁶ Henry T. Riley, Translator, *The annals of Roger de Hoveden*. London: Bohn H.C., 1853, 545 - 547

⁷ British Library, Harleian MSS, 391 f 103; quoted in John Boyes and Ronald Russell, *The Canals of Eastern England*.

Newton Abbot: David & Charles. 1977, 14.

⁸ 1279 25 Edward I c 23.

Bracton wrote that navigation on perennial rivers is common to all people.⁹ In the 13th century the Court of Eyre visited each county in England every seven years and was required to ensure that all rivers were kept clear.¹⁰ From 1350 to 1531 numerous Acts were passed requiring that the rivers were to be kept clear for navigation. None of these Acts created a new right of navigation. They all referred to established rights.

Edwards studied the State Records for the period 1066 to 1400 and collected 650 records relating to 137 rivers in England and Wales for which there is documentary evidence of navigation.¹¹ Included among these is the use of the Usk to Usk,¹² Neath to Aberdulais,¹³ Teifi to Cenarth,¹⁴ Conwy to Llanrwst,¹⁵ Dee to Overton.¹⁶ The State records do not give a complete list of all the rivers which were used. They record the occasional dispute and the transport of goods for the king. Absent from them is the normal everyday traffic on the rivers transporting food, firewood and timber. Thus they do not record the stone wharf and slipway built at Skenfrith on the Monnow in about 1190 on the border of Wales and England where the river is relatively small.¹⁷

In England the use of the rivers was so common that between 1271 and 1286 twenty two people drowned in the county of Huntingdonshire who had fallen from boats or were in boats which overturned or sank. The Fenland, a mixture of land and water, has been described as the motorway of the medieval period.¹⁸

A fuller account is given in my book *The Right of Navigation on Non-tidal Rivers and the Common Law* printed in October 2004 which has, as yet, not been challenged.

Once a right of navigation, always a right of navigation.

All rivers were public during the medieval period.¹⁹ No court record and no book has been found, from before 1750, that gives any indication that passage on a river could be trespass. Thus on all

⁹ 'The use of the banks is also public by the right of nations, as of the river itself. It is free to every person to moor ships there to the banks, to fasten ropes to the trees growing upon them, to land cargoes and other things upon them, just as to navigate the river itself, but the property of the banks is in those whose lands they adjoin, and for the same cause the trees growing upon them belong to the same persons, and this is to be understood of perennial rivers, because streams, which are temporary, may be property.' Sir Travers Twiss, Editor, *Henrici de Bracton de Legibus et Consuetudinibus Angliae* London: Longman & Co etc. 1878, Volume 1, 57 - 59.

¹⁰ Francis Morgan Nichols, *Britton, Volume 1*. Oxford: Clarendon Press. 1865, 81.

¹¹ James Frederick Edwards, 'The Transport System of Medieval England and Wales – A Geographical Synthesis.' A Thesis presented for the Degree of Doctor of Philosophy, University of Salford. 1987. Unpublished.

¹² Calendar of Close Rolls, 1296-1302, 81-83, 100-102.

Calendar of Close Rolls, 1323-27, 183-184.

Calendar of Close Rolls, 1341-43, 485-88.

¹³ Charles Hadfield, *The Canals of South Wales and the Border*. Newton Abbot: David & Charles. 1960, 15.

¹⁴ Calendar of Patent Rolls, 1313-17, 99.

¹⁵ Calendar of Patent Rolls, 1330-34, 367.

¹⁶ R. Stewart-Brown, Editor, *Accounts of the Chamberlains and other Officers of the County of Chester, 1301-1360*. Record Society of Lancashire and Cheshire, Volume 59, 1910, 42.

Also see:- (1558) 1 Elizabeth I. c. 15.

¹⁷ Phil Evans and Kevin Trott, 'Excavations at Skenfrith Castle, 2003.' Report of a CADW sponsored excavation. Paper unpublished at July 2008.

¹⁸ Paul Spoerry, 'Town and Country in the Medieval Fenland.' In Kate Giles and Christopher Dyer, Editors, *Town and country in the Middle Ages*. Leeds: Maney. 2007, 85-110, 101.

¹⁹ David Wilkinson, 'Public Access to Inland Waterways: Recreation, Conservation and the need for Reform.' *Journal of Planning & Environmental Law*. (1992), 525-535, 527.

J.H. Bates, *Water and Drainage Law*. London: Sweet & Maxwell. 1990, para 13.18.

Sidney and Beatrice Webb, *English Local Government: The Story of the King's Highway*. London: Longmans, Green and Co. 1913, 8.

Albert C Leighton, *Transport & Communication in Early Medieval Europe. AD 500-1100*. Newton Abbot: David & Charles. 1972, 125.

rivers which were physically navigable there was a public right of navigation whether that right was exercised by the public or not.

The laws for highways and rivers are different. A highway did not exist unless people used it. A river existed whether people went on it or not. The right to pass and repass on some rivers has been challenged. But the courts have always held that public rights can only be extinguished by statute or statutory authority.²⁰ Mr Justice Williams said 'The public cannot release their rights and there is no extinctive presumption or prescription.'²¹ No case has been found where a court accepted that there used to be a public right of navigation on a river and that the right has been lost. Thus the medieval right of navigation on all physically navigable rivers still exists today. There cannot be a right of navigation on a river which is not physically usable.

How the misunderstanding of the law arose.

In 1789 there was a case relating to the use of the bank of the Great Ouse. Counsel for the plaintiff said 'Few of our rivers beside the Thames and Severn were naturally navigable'.²² This statement was wrong.

In 1830 Woolrych wrote the first text about the 'Law of Waters'.²³ This was an era when the rights of landowners were considered to be paramount. Woolrych based his text on the contents of the Law Books, not the History Books. By that date many rivers had been modified for use by barges and people had forgotten that before modification the rivers had been used by smaller boats. In his book Woolrych wrote 'In general the public have no right at common law to navigate on rivers but a right to do so may be acquired by immemorial usage by the public or dedication by riparian owners.'

Woolrych made several mistakes. He did not realise that the word 'navigable' had two different meanings in the books from which he quoted - 'tidal' and 'where there is a public right of navigation'. Secondly he assumed that 'Few of our rivers were naturally navigable'. In fact there is evidence that over a hundred and fifty rivers and tributaries in England and Wales were used by boats between 1189 and 1600.²⁴ Thirdly Woolrych claimed that attempts had been made to find other reasons for rivers being legally navigable but that attempts had failed. He gives no references and none have been found. Fourthly he accepted without question the statement of Bayley J that there is no right of navigation on tidal channels which are navigable only by small boats for a very short time.²⁵ This statement has subsequently been rejected in at least eleven cases.²⁶ Finally Woolrych considered

²⁰ *The Queen v Betts and Others* (1850) 16 Q.B. 1022-1039.

per The Honourable Mr Justice Lightman. *Josie Rowland v Environment Agency* [2002] EWHC 2785.

²¹ *per* Mr Justice Williams, *Dawes v Hawkins*. (1860) 8 CB (NS) 848, 141 ER 1399.

²² *per* Graham. *Ball v Herbert* (1789) 3 T.R. 254-265, 255.

²³ Humphrey W. Woolrych, *A Treatise on the Law of Waters and of Sewers*. 2nd Edition. London: Saunders and Benning. 1851, 40 footnote.

²⁴ Forthcoming thesis at University of Sussex Rev'd D.J.M. Caffyn.

²⁵ *R v Montague* (1825) 4 B&C 598.

²⁶ *Evans v Godber* [1974] 3 All ER 341, 349.

Octavia Stella (1887) 6 Asp MLC 182.

Rawson v Peters (1972) Transcript of the Shorthand Notes. A.E. Telling and Sheila Foster, *The Public Right of Navigation Severn-Trent Water Authority*, Project PFA 12, 1978, 96, 99.

The Mayor of Colchester v Brooke (1845) 7 QB 339, 374.

Iveagh v Martin [1960] 2 All ER 668, 683.

Gammell v H.M. Commissioners of Woods and Forests (1859) 3 Macqueen 419, quoted in Geoffrey Marston, *The Marginal Seabed* Oxford: Clarendon Press, 1981, 70.

per Mellor J. *Free Fishers of Whitstable v Gann* (1863) 13 CB (NS) 853, 857 Reversed on appeal on another matter.

per Lord Wensleydale. *Gann v Free Fishers of Whitstable* (1865) 11 H L Cas 192, 213 – 214.

per Lord Neaves. *Duchess of Sutherland v Watson* (1868) 6 M 199, quoted in Geoffrey Marston, *The Marginal Seabed* (Oxford: Clarendon Press, 1981), 72 - 73.

that a river is a common highway. The House of Lords has decided that this is not so.²⁷ It is not surprising that the 'Woolrych Rule' was wrong. It is surprising that it was not challenged for 161 years.

The authors of subsequent books on the 'Law of Waters' read Woolrych's book and copied his errors.²⁸

In 1991 the House of Lords was asked to decide whether the Rights of Way Act 1932 applied to rivers.²⁹ They decided that it did not because:

- The words of the Act did not imply that the Act applied to rivers. This reason is binding on all other courts.
- The law relating to highways, rights of way over land, is different from the law relating to navigation, rights of way over water. This reason was expressed so clearly, and at such length, that it seems that all other courts will reject any argument based on the equivalence of the two laws. This has the effect of nullifying previous cases based on the equivalence of the two sets of laws, eg. *Bourke v Davis*.³⁰

This decision of the House of Lords denies the validity of the commentaries on the Law relating to the public right of navigation along rivers.

The working of the 'Woolrych Rule'.

Since the 'Woolrych Rule' was assumed to be the law for 161 years it may be asked whether it was good law:- clear, certain and unbiased.

In Wales it was known from statute that there was a public right of navigation on the Wye and its tributaries.³¹ On no other river was it generally agreed that there was access for boaters. Some said that barges were only used on the Lower Wye. Others said that all the rivers were used by coracles and for floating timber and that there was a public right on all rivers which were physically usable. Thus Lord Fraser said of Scottish rivers 'It seems most unlikely that any river ... would not have been used by now.'³² No one knew what amount of historic use was needed to establish that a public right of navigation existed on a particular river. The 'Woolrych rule' did not provide law which was clear.

Between 1830 and 1991 there were three cases in England relating to access on non-tidal rivers where appeals were made.³³ In every case and at every stage the decision of the lower court was either reversed or varied. The 'Woolrych Rule' did not provide a law which was certain.

per Parker J. *Fitzhardinge (Lord) v Purcell* [1908] 2 Ch 139, 166 - 167.

per Lord Dunpark. *Crown Estate Commissioners v Fairlie Yacht Slip Ltd* [1976] SC 156, 159 and 160.

²⁷ *A-G ex rel. Yorkshire Derwent Trust Ltd and Another v Brotherton and others* [1991] 1 A.C. 425-447, 438.

²⁸ H.J.W. Coulson and U.A. Forbes, *The Law of Waters*. London: Sweet and Maxwell, 1st Ed, 1880; 2nd Ed, 1902; 3rd Ed, 1910; 4th Ed by Stuart Moore, 1924; 5th Ed, 1933; 6th Ed by S. Reginald Hobday, 1952 titled *Coulson and Forbes on Waters and Land Drainage*.

A.S. Wisdom, *Law of Waters and Watercourses*. London: Shaw & Sons Ltd, 1st Ed, 1962; 2nd Ed, 1970; 3rd Ed, 1976; 4th Ed, 1979; 5th Ed by William Howarth, 1992 titled *Wisdom's Law of Watercourses*.

Halsbury's Laws of England, 4th Edition, Reissue, Volume 49 (2) (London: Butterworths, 1997)

²⁹ *A-G ex rel. Yorkshire Derwent Trust Ltd and Another v Brotherton and others* [1991] 1 A.C. 425-447.

³⁰ *Bourke v Davis* [1889] Ch 110.

³¹ 14 Charles II, c 14, Rivers Wye and Lugg Navigation Act.

³² *Wills' Trustees v Cairngorm Canoeing and Sailing School Limited* [1976] S.L.T. 162, 213.

³³ *Simpson v A - G* [1901] 2 Ch 671; [1904] AC 476.

Rawson v Peters The Times, 2 November 1972. 225 Estates Gazette, 89.

A-G ex rel. Yorkshire Derwent Trust Ltd and Another v Brotherton and others [1990] 1 Ch 136, [1991] Ch 185, [1991] 1 A.C. 425.

Between 1830 and 1991 many people assumed that a land-owner could sue a person found on his river for trespass. A person who found a river obstructed by a land-owner could not sue the land-owner without first getting permission from the law-officers. They would only grant permission if they thought it was in the public interest. The 'Woolrych Rule' did not provide a law which was unbiased.

Confirming the Law.

It might be thought that after 161 years the law, despite its lack of clarity and certainty and its bias, should be considered to be fixed. However Lord Denman when Lord Chancellor said 'When, in pursuit of truth, we are obliged to investigate the grounds of law, it is plain, and has often been proved by recent experience, that the mere statement and re-statement of a doctrine, - the mere repetition of the *cantilena* of lawyers, cannot make it law, unless it can be traced to some competent authority.'³⁴ The authors of the commentaries do not make the law.

The National Assembly of Wales is requested to confirm the traditional rights of public of access along all rivers rather than allowing the present state of confusion to continue.

³⁴ *O'Connell and others v Reg* [1844] XI Clarke & Finnely, 155, 373.

203. Merthyr Tydfil Angling Association

May I introduce myself, my name is Wm Gareth Davies a resident of Merthyr Tydfil and chair of the Merthyr Tydfil Angling Association. Also a founder member and proud of the Association we have built.

I and my members are dismayed at the content of the meeting at the Royal Welsh, and the reference to lack of access to inland waters in Wales by other users. I can but talk about the land and fishing rights owned or leased to the Association.

The history of the Association is that it was formed from two small clubs in 1967, the aim was to procure by purchase or long term lease any Fishing Rights which came onto the market for the anglers and in the main people of Merthyr Tydfil.

As you may be aware the river Taff in 1967 was still running black from coal mines or grey from open sewers. That did not stop our forward thinking in that, sometime in the future, efforts by ourselves and other bodies would ensure that our river would be clean again. This forward thinking came to fruition this year, as for the first time the Rivers International Fly Fishing Championship was held on the river Taff (that river that ran black/grey) in South Wales at Merthyr Tydfil. This event has never before left the river Dee in North Wales. The English team had severe reservations about coming to the VALLEYS' but after their first visit they were highly impressed. The river flow although controlled by reservoirs on the Taf Fawr and Taf Fechan has become one of the finest trout streams in Wales.

As I mentioned in the previous paragraph forward thinking was our ideal. In 1970 we purchased the Pontygwaith fishing at Merthyr Vale, the Merthyr Vale Colliery was still pouring its black waste into the Taff and the sewers were still pouring their noxious fluid into the river. I could carry on with a litany of our procurements over the intervening 42 years but space will not allow, of course, if you were interested then our portfolio could be made available to yourself and the committee. I briefly state that during the years we have purchased some 60 acres of land which we have either incorporated into a Local Nature Reserve or formed our own Nature Reserve alongside the Taff, called Pontygwaith nature Reserve. Through the reserve runs 3 Km of the Trevithick Tram Road, which we owned and upgraded with the aid of a Grant from Coed Cymru so that people could walk and Cycle through the area, the cost was £160,000.00. On completion we realised that we could not afford the insurance against 3rd party claims, so the tram road was gifted to the Merthyr Council. (We are certainly not going to gift our fishing and riparian rights to any freebooters.)

The fishing Rights we have purchased amount to 15 miles from Pontsticill to Quakers Yard with some 10 mile on long term lease. We have also purchased some 3 miles of fishing on the river Usk some one mile of which we are the riparian owner. (The Valuation of the Association property purchased by the people is £800,000.00)

All the above has been accomplished by the hard work and support of our members who are constituents of Merthyr Tydfil so that they could enjoy the peace of the river and conserve the wild life.

The Association membership runs at 250 juniors 200 OAP and 500 senior members. The fees per annum are OAP £25.00 Senior £50.00 Junior £25 with a reduced fee of £15 for Junior under eleven. We keep our fees as low as possible due to the fact we have high unemployment in the area, with I may add NO help from government local or otherwise.

Now the access issue – can you honestly say that the theft of our rights to give to others is correct? Where were these people who are now demanding open access when the river ran black/grey. How much resource have these people put into the environment.

On resource – financially, everyone pays for a licence to carry a rod (adult full licence £75.00) apart from permit fees.

Some 12 years ago we met with the local canoe club and offered the use of our owned facilities with the proviso that from late spring to early Autumn, all paddling to cease by 5.00pm.

Only to be re-buffed with the adage “WE WANT ACCESS AT ANY TIME 365 DAYS A YEAR” for the princely sum of £0.00. Yes, they are correct in saying they take nothing from the river (neither does a golfer from the golf course) whereas our annual bill for maintenance and stocking amounts to £15,000.00. (This excludes rental charges) What of the people who go to recreational centres, do they obtain these services for £0.00. It is interesting to note that on many waters owned by Clubs/Associations a days fishing is cheaper than a days canoeing at the canoeing centres Tryweryn). Yet they want to use our facilities for nothing but charge for theirs.

As I have mentioned Angling not being an Olympic sport does not get the support given to Canoeing, locally there has been built a white water/polo area on the Millennium lakes at Treharris, also Cardiff Bay is to see many thousands spent on providing a special area for canoes, AGAIN AT NO COST to the PARTICIPANT but fees are charged to use the facility

We have always been prepared to enter into access agreements, (as already illustrated) we were already party to the now defunct Usk agreement that had run for over twenty years. This was dismantled by the canoeists when they changed their name last year and had the effrontery to say that under their new name they had never signed any agreements.

The question must be asked who has torn up agreements on Tawe, Taff, Usk and many others – The Welsh Canoe Union, who have conveniently disbanded and now call themselves Canoe Wales who have not brokered any agreement, **convenient**.

The British Canoe union are on record saying that they had 156 miles of the Rivers Teme, Clun, and Onny to paddle under agreement now reduced to ten miles. The question must be asked, why did they lose 146 miles. (I have a report of this situation in my possession)

Problems – If Paddlers are not **identifiable** and **regulated** the attitude of some can, and will cause bank side strife. Yes anglers can cause a problem but they can be **identified through licence / permit**.

If my sources are correct then it would appear that the 90% of canoeists will have nothing to do with the canoe union and would be happy to reach agreement with riparian owners and fishing clubs.

Perhaps we should form a canoe section within our Association. I am pretty sure we could accommodate them.

The question of liability - (as already mentioned Trevithick tram road) is of extreme concern to us in this time of persons seeking compensation for falling branches etc.

Example - This incident happened in 1994 - Association Bailiffs undertaking a routine patrol spotted about 30 children and 2 adults in canoes in the pool below the weir at Merthyr Tydfil. Our Bailiffs warned the person in charge of the party of the potential dangers and illegality of their presence on the river but the response was regrettably less than co-operative. In the event several canoes sank and children in obvious distress were

rescued by the bailiffs. We certainly have no wish to be embroiled in a case of misadventure by the acts of other would be users. (written evidence available)

We have photographs of canoeists illegally using the fish pass at the same weir in Merthyr as a launching jetty (Please note the river level in April) they can be made available to you.

As mentioned earlier the river flow is controlled by reservoirs which contribute 9 million gallons of water per day as compensation flow, hardly enough to float a toy boat, and any craft on this shallow water will certainly destroy any hopes of fishing for many hours. I make this point as in future greater demand for water will undoubtedly put pressure on our rivers to supply water for our consumption.

To conclude we are not opposed to sharing our river as long as those who wish to share it pay their way, respect the environment, and behave responsibly. Anglers have to respect Close Seasons for fishing is it to much to ask that canoeists also accept that 24/7 open access is not the way forward.

204. Guy Williams

204.1. What is your interest in the issue of access to inland waterways

- Recreational user:
- Fishing
- User for waterborne recreation (e.g. canoeing, rowing etc)
- Other walking along side and generally enjoying my country

204.2. Are you a member of an organisation related to your use of water?

No

204.3. Which stretch/es of water do you own/use/manage?

I paddle mainly at sea or in Scotland as there is no access issues or grief from people who think they are more equal than I.

I have paddled the Wye and when come near people fishing without noticing them have apologised, this response has always been met with another similar positive response. This I believe is because they have accepted we have an access right and also have learnt that we can all get along, also that canoes have limited effect to their fishing.

204.4. Are you happy that your legal rights are clear and well defined?

NO

204.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

Not really that is why I tend to ask locally first, however this is time consuming so I therefore now spend time driving to Scotland and paddle there where I am welcome. Consequently money is spent there now and not Wales, shame but unavoidable until we get similar access rights

204.6. Would you like to see any changes to your legal rights? –

Oh I would like it to be similar to Scotland

If yes, what changes would you like to see? –

Like Scotland

204.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes look at Scotland

204.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

In Scotland but can't remember the details sorry.

204.9. Would you like to see any changes to the voluntary agreements?

204.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales? –

Sorry for the repetitive answers but see what Scotland has done. It works, it will be quicker and cheaper to use as a basis to move forward if you can follow their example.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

I think the key issues are simple:

We as a country need access rights so visitors can spend money as tourists (coastal paths as an excellent example).

We need access rights to stop or prevent people leaving Wales to pursue these sports / activities elsewhere.

Different user groups need to accept that we can all share the same river without adverse effect e.g. I catch fish from in my canoe so how can I be disturbing fish. In fact if we can all use the river together we can improve the river for the benefit of all.

Education is key for all users, to accept their responsibilities to the river and other users.

We need to learn from those who have gone before us, emulate or possibly better what Scotland has done.

Thank you for this opportunity to respond, I hope this is helpful, this is the first time I have ever done this sort of thing so apologies for any mistakes.

205. Chris Vian, Southampton

205.1. What is your interest in the issue of access to inland waterways

I am a recreational user; specifically a kayaker

205.2. Are you a member of an organisation related to your use of water?

I am a member of the BCU

205.3. Which stretch/es of water do you own/use/manage?

I have paddled (kayaked) on numerous rivers around Wales

205.4. Are you happy that your legal rights are clear and well defined?

No, the ambiguity in access agreements and paddling outside them reduces the likelihood of me traveling to Wales to go kayaking

205.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

As I understand there is no right of navigation but that if you continue along a river then it is only a civil matter of trespass

205.6. Would you like to see any changes to your legal rights?

Yes

If yes, what changes would you like to see?

I would like to see a statutory right of access to all rivers provided that there are no environmental concerns and that access and egress to the river does not cause undue disturbance to the land owners.

205.7. Are you aware of any legislation that exist is in other countries that could be used in Wales?

The Scottish system is excellent and allows the coexistence of a number of different past times in peace. Similarly in the French Alps have a system where the rivers are open to kayaking and canoeing during the day and fishing in the evening allowing the two pursuits to get along fine. In the French Pyrenes I have happily chatted to other river users all using the same small narrow rivers at the same time.

205.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

I have seen that they often do not work

If yes, please briefly outline the agreements that exist and your experience of how they operate.

The agreements often put heavy restrictions on people enjoying the rivers and things like booking tickets in advance causes people to paddle rivers when the conditions are poor increasing environmental damage. That said approaches like the Usk are an improvement on the old agreements like the Dee which were ridiculous

205.9. Would you like to see any changes to the voluntary agreements?

I think that voluntary agreements don't really work as they are often used by one pursuit to prejudicially prevent another for no good reason. I feel that after 50 years of voluntary agreements that hardly increased the access to rivers it is time to move away from them to a broader right of access

If yes, what changes would you like to see?

I would like to see a broader right of access with local negotiation to ensure that sensible minimum levels are set to avoid any potential damage. Also work towards providing sensible and workable access and egress points

205.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Voluntary agreements do not seem to work and should be replaced by a statutory right of access and navigation similar to that in Scotland.

This would make people like me more likely to travel to Wales to go kayaking and therefore bring money into the local community. That said along with any access rights comes responsibilities and agreed water levels and agreed access and egress points would make sense.

206. Clare Price

Please note the following points when you are considering letting canoeists, rafters etc unfettered and FREE access to our rivers.

1. we anglers MUST pay a substantial fee for a fishing licence which, imposes restrictions on when and how we fish.
2. we also have to pay for permits to angling clubs to fish specific waters.
3. we make substantial voluntary contributions, in cash or kind, to maintain rivers and protect or improve habitat.
4. we operate catch and release schemes to conserve fish stocks.
5. we pay towards hatcheries to support fish stocks.
6. There are FAR MORE of us anglers than canoeists putting money into the tourist and local economy.

We the anglers think that to give canoeists FREE access, whenever and wherever they want would be thoroughly unfair when compared to the stringent conditions that we have to accept AND pay heavily for.

The angling club that I belong to own or lease a great many fishing stretches, in many cases - both banks. Would you be happy to allow anyone access to your garden or living room whenever they wanted ??

207. Professor David Clough, Department of Theology and Religious Studies ,University of Chester

207.1. What is your interest in the issue of access to inland waterways

User for waterborne recreation (e.g. canoeing, rowing etc)

207.2. Are you a member of an organisation related to your use of water?

Yes

If yes, which organisation/s?

British Canoe Union

207.3. Which stretch/es of water do you own/use/manage?

Regularly canoe on River Dee between Llangollen and Chester. Would like to canoe above Llangollen, but have not yet because of unclear access. Would like to canoe other rivers in Wales too with clear access policies.

207.4. Are you happy that your legal rights are clear and well defined?

No: much seems to depend on either attitude of landowners, or practice of whether canoeists get challenged by anglers or landowners.

207.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

It seems to me that landowners believe they have the right to decide whether canoeists can travel on rivers through their land, though I do not know if this is accurate.

207.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

I would like a general policy that allowed sensible use of rivers by canoeists, with exceptions for especially vulnerable environmental areas if necessary.

207.7. Are you aware of any legislation that exist is in other countries that could be used in Wales?

The new Scottish policy allowing access seems to be working well, in general.

207.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

I'm not clear whether the Dee from Llangollen to Chester that I use falls into this category, and therefore whether my comments below are relevant.

If yes, please briefly outline the agreements that exist and your experience of how they operate.

Paddling this section of the Dee I have found to work well: I have never been challenged about access rights by anglers, and usually exchange greetings with them. I have often shared views on motor boats that exceed the speed limits on the river.

207.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

In the absence of changes to the law making access uniform, clearer voluntary agreements would be helpful.

207.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

I would like a general policy that allowed sensible use of rivers by canoeists, with exceptions for especially vulnerable environmental areas if necessary. In my experience the interests of canoeists are not in conflict with those of anglers. Such a policy would require canoeists to be sensitive to other river users, but I think this is a reasonable expectation and would be respected.

208. B J Harrison

208.1. What is your interest in the issue of access to inland waterways

Land owner;

Yes also tenant

Recreational user:

Fishing mainly

User for waterborne recreation (e.g. canoeing, rowing etc)

In the past canoeing, always done with due consideration to seasons, river conditions and with all permissions

Other (please specify)

Observation of nature in quiet places

208.2. Are you a member of an organisation related to your use of water?

Yes

If yes, which organisation/s?

Angling Trust, Wye and Usk Foundation, Nyth Syndicate, Midland Fly Fishers, Salmon and Trout Association, past Chairman of Worcester Canoe Club

208.3. Which stretch/es of water do you own/use/manage?

Own- Nyth (Erwood), use- Spread Eagle (Glasbury), Glyndwyr preserve (Glyndfrdwy)

208.4. Are you happy that your legal rights are clear and well defined?

Yes, all viz access, river bed and fishing rights

208.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage,

owned or leased with full legal documents. Deeds and Leases

208.6. Would you like to see any changes to your legal rights?

Why should any legal rights be changed- LAW of the land

208.7. Are you aware of any legislation that existis in other countries that could be used in Wales?

208.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage,

Yes, Upper Wye and in the past for the Dee

If yes, please briefly outline the agreements that exist and your experience of how they operate.

The agreement for the Upper Wye has been operative for most of the last 20 years, and has been reasonably adhered to in the past. The Dee agreement – canoeists won't now even talk – What can owners do?

208.9. Would you like to see any changes to the voluntary agreements?

There should be voluntary agreements for most rivers.

208.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

NO

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Please note:

If access to Welsh river is granted – who will be responsible for any accidents? Farmers have to alert the public of any hazard near rights of way. Shall we have motorway type warning signs along the river bank? I have personal experience of events on the Wye of inexperienced river users in trouble – this would dramatically increase as in places the river is so narrow and rocky. Note the accident at Symonds Yat on the last week of August necessitating Air Ambulance evacuation!

Access at certain times of the year is very undesirable Viz

Low water,

Very high water

Bird nesting season

If any access was to be granted would it include access to the banks, and if so how wide?

209. Adam Harmer, WCA Regional Coaching Organiser (North)

As the voluntary RCO in North Wales and professional kayak and canoe coach I feel it is imperative that access is finally solved in Wales.

It has worked in Scotland, It will work in Wales

“I am in agreement with the Petitions Committee's short inquiry into Access Along Inland Water, which has clearly highlighted the issues present and their recommendation that the Land Reform (Scotland) Act 2003 provides a useful basis from which a unique Welsh model of legislation could be developed.”

210. Ed Pethick

210.1. What is your interest in the issue of access to inland waterways?

User for Canoeing and Kayaking

210.2. Are you a member of an organisation related to your use of water?

No

210.3. Which stretch/es of water do you use?

River Wye

River Dee

River Tryweryn

River Severn

River Mawddach

River Banwy

Afon Dwyfach

River Glaslyn

Afon Rheidol

Afon Rhiw

Afon Aled

Afon Alwen

Afon Arddu

River Artro

Afon Ceirw

River ConwyY

Afon Dwyfor

River Twymyn

210.4. Are you happy that your legal rights are clear and well defined?

No, not at all

210.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

Legally I can paddle some 4% of rivers in Wales, it is highly unlikely, but I run the risk of being taken to court for trespass if I paddle any of the other 96% of rivers in Wales, and I will most certainly receive verbal abuse from various other river users.

210.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

I believe that water, as a natural resource belongs to everyone and therefore there should be no legal restrictions on the use of rivers in Wales.

210.7. Are you aware of any legislation that exist is in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill

Not local Voluntary agreements, they just don't happen in enough areas.

210.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

None now exist, as the WCA has pulled out of all Voluntary Agreements as, after 50 years of negotiation, recent Government studies have shown that they cannot provide the necessary water resources needed for water sport.

210.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

They should be used when short term exclusive access is required to stretches of water, for example when a championship fly fishing event is taking place.

210.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Yes, Grantully, Scotland.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

50 years of negotiation has resulted in a pitiful 4% of the linear waters ways in England and Wales that are in private ownership being opened up via agreement. Voluntary agreements are restrictive in nature, usually permit use of small sections of rivers only and are for short periods of the year. Canoeing, Kayaking and Wild Swimming continue to enjoy growing numbers of participants for which sustainable access to water is essential to allow participants and rural economies to continue to benefit from what is a low environmental impact, high health promotion activity.

I do not believe that further access to water can be delivered by utilising the same methods that have failed again and again.

I feel that a solution can only be achieved with a mechanism of access similar to that of the Scottish Land Reform Bill. Legislation is required to enshrine and enhance the right of access to the water, and provide clear roles and responsibilities for user groups in relation to the preservation of the environment.

Prior to the introduction of the Land Reform Bill, many parties were concerned about what it's effects might be, since it's introduction all concerns have been shown to be unfounded and people from all walks of life are able to share and enjoy the Water and environment, responsibly and without conflict.

211. Vincent Williams, Dwyrdd Anglers

I am the chairman of Dwyrdd Anglers which is an organization based in Ffestiniog and with fishing rights along the river Dwyrdd, the organization are also riparian owners having bought land along the riverside. The river Dwyrdd is tidal in the bottom reaches and non tidal in the upper reaches and contains salmon, sea-trout and brown trout.

There is a platform built on the riverside at Maentwrog for the use of persons who have difficulty accessing the river on foot and the organization sells tickets both to local personnel and visitors.

In recent years there has been a marked increase in the numbers of canoeists and other boat users using the river, both on the lower and upper reaches and several instances where canoeists have passed anglers in the process of fishing in the upper reaches, disturbing what is a perfectly legal pursuit for which we have paid dearly over the years, myself having paid for the fishing licence for 55 years, not to mention the thousands of pounds to buy into the organization as mentioned above..

There have also been increased instances of boaters mooring on private land and enjoying their recreation regardless of the rights of the owner and damage to the environment. This is particularly relevant in the case of farmers and land owners who have riparian rights on the Dwyrdd.

As an organization, we take pride in our river and its surroundings, we have planted trees on the river bank to slow down erosion, fenced off the riverside to prevent incursion by farm animals and to encourage wild life. The kingfisher and the dipper are seen regularly in the vicinity of the river, the otter is also to be seen on occasions, there is a good variety of wildlife, even the occasional visit from a seal in the lower reaches. How much disturbance will these creatures tolerate? Members of the organization have also, with the assistance of the Environment Agency, successfully trapped mink on the riverside and intend to continue with this activity.

It appears that canoeists want the use of the rivers not having done any maintenance, or carried out improvements on the river to my knowledge, I stand corrected if I am wrong. They do not pay any form of licence and use the river regardless of the legal rights of anglers and regardless of the stated case of Ranson V Peters (1972) which refers to canoeing in non navigable waters. I hope the Sustainability Committee take this into consideration when reaching their conclusions.

One more matter of concern is the actual disturbance to the fish themselves. The spawning grounds and the eggs that are deposited in these grounds are very susceptible to any form of disturbance at certain times of the year and any person with knowledge of rearing fish stock will confirm that eggs actually die as a result of shock if disturbed. The river Dwyrdd is a known spawning ground for salmon, sea-trout and also the brown trout.

212. Karl Midlane

212.1. What is your interest in the issue of access to inland water?

I am a paddle sports coach living and working in North Wales spending a great deal of my time in canoes and kayaks.

212.2. Are you a member of an organisation related to your use of water?

I am a member of Canoe Wales [formerly called The Welsh Canoeing Association]

212.3. Which stretches of water do you use?

As well as stretches of tidal water I also frequent the fresh water lakes of North Wales, sections of the Llangollen canal, the mature rivers like the river Dee where the water is normally sufficiently deep to allow the passage of small boats, and following periods of heavy rain the spate rivers in and around Snowdonia like the Ogwen and Conwy provide white water trips of quality to rival any other rivers of the country. I also paddle in Scotland and a wide range of other locations all over the world.

212.4. Are you happy that your legal rights are clear and well defined?

212.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use?

I understand that as the law is currently being interpreted, unless there is already an arrangement in place granting me passage, I am required to gain permission from all the riparian land owners along the stretch I wish to use, a process that in practice is impractical to comply with as the land owners are difficult to identify and track down and will more often than not deny permission to keep their own lives simple and particularly if they are worried about public liability or upsetting other water users that may contribute financially for access. I also understand that failure to do this may leave me in contravention of the civil offence of trespass.

212.6. Would you like to see any changes to your legal rights?

212.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

I am optimistic that there is the opportunity to make an improvement to the current situation in Wales which will allow paddlers formal access to the stretches of water that they already frequent covertly. I understand that rights to rivers would also come with responsibilities and for many of the spate rivers access would only be feasible when a sufficient depth of water is present. This would not be a problem as I have no wish to paddle down a river that does not have enough water in it to float my boat. [The Glaslyn running through Beddgelert currently has a simple gauge system indicating when the river has reached an appropriate depth.] I also accept that there may be a few locations that are so environmentally important that access to all users may need to be heavily restricted, though as canoes have the ability to pass along a river without creating any pollution and once launched leave no trace beyond the ripples in their wake I believe this would only need to be implemented in the most extreme of cases.

The Scottish approach to river access seems a reasonable format to consider especially as they have had some time now to try and iron out some of the teething troubles for us. Scotland has a large number of spate rivers that are very similar to the rivers of Wales including their importance as a breeding ground for salmon and trout. Despite having paddled in a wide selection of places around

the world including four different continents England and Wales are the only places I have ever come across where access to water is not available as the norm.

To be of practical use legislation to allow me to have sensible access to water will need to consider the following points:

I need to be able to get from a public road to the river and back transporting a small non motorised craft with me. Although light enough to carry, the distance from a parking spot to launching spot would ideally be fairly short.

Most white water rivers are only navigable in a downstream direction so a different egress point will be required at the end of the trip, and within a few hours paddling time of the start point.

White water rivers will provide natural obstacles in the form of rapids that I may well wish to paddle down, but for safety purposes may need to inspect from the bank beforehand, should the landscape allow. This may require me to be able to land just above the rapid, walk down the bank next to the river to see the rapid, possibly provide rescue cover for my companions as they run the rapid and potentially to portage the rapid, carrying boat and equipment past it to launch again below if the risks involved in running the rapid are considered to be too high on the day.

Sometimes a navigable channel will become blocked by overgrown vegetation, fallen trees or other debris washed down the river. If such an obstacle is encountered I would need to have the ability to portage around or clear the obstruction, perhaps in a similar fashion as walkers on footpaths who have a right to clear or bypass obstructions, in addition to the land owner having a responsibility to where reasonably possible keep the way clear and not intentionally through act or omission obstruct a channel. [I have experienced rivers in Wales that feature strands of barbed wire at neck height that seem to serve no purpose other than to deter paddlers.]

I will need to be able to travel as part of a small team to provide mutual safety cover and although a maximum number of participants in any one group may be considered it should not infringe on the safety aspect.

I will want to paddle down waterfalls that the general public may not realise are navigable in a small boat, for a lot of participants this ability to make their own decisions and deal with the consequences are one of the major attractions of the sport. The decision on what risks to take should be left with the participants not with a third party, nor should the land owner/occupier be responsible for any errors in judgment that paddlers make while on their river.

As a paddler I am always keen to improve my personal performance and may occasionally choose to engage the services of a professional guide or coach who would accompany me on the water. The definition of the word 'recreational' when applied to access should not prevent my 'professional' companion from accompanying me.

I have heard criticism from fishermen that they have to pay to fish in the form of rod licenses and water fees and that because paddlers do not pay they have no right to paddle. I see no logic in their argument nor see any reason why any form of taxation should be artificially created to extract income from paddlers; instead I wonder if the need for a rod licence should still be a requirement in the modern world. As it happens I am aware that paddlers do contribute financially to the upkeep of the river environment, styles to prevent damage to fences at access points being a local example I have recently been taking personal advantage of, unfortunately as rivers with workable access arrangements are rare so are the number of examples where paddlers have the opportunity to contribute. I am however convinced that better access would see an increase for income for local

business as more paddlers would see Wales as a friendly paddling destination, spending money in the usual tourist ways, but spreading out over a far greater range of venues than are currently available to them, easing the pressure on the current hot spots.

212.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

In my experience voluntary agreements seem to be limited to places where paddlers are tolerated because there are no fish to be exploited e.g. the Afon Llugwy above swallow falls as the salmon cannot get up that far and therefore the river has no interest to fishermen, or to locations belonging to large organisations that are not fishing orientated e.g. The Afon Glaslyn through the National Trust land.

212.9. Would you like to see any changes to the voluntary agreements?

If yes, what changes would you like to see?

My experience suggests that voluntary agreements are almost impossible to obtain and are impractical where obtained. I would suggest that if we started from the concept that paddling would be the norm and then non paddling could easily be arranged if genuine environmental concerns were demonstrated, with an independent third party appointed to adjudicate a dispute if necessary.

I have listened with interest to many counter arguments from anglers but am yet to hear anything that did not revolve around the concept that the only purpose of a river is to provide a location for them to outwit fish, and that this should be restricted to privileged few. Surely this selfish approach is outdated and long overdue for change. In the vast majority of the World paddlers and anglers can co-exist and the canoe is frequently the preferred means of transport for the angler to access their chosen location and not some evil monster whose passage will cause all fish to instantly vacate their river. I assume that this consultation will agree that the rivers of Wales and the fish that inhabit them have more value than just being caught for sport.

213. M I Holroyd,

213.1. What is your interest in the issue of access to inland waterways?

All forms of recreation on/in/by water are of interest to me and my family as ways of enjoying our fantastic countryside, promoting fitness, and as useful ways to promote Welsh tourism, bringing in money to the local community and raising awareness of local environmental issues.

The waterways are incredibly vital for access to the countryside by disabled people who have mobility difficulties and for whom access is otherwise impossible to the wild areas of Britain.

213.2. Are you a member of an organisation related to your use of water?

At present only the Welsh Canoe Association - I have yet to find a local fishing club to join that promotes access to this natural resource for all, which is the case for the WCA.

213.3. Which stretch/es of water do you use?

I and my family use many, many stretches of water in the hills around my home, and many of the bigger local rivers like the Lledr, Glaslyn, Colwyn, Seiont, Conwy... Some we use for canoeing and kayaking, but many of the smaller rivers and streams (many of which have been navigated by kayaks) for swimming after hot days in the hills, or after runs/bike rides, or just for sitting by with a picnic. Lakes are also much used in the same fashion eg Llyn Dinas, Llyn Padarn, Llyn Cwellyn...

In my work as an outdoor instructor I take groups out to explore these water environments, teaching skills, environmental awareness, geology and geography, following the rivers and streams and canoeing them with GPS to overlay the tracks back onto a map to show the ever changing courses... Sometimes the groups just swim in the rivers and streams, feeling the power of the current in controlled conditions, helping them realise how dangerous water can be, thus teaching them to keep themselves and their families safe.

Tourists from abroad that I take out on the rivers and lakes of this area are appalled to learn that access is so restricted, and that we may have no legal right to be there.

213.4. Are you happy that your legal rights are clear and well defined?

There appear to be no clear legal rights regarding non-tidal waters, and it is unclear who can be prosecuted or when they might be prosecuted. Having been accosted by people with no clear legal rights to prevent me enjoying the water, suffered verbal abuse (frequently anti-English), and had stones thrown at or near to me, I feel this is something that should be addressed and clarified, either under existing legislation if it exists (which seems extremely unlikely) or by new legislation.

213.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

I know of no legal rights to use any of the waters I frequent. Some have signage suggesting public access is allowed (eg Llyn Padarn), but most do not. It is not even clear if waterways in upland areas covered by the CROW Act are ok to enjoy.

I fear that I may be committing civil trespassing whilst on the water, but the situation is opaque and full of fear, uncertainty and doubt spread by other interested parties who would like to gain a monopoly on access to these natural resources.

In the past there have been local agreements to use certain short stretches of water at certain times of the year, but these are few and far between and only apply to popular areas where it is worth the time and effort to negotiate an agreement, and only to particular recreation (usually canoeing or kayaking). These agreements are so restrictive and usually only apply to members of a particular club or association, not to the general public, in complete contrast to access land, or even access to cliffs and quarries for rock climbing which are negotiated on behalf of everyone.

River agreements may have to negotiate with twenty or more landowners or other interested parties just to cover a 1Km section of river - imagine what it would be like to have to knock on the door of every house in the street just to be able to walk down the pavement at the end of their gardens.

This makes it an incredibly complicated and extremely costly process resulting in a few agreements for short sections of river that are hard to research for non-locals, in particular limiting access by visitors who would bring money into this very deprived area of North Wales. There have been studies and grants for people that have attempted to negotiate further access, but have failed miserably.

213.6. Would you like to see any changes to your legal rights?

Yes

If yes, what changes would you like to see?

A legal right to use this particular part of our natural environment for recreation, education and navigation by all human-powered craft (canoes, kayaks, coracles...), but with responsibilities to look after that environment for all water users whether they be on, in or by the water.

As our population grows these resources for exercise and recreation are going to be even more valuable, as is the water itself. Protecting our water supply best done by having open access to it whereby the public can be the eyes and ears of the appropriate agencies.

The rights for water users are way out of step with those for land. Lobbying against the general public's interest saw any rights to recreation in or on upland waters was specifically excluded from the CROW Act, whilst Scotland included water in their access legislation.

213.7. Are you aware of any legislation that exist is in other countries that could be used in Wales?

The legislation in Scotland seems to give some rights and responsibilities to the general public to access water. In the majority of countries in the world have enshrined in their laws access to water for recreation and navigation - Britain, and England and Wales in particular, appear backward in this regard.

213.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

If yes, please briefly outline the agreements that exist and your experience of how they operate.

I became aware of some agreements in the past that meant I should only use a short stretch of river for brief periods in the year that do not allow me to work on them during the tourist season when most of my customers visit North Wales.

I drew the conclusion, once it was clear that there was no clear legal reason not to use these bodies of water that the voluntary agreements were irrelevant, especially as they only applied to a small subset of possible users on a ridiculously tiny subset of waterways.

213.9. Would you like to see any changes to the voluntary agreements?

If yes, what changes would you like to see?

Yes. Voluntary agreements are so few and far between, covering so little of the available natural resource that they are of little use. Any such agreements should ensure a reasonable level of access to the whole public. The only way to ensure this would be to have a presumption of access and to negotiate short periods of closure when and where necessary perhaps in a similar fashion to the provisions in the CROW Act.

213.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

The vast majority of countries in the world have clear legal access to all the waterways in their country. I know of no other countries where they have tried to institute a hodge-podge of voluntary access agreements - I think the vast majority of legislatures would laugh at the suggestion that such a system could provide any useful level of access to their citizens.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

There needs to be a clear presumption of access enshrined in law so that the public may make use of their natural heritage without fear of prosecution, provided they act responsibly (as outlined in a legal framework).

It may be necessary to provide some means for short, temporary closure of access for particular reasons similar to the provisions in the CROW Act for landowners.

214. N Earnshaw

i am writing to you to express my dismay that you could even consider throwing open sensitive Welsh rivers to free access by anyone for rafting and canoeing. I am aware that you have sent representatives to Scotland to see the effects of this and that they have brushed under the carpet all the downsides.

You should bear in mind that we are the Welsh voters and tax payers whilst the majority of canoeist/rafters we encounter trespassing on our river (Afan) are from England, so it would seem that you are quite happy to stick two fingers up to your own people simply because the canoeists have presented a bigger petition, hope you remember this when you are counting on our votes.

215. David Tiddy

I have never written in complaint to a government department before, but I now feel that I have no choice, as I am very concerned with some of the proposals put forward by the Welsh Canoeing Association and the petitions committee.

I sail in small boats myself so I have some empathy for the canoeists, but I am against giving free unrestricted access to rivers of Wales for the following reasons.

- There is no historical precedent for open access to all our rivers.
- They do not own the rivers, the riparians do.
- Many of the rivers in question are owned by clubs of local enthusiasts, not rich land owners.
- Many stretches are not suitable for canoeing.
- Canoeing will have an adverse effect on the eco system, by damaging redds, banks and frightening away our migratory fish.
- Compensating riparian's will be a total waste of tax payers money.
- Who else would be given free access? Rafters, swimmers? Anti fishing groups would be given the opportunity to drive anglers off the rivers.
- Are lakes and reservoirs to be included in this right of access?

If canoeists are to have access to our rivers, I believe that it should be organised on a piece by piece basis, where they can come to a deal with the riparian. That way, they could offer to pay (Both with cash and in kind) for access to the river and that access could be restricted to the non-peak fishing times. ie, there would be a canoeing season as there is a fishing season

They should also be licenced in a similar way to the anglers so that they can contribute financially to maintaining and improving the eco-system that they wish to use via the licence fee.

216. Emma Aldridge

216.1. What is your interest in the issue of access to inland waterways

I use the water for recreational and competitive use

I am Chair of Canoe Wales Slalom Committee and a Recreational and Competition Coach for Mold Canoe Club and require particular stretches of water for Welsh, National and International Races, training and coaching

216.2. Are you a member of an organisation related to your use of water?

I am a member of Canoe Wales,

I am the Chair of Canoe Wales Slalom Committee.

I am a level 2 coach and member of Mold and Bala Canoe Club

216.3. Which stretch/es of water do you own/use/manage?

The Slalom Committee do not own or manage any stretches of water or adjoining land

We can use the River Tryweryn when releasing, using access from Canolfan Tryweryn or the section at Bala Mill as a member of Bala Canoe Club. National Races are run from both these sites

We can pay to use the site on the Dee at Mile End Mill,

There is a training and race site at Llandysul

There is a training and race site at Bridgend on the Ogmore

There is a training site on the Ogwen

We can use tidal stretches of river, canals and pumped built sites. Our members travel often to Nottingham to use the pumped facility there

216.4. Are you happy that your legal rights are clear and well defined?

Our legal rights are not clear or well defined

216.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

I believe that rights of navigation for all but tidal waterways are unclear in England and Wales

I also believe that I may use any waterway freely, as the water itself belongs to no-one. However to reach this piece of water I may have to trespass on a landowner's land to access or egress from it and may be prosecuted.

216.6. Would you like to see any changes to your legal rights? Yes

If yes, what changes would you like to see?

I would like to use stretches of rivers freely

I would like to see clarity and a lack of conflict over this issue.

Harmony for all river users.

The right to roam on British waterways.

I personally would like members of my discipline, club and students to not only be welcome to use our rivers but also to be able to set up slalom training sites.

For Canoe Slalom sport's development it is essential to use short stretches of river repetitively to develop technical skills, endurance and speed. This would mean occupation of the site. For training purposes we would need to do additional work with the landowner it would be wonderful to start negotiation from an equal footing.

Currently, if we receive a 'No' to using water, there is nowhere else to go.

In Scotland and European Countries the use of rivers is a right and therefore constraints can be negotiated from an equal standpoint.

We are aware that in Scotland the right to run events is not part of a legal right, but it is very much easier to run and host events where some of the perceived issues have already been dealt with by law

As Canoe Slalom is an Olympic discipline I feel that athletes from both England and Wales are extremely disadvantaged by this present lack of rights. Our three present Canoe Slalom Olympians come from Scotland

It seems absurd that athletes training for an Olympic discipline are confined to travel to a very few available accessible waterways, and that they may be considered as trespassing if they chose to use appropriate local rivers.

Competitive canoeing and training is a disciplined activity and at all levels the competitors often spend more time travelling to conflict free rivers than training itself. This is despite most people living within a few minutes of a suitable piece of water which could be used for healthy recreation or training

This discipline introduces participants to exercise and fitness routines which contribute to a healthy lifestyle.

Like all activities the participants are passionate about investment in equipment and this often goes to local retailers and manufacturers.

As events take place all over the country. on one or two days the competitors will contribute to the local economy during their stay. It is estimated that each paddler contributes £38 per night to the local area. Events can attract an average of 70 competitors per day, which makes a reasonable contribution to the local economy

Training sites are near impossible to set up in the present climate

216.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes The Scotland land reform Act of 2003 and Outdoor Access Code which includes a right to roam for waterways. Countries on the Continent do not have this problem

216.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

Our canoe club (Mold) has made an agreement with a local landowner to run a yearly canoeing event. This has taken a long time to negotiate and we feel that the Estate understandably may only be interested in this agreement as a money spinning project. We will not make significant money for them by our events as these races are focused on sports development and not revenue generation. As a result we are concerned that the agreement may be withdrawn and our club will need to attempt to find another venue and start long negotiations again.

As a training site, we need to occupy a particular stretch of water. This would involve hanging lines across the river to hang our training gates on and therefore we accept we need landowners permission, unlike other users who may just pass down the river.

The estate are looking for a substantial yearly sum to use this stretch of water for training on a weekly basis. This is based on a subjective valuation by the estate

Our club functions on a charitable basis, with many junior members. All our workers are voluntary and the club could not afford such a contribution unless the offer included storage and changing facilities, which at present it does not

In my area in North Wales:

Bala CC own their piece of land and are able to use the section of the River Tryweryn freely, as club members we can paddle there

The BCU Slalom Committee run National and International races two days a year at Town Falls on the River Dee in Llangollen

Mile End Mill is a commercial site where you pay to access the water on the Dee

There is a small training site on the Ogwen

216.9. Would you like to see any changes to the voluntary agreements?

As Chair of the Slalom Committee and a Level 2 coach, I would like see legislation as this situation causes us the most issues.

Without clear rights to navigation, any voluntary agreement seems to be difficult to achieve, up to the whim of the landowner who may be looking to gain financially and to aggrieve fishermen who pay rod licenses for the privilege to fish.

If yes, what changes would you like to see?

Legislation in line with Scotland

Easy and agreed access to water to set up training sites and race venues

216.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Scotland

216.11. Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Without Legislation for Access to inland waterways we have exceptionally few training and racing sites in Wales although the rivers are some of the finest in the country

To train Slalom Paddlers we need to find dedicated sites where they can train and race without fear of intimidation or legal proceedings

There is friction between fishermen , landowners and canoeists which need resolving

Access agreements are a thing of the past and have been seen not to work

Legislation seems the only way forward

217. Dr Mike Butters

I have been an angler for 40 years and lived in Wales for most of that time. I fish a number of rivers including the Towy, Teifi, Aeron, Ogmore and Usk and currently live in Llanvair Discoed near Chepstow and so have a vote in Wales.

As an angler, I pay substantial fees to fish these rivers. Per year I am paying £500 to £600 per year for a national rod licence and the various permits. These permits impose restrictions on when I may fish (typically March till mid October) and the methods that I can use. I also make substantial voluntary contributions to maintain some of these rivers. On the river Usk, I give up my weekends to work on clearing bank sides. On the river Ogmore, I also give up Saturdays to help with river clean ups including removal of rubbish like shopping trolleys.

The CFF organisation paid £120,000 to improve habitat last year. Anglers operate catch and release to conserve fish stocks (especially Salmon) on a voluntary basis and enforced by Environmental Agency prior to 16th June. Some of the clubs I have joined (eg GCG) contribute towards a hatchery to support fish stocks.

Because of the above factors, I strongly object to the proposal to give FREE access to rivers by Canoeists. Why should a body of water be exempt from the same laws as private land? The co-existence of Anglers and Canoeists on a river needs careful management due to safety issues (many anglers wade) and the negative impact on the fishing. I note that on some rivers (eg the River Teifi at Llandysul), a private zoned area is provided for Canoeists where they can ride the rapids. Individual anglers are restricted to private areas of the river and this system works.

Finally, I would point out that Angling makes a far bigger contribution to the Welsh economy than is (or could be) the case with Canoeists. There are a significantly more Anglers (I estimate 100 fold) and the excellent fishing available in Wales attracts many visitors and tourists and so underpins a significant part of the economy.

218. Paul Hopwood

I am an angler. I currently administrate two dedicated fishing websites, 'the sea trout forum' and 'sea trout fishing'.

My forum has nearly 1300 members, has over 4 million hits, averaging 4000 hits per day. My sites relate to Sea Trout or Sewin. The majority of my members either angle or live in Wales.

I am currently a member of two angling clubs with fishing in Wales, the Prince Albert Angling Society and Aberdulais fishery. I regularly purchase day tickets for Welsh clubs and often bring friends to Wales to fish.

In the last 12 months I have fished on the following Welsh rivers, Tywi, Teifi, Dugoed, Neath, Ewenny, Ogmore, Taff, Irfon, Wye, Severn, Dyfi, Clwyd, Dulais, Lledr, Dee, Dysinni, Artro, Mawddach & Wnion. I fish on at least 2 occasions a week, mostly in Wales.

I work within Law enforcement I am happy that I understand my legal rights.

I am conversant with numerous angling bylaws, specific to rivers, the Salmon & Freshwater fisheries Act and the Wildlife and Countryside Act.

I pay for an Environment Agency rod licence for migratory fish which gives me the legal right to fish for salmon and sea trout with rod and line but not any specific right to fish on any particular stretch of water.

I then pay a membership subscription to a fishing club or a fee direct to the owners of the fishing rights for the right to firstly access the river and then to fish in the river in question. I am then legally entitled to fish those waters, but not others, within the fishing rules set out by the EA and landowner.

On all rivers, with certain limited exceptions, any other recreational use, particularly by canoeists, rafters and gorge walkers is a trespass contrary to civil law, (unless an aggravated offence) unless they have entered into a voluntary agreement for access and egress and to navigate the river with all riparian owners.

I am also aware that Section 12 of the Salmon and Freshwater Fisheries Act states that

(1)If any person—

(a)wilfully alters or injures a fish pass; or

(b)does any act whereby salmon or trout are obstructed or liable to be obstructed in using a fish pass or whereby a fish pass is rendered less efficient; or

(d)uses any contrivance or does any act whereby salmon or trout are in any way liable to be scared, hindered or prevented from passing through a fish pass,

he shall be guilty of an offence, and shall also in every case pay any expenses which may be incurred in restoring the fish pass to its former state of efficiency; and any such expenses may be recovered in a summary manner.

The actions of canoeists, rafters and gorge walkers sometimes wilfully disturb fish spawning areas and also damage SSSI locations.

I am content with the current situation and do not wish to see any changes in my legal rights and definitely do not want to see increased access for other water users without the full agreement of the anglers/landowners and riparian owners.

I am not aware of any legislation that exists in other countries that could be used in Wales.

The comparison that is made with Scotland is misguided as land ownership and the management of rivers are controlled by a completely different legal system.

Canoeists claim that the law is unclear. However the law is perfectly clear, access to inland water in England or Wales without a specific statutory right of navigation or voluntary access and navigation agreement is a trespass. The claim by canoeists that the law is unclear is an attempt to force legislation, this is not needed as the law is clear and Canoeists are well aware of this.

None of the rivers on which I fish have any current voluntary agreements.

I know from reading numerous sources, including Canoe websites that canoeists will not currently enter into discussions on voluntary access agreements despite being offered.

At present they will not accept any conditions for such access.

Further to this they that they will be able to have free and unfettered access as a result of WAG rewarding their campaign of civil disobedience with a legal right to such free and unfettered access. This civil disobedience has been reported on Television, The Media and on websites. On some of the Wales based websites there are regular reports of illegal canoe trips on private land. This is well documented and I am aware of numerous photographs and videos showing such illegal behaviour.

I am not aware of any models for voluntary arrangements in other countries that could be used in Wales as none of them take due regard of the rights of landowners, riparian owners and anglers?

Further to this, as an angler I have to pay for the right to fish, and to fish specific waters. Canoeists in the UK do not have to pay to use these rivers.

It seems that the anarchy and illegal activity by canoeists and rafters will be rewarded by the Welsh Assembly Government. It seems that WAG will acquiesce to the demands of canoeists who continually commit offences of Trespass and in doing so penalise anglers who have paid for the right to do so and are on land legally.

There are over 77,000 rod licence holders resident in Wales, many more licence holders from England visit Wales for angling holidays. As I have described the majority of my forum members fish in Wales. The Welsh rivers are a Mecca for Sewin anglers, attracting tourism from all over the world.

There are also prime Salmon, Trout and Grayling Rivers in Wales, widely accepted as some of the best rivers in the UK.

Angling generates about £148m revenue in Wales each year of which £68m stays within Wales.

The other water users are far fewer in number.

With Canoeists not paying for their sport, not entering into Voluntary agreements the revenue they offer to Wales is minimal. If the Welsh Assemble Government agree to unrestricted access, I for one will think very carefully about Wales, as there will no doubt be a demise in the angling. Comments on numerous angling sites, including my own indicate that free access to rivers by Canoeists will result in the angling tourist looking elsewhere.

Anglers are heavily regulated by law. Canoeists are not regulated, not licensed and are frequently ignoring the law.

In the event of free and unfettered access to inland water, all fishing rights will become null and void, as anglers would have the same rights of the canoeists. This would be a economic disaster to some of the communities in Wales that depend on Angling tourism.

Further to this the value of many fishing rights will fall substantially as a result of potential disturbance. I am sure that fishery and riparian owners would seek compensation in respect of reduced or lost assets.

Voluntary agreements are the only way forward.

Canoeists currently have access to a reasonable amount of Welsh inland waterways and are having purpose built white water facilities constructed for training ahead of the 2012 Olympics.

Further to this they could have access to more rivers via voluntary agreements, with controlled access so that a reasonable balance is made, with consideration to access during periods not conducive to fishing or and at times when the disturbance to spawning fish is minimal.

Canoeists have to recognise that anglers pay considerable sums for access to rivers, clubs have purchased fishing rights that have been paid for by the membership, consequently the canoeists should also have to pay for access.

All water craft should be individually licenced. This should incur a cost in line with the cost of a Migratory fish licence in Wales. Further to this Canoeists should have to pay riparian owners for the right to access their land to canoe.

Our native salmon are facing an uncertain future. The parasite (*Gyrodactylus Salaris*) is less than half a millimetre in size and barely visible to the naked eye, but can cause severe damage to salmon, and often results in the death of affected fish. It is now widespread in Denmark Finland, Norway and Sweden, and has also been found in France, Germany, Portugal and Spain.

Thankfully the parasite has not yet been found in the UK- but experiments have shown that our salmon would be killed by it, so it is really important that it is not introduced from Europe. It is possible that even one parasite imported to a previously affected river could cause an epidemic in a very short time.

there is a risk that watersports - Canoesits and rafters enthusiasts returning from European countries (Denmark, Finland, Norway, Sweden, France, Germany, Portugal and Spain) could inadvertently carry the parasite back to this country. To control this all watercraft using rivers where Salmon are present, must be licenced to prevent the spread.

WAG should also recognise the hard work and dedication shown my Welsh angling clubs, angling bodies; including river's trusts and volunteers in maintaining and improving the quality and sustainability of Welsh Rivers for the future.

Anglers including myself regularly take part in Invertebrate monitoring, help to police rivers, conduct bank side maintenance, support Catch & Release schemes and report pollution incidents. This is for a love of the river, wildlife and the future of fish stocks and fishing in Wales.

Whilst financially all anglers who fish in Wales contribute to the Welsh economy, at present Canoeists do not have to contribute anything. They use rivers illegally with no benefit to the environment, the Welsh economy nor land owners.

Every canoeist must abide by whatever agreements are reached.

Where no agreements are negotiated, Canoeists must recognise that there is no legal access. Canoeists who breach these regulations must be subject of legal punishment.

Further Comments

My members and I are gravely concerned that the WAG will cave-in to the demands of Watercraft users in Wales, rendering the fishing in Wales useless.

This subject has caused huge discussion and concern, and as anglers we feel that we are about to be trod upon by WAG.

Perhaps the main species that attracts visiting anglers to Wales, creates the highest value fisheries and is the quarry of choice of many Welsh anglers is the sea trout or sewin.

Almost every Welsh river has sewin present and in recent years hard work by anglers, angling clubs and the Environment Agency Wales has seen migratory fish return to Valley rivers, that not 20 years ago could not sustain life. Some of the Welsh rivers are fantastic success stories, the Ebbw, Taff and Rhymney once ran black, now offer excellent salmonoid fishing to anglers.

When a Sewin pool is disturbed by other water users during the day the sewin will not settle and the likelihood of capture is reduced significantly.

If canoeing and rafting takes place on these rivers and they damage the fishing then the first result will be that visiting anglers will go elsewhere and many Welsh hotels will lose vital trade. I for one would have to consider venues outside Wales and I am sure that many of my members would do the same.

I stay in Welsh accommodation, use Welsh Shops and purchase permits for Welsh Rivers – this would stop, I would estimate that my annual fishing based expenditure is well in excess of £2000.

In North Wales, and in particular the area around Dolgellau is frequented for large parts of the year by visiting anglers who have caravans near to the rivers Mawddach & Wnion. If unrestricted access is given, then these waters, favoured by illegal canoeing activities would loose numerous visiting anglers, who will no doubt look elsewhere to spend their time and money.

The canoeists and rafters are being intransigent in entering negotiations with anglers for voluntary access in the expectation that they will be rewarded with free and unfettered access and they knowingly trespass, break the SFFA and damage SSSI in defiance of the current legislation, not only that, they are so pleased with their illegal exploits that they post video footage of them on the Internet.

This is not acceptable and could well be rewarded by the Welsh Assembly.

I urge the Sustainability Committee to maintain and support the rule of law, support the Welsh tourist industry and to think of the future of fish and fishing in Wales.

Further negotiation of voluntary agreements with canoeists must take place if WAG wish to see any type of future for Welsh Fish Stocks and for Welsh fishing

In conclusion I am totally opposed to free access to inland waters.

My tendered evidence is against such access.

219. John Morgan

I am advised that following the recent opening of an inquiry into this matter by the Sustainability Committee at the Royal Welsh Show, you are now taking written evidence from interested parties. I hope that the following information will be given the attention which I believe it deserves and that it will help your Committee to arrive at a decision which will not disadvantage any of the parties involved:

I am a member of the Afan Valley Angling Club, an organisation that controls and manages fishing on the River Afan that flows down through the Afan Valley into the sea at Port Talbot. Over the years, since its formation in 1951, the Club has acquired the ownership of the riverbed and most of the fishing rights to this river from its source to the estuary high water mark – those small stretches that it does not own the Club leases from the Forestry Commission. In addition to the entire riverbed, the Club also owns parcels of land adjoining the river;

The Club currently has approximately 350 senior members, the greatest proportion of whom reside locally. In addition we have 70 junior members (aged up to 16 years old). In recognition of the economic deprivation that exists within the Club's catchment area, every effort is made to keep membership costs to a minimum. Currently these are £45 per annum for seniors and £10 for juniors. The Club caters for disabled people by providing a number of wheelchair access points. We also sell fixed term (daily and weekly) permits which enable visiting anglers to enjoy the sport that the River Afan offers whilst drawing in much needed income into the local economy;

In an attempt to improve the quality of the sport available to its members, the Club has an on-going stocking programme (of brown trout) which commits the organisation to an annual expenditure in excess of £3,500. In addition, we are currently managing a salmon broodstock collection programme which is intended to "pump-prime" the existing salmon population by the introduction of some 25,000 parr each Autumn – this also costs the Club approximately £2,000 per annum. In recent years the Club, together with commercial partners (CORUS and ABP) and the Environment Agency Wales, collaborated to install screens that ensured salmon and seatrout smolts (juvenile fish) could return to the sea and not end up "land-locked" in Port Talbot docks. The Club contributed £25,000 to the cost of this project that has been hailed a major success;

Prior to and since the formation of the AVAC in 1951, the members have worked hard and campaigned hard in order to restore the river from an industrial sewer pit almost devoid of life. The result is the stunning beauty that runs through the Afan valley rich in wildlife including, trout, eels, salmon, sea trout, otters and kingfishers. In addition to the benefits to wildlife this transformation has improved the lives of all who reside in the valley and even those who visit with it's many tree lined walks - trees planted by our members. Should canoeists be allowed "free" access to what is "our land" then I doubt there is sufficient finances available at the Assembly that could compensate the members for the many years of blood, sweat, tears and money that has been spent repairing the damage of the River Afan's industrial past. If they want it then they have to pay for it and there will be rules, strict rules and they will not be allowed to spoil my enjoyment so they can have theirs.

I am not against canoeing but they ain't having my river for free and to the detriment of my enjoyment!

The Afan Valley Angling Club is confident that the existing legislation in respect of access is perfectly clear in that it is trespass to access a river above the tide which is in private ownership without the

owner's prior consent. For this reason the Club does not wish to see any changes to the current legal position;

The Club has no experience of entering into access agreements with canoeists – none has ever been sought – the only contact with canoeists has been with those individuals who have obtained unauthorised access to the river. However, the Club is not opposed, in principle, to annually reviewed agreements, signed by both parties, which would allow canoeists to access the River Afan provided certain conditions were met e.g., during out of season months, on specific, predesignated stretches of the river and a commitment to making financial contributions towards reasonable river management costs;

I would also like to take this opportunity to draw your Committee's attention to the following points which I feel are important considerations which must be taken into account before a balanced judgement can be made:

- Allowing paddlers unlimited access to Welsh rivers is likely to be unlawful with respect to the Salmon and Freshwater Fisheries Act (1975) which protects spawning fish and, in the case of salmon & sea trout their redds, from disturbance;
- Canoeists give the entirely false impression - backed up by some ludicrous statistics - that they have little or no access to running water in Wales. To start with there is free navigation on all tidal stretches of rivers and Wales has the second highest tidal reach in the world! The tidal stretches of some rivers can easily amount to a quarter of their whole length.
- We object to the deceitful way in which the WCA has withdrawn from some perfectly good access agreements to try to show the Assembly that they don't have enough water, whilst still continuing to give ingress and egress points on maps in their website, so inciting trespass.
- The main reason why canoeists don't have more water to paddle in the upper reaches of rivers is that the WCA will not accept any restrictions to their paddling - for instance they will not accept that paddling should just take place in the six winter/early spring months when little fishing occurs. Unfortunately the WCA have pressurised local canoeing clubs to adopt the same intransigent attitude.
- Riparian owners and angling clubs have to endure almost constant trespass by canoeists who seem to think that they should be rewarded for their unlawful behaviour by the law being changed in their favour.
- Welsh anglers put a significant amount of both work and finance into Welsh rivers to improve the habitat and water quality that seems to have gone almost unnoticed. Anglers pay twice in order to fish: once to the EAW (£70 per annum for a migratory fish rod licence) and again in club fees or whatever to be able to fish a certain river or stretch of river.
- Anglers don't pay to be able to take fish (which canoeists constantly maintain); they pay for the enjoyment of using someone else's asset. This is proved by the fact that coarse fishing clubs who return 100% of their catch still pay an annual rental to the riparian owner. Their members would think it very strange if they were given this water for free.
- The canoeists and now the Petitions Committee point to Scotland where the Scottish Land Reform Act (2003) gave open access to rivers and say that this would work in Wales. We believe it would not work and that it would be quite wrong to impose something similar here for the following, and many other reasons:

- Scottish rivers are on the whole much bigger than Welsh ones, so a group of maybe ten rafts going down a river say 3m wide is bound to have a much greater ecological effect than if the river is 10m wide;
 - the numbers of major conurbations (L'pool, Manchester & Birmingham) a couple of hours away from north & mid Wales is much greater than similar sized urban areas to the Scottish Highlands, so far more canoeists/kayakers/rafters/gorge walkers would access smaller rivers;
 - the main game fish in Scotland, the salmon, is much less wary than sea trout, which are so important to Wales both economically and culturally. Anglers from England and mainland Europe will not come to Wales and support local economies if big sea trout have been scared by canoeists above them and are therefore uncatchable.
 - the amount of trouble there has been on Scottish rivers since the Land Reform Act was passed has been grossly downplayed. We hear from one correspondent that the upper Tay is "nothing but a war zone" with commercial rafting companies making angling virtually impossible.
- To change the law to allow unrestricted access on Welsh rivers would be a direct parallel to allowing the 'right to roam' on golf courses. These areas were specifically excluded from the CRoW Act as they are commercial enterprises - but so are rivers.
 - If the law was altered as canoeists wish, riparian owners and angling clubs would quite rightly require very large amounts in compensation from the Assembly for the reduction in value of their assets and the derogation of their leases respectively.

220. Paul Edward Bowen, Chairman – Crickhowell & District Angling Society.

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 Grwynne, 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 Grwynne, 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 paddle 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.

221. C.Weeks

I am writing to you to express my dismay that you could even consider throwing open sensitive Welsh rivers to free access by anyone for rafting and canoeing. I am aware that you have sent representatives to Scotland to see the effects of this and that they have brushed under the carpet all the downsides.

You should bear in mind that we are the Welsh voters and tax payers whilst the majority of canoeist/rafters we encounter trespassing on our river (Afan) are from England, so it would seem that you are quite happy to "stick two fingers" up to your own people simply because the canoeists have presented a bigger petition, I hope you remember this when you are counting on our votes.

222. Mark Laird

I'd like to give my views on this. I currently live in Scotland but am moving to Crew Green, Powys early next year.

I'm a paddler of an open canoe and am astonished that at the moment I would be unable to paddle the vast majority of inland water in Wales. In Scotland we enjoy access to all water – and despite the misgivings of land/river owners before the SOAC was introduced, this WORKS! None of the scaremongering stories about damage to banks, riverbeds, spawning beds etc came true. Instead, people get to enjoy a healthy and harmless physical activity in wonderful surroundings.

Please do not try to have some mealy mouthed compromise agreement in Wales where a little bit more of the huge amount of restricted water is opened up – that will only lead to continuing confusion about where paddling is or isn't allowed. There really is no excuse for anything other than full open access.

223. Gereint Mortimer Bsc

i am writing to you to express my dismay that you could even consider throwing open sensitive Welsh rivers to free access by anyone for rafting and canoeing. I am aware that you have sent representatives to Scotland to see the effects of this and that they have brushed under the carpet all the downsides.

You should bear in mind that we are the Welsh voters and tax payers whilst the majority of canoesit/rafters we encounter trespassing on our river (Afan) are from England,so it would seem that you are quite happy to stick two fingers up to your own people simply because the canoesits have presented a bigger petition, hope you remember this when you are counting on our votes.

224. Wye and Usk Foundation

Interest

The Wye and Usk Foundation (WUF) enjoys the support and interest of Land Owners, Riparian Owners, Anglers, Environmentalists, Governmental Organisations and some waterborne interests. A typical email newsletter reaches up to 5,000 and our website has enjoyed peak traffic in excess of 80,000 hits per day.

Organisation

WUF is a registered charity No 1080319 concerned with the well being of these two Welsh rivers. Initially, just the Wye Foundation, Usk interests joined following a joint initiative to buy out commercial net fisheries. The thrust of WUF's activities is to restore the environment of the two river systems and hence their fisheries. This in turn brings substantial financial benefits to the rural community as a result of large numbers of visiting anglers. Substantial individual contributions are made and in a series of partnership projects, considerable progress is being made to achieve the goals of The Water Framework Directive. Full details of the Trusts' structure and activities may be found at www.wyeuskfoundation.org

Which stretches?

WUF's charitable objectives cover the entire Usk and Wye catchments. The Wye also flows through England but enters Wales just upstream of Monmouth. Downstream at Redbrook, it separates the two countries. Both rivers are Special Areas of Conservation listed under the EU Habitats Directive.

Voluntary Agreements

The Foundation set up an agreement on the upper reaches of the Usk and Wye in 2007 with the help of funding from the Assembly. In 2008 this was extended and there are proposals to extend these arrangements further still. Funding has been obtained from Splash. The details of these agreements with an appraisal of them follow.

Agreements set up by Wye and Usk Foundation

In 2007 we set up a voluntary canoe access arrangement with the aid of a grant from the Assembly. Some 42 miles of non navigable Wye and 28 ½ miles of upper Usk including some of the best white water canoeing of both rivers is included in the scheme. It is free to users.

The essential tenet of the scheme is that the rivers in question (Wye is the 2nd and Usk 4th largest in Wales) are seldom in ideal condition for both canoeing and angling throughout their entire length for 365 days of the year. The ideal conditions for each sport are different. It was on this basis that we sought agreement from riparian owners to allow canoeing on these otherwise non navigable sections to allow paddling in what are the best canoeing circumstances –ie when additional flows prevail. In addition, we organised access and egress points across private land. These were given freely but only on the basis that canoeing was so organised.

The whole scheme can be viewed at <http://www.wyeuskfoundation.org/navigation/index.php> and covers the Usk between Sennybridge and Crickhowell and the Wye above Hay. Key features include the height gauges, an original idea of WUF, which inform both canoeists and anglers of prevailing water height. Downloadable maps showing where to park, access and egress points are regularly updated. We have installed a series of signs advising where and where not to go. The height gauges may be found as below and we even had a canoeist writing in with a short set of instructions of how to include these on a mobile phone!

<http://www.wyeuskfoundation.org/conditions/gauge1.php>

<http://www.wyeuskfoundation.org/conditions/gauge3.php>

<http://www.wyeuskfoundation.org/conditions/gauge8.php>

The other crucial aspect of setting up this agreement was involving local outdoor centres and particularly their canoeing experts with the local riparian owners. We were able to receive expert guidance from four such groups who contributed advice on health and safety, specific knowledge of the value and risks of each reach. In addition we have added details of appropriate accommodation and other associated providers to our website to further economic benefits.

We are now in our third year and we are very pleased to say that canoeists have responded particularly well to the conditions of the arrangement. It is particularly noticeable that they have familiarised themselves with the electronic gauges. We find that when conditions are ideal they are able to be there in good numbers while they tell us that they are able to avoid the disappointment of driving many miles to find the river either in a huge flood, too low or, as early in January 2009, completely frozen over.

In September 2009 the scheme is being extended to include another two sections of the Wye above Llanwrthwl (just south of Rhayader). This section is typical of the smaller rivers of Wales and canoeing will be arranged against agreed river heights from two new gauges. The Wye will then be canoe-able from Llangurig, near its source to Chepstow some 150 miles. The scheme has been presented to several river groups in England, including the River Eden in Cumbria.

Issues and Conclusions from operating the scheme

1. In the early stages of negotiations, attempts were made to include the national canoe bodies of England and Wales. It was apparent almost immediately that they were unable to enter into any agreement that involved sharing. We also found they represented only a small number of actual Wye and Usk canoeists. We therefore made the arrangements with advice from local canoe groups for the benefit of all canoeists/ paddlers.
2. There are two components to the "access" issue: permission to navigate and permission to cross land to enter a river. The latter sites are identified and properly marked as it is essential to exclude private gardens etc, over which access to rivers is not appropriate and likely to cause conflict. We found some canoeists showed little concern for the sensitivities of locals particularly in respect of changing and their need for loud "male bonding" noises. We moved access points in some cases to reduce impact in certain neighbourhoods.
3. Canoeists have little concept of the need to respect nature. Both Usk and Wye are Special Areas of Conservation. Spawning fish and otters are particularly susceptible. Keeping canoeists away from these sensitivities is a challenge. Additional amounts of litter accrue as a result of canoeing.
4. Canoeists are liable for any damage and for taking out their own insurance. We have no way of checking or enforcing this, however.
5. There have been calls to have canoes marked and make payments. We have found both these issues to be counterproductive: difficult to organise and the problem of evasion and consequent failure to comply with other facets of the scheme too important to risk. There is also the view that anglers and conservationists are net contributors both financially and with help in the overall management of rivers while canoeists are net takers and never contribute to river management. We have found no evidence that detracts from this view.

6. A crucial advantage of voluntary access is that access points, parking etc are given freely. These would in all likelihood cease in the event of a compulsory navigational right. It is worth noting that on the Wye below Hay (public navigation), there is a shortage of these points that is not rectified by having the public right of navigation.

7. Signs are very important for the voluntary schemes we run. Some act as permission, thus reducing the need for paperwork as below:



Others waymark routes to the river, direct paddlers away from sensitive sites or mark safe egress points.

8. Compliance: The canoeing bodies have refused to advertise or cooperate with this scheme and have directed some canoeists down at times when there was a likelihood of conflict with anglers. However, the majority of users have found that we have pitched the arrangements at about the optimum to give both angling and canoeing a fair chance of finding their respective ideal conditions. Conflict has been minimised and the few who unwittingly canoed at the wrong time have, when the situation has been explained, been happy to comply with the scheme.

Conclusions

1. With angling from the Wye and Usk contributing millions of pounds to the rural economy, we have found the agreements currently in place an ideal way to minimise damage to this industry from user conflict. This

This has not been possible on the navigable sections of the Wye where fishing is simply not possible:

2. The availability of canoeing on these river systems is now substantial. However, we have not been able to attribute the same level of economic benefit from canoeing as from angling.

3. We conclude by commending this type of voluntary agreement to the Sustainability Committee. It is also very cost effective.

225. Norman Humphreys

I am advised that following the recent opening of an inquiry into this matter by the Sustainability Committee at the Royal Welsh Show, you are now taking written evidence from interested parties. I hope that the following information will be given the attention which I believe it deserves and that it will help your Committee to arrive at a decision which will not disadvantage any of the parties involved:

- I am a member of the Afan Valley Angling Club, an organisation that controls and manages fishing on the River Afan that flows down through the Afan Valley into the sea at Port Talbot. Over the years, since its formation in 1951, the Club has acquired the ownership of the riverbed and most of the fishing rights to this river from its source to the estuary high water mark – those small stretches that it does not own the Club leases from the Forestry Commission. In addition to the entire riverbed, the Club also owns parcels of land adjoining the river;
- The Club currently has approximately 350 senior members, the greatest proportion of whom reside locally. In addition we have 70 junior members (aged up to 16 years old). In recognition of the economic deprivation that exists within the Club's catchment area, every effort is made to keep membership costs to a minimum. Currently these are £45 per annum for seniors and £10 for juniors. The Club caters for disabled people by providing a number of wheelchair access points. We also sell fixed term (daily and weekly) permits which enable visiting anglers to enjoy the sport that the River Afan offers whilst drawing in much needed income into the local economy;
- In an attempt to improve the quality of the sport available to its members, the Club has an on-going stocking programme (of brown trout) which commits the organisation to an annual expenditure in excess of £3,500. In addition, we are currently managing a salmon broodstock collection programme which is intended to "pump-prime" the existing salmon population by the introduction of some 25,000 parr each Autumn – this also costs the Club approximately £2,000 per annum;
- As an angling club we take our responsibility for the management and maintenance of the river and its tributaries very seriously. This can be demonstrated by the wide variety of significant work undertaken by its members e.g., tree and flower bulb planting, litter / obstruction removal, bank clearance etc. For many years following the Club's formation, it strived continually to improve the river's water quality and prevent industrial pollution. In recent years the Club, together with commercial partners (CORUS and ABP) and the Environment Agency Wales, collaborated to install screens that ensured salmon and seatrout smolts (juvenile fish) could return to the sea and not end up "land-locked" in Port Talbot docks. The Club contributed £25,000 to the cost of this project that has been hailed a major success;
- I am confident that the existing legislation in respect of access is perfectly clear in that it is trespass to access a river above the tide which is in private ownership without the owner's prior consent. For this reason I do not wish to see any changes to the current legal position;
- The angling club has no experience of entering into access agreements with canoeists – none has ever been sought – the only contact with canoeists has been with those individuals who have obtained unauthorised access to the river. However, I am not opposed, in principle, to

annually reviewed agreements, signed by both parties, which would allow canoeists to access the River Afan provided certain conditions were met e.g., during out of season months, on specific, predesignated stretches of the river and a commitment to making financial contributions towards reasonable river management costs;

- I would also like to take this opportunity to draw your Committee's attention to the following points which I feel are important considerations which must be taken into account before a balanced judgement can be made:
 - Allowing paddlers unlimited access to Welsh rivers is likely to be unlawful with respect to the Salmon and Freshwater Fisheries Act (1975) which protects spawning fish and, in the case of salmon & sea trout their redds, from disturbance;
 - Canoeists give the entirely false impression - backed up by some ludicrous statistics - that they have little or no access to running water in Wales. To start with there is free navigation on all tidal stretches of rivers and Wales has the second highest tidal reach in the world! The tidal stretches of some rivers can easily amount to a quarter of their whole length.
 - I object to the deceitful way in which the WCA has withdrawn from some perfectly good access agreements to try to show the Assembly that they don't have enough water, whilst still continuing to give ingress and egress points on maps in their website, so inciting trespass.
 - The main reason why canoeists don't have more water to paddle in the upper reaches of rivers is that the WCA will not accept any restrictions to their paddling - for instance they will not accept that paddling should just take place in the six winter/early spring months when little fishing occurs. Unfortunately the WCA have pressurised local canoeing clubs to adopt the same intransigent attitude.
 - Riparian owners and angling clubs have to endure almost constant trespass by canoeists who seem to think that they should be rewarded for their unlawful behaviour by the law being changed in their favour.
 - Welsh anglers put a significant amount of both work and finance into Welsh rivers to improve the habitat and water quality that seems to have gone almost unnoticed. Anglers pay twice in order to fish: once to the EAW (£70 per annum for a migratory fish rod licence) and again in club fees or whatever to be able to fish a certain river or stretch of river.
 - Anglers don't pay to be able to take fish (which canoeists constantly maintain); they pay for the enjoyment of using someone else's asset. This is proved by the fact that coarse fishing clubs who return 100% of their catch still pay an annual rental to the riparian owner. Their members would think it very strange if they were given this water for free.
 - The canoeists and now the Petitions Committee point to Scotland where the Scottish Land Reform Act (2003) gave open access to rivers and say that this would work in Wales. I believe it would not work and that it would be quite wrong to impose something similar here for the following, and many other reasons:
 - Scottish rivers are on the whole much bigger than Welsh ones, so a group of maybe ten rafts going down a river say 3m wide is bound to have a much greater ecological effect than if the river is 10m wide;

- the numbers of major conurbations (L'pool, Manchester & Birmingham) a couple of hours away from north & mid Wales is much greater than similar sized urban areas to the Scottish Highlands, so far more canoeists/kayakers/rafters/gorge walkers would access smaller rivers;
- the main game fish in Scotland, the salmon, is much less wary than sea trout, which are so important to Wales both economically and culturally. Anglers from England and mainland Europe will not come to Wales and support local economies if big sea trout have been scared by canoeists above them and are therefore uncatchable.
- the amount of trouble there has been on Scottish rivers since the Land Reform Act was passed has been grossly downplayed. We hear from one correspondent that the upper Tay is "nothing but a war zone" with commercial rafting companies making angling virtually impossible.
- To change the law to allow unrestricted access on Welsh rivers would be a direct parallel to allowing the 'right to roam' on golf course. These areas were specifically excluded from the CRoW Act as they are commercial enterprises - but so are rivers.
- If the law was altered as canoeists wish, riparian owners and angling clubs would quite rightly require very large amounts in compensation from the Assembly for the reduction in value of their assets and the derogation of their leases respectively.

226. Lynn Hughes (Mr)

I write as a life-long angler, having fished the river Towy and its tributaries, as well as many other Welsh rivers, from boyhood, over some sixty years.

In my time I have devoted countless hours to what can loosely be termed 'angling politics', with specific reference to fisheries and riverine conservation. I am vice-president of the Welsh Salmon & Trout Angling Association (WSTAA) and have served for some years as its conservation secretary, representing its interests on NRA and EAW committees locally and nationally. As sometime chairman of the Carmarthenshire Fishermen's Federation (for ten years), I have attended meetings and international symposia of the North Atlantic Salmon Trust, on behalf of these organisations.

My reaction to the prospect of 'free access' and unregulated intrusion of canoes onto our rivers is one of dismay. Were such access to come about, I would give up what is one of the chief pleasures of my life: fly-fishing for trout. The ethos of game angling is one of tranquility.

Two not unimportant consequences of such a decision, which I know to be shared by a number of my friends, fellow anglers, were it to be visited on me would be the loss of licence revenue to the EAW and land trespass permit revenue to riparian owners (£800-900, p.a.) and the loss of my (voluntary) services and experience to conservation of our rivers and fish-life.

I am sure you are over-loaded with argument, cogent and otherwise, but two further points of importance are worthy of emphasis:

1. The chief glory of our rivers in west Wales is the summer migration of sea-trout (sewin), notoriously shy. Disturbance by canoes 'spooks' them for many hours, ruining a fishing expedition.
2. As the law stands, unauthorised intrusion on to rivers, outside tidal waters, is trespass. Canoeists are aware of this, but choose to flout the law, as it is almost impossible to enforce. Any proposal to enshrine access in law should be fair and equitable. Local agreements between fishery owners, licensing and identification of craft should be mandatory.

When the local sports field or village green is shared by the cricket team and the football club, mutual understanding is a first requirement. Their current campaign of disobedience of the law on the part of canoeists amounts to vexatious behaviour. It deprives them of any right to such understanding as will be required in arriving at a fair and equitable arrangement with landowners and angling interests.

227. Joseph King

My interest in access to water is both recreational and professional. I love canoeing and kayaking in my free time and I am also an outdoor activity instructor.

I am a member of the Welsh Canoe Association

I use the river Wye mostly and understand that access is only available from mid october to mid march, and also when the river is in spate (Only of use if you are an extreme paddler)

Access to other rivers changes from river to river and I have to try and find out as and when needed. I would like legal changes in line with Scotland.

I think that voluntary agreements are an unworkable solution nationally as you need to involve so many interested parties and then distribute the agreement and as it is all voluntary it takes too long and is a very slow process.

In summary I believe that every person in Wales should have access to our rivers and waterways. Nobody owns the water in these waterways so I cannot see why companies or landowners should be able to deprive us all of one of our most basic natural resource.

228. Rachel Harvey

I am in agreement with the Petitions Committee's short inquiry into Access Along Inland Water, which has clearly highlighted the issues present and their recommendation that the Land Reform (Scotland) Act 2003 provides a useful basis from which a unique Welsh model of legislation could be developed.

229. Geoffrey Southall

I am writing with my comments as requested by the Sustainability Committee to assist with their inquiry into Access to Inland Water in Wales.

I fish stretches of the Dee, the Wye and very occasionally the Usk – mostly for Salmon. I also fish the Lugg for trout. I go to these wonderful places for peace, relaxation and occasional sport. I do not go there for upset and confrontation. If I run the risk of regular confrontation, regretfully, I will not go to these places anymore and me and my tourist dollar and that of my wife will go elsewhere.

My more specific points are:

1. Fishers pay a licence, canoeists do not – they should. Part of this should go to the EA to protect and improve the environment because at the moment there is no formal contribution in this direction.
2. If canoeists want to use the water that passes through someone else's land they should negotiate – in the same way that the fishers have done. By all accounts it seems that fishers, in general, are ready to negotiate on the subject of access but canoeists seem not to be.
3. Fishers have over many years and at their own expense purchased or leased stretches of water for their sport. When doing this and through good husbandry they have maintained or improved the natural environments – again at their own expense - yes for their sport, but also for the benefit of the environment as a whole.
4. With one exception that I am aware of, canoeists have not bought stretches of water to enjoy their sport. If they had, fishers would have to negotiate to fish on their water – we would not assume that we can trespass at will. If I happened across some attractive water I would not dream of putting up a rod to fish without finding out who owned the fishing and then asking permission.
5. I would submit that encouraging mass trespass to establish some form of status quo from which to argue a case as the wronged party is disingenuous.

230. Welsh Wild Swimmers and River and Lake Swimming Association (RALSA)

The River and Lake Swimming Association RALSA is an association of clubs and individuals whose members swim in freshwaters throughout the UK. The Welsh Wild Swimmers are members of RALSA based in Wales.

Freshwater swimming has a long tradition throughout the UK and, for many people, is a more enjoyable experience than swimming at an indoor pool. When traditional swimming holes are used it is also a very safe experience.

Waters used

Freshwater swimmers use a range of traditional sites throughout Wales on virtually all the major river systems and a large number of lakes and ponds however a full list of such sites would be impossible to draw up due to the widespread distrust that swimmers have to those in authority who regard swimmers as either troublemakers or a danger to themselves.

Legal rights

The present legal status of access to rivers is unclear and unhelpful.

There are only 2 rivers in Wales where the right to navigation and hence swim is guaranteed

- The Severn downstream of Pool Quay, Welshpool
- The Wye from Glasbury, although the precise status of the section between Glasbury and Hay-on-Wye is open to debate.
- And all tidal sections of rivers except those covered by harbour authorities

In the case of lakes, landowners in Wales normally have the right to prohibit swimming in lakes within their land.

Many landowners, including local authorities and water companies, have assumed that if they allow swimming to take place they could be liable to litigation if a swimmer drowned or was injured. However, the landmark decisions (in particular *Tomlinson v. Congleton Borough Council 2003*) have made it clear that landowners, under civil law, are not obliged to try to stop people from swimming but simply to warn them of any unusual dangers.

Unfortunately due to these misapprehensions "No Swimming" signs are erected and freshwater swimmers have been threatened with being arrested, placed under ASBO's or detained under the mental health act whilst swimming in UK rivers.

Not surprisingly in these circumstances swimmers will retreat to more remote sites where the risks are higher but the chances of being hassled are less.

It is clear that the only way to guarantee the rights of freshwater swimmers is to have a legal presumption in favour of navigation with exceptions where absolutely necessary combined with a set of responsibilities as is found within the Scottish land reform act.

Voluntary agreements

Freshwater swimmers do not tend to enter voluntary agreements because:-

- Swimmers tend not to be members of clubs taking part in organised events
- In large areas of the Valleys riparian land ownership is unknown or doubtful
- Swimming is often carried out on a whim, perhaps an inviting pool will be found whilst out on a walk, indeed, this is an important part of its pleasure.

I am aware of only 1 formal voluntary agreement concerning river swimming in Wales and this is to be found on the Afon Glaslyn at the Llyn Gwynant campsite near Beddgelert

There are several lakes where agreements to allow swimming exist, these include Llyn Padarn near Llanberis and Llyn Gerionydd near Betws y coed. However even in these cases it may well be that no formal agreement exists and use is traditional

231. Imperial College Canoe Club, Imperial College Union, London

231.1. What is your interest in the issue of access to inland waterways?

The members of Imperial College Canoe Club are recreational users, participating in white-water canoeing and kayaking.

231.2. Are you a member of an organisation related to your use of water?

The club is affiliated to the British Canoe Union.

231.3. Which stretch/es of water do you own/use/manage?

We do not own or manage any stretches of water.

We use the following rivers:-

Colwyn, Conwy, Cwm Llan, Dee, Dwyfor, Eden, Einion, Gamlan, Glaslyn, Hepste, Lledr, Llugwy, Mawddach, Mellte, Nantygwryd, Nedd fechan, Ogwen, Rheidol, Tryeryn, Vrnwy, Wnion

231.4. Are you happy that your legal rights are clear and well defined?

No

231.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use

Through our affiliation to the British Canoe Union, we have right of access to canals, which we believe to include the Brecon to Monmouth and Llangollen canal, as well as the Tryweryn white water course.

We understand that there is great ambiguity regarding legal access to any other inland waterways in Wales - even though our club has been canoeing on rivers in Wales for in excess of 20 years.

231.6. Would you like to see any changes to your legal rights?

Yes

If yes, what changes would you like to see?

We would like well-defined legal access to rivers in Wales.

231.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

- French Alps - Fishermen have access before 9:00am and after 6:00pm, canoeists at other times. This has been passed into local law with the agreement of all organisations representing local water users, and is enforced by the police.
- Scotland - Everyone shares the rivers, which are essentially defined as footpaths.

Our membership have used waterways in the following countries; unlike England and Wales, there was rarely an access problem:-

Austria, Bosnia and Herzegovina, Canada, China, Croatia, France, Germany, Greece, India (including Kashmir), Ireland, Italy, Kyrgyzstan, Mongolia, Montenegro, Morocco, Nepal, New Zealand, Norway,

Peru, Portugal, Puerto Rico, Russia, Scotland, Slovenia, Spain, Sweden, Switzerland, Turkey, Uganda, Vietnam and Zambia.

231.8. Do you have any experience of voluntary agreements for access to the stretches of water you use?

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

- Upper Conwy - agreement withdrawn by landowners
- River Dee - agreement withdrawn by landowners

As canoeists we require permission from multiple landowners, since we normally travel far enough along a river that the ownership may change.

The voluntary agreement falls apart if any individual landowner says "no".

231.9. Would you like to see any changes to the voluntary agreements?

Yes

If yes, what changes would you like to see?

We feel that they do not work and should not be pursued further.

231.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No - only legislation.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

There is no explicit legal access to Welsh inland waterways except from canals. We would press for legislation to bring Wales into line with the rest of the world. Such legislation has been brought into force in Scotland, and we would like to see this legislation extended to the rest of the United Kingdom.

In Wales are often told that we are scaring fish, damaging gravel beds, eroding banks and obstructing traffic. This always confuses us since it doesn't seem to happen in any one of 31 counties, outside of Wales, we visit - countries where we do not have access problems.

232. Peter Hayes

I hope the Committee will consider a brief comment from a holiday maker. (I have recently returned from a wonderful family holiday in Snowdonia where we did much swimhiking and swimming in your beautiful rivers and lakes.)

I think it would be an excellent idea to follow the lead of Scotland and to create a presumptive right of access to all rivers, lakes and reservoirs for swimming and non-motorised boating. This would be an economic benefit to Wales as it would appeal to many holidaymakers. More important, it would ensure that inland water was included in the right of all of us to participate in the peaceful enjoyment of the countryside.

The Committee asks about experience of voluntary agreements. I live in Durham City where a voluntary access agreement was attempted in order to extend access along the River Wear, I am sorry to report that it got nowhere.

233. Bob Walker

I did write to the assembly a number of years ago asking for the very thing that you have now put in motion, so I would like to say a big thank you for giving this issue the time and attention it deserves. Thank you.

My interest in this issue comes out of being a canoeist but I don't think that this issue should be seen as just one sport against another, which has been depicted in the press so often, there are many water users and I am just one of them.

I am a member of both Narberth Canoe club and Canoe Wales

I can't say that the rules and laws, both locally and nationally, are clear, I think that they lead to a lot of confusion and when I talk to people I meet out paddling (who aren't members of any organisation) they are totally unaware that they may be trespassing.

Of my local waters most have a tidal limit to which there is no access issues but above most of them there are plenty of miles of paddlable water with no signs or notices or information as to whether access is allowed, the only place locally I know that I can't paddle without the owner's permission is at a place called Blackpool Mill on the Eastern Cleddau.

I once was paddling on the Western Cleddau when this man with a petrol trimmer accused me of scaring the fish away and when I next passed that place there was a sign that simply said – 'No Canoeing' it was not signed or anything, again adding to the confusion, on whose authority had he put the sign up or was it just his opinion (just as equal to my choice for being there).

Yes I would like to see changes, but not just for me but for all water users.

When you mention what changes it sounds like all that is needed is the odd tweak here or there. I think the law needs a major overhaul.

Most countries in Europe have some form of legislation, Scotland and France being the most common ones quoted, and from what I can see both seem to work quite well. I could be wrong but in Scandinavia (I think it's Norway) not only is there the right of navigation but there is also the right to camp overnight.

I have no personal agreement of voluntary agreements but the last 30 years has shown they just don't work, with the fiasco on the river Dee being the latest pawn of local politics.

I do think that Wales has fantastic waterways, Scotland is just too far for many people to travel, so to open the access up would bring a lot of sport tourists

to Wales including canoeists and gorge walkers etc (generating income for rural communities).

To help make a contribution to help, my membership fee could be increased to Canoe Wales in order to get a license like we currently do for British waterways (canals etc).

To create access/egress points would also be high on my list, this would help to maintain minimum disturbance to landowners and provide safe places for getting in and off the water.

234. Cowbridge & District Angling Club.

234.1. What is your interest in the issue of access to inland waterways

As secretary of Cowbridge and District Angling Assoc. I can confirm that this club leases approx 5 miles of the River Thaw and tributaries in the Vale of Glamorgan. The club has been in existence for nearly 50 years and has approx 80 adult members and 15 juniors.

234.2. Are you a member of an organisation related to your use of water?

As mentioned we have a junior membership and a reduced membership cost for pensioners. We use stretches of water by permission from the farming community from Cowbridge to Aberthaw.

234.3. Which stretch/es of water do you own/use/manage?

As above - we lease water from riparian owners on an annual basis. We do not own any of the stretches.

Legal Rights

We have a mutually beneficial arrangement with the landowners as regards to access and if they wish to impose any particular conditions, we are only too willing to comply. We do have some problems with poaching but it is difficult to control now that the law has been changed to make it a civil offence to trespass. Our members often complain that we pay to stock the river and they are not happy to have opportunists removing our fish (especially as our membership is open and reasonably priced).

Voluntary Agreements

Agreements with farmers are either free or at a nominal rent but we do offer them an invitation to our Annual Dinner.

Further Comments

Our membership are very unhappy about the idea of canoeists having unrestricted access to our water as it is a small river, totally unsuitable for canoeing and our members feel that canoes would be very disruptive to our fishing, and to the wildlife that the river supports (wild fowl, king fishers, otters and possibly water voles). We also feel that as we PAY for our fishing both in our licence fees to the Environment Agency and our club fees, the idea of canoeists having free access with no restrictions regarding seasons for spawning fish, nesting birds etc, is simply unacceptable.

Our members are also concerned about liability if a canoeist had an accident while trespassing on our water - as cases have arisen with walkers on farm land who have sued farmers when they have had an accident.

Our members are saying that if canoes can have free access to all Welsh rivers, then so should anglers and they would see no reason to continue paying membership fees to a club or the licence fee to the EA. This would obviously lead to anarchy, no stocking, no maintenance of rivers and the demise of fishing clubs.

235. John Phillips,

I am advised that following the recent opening of an inquiry into this matter by the Sustainability Committee at the Royal Welsh Show, you are now taking written evidence from interested parties. I hope that the following information will be given the attention which I believe it deserves and that it will help your Committee to arrive at a decision which will not disadvantage any of the parties involved:

I am a Vice President of the Afan Valley Angling Club, an organisation that controls and manages fishing on the River Afan that flows down through the Afan Valley into the sea at Port Talbot. Over the years, since its formation in 1951, the Club has acquired the ownership of the riverbed and most of the fishing rights to this river from its source to the estuary high water mark – those small stretches that it does not own the Club leases from the Forestry Commission. In addition to the entire riverbed, the Club also owns parcels of land adjoining the river;

The Club currently has approximately 350 senior members, the greatest proportion of whom reside locally. In addition we have 70 junior members (aged up to 16 years old). In recognition of the economic deprivation that exists within the Club's catchment area, every effort is made to keep membership costs to a minimum. Currently these are £45 per annum for seniors and £10 for juniors. The Club caters for disabled people by providing a number of wheelchair access points. We also sell fixed term (daily and weekly) permits which enable visiting anglers to enjoy the sport that the River Afan offers whilst drawing in much needed income into the local economy;

In an attempt to improve the quality of the sport available to its members, the Club has an on-going stocking programme (of brown trout) which commits the organisation to an annual expenditure in excess of £3,500. In addition, we are currently managing a salmon broodstock collection programme which is intended to "pump-prime" the existing salmon population by the introduction of some 25,000 parr each Autumn – this also costs the Club approximately £2,000 per annum. In recent years the Club, together with commercial partners (CORUS and ABP) and the Environment Agency Wales, collaborated to install screens that ensured salmon and seatrout smolts (juvenile fish) could return to the sea and not end up "land-locked" in Port Talbot docks. The Club contributed £25,000 to the cost of this project that has been hailed a major success;

Prior to and since the formation of the AVAC in 1951, the members have worked hard and campaigned hard in order to restore the river from an industrial sewer pit almost devoid of life. The result is the stunning beauty that runs through the Afan valley rich in wildlife including, trout, eels, salmon, sea trout, otters and kingfishers. In addition to the benefits to wildlife this transformation has improved the lives of all who reside in the valley and even those who visit with its many tree lined walks - trees planted by our members. Should canoeists be allowed "free" access to what is "our land" then I doubt there is sufficient finances available at the Assembly that could compensate the members for the many years of blood, sweat, tears and money that has been spent repairing the damage of the River Afan's industrial past. If they want it then they have to pay for it and there will be rules, strict rules and they will not be allowed to spoil my enjoyment so they can have theirs.

I am not against canoeing but they must be willing to pay for the privileges, as I do.

The Afan Valley Angling Club is confident that the existing legislation in respect of access is perfectly clear in that it is trespass to access a river above the tide which is in private ownership without the owner's prior consent. For this reason the Club does not wish to see any changes to the current legal position;

The Club has no experience of entering into access agreements with canoeists – none has ever been sought – the only contact with canoeists has been with those individuals who have obtained unauthorised access to the river. However, the Club is not opposed, in principle, to annually reviewed agreements, signed by both parties, which would allow canoeists to access the River Afan provided certain conditions were met e.g., during out of season months, on specific, predesignated stretches of the river and a commitment to making financial contributions towards reasonable river management costs;

I would also like to take this opportunity to draw your Committee's attention to the following points which I feel are important considerations which must be taken into account before a balanced judgement can be made:

Allowing paddlers unlimited access to Welsh rivers is likely to be unlawful with respect to the Salmon and Freshwater Fisheries Act (1975) which protects spawning fish and, in the case of salmon & sea trout their redds, from disturbance;

Canoeists give the entirely false impression - backed up by some ludicrous statistics - that they have little or no access to running water in Wales. To start with there is free navigation on all tidal stretches of rivers and Wales has the second highest tidal reach in the world! The tidal stretches of some rivers can easily amount to a quarter of their whole length.

We object to the deceitful way in which the WCA has withdrawn from some perfectly good access agreements to try to show the Assembly that they don't have enough water, whilst still continuing to give ingress and egress points on maps in their website, so inciting trespass.

The main reason why canoeists don't have more water to paddle in the upper reaches of rivers is that the WCA will not accept any restrictions to their paddling - for instance they will not accept that paddling should just take place in the six winter/early spring months when little fishing occurs. Unfortunately the WCA have pressurised local canoeing clubs to adopt the same intransigent attitude.

Riparian owners and angling clubs have to endure almost constant trespass by canoeists who seem to think that they should be rewarded for their unlawful behaviour by the law being changed in their favour.

Welsh anglers put a significant amount of both work and finance into Welsh rivers to improve the habitat and water quality that seems to have gone almost unnoticed. Anglers pay twice in order to fish: once to the EAW (£70 per annum for a migratory fish rod licence) and again in club fees or whatever to be able to fish a certain river or stretch of river.

Anglers don't pay to be able to take fish (which canoeists constantly maintain); they pay for the enjoyment of using someone else's asset. This is proved by the fact that coarse fishing clubs who return 100% of their catch still pay an annual rental to the riparian owner. Their members would think it very strange if they were given this water for free.

The canoeists and now the Petitions Committee point to Scotland where the Scottish Land Reform Act (2003) gave open access to rivers and say that this would work in Wales. We believe it would not work and that it would be quite wrong to impose something similar here for the following, and many other reasons.

To change the law to allow unrestricted access on Welsh rivers would be a direct parallel to allowing the 'right to roam' on golf course. These areas were specifically excluded from the CRoW Act as they are commercial enterprises - but so are rivers.

If the law was altered as canoeists wish, riparian owners and angling clubs would quite rightly require very large amounts in compensation from the Assembly for the reduction in value of their assets and the derogation of their leases respectively.

236. Spencer John on behalf of Ffynnon Taf Angling Club

As the secretary of the mentioned angling club we are very concerned with the large number of canoes and other types of water craft that are using the river that we pay rent for.

Apart from disturbing the anglers when they are fishing and they show no regard to the fisherman by jumping into the river and causing mayhem when they travel down the river.

We have a number of disabled registered anglers whose enjoyment of a few hours on the river is completely spoilt by the attitudes of the canoeists.

All anglers have to pay a E.A. licence fee and also a club fee to fish the river, which the people on the water craft contribute **nothing** to the up keep of the river.

As a club we are continually involved with the up keep of the river this involves removing of rubbish and obstacles which have flowed down the river and can cause dangerous areas of trapment to the individual.

This work is carried out by the club to benefit it's members.

237. Richard Garland

237.1. What is your interest in the issue of access to inland waterways

Fisherman

237.2. Are you a member of an organisation related to your use of water?

Yes Midland Flyfishers and I also fish other waters in Wales as part of the WUF passport scheme etc

237.3. Which stretch/es of water do you own/use/manage?

- River Dee at Glyndyfrdwy
- River Wye at Three Cocks

Legal rights

We have clear legal rights to the fishing and the freehold of the river in the case of the Dee.

We have exclusive use of the water for fishing and the owner of the freehold has the right to permit or grant access to the river as he/she wishes.

I would not like to see any changes to these legal rights.

I am not aware of any legislation that exists in other countries that could be used in Wales?

Voluntary agreements

We have in the past had voluntary agreements with local canoeing clubs for access to the Dee.

The agreements provided access outside the salmon and trout fishing season on named days which would not interfere with spawning.

I would not object to future voluntary agreements on this basis.

I am not aware of any voluntary arrangements in other countries that could be used in Wales.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Firstly the Freeholder owns the rights to the river which he may have purchased at some considerable expense.

Secondly the Club or individual who enjoys the fishing will also have paid a considerable amount of money to rent or obtain access to the fishing.

Thirdly all fishermen pay the EA for a licence to fish.

And finally most Clubs and individuals spend a considerable amount of time and money on river maintenance, stocking and upkeep and looking after both the river and the fish.

So why should we allow unrestricted access by a leisure group who contribute nothing financially to support our rivers and environment.

If canoe access is to be allowed onto all rivers in Wales it should be by voluntary agreement and the access dates should be restricted to certain days of the year so that other river users activities are not

spoilt and spawning is not interfered with. I also think that canoeing should not be allowed on smaller rivers where the impact will be unacceptable to the environment.

The right of access should be paid for and the money used to look after the rivers and their environment and to compensate the many fishing related interests whose existing rights will be adversely affected.

238. David W Griffiths, Conservation officer Teifi Trout Association

I am writing in reply to your invitation to express our views on this matter: I attended your launch of this enquiry at the RWS. I was disappointed to get the impression that many members of the committee seemed to have already formed opinions based on incorrect information given to them by the petitions committee and others. I will try in this document to correct some of the misinformation you were given on that morning.

My organization is Teifi Trout Angling Association. I am the conservation officer.

We manage & maintain 23 miles of river, riverbanks and fishing on the River Teifi.

Legal Rights

As an angling Association we are sure that our legal rights regarding angling are well defined, but not those regarding canoeing. Over the last eighty plus years we have purchased or leased land and the rights to fish in the stretches of water under our control, accompanied by a negotiated right of access to parking areas and our waters. The Association members over the years have involved themselves in fund raising activities on behalf of their Association in order to purchase these rights. Our members come from all walks of life all ages from 4 to 94 years old, male, female, people able and disabled form our membership. Our association welcomes large numbers of visiting anglers from all over the UK and the rest of the world. These visitors return with their families year after year to enjoy Wales and to fish for Sewin and salmon in our beautiful river. All anglers are licensed by the E.A and operate under EA rules and by-laws, these regulations dictate the season when fishing can take place, how and where people can fish. Members and visiting angler's activities are also controlled by the association rules. All these measures to protect the fish, wildlife, environment and well being of our rivers. Rural communities along our rivers rely heavily on angling tourism. If the Canoe / rafting lobby have their way these communities will lose a valuable income which will never be replaced by income from other activities on our rivers.

A point worth note is that Canoeing / rafting (by way of its energetic nature) is an unregulated activity pursued in the main by young fit individuals. Largely to the exclusion of the elderly, infirm, or unfit. Angling on the other hand is practiced and recommended as a therapeutic activity to these groups.

Compare this to the demands for change made by canoe / rafting organizations;

The Canoe/ Raft lobby demand full, free, and unregulated access for 365 day a year.

They do not want any identification or licensing. (This ensures that they can do as they please without fear of recognition or sanction)

They do not want to pay to use assets owned by others.

They intend and will use our rivers to run what would be very lucrative businesses. (Adventure trips down rivers are charged at £25 to £40 per head. Unlimited numbers of people can be taken on these trips as many times a day as time would allow. Any number of these businesses could be set up on the rivers of Wales if this enquiry find in favor of their petition.

These organizations charge their customers for activities, accommodation and other facilities, they are commercial businesses.

Do you want to see any changes to your legal rights?

The Law as it stands is clear. We would like to see workable legal redress to enforce existing laws. We would like to see the situation regarding canoeing and rafting on our waters clarified. To prevent canoeists and rafters from using our waters at will. As we are the property owners, and having paid considerable sums of money over many years for the privilege, we feel that our rights are being abused and we are seeking workable legal redress.

Changes made to legislation in other countries would not work in Wales.

Our Rivers are small by comparison to Scotland and other countries, to allow multi usage would lead to massive conflict.

In Scotland where changes have been made there are major problems. Rivers in tourist areas, such as the Spey and Tay, through their angling, provided jobs and income to their local communities. Businesses, hotels boarding houses etc, are closing. Angling clubs are reporting a massive decline in visits from anglers resulting in a loss of jobs in these communities. Rafting and canoeing has escalated dramatically to the point where angling is impossible. Anglers with their families will not travel great distances to spend their holidays visiting rivers where they cannot catch fish (that have been terrified again and again by Canoe/ Raft traffic) and where their enjoyment of the river is continually being disrupted.

Voluntary Agreements:

We do have experience of voluntary agreements for access to our water as Teifi Trout and Llandysul Angling Associations have entered or tried to enter into local agreements. This situation was fine for a few years, but the Paddlers / Rafters now refuse to talk about agreement other than total 365 day free access with no regulation. We recently offered a 6-month free access agreement that was flatly refused.

Yes we would like to see changes to such agreements, as we would like to regain control of our property and ensure that any future agreements are legally robust and enforceable.

Key Issues:

We have paid for our rights to fish and wish to be able to continue to do so without interference.

The fishing rights, land and leases are assets of the fishing association. Allowing unfettered access to other groups, in particular Commercial businesses deprive our members the full use of those assets for which they have paid over many years.

Would anyone be allowed to ride a bike, camp or picnic on a private golf course without fear of prosecution???

As owners, we do not have adequate legal protection with regard to trespass and unlawful use of our property.

We have the current delicate ecological state of the river to deal with and are endeavoring to do so. We are the people who genuinely have the welfare of the river at heart and are undertaking educational, surveillance and habitat restoration and other river works (using voluntary labour from our members, and materials and equipment purchased by our association, £ 10,000 per year is allocated from club funds by our association to river maintenance works) which keeps the river as healthy as possible which helps in satisfying the European Water Framework Directive.

There is potential for environmental damage via canoeing e.g. gyrodactylus and possible spread of other parasites as well as direct effects on existing wildlife. The exponential increase in the volume of canoeing and rafting traffic is not conducive to encouraging riparian and aquatic wildlife.

The Teifi Valley is an SSSI and SAC and the river is currently classified as "at risk" re salmon stocks, by the Environment Agency.

There is potential for a reduction in membership of angling clubs on the river Teifi. And as a consequence an economic loss for the rural Welsh economy from reduced angling tourism. In the past few years, many visiting anglers have declared they will not return to the Teifi because of canoe disturbance.

Canoeing is already illegal (on certain parts of rivers at certain times of the year) under the Salmon and Freshwater Fisheries Act 1975,

Part 1, section 2, sub section 4 and part 2, section 12, sub section 3. Due to pressure from somewhere the E.A are not enforcing these regulations.

Does the farming community know that they could soon be the recipients of a whole new group of uninvited guests on their land? Has your committee consulted them?

Canoeists are blissfully unaware of the current ecological problems impinging on the Teifi and are making no positive contribution to the welfare of the river. They may be causing some damage to a precarious environment.

Fishermen are largely adapting a no-kill policy on the river and are metamorphosing into conservationists.

The go anywhere, pay nothing mentality of the Canoe / Raft lobby has not benefited the rural community in any discernable way so far; rule by rent-a-mob is not acceptable.

Should the canoeists / Rafters be successful in their bid for open access then anglers would expect at least the same, we would not continue to pay our license fees, the angling club structure could well fall apart, we would pursue huge compensation claims for the loss of our amenity / asset and the situation could well degenerate to one of total anarchy on our rivers and a system that has served the countryside well for over a hundred years will have been destroyed for ever.

We are financially independent and don't see why our canoeing colleagues should receive such huge largesse at the taxpayer's expense. If an equivalent amount of money were given to Angling clubs and associations, we could really set about some, serious conservation work and at least someone would be attempting to invest in the sustainability of our environment rather than continuing its exploitation to the point of exhaustion.

Carmarthen County Council has sponsored Llandysul Paddlers to the tune of hundreds of thousands of pounds. Teifi Rivers Trust currently has enough to carry out only seven thousand pounds worth of work on one tributary this year.

It is anglers who fight campaigns on the river's behalf when necessary such as the recent cypermethrin battle which we hope has arrested a great deal of damage to the Teifi catchments. These episodes consume a great deal of time and effort, all from volunteers, and I do not think the canoeists / rafters even know it was going on, and they are blissfully unaware and do not care about the environmental concerns, issues and initiatives on the Teifi. Their only concern is access.

Angling clubs are well-established organizations with a long history of trouble-free sport. We are accessible to anyone, we carry I.D cards and we police ourselves. We also work in partnership with other organizations such as CCW and the Environment Agency on many projects, which benefit both the environment and community and wish to continue to be able to do so.

Game fishing in Wales is legendary and very much a part of Welsh Heritage. We are currently being asked to promote it through the Fishing Wales project and sell it as never before for the benefit of the National economy while its quality declines. If we are to be overrun with canoes / rafts then this will become impossible.

The canoeists / rafters claim to be great benefactors to the local economy, but they provide their own accommodation; for which they charge, they have their own shop for clothing and equipment and I gather that they are soon going to open their own café. It would appear to me that they are in direct competition with other local providers and are seeking to channel most of the economic benefits back their own way. Bearing in mind that some of the more vocal elements within the canoeing community are reliant on the sport for their livelihoods, and then maybe the real agenda is starting to emerge. Part of this proposal is about commercial organizations wishing to exploit Welsh rivers.

Angling is currently worth approximately £130 million to the rural Welsh economy. Fishing licenses over £1 million (Environment Agency figures, not ours). It is also the largest participant sport in the UK, with 6 million active fishermen nationwide many of whom live in, or visit Wales for its unique and world-renowned fishing and rivers. Canoeing is worth far less, both in economic terms and potential votes for politicians.

Solutions:

We wish to regain control of our own property.

That canoeists and rafters are not given open access to all Welsh waterways.

Canoeists should organize themselves in a similar way to anglers, being licensed, Affiliated to a club, identifiable and consequently responsible for their actions.

They could (with local agreement) canoe / raft outside the fishing season from 18th October until 1st April the following year on an open-access basis as long as they avoid environmentally sensitive areas such as headwaters and tributaries.

They then have to negotiate with landowners and fishing owners for canoeing during the fishing season with instant redress for transgression. Their complaint will be that this is not enough to satisfy their demands but we do not see that it is the business of any angling club to sustain the activities of other people who are behaving unlawfully. How canoeists procure their canoeing is a problem for them, not us. We would suggest that they purchase (not with public monies) Fishing rights, Land and access were possible and then use only the water they lawfully own and are permitted to use.

Other possible solutions have been considered but are not acceptable to us at present.

ENCLOSURES

Photographs of a rafting trespass incident on TTA waters Oct 2008 Please count the number of people, calculate the revenue (without any cost to the organization involved) and try to imagine what effect disturbance like this would have on fish and fishermen. Then imagine this happening several times a day.

239. Michael Seager

With regards to river access and in particular small pleasure craft such as canoes.

Firstly, my position: I am a game fisher (angler) who is a member of my local fishing club, the Denbigh and Clwyd Angling Club which has fishing rights (both rented and owned) on the Clwyd, Elwy and certain associated tributaries in North Wales. I also fish water which through 'day tickets' both in Wales (Dee and Usk particularly) and further a field in the UK and Ireland.

With regards to opening up rivers to navigation by pleasure craft I feel I must be against it for reasons I will now outline:

One: when fishing, canoes, even in small numbers, do adversely affect the anglers chance of catching fish.

Two:

Give the above statement

- if this adverse effect of catching fish occurs, the value of fishing decreases.
- Subsequently, if the value to fishings decreases then rents from fishing will drop
- Therefore landowners will receive less income and so it becomes less worth there while to maintain habitat and quality of fishing
- Given that many of Wales rivers hold Atlantic Salmon (an endangered species) damage to habit is surely unwise.

In summary: the introduction of a blanket access to rivers will mean that less is spent on conservation of habitat for fish species (also, if the habit is good for fish, it is good for the rest of the food chain and biota thereof)

Anglers pay a national rod license direct to the environment agency every year for maintenance and monitoring of this precious natural resource. Open access for pleasure craft would adversely affect the resource (damage to banks and spawning grounds from launching and disturbance to eco system) without paying for its up keep. Anglers on the other hand, accepted that they also affect the natural resource that our rivers hold, have a vested interest in maintaining rivers and their populations of fish to sustain a valuable habitat so that they maybe fished for in the future by the current and future generations. It is my view that access to pleasure craft of the kind envisaged would damage the resource of our rivers and biota without giving back to the same extent. There are also non-monetary benefits to consider such as the time put in habitat restoration and clean-ups by anglers and angling associations on a voluntary basis.

There are also indirect contributions: organisations such as Fish Legal which prosecutes those who pollute the environment on a private basis and also pursue civil claims all adding up to a disincentive to pollute the environment. Fish Legal is funded entirely by donations, in the main from angling bodies and directly to Fish Legal itself (see <http://www.fishlegal.net/>).

Then there are the economic benefits seen in associated industries. The writer does not know what value angling tourism has for the Welsh economy but it is significant (Perhaps a report from the Welsh assembly government on the value of angling vs 'canoe' tourism would be helpful). It is a concern that

if Welsh Rivers are opened then visiting anglers from outside Wales will go to some of the very high standard fishing in England, Scotland, N. Ireland and the Irish Republic rather than have to put up with the chance of having a significant portion of their fishing disturbed by water craft. If that is the case then there could well be a loss of jobs in rural areas where jobs are often at the highest premium. All this translates to a loss of external income to the Welsh economy. It is vital that the economic impact of any moves to open up river access be considered for economic impact as the writer believes that any increase in revenue made by increases in pleasure craft usage would not make up the overall shortfall from revenues lost from angling.

240. Neil Andrews

240.1. What is your interest in the issue of access to inland waterways

Fishing

240.2. Are you a member of an organisation related to your use of water?

Yes - Midland Flyfishers Limited

240.3. Which stretch/es of water do you own/use/manage?

DEE (Glyndwrfdy), WYE (Spread Eagle nr Glasebury),

240.4. Are you happy that your legal rights are clear and well defined?

Yes

240.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage.

We own the Freehold of our stretch of the Dee and we have a 20 year lease of the fishing rights on a stretch of the Wye

240.6. Would you like to see any changes to your legal rights?

No

240.7. Are you aware of any legislation that existis in other countries that could be used in Wales?

No

240.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

I understand that voluntary agreements worked well on the Dee for many years.

240.9. If yes, please briefly outline the agreements that exist and your experience of how they operate.

Access was limited to certain times of the year to ensure that Salmon spawning grounds were not compromised during the spawning season, and access during the main fishing period (1 September-17 October) was restricted.

240.10. Would you like to see any changes to the voluntary agreements?

No. They seem to be sensible

240.11. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

It is important to consider the interests of all users. Unrestricted access to all waterways will impact adversely on Fishermen and may well be a factor in disrupting salmon and sea trout breeding. It

should be possible to ensure that all interests are catered for. Fishermen will not be unreasonable if canoeists act reasonably. At certain times of the year, when the fishing effort is greatest, it would make sense to limit access to certain parts of the river. Having an unlimited number of boats on the river will make fishing all but impossible. Also the attitude of canoeists is important. A confrontational attitude is not helpful to a harmonious relationship.

241. Tim Burne

241.1. What is your interest in the issue of access to inland waterways

Recreational user of inland waterways for kayaking (predominantly whitewater kayaking)

241.2. Are you a member of an organisation related to your use of water?

British Canoe Union member for 10+ years

241.3. Which stretch/es of water do you own/use/manage?

I have previously kayaked on a number of rivers in Wales, including the following: Colwyn, Conwy, Clydach, Cwm Llan, Dee, Eden, Gamlan, Glaslyn, Lledr, Llugwy, Llyfni, Mawddach, Nantygwryd, Nedd Fechan, Ogwen, Tryweryn, Vyrnwy, Wnion, Wye.

241.4. Are you happy that your legal rights are clear and well defined?

No.

241.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

If the boundary to a land-owners land ends at a river, they own half the river bed, to the centre of the river. They do not own the water flowing over it. The use of the river as a right of way for unpowered craft (in this case, kayaks) is neither permitted, nor forbidden by law. I believe the Magna Carta enshrined this right, but subsequent legal misinterpretations in the 1800's have led land owners and fishing clubs to believe that they also control navigational rights to inland waterways.

241.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

A clearly defined right of access for kayaks to use inland waterways, in a similar fashion to the right to roam legislation allows ramblers access to the countryside.

241.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

There are few access problems in many other countries, in fact, most countries in which I have kayaked. However, I think that the most easily adaptable would be the legislation in place in Scotland.

241.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

Yes.

If yes, please briefly outline the agreements that exist and your experience of how they operate.

Dee - Highly restrictive 'agreements' were in place until a few years ago allowing kayakers to paddle on a select few days of the year. These 'agreements' - more akin to dictations by landowners/anglers as to what they would allow, meant that when the river was "open" it was hugely crowded as it is a great resource for beginners/intermediate kayakers.

241.9. Would you like to see any changes to the voluntary agreements?

Yes

If yes, what changes would you like to see?

Abolition of voluntary access agreements. Negotiating access for individual rivers is hugely time consuming, and often results (as in the case of the Dee) in a very landowner/fisherman biased outcome. The many hours of time required to contact each and every landowner on the stretch of river in question is time consuming and often a near-impossible task to get every party to agree. Multiply this by the number of rivers that would need agreements and it quickly becomes obvious that this approach is unworkable. Indeed the BCU's policy of persuing access agreements for the last 30 or so years has demonstrated this well. Access currently exists to less than 2% of the Englands inland waterways.

241.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

France has a "blanket" agreement (in the Alps at least) that kayakers are allowed on the rivers between 9 or 10am and 6pm. Fishermen are allowed to fish before and after these hours (when the fishing is best anyway).

Alternatively, there are a minority of agreements in the UK (i know of one) that I would be happy to work to. The agreement on the Greta (Lake District) permits year round boating, with the restriction that during the salmon spawning season (Nov-Dec?) the river must be above a certain level before kayaking is permitted to avoid potential damage to the spawning beds. The obvious problem with this though is setting the minimum levels for each river.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Key Issue: There is no legally defined access to rivers for recreational use.

Solution: Introduce something akin to a 'right to roam' act to allow rivers to become a legally recognised public right of way.

242. Ian McDonald

242.1. What is your interest in the issue of access to inland waterways

I am an angler but have in my younger years previously canoed and rowed. I have been fishing for more than 60 years. I rowed for four years and have also canoed recreationally.

242.2. Are you a member of an organisation related to your use of water?

I am currently a member of three angling clubs with fishing in Wales, the Llandysul Angling Association, the Ffynnon Taf Angling Club and the Ogmere Angling Association.

242.3. Which stretch/es of water do you own/use/manage?

I regularly fish on various stretches of the Teifi, Taf and Ogmere rivers.

Legal Rights

I am happy that both my legal rights and those of other water users are clear and well defined. My understanding of my legal rights over the stretches of waters that I use is as follows:

I pay for an Environment Agency (EA) rod licence for migratory fish which gives me the legal right to fish for salmon and sea trout with rod and line but not any specific right to fish on any particular stretch of water. I then pay a membership subscription to a fishing club or a fee direct to the owners of the fishing rights for the right to access the river and fish in the river in question. I am then legally entitled to fish those water but not others, within the fishing rules set out by the EA or landowner.

On all rivers that I fish any other recreational use, particularly by canoeists, rafters and gorge walkers is a trespass unless they have entered into a voluntary agreement for access and egress and also at times possibly in contravention of the Salmon and Freshwater Fisheries Act as they wilfully disturb fish spawning areas.

I am content with the current situation and do not wish to see any changes in my legal rights and definitely do not want to see increased access for other water users without the full agreement of the anglers/landowners and riparian owners.

Canoeists claim that the law is unclear but the law is perfectly clear as access to inland water in England or Wales without a specific right of navigation or a voluntary agreement is a trespass.

Voluntary Agreements

The Afon Teifi on which I fish has a voluntary agreement for the gorge at Llandysul but this, from what I have seen, has largely been ignored as canoes and rafts have travelled past me on a number of occasions many miles above and below the bounds of what was the agreed area. The Taf and Ogmere angling associations, to which I also belong, as far as I know have no voluntary agreements for the waters they control.

I understand that primarily the canoeists will not currently enter into discussions on voluntary access agreements despite being offered as they will not accept any conditions for such access and they believe that they will be able to have free and unfettered access as a result of WAG rewarding their campaign of civil disobedience with a legal right to such free and unfettered access.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

For me the main issue is that WAG seems determined to reward anarchy and illegal activity by canoeists and rafters not only by giving them what they want but to do so against the wishes of a far larger number of anglers. There are over 77,000 rod licence holders resident in Wales, I am one of the many more licence holders from England who visit Wales for angling holidays and as I am retired I spend some six weeks annually within the principality contributing to its economy. The other water users are far fewer in number and contribute far less to the Welsh economy and yet WAG seems to want to favour this minority at the expense of anglers.

Anglers pay typically between £50 and £650 per annum to gain access to rivers through clubs, significantly more if they pay direct to the riparian owner or join a syndicate. Anglers also pay an annual fee to the Environmental Agency. The canoeists currently pay nothing towards the maintenance and upkeep of the river and intend for this to continue.

Anglers are heavily regulated by law and the canoeists are either not regulated or choose to ignore the law. If free and unfettered access to inland water is granted then this will presumably apply equally to anglers, making all fishing rights valueless overnight and, even if it doesn't, the value of many fishing rights will fall substantially as a result of disturbance. WAG will surely face compensation claims from thousands of riparian owners whose asset values have been destroyed. In these difficult economic times with pressures on key services it seems strange to enact legislation that rewards anarchy with such a high potential cost against it.

I believe that voluntary agreements are the only workable way forward. Canoeists currently have access to a reasonable amount of Welsh inland waterways and are having purpose built white water facilities constructed for training ahead of the 2012 Olympics. They could have access to more via voluntary agreements but access would be controlled in such a way that canoeists gain access during periods not in the fishing season or likely to disturb spawning fish. For voluntary agreements to work canoeists have to recognise that anglers pay considerable sums for access to rivers, clubs have purchased fishing rights that have been paid for by the membership. The canoeists may also have to pay for access and have their craft registered to be identifiable.

There is another major obstacle in that all canoeists would have to abide by whatever agreements are reached, and accept that where no agreements are negotiated there is no legal access. The current situation in my experience is 'two fingers' and similar comment to "We'll do what we like mate!".

Further Comments

One of the key species that attracts visiting anglers like myself to Wales, creates the highest value fisheries and is the quarry of choice of many Welsh and visiting anglers is the sea trout or sewin. Wales has the best sewin river fishing in the UK and almost every Welsh river has sewin present.

If a pool is disturbed by other water users during the day the sewin will not settle and cannot be caught. The sewin is such a nervous fish that the most productive sewin fishing takes place at night when they lose some of their caution. The normal fishing tactic requires stealth (no heavy footfalls, no shadows cast on the water, no silhouette visible, etc) which is a stark contrast to canoes and rafts splashing by directly overhead.

If canoeing and rafting takes place on these rivers and damage the sewin fishing then the first result will be that I, as a visiting angler, and numerous others will go elsewhere and many Welsh accommodation providers and other local Welsh business will lose vital trade. The result will be

declining interest and clubs may then lose their members and the fishing will lose value prompting claims for compensation.

I strongly support objections to any rewarding of law breaking.

I urge the Sustainability Committee to maintain the status quo, support the rule of law, support your Welsh voters and to promote voluntary agreements with canoeists.

243. Emeritus Professor P H Leng

I am writing to express my views as a submission to the inquiry into Access to Inland Water in Wales. I have been an angler for over 50 years, and am a member of several Welsh Angling Clubs, including Rossett and Gresford Flyfishers, of which I am President, and the Ceiriog Flyfishers.

I understand and completely accept that rivers in Wales provide an amenity which must be shared amongst many interests, including canoeists. I believe that the present arrangements have, on the whole, managed this successfully. In particular, on the River Dee, which I also fish regularly, I think that anglers and canoeists have coexisted successfully through the voluntary agreements that have been in place in the past. When fishing on the Dee, I have often encountered canoeists, and in general have found them courteous and considerate.

I am concerned that a move to completely open and unrestricted access by canoeists will upset this balance, and lead to unnecessary conflict between anglers who have paid for use of fishing rights, and canoeists who believe they have an unconditional right to override this.

I am also especially concerned about the impact of canoeing on smaller rivers like the Alyn and Ceiriog. The Dee is big enough to absorb quite a lot of pressure of this kind, but on a small river I fear that a procession of canoes would not only be totally disruptive to angling, but also potentially very environmentally damaging. The effect of a series of canoes passing along a narrow and shallow river could be compared with that of mountain bikes using a fragile woodland path. I fear it would have very damaging effects on both fish and other wildlife.

I hope the enquiry will conclude that appropriate access for canoeists and others can and should be achieved through voluntary agreements that will recognise the individual issues and environmental factors of each river involved.

244. Garw Valley Angling Association

As secretary of the Garw Valley Fishing Association, I wish to inform you that my association has over a hundred members, who I am sure would be against the change in the law regarding access to inland waters in Wales.

245. John Lewis

I am against giving free unrestricted access to rivers of Wales for the following reasons.

- They do not own the rivers, the riparians do.
- Many of the rivers in question are owned by clubs of local enthusiasts, not rich land owners.
- Many stretches are not suitable for public access, whilst the tidal stretches are already free for all.
- Public access will have an adverse effect on the eco system, by damaging redds, banks and frightening away our migratory fish whilst it is the anglers who have preserved and improved the rivers.
- Compensating riparian's will be a total waste of tax payers money.
- Giving unrestricted access to the rivers will allow Anti fishing groups the opportunity to drive anglers off the rivers.
- Are lakes and reservoirs to be included in this right of access?

246. Gwaun Cae Gurwen Angling Association

Mr Lynn Martinson, Secretary

I am writing on behalf of the above association. We are a small club of approx 150 members (which varies from year to year) most of whom live in the local area and with their families are Welsh voters. Of the 150 members 105 are paying members and 35 are life members, we also sell weekly tickets for locals and tourists. The life membership was introduced as a one off in 1978 when we purchased water on the Tywi. We needed extra capitol and the now life members contributed, together with what we had in the bank (raised from annual licences) and a small Sports Council grant we were able to purchase the water.

We now own 3 stretches of water, the above mentioned stretch which is between Ffairfach and Bethlehem, 1.75 mls long. 1 ml on the Usk below Sennybridge and 1.75 mls on the Lougher above Pontardulais. We also rent waters on the Tywi at Whitemill, the Cothi at Nant Gwilw and the Usk above Sennybridge. Most of our water is single bank fishing so we share our waters with other clubs on the opposite banks. There is no conflict between the opposing fishermen or clubs, we meet officers of the clubs at our CFF meetings and are one body, we are all fishermen and women, we enjoy each others company.

All members are allowed to fish unrestricted, by all legal means. We have our own club rules which members must adhere to, those who fail and are caught are disciplined.

We are insured for public liability in the event of accident or injury to oneself or to others including livestock.

Access to our purchased waters is written into our deeds and too our rented waters with the agreement of the landowners. We follow defined paths too and from the waters and on the river banks. We maintain these paths. We erect and maintain styles, we clear the river banks and beds of fallen trees etc often with the aid of the landowners and as the Tywi is a SSSI all work is carried out with written permission and guidance from the Countryside Council for Wales.

The question might arise -Do you have any access agreements with canoeists or WCA The answer is a definite No. We are not in any position to give permission as we are not landowners, we do not own the river banks we own the fishing rights with access.

Allowing canoeists and rafters free and unlimited access to Welsh rivers in spring, summer and early autumn would be disastrous for fishermen, allowing them in early winter would be disastrous for spawning Sea Trout, Brown Trout and Salmon. If a low water situation was to occur and a canoe or raft were to ground on a redd and the occupants of the craft were to get out they would totally destroy that redd. Also during spring and early summer on the Tywi another migratory fish arrives, the rare and protected Shad. These collect in the lower stretches of the Tywi. They are surface breeders and are very wary. A canoe or a raft would put them down. Apart from fish, nesting wildfowl and otters should also be considered.

Canoeists say they have no access to running water, untrue, they have all the tidal stretches of rivers and could be used all year.(With one exception. If a fishery was granted to landowner on tidal water pre Magna Carta, to fish or use that water even today would be classed as trespass). The reason why canoeists do not have access to waters in the upper reaches of rivers is that they will not accept any restriction to their activities. They will not accept that they can only paddle in winter and early spring when there is no game fishing and the breeding season for game fish is over. They will not accept that all canoes should be registered numbered and a licence paid for as we anglers are required to do. Owners and angling clubs

have to put up with trespass by canoeists who are under the impression that they should be rewarded by changing the law for their unlawful behaviour.

We as anglers put a lot of work and money into our rivers to improve the general habitat and water quality, improving breeding beds, and we do not want our hard work destroyed by a series of canoes paddling through.

Canoeists say that anglers pay to take fish which is untrue, we pay for the enjoyment of fishing and using someone else's asset. Hence because canoeists say they do not take anything from the water that they should paddle for free.

Canoeists refer to Scotland where the Scottish Land Refonn gave open access allowing canoes and rafters open access to rivers, Scottish rivers generally are much bigger than Welsh rivers and paddlers on a 30 mtr river would have much less impact than on a 5 mtr river. The main Scottish game fish is the salmon. You could paddle over a salmon and you put it down for maybe an hour, if you did the same with a sea trout (our main game fish) you would put it down for a day.

As the Tywi is the finest sea trout in the British Isles and one of the best in Europe. To loose this status to canoeists would have a devastating effect on the Welsh tourist industry.

If the law of our land is altered to allow free access to all, riparian owners, angling clubs across the country would be demanding large sums of money from the Assembly in compensation for the loss of assets.

Gwenda Thomas

AC Dros Castell-nedd / AM for Neath

Mick Bates AM,
Chair, Sustainability Committee,
Cardiff Bay,
Cardiff,
CF99 1NA



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Monday, 07 September 2009

Dear *Mick*,

I have been approached by members of Gwaun Cae Gurwen Fishing Club and numerous constituents with regard to the Sustainability Committee enquiry into access to inland water in Wales.

I am pleased to offer the following comments in support of their position. They have all stated that the ingress of canoe traffic will have a marked detrimental affect on the fishing grounds that the fishing clubs own or rent. As one constituent stated 'salmon and sewin are very shy fish, a canoeist paddling past will drive the fish away for what may prove to be many hours'. This effect on the fishing will also result in a marked financial penalty for the fishing clubs, as poor fishing will deplete the membership numbers of these clubs resulting in their financial insolvency. These clubs are not wealthy organisations composed of the landed gentry and wealthy landowners, but of ordinary people drawn from the full social spectrum, young, old, disabled, male and female. With the large number of people fishing compared to the small number of canoeists, the allowing of open access to canoeists will in effect spoil the enjoyment of access of many to the riverbanks for the sake of a few.

Swyddfa'r Etholaeth/ Constituency Office

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Gwenda Thomas
AC Dros Castell-nedd / AM for Neath



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

The breeding of fish will also be affected as canoes, when travelling down river beds, on grounding out in shallow water will destroy the eggs of the fish on the river bottom. This will affect the biodiversity of our shallow upland streams.

The financial effect on the tourism industry must also be taken into account, with fishing grounds being damaged, then this industry which relies on fishing to attract visitors, will undoubtedly suffer. This financial penalty will also affect farmers, who in this difficult financial climate rely on leasing fishing rights to supplement their incomes. Is it fair to impose this access without compensation?

The effect of allowing unrestricted access to the rivers by canoeists, I repeat, must not spoil the enjoyment of many for the rights of access of a few.

Yours sincerely

GWENDA THOMAS AM

Swyddfa'r Etholaeth/ Constituency Office

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247. Rossett and Gresford Flyfishers Club

I am the secretary of the Rossett & Gresford Flyfishers (established 1906) and write on behalf of the club. We are located on the River Alyn near Wrexham, with a membership of 130 many whom live outside of Wales. We understand that you are considering allowing free unrestricted access to Welsh Rivers. We would urge you to look very carefully at the economic and ecological damage this could do and to reconsider your views. Below are a few points that high light the importance of retaining restricted access. Obviously, we can only speak with authority on our river but the philosophy will apply to all clubs in Wales.

1. Unlimited access would be a disaster for the ecology of Welsh rivers with their vulnerable fauna and flora -like the now very rare freshwater pearl mussels. There is no parallel here with the much larger and deeper Scottish rivers. The smaller spate rivers of the NW Scottish highland (which do have similarities to many Welsh rivers) are much further away from major conurbations so do not suffer the mass influx of canoeists which would be the case in North Wales. Our Rivers are small by comparison to Scotland and other countries, and to allow multi usage would lead to massive conflict and environmental damage.
2. As a club we have spent the last 9 years improving both the in-stream and surrounding bank-side habitat. Members give freely of their time every Sunday morning. We have received a bursary from The Wild Trout Trust, grants from Keep Wales Tidy and financial assistance from the Environment Agency. All our hard work is showing dividends as we now have migratory fish entering the river; this is not advertised as we wish the fish to have a better chance of survival and reduce the decline of these important species. The shy and rare otter can now be seen and this year young have also been seen on the river, in addition the vibrant kingfisher also nests on the river.

There is potential for environmental damage via canoeing and the possible spread of parasites as well as direct effects on existing wildlife. The exponential increase in the volume of canoeing and rafting traffic is not conducive to encouraging riparian and aquatic wildlife.

It is anglers who fight campaigns on the river's behalf when necessary such as the recent cypermethrin (sheep dip) battle which we hope has arrested a great deal of damage to our river ecosystem. These episodes consume a great deal of time and effort, all from volunteers, and I do not think the canoeists / rafters even know it was going on, and they are blissfully unaware and do not care about the environmental concerns, issues and initiatives. Their only concern is access.

Do you really want to destroy all this hard work and damage this fragile ecosystem by allowing unrestricted and unlicensed access?

3. The Water Framework Directive (WFD) is currently out for consultation with all interested parties. WFD is a once in a lifetime opportunity to put in place management policies on our rivers at a catchment level that will ensure their future protection and enhancement, and so aid water dependent life and achieve good ecological status. This can only be achieved by careful control of the river with restricted access.
4. The existing law is quite clear: it is a trespass to paddle on someone's private water above the tide without prior agreement. Despite this, many of us have to suffer constant trespass by canoeists - such trespass should be condemned. As an angling club we are sure that our legal rights regarding angling are well defined, but not those regarding canoeing. Over the last hundred plus

years we have rented or leased land and the rights to fish in the stretches of water under our control, accompanied by a negotiated right of access to parking areas and our waters. Our members come from all walks of life all ages from 6 to mid eighties both male and female forming our membership. Our oldest member in his eighties travels on two buses to have peace and quiet on our river, imagine his disappointment if after all this effort he was unable to fish due to an invasion of canoes, rafters or the public splashing about on the river. Our club has a large number of anglers who do not live in Wales. These anglers return with their families year after year to enjoy Wales and to fish for natural brown trout and grayling in our beautiful river. All anglers are licensed by the EA and operate under EA rules and by-laws, these regulations dictate the season when fishing can take place, and how and where people can fish. Member's activities are also controlled by the club's rules. All these measures are to protect the fish, wildlife, environment and well being of our rivers. Rural communities along our rivers rely heavily on angling tourism. In fact in the last week or so we have been informed by the Environment Agency that money is available from Europe to help improve Welsh rivers so that more anglers will visit Wales so boosting tourism. If the Canoe / rafting lobby have their way these communities will lose a valuable income which will never be replaced by income from other activities on our rivers.

In general Canoeing / rafting (by way of its energetic nature) is an unregulated activity pursued in the main by young fit individuals, largely to the exclusion of the elderly, infirm, or unfit. Angling on the other hand is practiced and recommended as a therapeutic activity to these groups.

5. Notwithstanding the above, we recognise the need for some responsible increased access to rivers above the tide. Voluntary agreements between riparian owners/angling clubs and canoeing organisations have been shown to work well in the past -providing sensible limitations are in place. It is the WCA which has been withdrawing from these agreements and is now refusing to enter into new ones.
6. Riparian owners let out stretches of rivers to fishing clubs and others for various uses, especially angling. Rent is paid to riparian owners and subscriptions paid by members to clubs. Much of this money goes towards habitat improvement in the river. If canoeists were given unlimited access, this whole system would be devalued and both owners and tenants would justifiably want compensation. It was for just this sort of reason that golf courses were specifically excluded from the Countryside Rights of Way Act (CRoW Act). Would anyone be allowed to ride a bike, camp or picnic on a private golf course without fear of prosecution???

Does the farming community know that they could soon be the recipients of a whole new group of uninvited guests? Has your committee consulted them?

Should the canoeists / Rafters be successful in their bid for open access then anglers would expect at least the same. It would be impossible to justify the inequity of anglers paying both licence fees to the Environment Agency and rents to riparian owners if canoists were given free and unrestricted use of rivers.

Angling clubs are well-established organisations with a long history of trouble-free sport. We are accessible to anyone, we carry I.D cards and we police ourselves. We also work in partnership with other organisations such as Keep Wales Tidy, CCW and the Environment Agency on many projects, which benefit both the environment and community and wish to continue to be able to do so.

Game fishing in Wales is legendary and very much a part of Welsh Heritage. We are currently being asked to promote it through the Fishing Wales project and sell it as never before for the benefit of the

National economy. Angling is currently worth approximately £ 130 million to the rural Welsh economy. (Environment Agency figures, not ours). It is also the largest participant sport in the UK, with 6 million active fishermen nationwide many of whom lives in, or visit Wales for its unique and world-renowned fishing and rivers. All this would be put at risk by unrestricted access by canoists and rafters, with the consequent disturbance and disruption to angling, and environmental damage to the rivers and their wildlife.

Taking all the above into consideration we would urge you to consider very carefully your decision on unrestricted access to rivers.

248. Teifi Trout Association

I write in my capacity as Chairman of the Teifi Trout Association on behalf of its members to express our views as anglers and to request that these views are taken into account when any debate on access to inland waters takes place in the Assembly.

Whilst fishing the River Teifi our members *have* been alarmed at the behaviour of an increasing number of canoeists and rafters who seem to take delight in disrupting licence paying anglers who are pursuing their hobby.

It is to be hoped that interested parties can in the long term come to mutual agreement about sharing the wonderful amenities of *rivers* such as the Teifi.

At present we are more than happy that we understand our legal rights on the stretches of water where we fish and would not wish to see any changes to those rights.

I would like to put to you the following additional points if I may;

1. We believe that we are correct in saying from information we have, that allowing paddlers unlimited access to Welsh rivers is likely to be unlawful with respect to the Salmon and Freshwater Fisheries Act (1975) which protects spawning fish and, in the case of salmon and sea trout their redds, from disturbance.
2. Paddlers like to assert they have little or no access to running water in Wales yet they have free navigation on some 25% of rivers via the considerable tidal reaches. Our understanding is that all tidal waters are navigable free of charge to the general public.
3. We *believe* the Welsh Canoe Association has withdrawn from a number of voluntary agreements in order to claim poor access rights. They continue however to give ingress and egress points on their website which in effect incites illegal trespass.
4. The WCA appears quite intransigent, refusing to compromise in its insistence on unfettered access to all waters, everywhere. We believe anglers and paddlers in the long term will have to debate, discuss, compromise and reach agreement on co-existence on inland waters.
5. To reward current trespass by changing the law seems wrong and the prospect alarms riparian owners and angling clubs.
6. The financial contribution by anglers, be they Welsh or any other nationality is huge whether it be from an Environmental Agency fishing license (currently £68 per year for migratory fish) angling club subscriptions, shops, accommodations, caravan sites etc.

In addition the volunteers who devote their labour to improve water habitat and wildlife, along with water quality deserve praise and fair treatment.

7. When paddlers say licences and subscriptions are to pay for fish taken from rivers they conveniently ignore all coarse anglers who return 100% of their catch and a large proportion of game anglers who now voluntarily practise a catch and release policy in an effort to preserve and protect fish stocks Paddlers pay zero except of course those that pay commercial enterprises for a trip in a canoe or rafts
8. Golf courses are commercial enterprises and are rightly excluded from the CRoW Act. Rivers should be excluded for the same reason.

9. In the hopefully unlikely event that the law is changed, riparian owners and angling clubs would quite rightly demand considerable compensation for the reduction in value of their assets and the derogation of their leases. I trust the Sustainability Committee of the Welsh Assembly will read my points and find them, along with the views and opinions of anglers throughout the breadth and depth of the country to be both informative and accurate, and will take the correct action.

249.T S Dallaghan, Manager – Pen-y-Lan Sporting Enterprises

I would be obliged if you could bring to the attention of the Sustainability Committee this letter of objection to the proposed access to inland waterways paper. I am an angler who is a member of the Maelor AA on the river Dee. This beat extends over 6.5 miles of the DEE below LLANGOLLAN there are 186 members there is a thriving youth section and a disabled and pensioners section this club contributes to the local community by encouraging young people to get involved. In the past access agreements have been made with Local canoeing groups however the WCA have instructed them to ignore and break these agreements and paddle wherever they like!

I also manage a private stretch on the Dee at PEN-Y-LAN near Ruabon there are 14 rods on this stretch who all pay an annual rental, The beat covers approximately 1.5 miles On both these stretches there is no rights of access and on the Pen-y-lan there are notices making it clear that it is private and trespassing will be liable to prosecution I strongly oppose any change in to the law relating to access or trespass. The legal position is clear and understood by all including the canoeists, who knowingly are flouting the law on the instructions of the WCA-are they to be rewarded for this? I dread to think of the consequences already I have had to make paddlers at Pen-y-lan leave a small island on the beat which is an Otter sanctuary and SSSI giving freedom of access to them would be a disaster as it will encourage paddlers from Liverpool, Manchester, Birkenhead, Chester and the midlands. Both the beats I refer to have people dedicated to improving the environment on the river.

Anglers both local and nationwide contribute significantly to the local economy with an unrestricted access to canoeists anglers will move to other rivers in England, and abroad thus losing income to the local community. I sincerely urge you not to proceed with this project it will have far reaching negative consequences. As in all disputes resolution can be achieved by discussion/negotiating! and agreement, Anglers are willing to come up with solutions already they have offered 6 months of controlled access November to April. All anglers pay for the right to have access to land in order to fish they also have to have a state licence failing which they are liable to substantial fines and possible prison-what consequences are the canoeists for their current illegal actions? And what do they pay to paddle? Anglers as you know are a huge body of voters far in excess of the questionable 10 thousand the WCA claim.

Anglers are a law abiding group seeking an equitable and just solution to this matter that will avoid the inevitable confrontation if this foolhardy project goes ahead.

Finally it is worth mentioning that large compensation will be sought to offset the lost revenue from this plan if it goes ahead.

250.Patrick John Tiddy.

I am appalled at the suggestion that allT rivers should be given free access to 'all and sundry' -and in particular to canoes. The SUST committee will hear evidence on this matter on the 19/9/09.

In your consideration please remember that Anglers pay many thousands of pounds for the right to fish. They also purchase Licences at significant cost, they also undertake habit improvement and actively conserve stocks of fish via local hatcheries, and help to improve the river environment. (was £120.000.00 last year)

Why should anglers have their legitimate and expensive sport disrupted by a minority interest, which canoes are, and who contribute nothing to river management or conservation? This would be most unfair.

The Carmarthenshire County Council is promoting angling in our rivers as a visitor pastime. To allow it to be disrupted by canoes or others, would detract from that tourism marketing investment, posing a real commercial disadvantage.

251.Raymond Jones

I am totaly against free access to waterways by canoeists and rafters (Right to Paddle Campaign)

252. Brian Bury

I have read with great consternation that your committee will soon be under pressure from the Welsh Canoe Union to grant free access for all canoes to all Welsh rivers. I sincerely hope that you will feel it essential to reject such an idea. It appears that pressure from commercial canoeing interests is the driving force in this matter. I have no connection whatsoever in this context to any commercial activity in Wales other than a regular fishing holiday for two for one week each year. This annual visit is not cheap and can be marred by other river users, particularly inconsiderate canoeists.

Should your committee grant the unreasonable free access being demanded then this years' visit to Wales will definitely be our last.

Other considerations must be recognised. Environmental damage by canoeists is often not understood except for example, by fishermen and farmers (unauthorised access to private land). Damage to spawning gravel beds is also a major concern in many rivers.

I look forward to hear that no action will be taken by your committee in this serious matter.,

253. Robert Dubsky

I should be grateful if you would convey my grave concerns to the above committee about changes being considered that will allow canoeists free access to rivers in Wales at all times of the year.

My family rent our home and 6 acres on the banks of the Dee just above the weir at Erbistock. A public footpath runs by the edge of the river and is responsibly utilized by walkers. We are very happy with the arrangement; the rights of our landlord, rights of way and our own rights.

From the banks of the Dee we can look up the river where the mirrored surface is disturbed only by birds, insects and the occasional rising fish. Down river at the mill, water cascades over the weir. And just past the mill, an angler sketches in the sky with his line.

In contrast to this tranquil scene, when these waters are used by canoeists, their excited calls to each other, as they play with the weir, change the environment to a noisy playground. I can only speculate on the impact upon fishers, their clubs, the fish and the landowners.

The exceptional and authorized use of the river by rafts (prior to insurance issues) for a charity race between the Boat and Cross Foxes pubs was a benefit to all in the community.

I strongly oppose the proposition to replace the amenity of restricted access to Welsh rivers that benefits the broad and largely local community of fishers, land owners, tenants and walkers with free access for a canoeing minority.

254. The New Dovey Fishery Association (1929) Limited

The New Dovey Fisheries Association have been made aware that Canoeist organisations are trying to persuade AM's to alter the law allowing access to Welsh rivers for their members.

The New Dovey Fisheries Association (NDFA) wish to make the following representations for your consideration.

1. The NDFA since its formation in 1929 have managed and improved fishing and access arrangements to the river which has resulted in the creation of a very popular amenity for locals, visiting anglers and tourists, the latter being able to purchase a day ticket from local outlets.
2. Approximately Four hundred anglers will fish the river in a season, the majority of these being local, and also voters.
3. The NDFA employ two full time keepers to manage and administer the facility provided. A comprehensive stocking policy serves to maintain and increase fish stocks. These are bred and reared by a local company.
4. Recently owing to the major works being carried out on the river bank, Railway embankment by Network Rail, the NDFA had to obtain valuation of their 15 mile stretch of river. The expert valuer employed confirmed a value of 2.6 million pounds.

In several parts the river, at times, is very shallow and is considered unsuitable for use by Canoeists. There are other obstacles such as farm boundary fences running into the river or sometimes constructed across the whole river where there exists a boundary between two neighbouring farmers.

5. It is inevitable that the use of the river by Canoeist will result in a depleted fish stock and breeding will be interfered with. Fish have to be very carefully managed and new stocks have to be introduced at particular times of the year and at particular ages all of which calls for limiting any disturbance to the environment naturally and artificially created in and immediately surrounding the river

The NDFA are certainly of the opinion that Canoeist organisations would not fully appreciate the very fine balance that exists between the management of this natural habitat and the disturbance that can be created by the lack of appreciation for the habitat created. This factor came to light in the negotiations that took place between the NDFA and Network Rail recently when Network Rail had to concede that disturbance can lead to a total destruction of fishing habitat created naturally and artificially.

5. Local business and services fully appreciate the contribution this well managed local facility makes to the local economy. Anyone attempting to disturb and prejudice this amenity would not only be very unpopular with local anglers and tourist but also by owners of businesses locally If Canoeist were allowed on the river it would decrease the value of our asset and we would look to the Welsh Assembly for compensation.

Should you wish to have any further information regarding the fish catches, breeding programme, number of anglers and day tickets sold the NDFA would be very happy to oblige.

255.Cefni Angling Association

255.1. What is your interest in the issue of access to inland waterways?

Cefni Angling Association are a fly fishing association and have leased the fishing rights from the water authority since the reservoir was made in the 1850's.

255.2. Are you a member of an organisation related to your use of water?

Club was formed in the early 1950's to provide trout fishing for local people. We provide for adult lifelong learners – youths and disabled anglers.

255.3. Which stretch/es of water do you own/use/manage?

Long term lease of the reservoir (Cefni)

Legal Rights

We are happy with our legal rights regarding access an fully understand our “terms and conditions” unlawful access is causing problems an huge disruption to our members enjoyment and the environment.

256. The Llandovery Angling Association

The Llandovery Angling Association represents the interests of over two hundred Anglers and would like to submit our response to the Sustainability Committee on the issue of wider access to our Rivers. We are aware that the canoeing lobby has already submitted considerable misinformation on this issue.

This Association has been proud of the fact that it has provided over the years an opportunity for ordinary working class people to fish the River Towy and at a reasonable cost. We have used the money acquired from permit charges wisely and have purchased the fishing rights on several parts of the River in the Llandovery area, which gives us legal ownership and the exclusive right of access to our members. We therefore see it as thoroughly unfair when canoeists think they can trespass without permission or any form of payment on our waters.

Canoeists usually turn up without warning and enter private farm land breaking fences and disturbing farm animals to get to the river. On numerous occasions they have been caught lighting fires on land near the river. A considerable number of canoeists do not belong to any bonafide organizations and therefore have no accountability to anyone.

As well as providing fishing for local people we also contribute to the local economy by offering fishing to visitor anglers who often come with their families into the area.

We help to protect and improve the habitat of our rivers participating in voluntary work on the river. We operate a catch and release scheme to help conserve fish stocks. We pay towards the maintenance of a hatchery to support fish stocks. Many of our members live and vote in Wales and there are far more of us than canoeists, there are over ten thousand anglers in Carmarthenshire alone.

We would suggest that a change in the law is not the answer. Although the law is different in Scotland the situation also differs. Their rivers are much larger, but there are many problems still in existence with reports emerging of a chaotic and confrontational climate developing in that country between canoeists and anglers.

Looking for a way forward the canoeists must first put their own house in order. They all must become members of one organization offering accountability and every canoe needs to be identified with a licence number, which would allow access to certain waters at certain times of the year upon payment of a permit fee, as all anglers are required to do.

We hope that you will take into account some of these comments and our suggestions for a way forward.

257.Llandysul Angling Association

The following is the submission to the inquiry into Access to Inland Water in Wales on behalf of Llandysul Angling Association Ltd.

I am the honorary secretary of the association.

Our Association.

This club was formed in 1949. The primary aim was to preserve the rights of anglers to fish their local river as all the signs were that available water was being bought by business syndicates. It was formed as an angling club but now exists as a limited company - Llandysul Angling Association.

We have about 500 members and we have various grades of membership i.e. Full, OAP's, Student, Junior and Disabled.

We are proud of our record in encouraging young people to learn and enjoy angling. We organise regular sessions -weekly -during the summer where youngsters are taught the basics of angling as well as river craft and basic entomology. We also run weekly fly tying (dressing) courses through the winter months for youngsters. We also encourage and guide them in a scientific "Fly monitoring" long term exercise.

We manage about 32 miles of the middle river Teifi, of which we own about 28 miles. These stretch from Llanfairclydogau (north of Lampeter) to Newcastle Emlyn. My predecessors were very prudent and built up good financial reserves so that when any desirable water was offered for sale it could be considered for purchase without financial constraints. The total historical cost of these purchases' was £698,000 and they are probably valued now at between £2m and £3m pounds.

We bought most through our long term relationships with owners but we have also bought at auction.

Legal Rights

We are happy that our legal rights regarding angling are well defined, but not those regarding canoeing. Our understanding is that we have purchased or leased the right to fish in the stretches of water under our control, accompanied by a negotiated right of access and a parking area if possible.

We would like changes to our legal rights. We would like to see the situation regarding canoeing and rafting on our water clarified as the current situation is not working for anybody at present. It would appear that we are currently powerless to prevent canoeists and rafters from using our waters at will. As we are the property owners, and having paid handsomely for the privilege we feel that our rights are being abused and we are seeking workable legal redress.

We are not aware of any legislation that exists in other countries that could be used in Wales.

Voluntary Agreements.

We do have experience of voluntary agreements for access to our water as we granted Llandysul Paddlers a 25 year lease on one of our stretches of river. This situation was fine for a few years, but since the Paddlers have developed higher aspirations they have not stuck to their agreement and seem to think that they have already gained the freedom of the river which they are currently seeking.

We would like to see changes to such agreements as we would like to regain control of our property and ensure that any future agreements are legally robust and enforceable.

We are not aware of voluntary arrangements in other Countries which could be useful here as these agreements do not seem to work anywhere else. As the campaign is for open access to all Welsh waters the discussion has moved beyond this point -the Welsh Canoe Union is advising its members not to enter into any more agreements because they are attempting to achieve a greater outcome.

Key Issues:

We have paid for our right to fish and wish to be able to continue to do so without interference.

As property owners, we do not have adequate legal protection with regard to trespass over our property.

We have the current delicate ecological state of the river to deal with and are endeavouring to do so via our rivers trust. We are the people who genuinely have the welfare of the river at heart and are undertaking educational, surveillance and habitat restoration work which will go a long way towards satisfying the European Water Framework Directive.

There is potential for environmental damage via canoeing e.g. gyrodactylus and possible spread of other parasites as well as direct effects on existing wildlife. The exponential increase in the volume of canoeing and rafting traffic is not conducive to encouraging riparian and aquatic wildlife.

The Teifi Valley is an SSSI and SAC and the river is currently classified as "at risk" by the Environment Agency.

There is potential for a reduction in membership of Llandysul A.A. and in the economic benefits for the rural Welsh economy from reduced angling tourism.

Canoeing is already illegal under the Salmon and Freshwater Fisheries Act 1975, Part 1, section 2, sub section 4 and part 2, section 12, sub section 3.

Does the farming community know that they could soon be the recipients of a whole new group of uninvited guests?

Canoeists are blissfully unaware of the current ecological problems impinging on the Teifi and are making no positive contribution to the welfare of the river. They may be causing some damage to a precarious environment.

Fishermen are largely adapting a no-kill policy on the river and are metamorphosing into conservationists rather than blood sport enthusiasts.

The go anywhere, pay nothing mentality has not benefited the rural community in any discernable way so far, rule by rent-a-mob is not acceptable.

Should the canoeists be successful in their bid for open access then anglers would expect at least the same, we would not continue to pay our license fees, the angling club structure could well fall apart, we would pursue huge compensation claims for the loss of our amenity and the situation could well degenerate to one of total anarchy on our rivers and a system that has served the countryside well for donkey's years will have been destroyed for ever.

We are financially independent and don't see why our canoeing colleagues should receive such huge largesse at the taxpayer's expense. If an equivalent amount of money were given to Rivers Trusts, we could really set about some, serious conservation work and at least someone would be attempting to invest in the sustainability of our environment rather than continuing its exploitation to the point of exhaustion.

Carmarthen County Council has sponsored Llandysul Paddlers to the tune of hundreds of thousands of pounds. Teifi Rivers Trust currently has enough to carry out seven thousand pounds worth of work on one tributary this year.

It is anglers who fight campaigns on the river's behalf when necessary such as the recent cypermethrin battle which we hope has arrested a great deal of damage to the Teifi catchment. These episodes consume a great deal of time and effort, all from volunteers, and I do not think the canoeists even knew it was going on, and they are blissfully unaware of most environmental concerns, issues and initiatives on the Teifi.

Angling clubs are well established organisations with a long history of trouble-free sport. We are accessible to anyone, we carry 1.0 cards and we police ourselves. We also work in partnership with other organisations such as CCW and the Environment Agency on many projects which benefit both the environment and community and wish to continue to be able to do so.

Game fishing in Wales is legendary and very much a part of Welsh Heritage. We are currently being asked to promote it and sell it as never before for the benefit of the National economy while its quality declines. If we are to be overrun with canoes then this will become impossible.

Our canoeists claim to be great benefactors to the local economy, but they provide their own accommodation-for which they charge. They have their own shop for clothing and equipment and I gather that they are soon going to open their own cafe. It would appear to me that, rather than supporting local enterprises, they are in direct competition with other local providers and are seeking to channel most of the economic benefits back their own way. Bearing in mind that some of the more vocal elements within the canoeing community are reliant on the sport for their livelihoods, then maybe the real agenda is starting to emerge.

Angling is currently worth approximately £130 million to the rural Welsh economy. (Environment Agency figures). It is also the largest participant sport in the UK, with 6 million active fishermen nationwide. Canoeing is worth far less, both in economic terms and potential votes for politicians.

Solutions:

We wish to regain control of our own property.

That canoeists and rafters are not given open access to all Welsh waterways.

Canoeists should organise themselves in a similar way to anglers, being licensed, affiliated to a club, identifiable and consequently responsible for their actions.

They can canoe outside the fishing season from 18th October until 1st April the following year on an open-access basis as long as they avoid environmentally sensitive areas such as head waters and tributaries.

They then have to negotiate with land owners and fishing owners for canoeing during the fishing season with instant redress for transgression. Their complaint will be that this is not enough to satisfy their demands but we do not see that it is the business of Llandysul, or any other angling club to sustain the activities of other people who are nothing but a nuisance to us. How canoeists procure their canoeing is a problem for them, not us.

Other possible solutions have been considered but are not acceptable to us at present.

258.Nigel Collis

I am very concerned that promoting access for canoeists to previously protected wildlife and economic interests will bring great hardship to Wales,

1. Fishermen are controlled by defined legal constraints, canoeists are not.
2. Tourism is the biggest contributor to the Welsh economy. Fishermen pay their license fees, stay in hotel & guest houses and spent money with their families in Wales. Canoeists usually are very mobile and return home.
3. Fishermen contribute to the maintenance of the habitat in which they have a stable and responsible interest. Canoeists pass through.
4. Fishermen will go elsewhere if their interests are ignored by conflicts with adversaries, its a very fragile market place.

WALES WOULD BE THE LOSER IF THE RIGHT TO PADDLE WERE ADOPTED IN WELSH WATERS.

I call upon you to reject this latest 'freedom'.

259. Welsh Rivers Preservation Society

I give below a written submission to do with this inquiry on behalf of the Welsh Rivers Preservation Society. I follow the lines indicated by your draft questions as publicised.

What is my interest in the issue ?

I am both a riparian owner in north Wales and an angler and someone who, as a founder member of the WRPS, wishes to “preserve the unique ecology and tranquillity of Welsh rivers”.

Of which organisations am I a member relevant to this ?

1. I am the Secretary of the Plas Madoc Fishing Association which owns land and fishing rights on the River Conwy
2. I am the Treasurer of the Conwy Valley Fisheries & Conservation Association which is an association of riparian owners, angling clubs and hotels on that river.
3. I keep the catch return records on the River Clwyd for the Junction Pool Anglers who fish around this rivers confluence with the River Elwy, part of the Bodrhyddan Estate.
4. I am a season rod holder to fish for sewin (sea trout) at night on the Gwydyr Hotel water of the River Conwy.
5. I buy day tickets to be able to fish the Midland Flyfishers water on the River Dee.
6. I have in the past bought weekly tickets from the New Dovey Fishery Association (1929) Ltd to be able to fish the River Dovey.
7. I am a Trustee of the Clwyd & Conwy Rivers Trust.
8. I am a founder member of the Welsh Rivers Preservation Society.

Which stretches of water do I own/use/manage ?

1. Along with fourteen other members of the Plas Madoc Fishing Association I own the bed and banks of the River Conwy along an approximate 3km stretch around the top of the tide.
2. The Conwy Valley Fisheries & Conservation Association supports and promotes habitat improvement schemes along the whole river and tributaries. It is particularly active in managing a salmon smolt release scheme based on the release of juvenile fish along suitable headwater streams. This project is run in association with the Environment Agency Wales, but paid for in its entirety by the CVF&CA.
3. The Bodrhyddan Estate Junction Pool Fishery, of which I am a member, extends for about 2km mostly downstream of the confluence of the rivers Clwyd and Elwy.
4. I fish at night on two beats of the Gwydyr Hotel water on the River Conwy, both several kilometres in extent, north and south of Betws y Coed.
5. The Midland Flyfisher’s water on the River Dee is about five kilometres of river upstream of Llangollen.
6. Tickets from the New Dovey Fishery Association (1929) Ltd give access to virtually the whole of the river approximately downstream of Cemmaes.
7. The Clwyd & Conwy Rivers Trust promotes projects to improve the habitat for all fauna and flora along the lengths of these rivers, as well as in smaller rivers and stillwaters in the region.
8. The Welsh Rivers Preservation Society attempts to have a voice in aspects of the well being of all Welsh rivers especially where a deterioration in the quality of the environment is seen or suspected to be taking place, or may be likely to happen. Letters and emails are written objecting especially to

any existing or increasing pollution or abstraction. The Society's members represent most of the main rivers in Wales and have an extensive knowledge of these waters.

Am I happy that my legal rights are clear and well defined ?

Yes.

Can I briefly outline my understanding of these legal rights ?

(a). Stretches of river where I (along with others) **own** the bed and banks of the river (ie, we are the riparian owners) gives us the right to use these stretches for whatever (legal) purpose we choose – such as boating, shooting, fishing, swimming and so on (subject to any restrictions which may be agreed amongst the owners).

(b). Stretches of river where I (along with others) come to an agreement to **rent** the rights to use the river (either as an individual or as a member of a club), for fishing or shooting or whatever, from either the riparian owners(s) or an intermediate party who already have an agreement to rent such rights, are subject to the terms of these agreements – as well of course to any laws / byelaws covering this activity.

(c). Instances where I have an **interest** in rivers, being a member of a trust or society, give me no extra or particular rights, above and beyond those already laid down in law.

Would I like to see any changes to my legal rights ?

No.

Am I aware of legislation in other countries that could be used in Wales ?

Clearly, all countries have legislation covering these (and all other) matters depending on their history, culture, physical geography, demographics, climate, fauna & flora, and probably a host of other factors. It seems to me that laws have evolved in different countries taking account of such factors, which is why these laws tend to be different country to country.

So, legislation from any other country could be used in Wales, but, because of these many differences, such laws are unlikely to be suitable and are unlikely to be an improvement over what is in place in Wales at the present.

Do I have any experience of voluntary agreements?

Yes.

Please give an outline of these and describe how they operate

I describe these with reference to the River Conwy in north Wales; **I give examples of other voluntary agreements on other rivers under heading (9) in the section Key Issues**. The River Conwy is about 55km long, but adding in major tributaries there is in total around 90km of 'fishable' or 'canoeable' river (taken to be more than 3m wide). There are two agreements in place on the upper reaches of the river and tributaries: above Conwy Falls on the main river (about 12km of water) and above the Swallow Falls on the Llugwy (about 14km of water). These agreements allow for canoeing to take place upstream of the areas of main angling interest, though not necessarily above where salmon and sewin (sea trout) spawn. They are publicised with maps etc on the Welsh Canoeing Association/Canoe Wales' website.

Although the riparian owners or tenants have given canoeing organisations the right to paddle along these stretches, there have been serious problems where canoeists trespassed on farmers' land to

access the river where they have no agreement to do so. Additionally, there are serious concerns during the winter months that the migratory fish are being disturbed by continual canoeing and kayaking above Conwy Falls as the fish are trying to access their spawning areas or when they are actually spawning or that their redds are being subsequently disturbed – all of which are contrary to the Salmon and Freshwater Fisheries Act (1975).

At the lower end of the river there is a very long tidal reach of at least 23km, along which navigation is guaranteed and canoeing also takes place. These upper and lower 'canoeable' areas therefore amount to approximately 49km of river – well over half the whole river and tributaries in total. Between these upper and lower parts, the river has for many years been closely preserved as one of the best salmon and sewin fisheries in Wales. However, this middle stretch has recently begun to see more and more canoeists coming down from the agreed upstream areas through the middle part (which is a trespass) to the tidal stretch.

In order to try to legitimise this activity and to try to regulate it so that anglers and canoeists can both use the river without discord, at the November 2008 AGM of the Conwy Valley Fisheries & Conservation Association, it was agreed to make contact with the WCA/CW with a view to negotiating an access agreement so that canoeists could paddle this middle stretch at certain times of the year – which would in effect allow canoeists to legally paddle virtually the whole of the river.

A letter was sent to Mr Harvey, the WCA/CW Chief Executive officer on the 20th April 2009 asking him to confirm that WCA/CW is willing to enter into negotiations and hoping that "such an agreement will mark a new start whereby your members will have the water they need to paddle without transgressing on the rights of others" [copy – enclosure (1)]. However, management of the CVF&CA were very disappointed to receive a reply from Mr Charlwood, Head of Strategic Projects for WCA/CW in which he bluntly stated: "we no longer enter into access agreements" [copy – enclosure (2)].

Once it became clear that it was impossible to negotiate with WCA/CW, management of CVF&CA have tried to seek out local canoeing clubs with whom to come to an agreement. This process has been helped by EAW Bangor Office (Mr Alan Winstone in particular), but, so far, it has been impossible to find a canoe club who are prepared to discuss coming to an agreement. The feeling is that the WCA/CW are pressurising local canoeing clubs not to enter into any negotiations in the present situation – evidence for this being found on the many canoeists' website 'notice boards' and 'threads'.

Would I like to see any changes to such voluntary agreements?

Yes. I would like to see the WCA/CW stop withdrawing from these agreements as a tactic to try to put pressure on government and either be prepared to enter into negotiations themselves to put them in place in rivers across Wales, as was once the case, or encourage local canoeing clubs to do the same. This would give canoeists the water they need to paddle as well as ending, or at least greatly reducing, illegal access, so largely eliminating friction between canoeists and riparian owners/fishery interests.

Am I aware of voluntary agreements in other countries?

Yes. There are/have been many voluntary agreements for access by canoeists to rivers in England. Unfortunately, here the British Canoe Union is co-ordinating its activity with the WCA/CW and withdrawing from these agreements to try to put pressure on the UK government at Westminster. I give a few examples – enclosure (3).

Key Issues

The key issues in this matter, as we see them, are as follows:

(1). *The Law*

A clear understanding of the current law would seem to be a prerequisite for making an informed judgement. The law covering access on Welsh rivers above the tide is quite clear: it is a trespass to go on or use these rivers without the prior permission of the riparian owner. Virtually the only exception to this is where navigation rights have been put in place by Act of Parliament along a non-tidal stretch of river. In Wales the only example of this are parts of the Rivers Wye – where it is mostly in England anyhow. Also, very occasionally, a public right of navigation has been established in weir pools in rivers (largely because these were man made) but only one example is known in Wales – on the River Usk.

I have seen it suggested that the law of access to and on rivers is in some way unclear in Wales. This is simply a ruse by those who wish to force through a change in the law to try to persuade politicians that legislation is required to clarify matters. The fact that riparian owners do not own the actual water is irrelevant; the law takes trespass to be the case as if the water were not there. We have members of the WRPS who are solicitors, both active and retired, who specialise in riparian law. They are quite adamant: the law is crystal clear – for instance Mr Simon Jackson of Simon Jackson & Co., Oswestry, included in an email to me the statement: “The law on unauthorized navigation is straightforward. Provided that the water is not tidal, is not covered by an Act of Parliament and the owner has not granted a right, then passing over land belonging to another without consent is a trespass”.

In fact, canoeists paddling in a river above the tide, without the owner’s consent are committing exactly the same trespass as if a group of people entered your back garden and had a picnic there every weekend. It is a civil trespass, unless the trespassers become abusive when asked to leave, or by their presence stop others carrying out a lawful activity (say angling in the case of a river or mowing the lawn in the case of your back garden) in which case it may become aggravated trespass.

Not only are these laws perfectly clear, we strongly believe that the current laws are the ones best placed to protect the unique ecology and tranquillity of Welsh rivers.

(2). *Pledge of Support in favour of respect for and maintenance of the current law*

To try to demonstrate the depth of support which the present laws of access have amongst normal Welsh country people, we drew up a Pledge of Support form with a text as follows:

“We, the undersigned, pledge our support to the laws covering the private ownership of Welsh rivers above the tide and consider that these laws should be maintained and respected. We think that canoeists and others who want to use these waters should enter into access agreements with riparian owners and be prepared to pay for their enjoyment of the use of such assets, in the same way that anglers do.”

This form was available for signing by the public at the Royal Welsh Show and at various county shows thereafter. Without too much effort we have now collected **close to eight thousand signatures** so far, with more forms being signed all the time. I trust that myself, or one of my colleagues, will be able to show members of the Sustainability Committee just how big this pile of signed forms is.

We think that members of this committee should take this strength of feeling amongst normal Welsh citizens into account when considering this matter.

(3). Unrestricted access – an ecological disaster

Because most Welsh rivers are quite narrow and shallow and because canoeists and rafters tend to go down the river in groups, the ecological affect of unrestricted access would be likely to be severe.

Why don't anglers cause similar problems? The answer is in the nature of their sport: they are quiet, retiring, drably dressed, they move softly and keep beneath the skyline. Contrast this to the photograph attached as enclosure (4) – rafters on the River Teifi. It's impossible to see how the wildlife of the river cannot be affected by this sort of overuse of the environment – and the Teifi is one of Wales' bigger rivers. If the law were changed to allow for unrestricted access, this sort of over-exploitation – on at least some parts of some rivers – would be continuous. The result would in our opinion be a catastrophe for many rare species – from water shrews to sea lampreys; from freshwater pearl mussels to endangered ferns.

It is the case that canoeing/rafting/gorge walking etc along the upper reaches of rivers during the months November to March is liable to be unlawful with respect to the Salmon and Freshwater Fisheries Act 1975. Clauses in this act are meant to protect gravid and spawning fish and their eggs in redds, from disturbance. Dr Richard Shelton, who is an internationally respected fishery scientist working for the Atlantic Salmon Trust has written: “ ... in the opinion of the Atlantic Salmon Trust uncontrolled and thoughtless canoe and raft traffic causes significant and undue disturbance to the fish” - his views given more fully in enclosure (5).

(4). Rod Licence fees and club subscriptions – anglers don't pay to 'take' fish

The extent to which anglers pay (above and beyond that deducted in normal taxation) to help maintain the rivers and improve riparian habitats is often not appreciated. Every salmon and sea trout angler in Wales pays £70 per annum to EAW for the right to fish for these species with a rod and line. He or she then almost always has to pay again to actually fish any particular stretch of river – either to a club who pays part of this as rent to the riparian owner, or directly to the owner. Typically this payment can be anything between £50 and £500 a year.

The rod licence income is largely used by the EAW to improve the habitat of Welsh rivers and I hope that representatives of this body give evidence to show the total amount of this income and to make clear that it is not used to stock the rivers with fish for anglers to 'take'. The EAW will only stock a river with juvenile (not adult) fish in exceptional mitigating circumstances – such as after a bad pollution accident. If the rivers are stocked at all, it is by associations of local angling clubs paying for fish to be introduced to keep up sustainable population levels.

Despite the above, the argument keeps being repeated that anglers 'take' (ie. kill and eat) fish and therefore should pay in one way or the other, but canoeists take nothing so should pay nothing. This argument can be proved to be completely bogus as follows:

- salmon anglers pay to be able to fish at times of the season when all salmon have to be returned (eg before 16th June);
- salmon anglers release more than 50% of rod caught salmon in total (and sewin anglers also put back unharmed considerably more than half the fish landed);
- coarse anglers put back 100% of the fish they catch, yet they still pay for a Rod Licence and still pay to be a member of a club ! NB. There are quite a few coarse fishing clubs on Welsh rivers where members catch dace, chub, grayling, barbel and so on. A few examples: Montgomeryshire Angling

Association on the River Vyrnwy; Connah's Quay Angling Club on the River Dee; the BAA club on the River Severn.

Anglers don't pay to be able to 'take' fish; they pay for the enjoyment of using someone else's assets – the use of the river. [Here is an exact parallel: a model aeroplane club fly their planes from a farmer's field close to where I live. Members of this club 'don't take anything away' indeed, the farmer still keeps his sheep on this field, yet the club pays for the use of the farmer's land. I know some of the members of this club and they would be amazed if the farmer offered it to them for free !]

(5). Rivers are businesses and provide rural employment

It is not widely understood that rivers are run as businesses in a similar way to golf courses. The riparian owner has an asset which he or she often rents out to clubs, usually angling clubs. These clubs – sometimes made up of several hundred local people – use some of their income from membership fees and day tickets to pay for the right to use the river and some to improve the stretch of river they are renting. At the same time, the riparian owner almost inevitably uses some of the rental income to improve or maintain the river. It is similar to a landlord renting out a flat: some improvements and maintenance is carried out by the landlord and some by the tenant. Because these clubs almost always offer day or weekly tickets to visiting anglers there is an input of funds into the local economy from these visitors.

However, this whole structure would collapse if other groups were simply allowed on the river without any restrictions or conditions. If the law were changed to allow canoeists and kayakers and rafters and gorge walkers free and unfettered access, then, first of all it would be a derogation of all the leases signed by angling clubs. The practical consequences would be that fewer anglers would fish on Welsh rivers, the membership revenue of clubs would fall, so the clubs would not be able to afford rental amounts and so revenue to riparian owners would decline. In this situation, less vital work on the maintenance of the river and improvement of habitat would be done and angling tourism revenues into the local economy would fall.

Angling clubs and syndicates often employ river keepers to do habitat improvement work and to keep an eye on the beat looking out for signs of pollution and so on. If revenues went down, these jobs – sometimes part time, sometimes full time – would be likely to be lost.

There are hotels across Wales which provide fishing for their guests on waters which they rent or own. In the case of some, angling revenue provides a significant total of their overall income. Well known examples of these are: the Porth Hotel at Llandysul on the River Teifi; the Gwydyr Hotel at Betys y Coed on the River Conwy; Gliffaes Hotel near Crickhowell on the River Usk; the Brigards Inn at Mallwyd on the upper river Dovey; the Three salmons Hotel on the River Towy; the Tyn y Cornel Hotel at Tal y Llyn on the Dysynni - and there are others. These hotels employ river keepers to maintain their beats, but if there were to be unrestricted access to these waters by canoeists, the numbers of anglers staying at these hotels would fall, the river keepers would probably be made redundant and in some cases the viability of the hotel would be at risk.

It is well documented that anglers who come to Wales to fish, tend to stay for at least a weekend - and very often a week or more – at hotels, pubs with rooms, caravan camps and B&Bs near the river of their choice. During this time there is an income flow into the local economy. I have seen estimates that angling generates about £150m revenue in Wales each year.

(6). Riparian owners & clubs would require compensation if their assets are devalued

If canoeists and similar were granted unfettered access to rivers then fewer anglers would fish in Welsh rivers and both the angling club's tenancy and the riparian owner's assets would be devalued. Both these parties would, in this situation, rightly expect full compensation for this reduction in these values from the Welsh Assembly. The value of such claims is impossible to calculate, but it is certain they would be very large and very numerous. It was for just this reason that golf courses were specifically excluded from the Countryside and Rights of Way Act.

I have been in correspondence with one land agent who represents a riparian owner, who is emphatic that if fair compensation was not offered to his client by the Assembly, he would have no hesitation in pursuing this through the courts – going to Europe if necessary – to gain satisfaction.

(7). Wales & Scotland: the fundamental differences and the importance of sewin

Despite the obvious differences between these two countries, some people want the Scottish Land Reform Act (2003) or similar legislation to be imposed upon Wales. In our opinion, however, a review of the scale of the differences between the two countries shows that Scottish law is, in this respect, simply not relevant to Wales:

(a). Geographical – the size of the rivers

Very obviously, most Scottish rivers are much bigger than Welsh ones. They tend to be longer, wider, deeper and have a greater volume of water. I would hazard a guess that there are at least twenty rivers in Scotland bigger than the largest river entirely within Wales (the Towy). This means that a corresponding number of kayaks or rafts would have a proportionately greater effect on Welsh rivers than Scottish ones. Quite obviously, ten rafts full of people will have a proportionately greater effect on a river 3m wide as opposed to one 10m wide.

To say that the upper reaches of large Scottish rivers are similar in size to Welsh rivers, whilst true in itself, is disingenuous as regards this argument because of course paddlers, given the opportunity, tend to spread out along the whole river.

(b). Demographic – the centres of population

Many canoeists on Welsh rivers come from the main urban areas in northern England and the midlands – especially the Manchester, Liverpool and Birmingham conurbations. The rivers favoured for canoeing in north Wales are only about one and a half hours away and rivers in mid Wales perhaps two hours. In Scotland the situation is quite different; the centres of population are not so large and they are much further away from most Scottish rivers.

If the law were changed to allow for unrestricted access in Wales, we would therefore have more paddlers than in Scotland but on smaller rivers.

(c). Historical and cultural

Others will be able to inform the Committee about this in detail if required. It is however clear that there were historical and cultural forces at work when the Scottish Land Reform Act was passed, which are simply not present in Wales. Large stretches of many rivers were in the ownership of absentee landlords or very large estates in Scotland, whereas, as we have seen, in Wales, angling clubs by renting much of the water on rivers have enabled Welsh people to access this water by being members of a club or purchasing day tickets.

We have also seen that there is no reason why canoeing clubs should not also do the same.

(d). Biological – the importance of sewin (sea trout) to Wales

In Scotland, on the rivers there, the salmon is the most sought after fish by anglers. In Wales however, whilst there are some salmon in most rivers, it is often not appreciated that sewin are a more important fish – certainly from an economic point of view. As Dr Graeme Harris has said, there are probably more salmon sized sewin caught in Wales than salmon.

There is no doubt that more local Welsh people fish for sewin than salmon and/or spend more time fishing for sewin rather than salmon and also that more anglers come from abroad come to fish for sewin rather than salmon. As I think Moc Morgan has said: “sewin are the national fish of Wales!”

There is a long cultural tradition on Welsh rivers of fishing for sewin, not just with a fly (the most delicate method), but with a fly at night. Why fish at night? This gives an indication of what sewin are like and the difference between them and salmon. Sewin are probably the most wary fish in UK freshwater; when they migrate into rivers in the spring and summer, during the day they hide deep underwater in tree roots or rocks at the bottom of the river and, by and large, are uncatchable. It is only in the evening when they feel safe enough to come out of these refuges to the main stream and move up higher in the water. It is then and through the night that they become possible to catch.

If a group of canoeists or rafters paddle over a salmon in the day, it will undoubtedly have an affect on that fish (as Dr Shelton has stated) but, as the salmon is a lot less wary than the sewin, it may be catchable after an hour or so. If the same group of paddlers goes over a shoal of sewin in the late afternoon or evening, then an angler waiting patiently on the bank to fish that stretch during the night may as well pack up and go home.

The bigger the sewin, the more true this is. Anglers come from all over Europe to fish famous sewin rivers like the Towy, the Teifi, the Mawddach, the Dovey and the Conwy. If in doubt of this, a scroll through the guest lists of those hotels already mentioned will convince.

But these visiting anglers don't travel long distances to fish for small sewin of a pound or so – they come specifically to be in with a chance of catching a really big sewin of ten pounds or more which these rivers are famous for. If that chance is taken away from them by the fish being constantly scared, these anglers will not come to Wales and the local economies of those towns on these rivers will suffer.

(8). Navigation rights on all tidal sections of rivers

It is sometimes not realised that, since the Crown owns the bed and banks of all stretches of rivers which are subject to tidal influence, this guarantees a right of navigation along these parts of rivers in the same way as there is this right around all the coastline. This means that canoeists are already free to paddle from the sea (ie. coastal areas adjacent to the mouth of a river) up rivers to the high tide mark as shown on Ordnance Survey maps.

It might be thought that stretches of river which are tidal are not likely to be very long. This may be true in some countries, but in Wales we have the second largest tidal reach in the world. Because of this and depending as well on their actual configuration, many Welsh rivers have very long tidal reaches, which make up a significant proportion of the whole river.

We have already seen that the River Conwy has at least 23km of navigable tidal water out of a main river length of about 55km or a total river plus all main tributaries length of about 90km. – ie. 25% of the whole river is tidal with a right of navigation. This proportion of pre-existing canoeable water will be higher on some rivers and lower on others, but in no Welsh river is it likely to be insignificant. This

in itself makes a mockery of some of the statistics quoted for the amount of water accessible to canoeists as a percentage of all Welsh rivers.

(9). Examples of previous voluntary agreements from rivers across Wales

It is estimated (by Canoe Wales) that a few years ago there were about twenty voluntary access agreements in operation on different rivers across Wales. As these tended to be in place on the larger rivers, the water made available for paddling was a very substantial amount. I give details of some typical examples, from around the country, as below:

(a). South Wales – the River Tawe and tributary

In 2005 an access agreement was signed between the Tawe and Tributaries Angling Association (Mr Laurence Jones, the Secretary) and the Welsh Canoeing Association (Mr Richard Harvey, the Chief Executive Officer) – encl. (6). This provided for access for canoeing on the rivers Tawe and Twrch every year between the dates of 18th October and 28th February for members not only of the WCA, but of the corresponding canoeing organisations in England, Scotland and Northern Ireland. It included payment of £2,500 per annum by the WCA to the angling club (which, in this instance was also the riparian owner) and was due for review in 2010.

However, in October 2007 Mr Harvey wrote to Mr Laurence Jones stating that the WCA “have issued a mandate not to enter into such arrangements and are undertaking an audit of existing arrangements in place” – enclosure (7).

Mr Laurence Jones replied: “I thought that this agreement was the way forward to enable the fishermen and canoeists to jointly share the use of the river but that has now gone by the wayside”. – enclosure (8).

We believe that a careful reading of this agreement and then the exchange of letters which brought it to an end, clearly shows that the WCA decided to adopt a position of intransigence making such agreements impossible, whilst encouraging or at least accepting what became continual trespass in order to try to force their views into law.

(b). North Wales – the River Dee

For over forty years riparian owners on this river have agreed to various canoeing events taking place at or within certain dates outside the fishing season, some of which, known as Dee Tours, covered much of the river. In particular, Langollen Angling Association have for many years agreed for the WCA to stage salmon and wild water rafting along their stretch of the river around this town. Cordial relations existed up to 2003, as evidenced by the letter sent by Mr Huw Evans, Secretary of this angling association to Mr Richard Lee, the then CEO of the WCA: “Thank you for your letter of 4 December 2003 and for your donation towards the Association’s Re-Stocking Programme. The (fishing) Association have had another successful year and look forward to co-operating with your (canoeing) Association, as we have done over the past 30+ years”. Enclosure (9).

In this letter, Huw Evans confirmed to Mr Lee that ten weekends had been agreed with the WCA, between October 2004 and January 2005 when canoeing could take place on this stretch of the river. Unfortunately, after some convoluted arguments, Mr Richard Harvey, the new CEO of the WCA, then rejected this agreement, the dates of which the WCA had earlier requested, (his letter 29.4.04) – enclosure (10).

Huw Evans then wrote to a local paper to try to make the position clear: “The motive behind the rejection appears to be a campaign being launched by the British Canoe Union for free access to all rivers in England and Wales. The River Dee in Llangollen does not have navigation rights. The

ownership of the fishing has been acquired by LAA since 1940. LAA have tried to resolve the issue of canoe access without success. The WCA have rejected the dates in favour of pursuing their own political campaign.”

Later on, in January 2005, the Daily Post gave publicity to another rejection of an offered agreement on this river and gave the views of both sides of the argument – enclosure (11). It is clear from this that the WCA adopted the stance that they would not be a party to any agreement which did not give their members access to the river for 365 days a year.

(c). South east Wales – the River Usk

An access agreement on the River Usk had been in operation for over twenty years and throughout that time had been resigned each year by both parties: the WCA and the United Usk Fishermen’s Association – enclosure (12).

In January 2007 however, it was abruptly rejected by the WCA. In a letter to Mr Nick Brabner, Chairman of the UUFA, Ms Pam Bell, Regional Access Officer for the WCA, quoting an earlier reply to Mr David Jones Powell, stated: “... we no longer enter into agreements which restrict canoeing purely on the basis of dates” – enclosure (13).

This and other agreements which have been in place illustrate another point. It is sometimes claimed that as there are so many riparian owners and angling clubs on any particular river, canoeing organisations would find it too difficult to come to agreements with all of them in order to be able to canoe on the whole river or a substantial stretch of it. These agreements show that actually there is almost always a whole river association of such bodies which means that canoeing organisations in fact only need to make contact with one person on each river.

(10). Trespass and abuse should not be rewarded

The whole angling and riparian fraternity were shocked when the Petitions Committee report was released to see that, far from condemning the constant trespass which angling clubs and riparian owners have to endure, it simply wasn’t mentioned at all !

There is no doubt that this trespass creates ill will on both sides which can erupt into shouting and verbal abuse from both parties. There are however many instances of abuse, damage to property (especially walls and gates) and threatening behaviour aimed at riparian owners and anglers by groups of canoeists, for which there is documentary evidence. I give just a couple of examples below:

(a). River Clwyd, Daily Post report, 3.9.09

Just recently, the wife of a riparian owner was threatened with physical assault when she confronted a paddler on the River Elwy in north Wales. She said that the canoeist “became hysterical with rage, threatening to break her neck and she had to phone a neighbour to help”. The Daily Post report quotes Mr Charlwood on behalf of the WCA as well as the riparian owner - enclosure (14).

(b). River Conwy, 2008

A group of canoeists were unlawfully crossing a farmer’s field without his permission to try to access the river. They were pushing canoes over a gate when the farmer tried to push one back. The canoeists were quick to claim that this was an ‘assault’ and a court case resulted. The farmer was found not guilty of any offence.

These facts can be checked and further details obtained if members of the Committee contacts the farmer involved: Mr Elfed Williams, Plas Padog, Betws y Coed, Gwynedd. Tel. 01690 770205.

Many country people are outraged that a Welsh Assembly committee is even considering changing the law in order to benefit those who have conducted a campaign based on trespass, duplicity and intransigence. At the same time such a change in the law would greatly disadvantage those who have conducted themselves lawfully. Is it not part of the role of government to uphold the law and to criticise those who wilfully break it ?

(11). The way forward – the solution to the problem

We feel that a reasonable and fair solution to this problem is actually quite obvious. On most Welsh rivers the vast majority of the angling is for sewin and salmon. The legal fishing season for these fish varies from river to river but in the main is something like 21st March to 31st October. However, because the migratory runs of these fish have got later and later over the years, virtually no angling is carried out for these fish before, roughly, the start of May.

This means that anglers tend to be on the river during the six months of the year May to October inclusive. During the other six months (although this varies river to river) hardly any angling takes place, so, from the anglers point of view there would be little objection to canoeists using the river during the other six months – ie. November to April inclusive. In this situation, if the angling clubs said to the riparian owners that they had no objection to sharing the river with canoeists in this ‘half-yearly’ way, then there would be no derogation of angling leases and riparian owners would be very likely to want to come to agreements with canoeing organisations on this basis in order to try to stop conflict on the river.

Of course, there would need to be conditions to the use of the river by canoeists during ‘their’ half of the year to protect the ecology of the river. Very likely the maximum number of canoes or rafts on any one day would need to be agreed upon and the Salmon and Freshwater Fisheries Act would have to be included in such agreements. But these sort of provisions could be included in one way or another on a river by river basis – provided good will and a willingness to negotiate was shown by both parties.

Our experience as a society with members with knowledge of rivers across Wales indicates to us that associations of riparian owners and angling clubs would be more than willing to negotiate and sign up to such agreements. What is needed is for the governing body of paddlesport in Wales to accept that it is unreasonable to refuse to sign any agreement which does not give their members year round access to someone else’s property. If the WCA/CW adopted a less intransigent and more pragmatic attitude then these agreements could be put in place in rivers across Wales, their members (or members of local canoeing clubs) would have ample water to paddle and the current degree of conflict would sharply decline. This would be a fair solution for those on both sides of this problem.

260.Lowri Taylor, Caerphilly Wales.

I am a canoeist and a WCA member.

Rivers are currently restricted across Wales for the exclusive use by anglers. This is an unfair situation and affects all walkers, swimmers, canoeists and other water craft users.

I support the implementation of the same Land Reform act as they have in Scotland for use in Wales to allow fair access to rivers with shared responsibilities, and to give legal clarity.

261. The United Usk Fishermens Association

261.1. What is your interest in the issue of access to inland waterways?

I am a landowner, a recreational fisherman for the last 61 years, a riparian owner for 36 years and the Chairman of the United Usk Fisherman's Association for the past 17 years. As a member of the committee of the UUFA for the past 36 years, I have been actively interested in the health of the Usk and its tributaries as a game fishery. During that time I was involved in the successful challenge against the Newport Barrage, the successful buyout of the Usk Driftnets with the Wye Foundation, and the annual quota buy of the Goldcliff putcher rank for five years (also with WF) and the highly successful creation of the largest rivers trust in the UK: the Wye & Usk Foundation, from which you have received a separate letter. I am a trustee of the Wye & Usk Foundation and therefore endorse its charitable objectives. All of which has contributed a great deal to the enhancement of the River Usk and its capital value as a sought after destination for salmon, sea trout and wild brown trout fishing.

261.2. Are you a member of an organisation related to your use of water?

I am a member of the United Usk Fishermen's Association and a trustee of the Wye & Usk Foundation. In addition I am a member of Fish Legal, the Salmon and Trout Association, the CLA and I am Chairman of the Usk Local Fisheries Group for the EAW. I am a committee member of the steering group that set up the Exemplar and subsequent voluntary access agreement on Wye and Usk

261.3. Which stretch/es of water do you own/use/manage?

I own the Gliffaes Country House Hotel, which owns water on the Usk consisting of one mile at Gliffaes, which is left bank water and of which the river bed is owned to the half way point to 4yds above high water which includes a right of access to that holding and the Llandetty fishery which is $\frac{3}{4}$ of a mile both banks. Llandetty was bought as a right to fish and includes access to support that right.

I understand the legal rights and their value.

The rights give us the right to fish and maintain the fishery, within the EAW law.

I would not wish to see the legal rights in any way diluted which would affect the ecology of the river as a fishery and the diminution of its value.

I am aware of many different types of legislation in other countries but private ownership seems to deliver the most consistent investment in the future of our rivers. Many countries have legislation that is entirely consistent with sparse population and a low density of fishing.

I have allowed my land to be used as one of the crucial Access Points in the Wye and Usk agreement and receive no payment for this.

Voluntary agreements

Yes, since the agreement made with the Welsh Canoe Association in 1984 for which I was partially responsible as a committee member of the UUFA and which covered the closed fishing season from Sennybridge to the tidal waters of the Usk. Written permission had to be sought and was never denied. It was free. There was also a clause which allowed canoeing during periods of very high water during the fishing season. The latter was not easy to define because we did not have the web cams delivering instant water heights as we do today via the Wye & Usk Foundation website.

In 2006 the Welsh Canoe Association (now Canoe Wales) chose not to renew our agreement. We realised that there were many who wished to continue to have free access to some of the most exciting and

picturesque waters in the UK. The upper Wye was in the same position and we therefore contributed to the Wye & Usk Foundation in the formation of a steering group which brought together canoeists, riparian owners, the CCW and EAW to form an agreement which was essentially the same but modernised and enhanced to give canoeists permission to paddle at specified times and specified heights of water. It specifies access and egress points which are signed and clearly advertise the conditions canoeists accept in the use of the facility. Dr Stephen Marsh-Smith has detailed the agreement in WUF's submission to your enquiry, and which is also available as a part of the WUF website. www.wyeuskfoundation.org

In the operation of the latest agreement, at Gliffaes I have not experienced any problems during the fishing season which are all too commonly reported on the river below Crickhowell which has no agreement yet. In the closed fishing season period when canoeing is active on the upper Usk I have spoken to many canoeists from London, the Midlands and other parts of Wales and they applaud the agreement with all the information that goes with it.

One aspect we would like to see improvement is a lighter touch by the Brecon Beacons National Park in gaining planning permission for points of access and egress. A more welcoming approach is needed.

I believe we do not need changes to our voluntary agreement as yet and when we do they will evolve.

I am not aware of any voluntary agreements in other countries that would be suitable for our circumstances.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Any agreement has to respect the status quo and the economic benefit of the status quo. I have fished for a long time but in addition I am active in many other sports such as tennis, squash, shooting, sailing and golf. My point is that I personally wish to support any sport which does not interfere with another. In the case of canoeing I am only too delighted to provide facilities 'out of season' for canoeists to follow their exciting sport at a time when the water conditions are at their best for them. This has proved to be the case on the stretch between Sennybridge and Crickhowell.

262.Hugh Waller

262.1. What is your interest in the issue of access to inland waterways

Recreational, Bird Watching and Fishing

262.2. Are you a member of an organization related to your use of water

Yes, I a member of Midland Fly Fishers and Wyredale Anglers

262.3. Which stretch/es of water do you own/use/manage

The MFF Club was formed in 1935 and has owned nearly four miles of water on the Welsh Dee for fifty three years situated between Glyndyfrdwy and Llangollen.. The club also rents a stretch of about 3 miles above Glasbury on the river Wye. I also make use of other stretches via The Usk & Wye Foundation passport system.

Legal rights

262.4. Are you happy that your legal rights are clear and well defined?

Yes

262.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

As with any property either owned or leased one has the right of Quiet Enjoyment. I take exception to an uninvited group of canoeists disturbing the pool I am fishing, exactly as the majority of people would object to a group of Bikers invading their garden.

262.6. Would you like to see any changes to your legal rights?

I don't think so.

262.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

No.

262.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

I understand the club had agreements in the past

262.9. Would you like to see any changes to the voluntary agreements?

Yes

If yes, what changes would you like to see?

They must be VOLUNTRY agreements, not enforced.

262.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

I am sure there are

Observation

The Environment Agency, fishing people and fishing clubs have spent a great deal of money and effort in making improvements to the environment, waterways and purchasing of netting rights in an effort to preserve salmon. .

Why not legislate so that canoeists, like fishing people, are required to be licensed, have a season to protect fish, contribute towards the environment, and pay rent for a stretch of river that they want to use? What is good for one group must be fair for another.

263.Mrs P.N.Nash

I attended the meeting in Hereford on 2nd Sept I Own the Stacklands fishery in England which is used for fishing.

Neither the landowner or fishery owner wish to have canoes landing (already I have had the fishing hut stripped of wood in order to have a fire on one of the croys.) I belong to the Wye Salmon fishery owners assoc. also Wye Usk Foundation.

To start with I would like to know whether my legal rights are the same as the Welsh ones since my stretch is in England?

Improvements required to the river:-

Better predator control

Allowed to take one fish at least during the season The fry/parr released to be at least in excess of 5 inches in length The arrangements at the hatchery to be improved.

264.Paul Thomas

I don't believe that voluntary access agreements work. I support the implementation of the same Land Reform act as they have in Scotland for use in Wales to allow fair access to rivers with shared responsibilities including a fair system for access to Welsh rivers for canoeing, swimming, fishing etc.

265. Peter Wilkins

The current situation with access along inland water in Wales is highly unsatisfactory. Too many people have (or think they have) a right to veto any use of rivers and lakes other than for fishing. I have found this to be the case even on tidal parts of the Dyfi estuary where navigation rights are clearly established. Most people who venture into the countryside acquiesce in this because they seek recreation and do not want conflict. As a result, inland waters in Wales are seriously under-utilised.

Any legislation would have to include safeguards against environmental damage (including damage to spawning beds) from navigating rivers when water levels are too low. Also land owners should be confident that they will not be held liable for injuries or deaths arising from the use of waterways that pass through their land, unless such incidents result from deliberate obstruction to prevent safe passage.

The Land Reform Act (Scotland) 2003 provides a useful basis for developing legislation for Wales.

266. Brian Powell

I lease the fishings on 2 miles of the river Wye at Letton Court from the riparian owners of the river. This lease forms part of the business assets of my company Three Counties Fisheries. By leasing these fishing rights I expect my syndicate and day ticket holders to be able to fish that water in an uninterrupted manner without intrusions and disruption by third parties. We are happy with this arrangement, as anglers have been for centuries and have no desire to change the laws which have worked well for many years. In the past canoeists recognised that navigation rights did not exist on non tidal lengths of river and respected the law leaving the rivers of Wales to the quiet enjoyment of anglers.

It is only over the last four or five years that our anglers have begun to experience canoeists regularly trespassing on our waters. We have also experienced a number of accidents with seemingly inexperienced canoeists colliding with wading anglers! Some of these canoeists are from commercial organisations charging their clients to enjoy the waters that we rent at the expense of our sport. None of them have taken steps to contact my company or the Letton estate to seek permission to navigate the river we manage.

I view the fishing rights which I lease as an exclusive entitlement to access the river. My anglers are becoming increasingly frustrated by having their fishing spoiled by groups of canoeists who seem to believe that we are being unreasonable in this assertion.

Anglers pay for the privilege to fish the water twice, once when they buy an EA rod license and again when they pay a fee to fish a particular place on a chosen river. Anglers can be identified by fishing licenses and club permits, and are obliged to carry valid licenses and identification by law. Their sport is being spoiled by unidentifiable groups, individuals and commercial organisations that are trespassing on the water which we and ultimately they pay for. Ultimately we are in a position of being unable to challenge this adhoc trespass which is being exploited by the canoeists and their representative organisations.

I believe that we could accommodate canoeists at certain times of the year; however we feel that canoeists should buy a license to access inland waterways and pay to access particular places on the rivers of Wales as anglers do. We would like canoes to be compelled by law to display a registration number that is easily identifiable and for the process to be policed and individuals to be prosecuted for illegally accessing non navigable water as anglers are if they fish illegally.

I hope the sustainability committee will give the above points due consideration and take steps to preserve an ancient sport which is coming under pressure from a modern fad which has none of the innate affinity with water or the instinctive environmental custodianship which rests deeply seated in the souls of many anglers.

267.Mike Mayberry.

267.1. What is your interest in the issue of access to inland waterways

I am a recreational user of the inland of waters of Wales and I also work for myself coaching and guiding paddlesports.

267.2. Are you a member of an organisation related to your use of water?

I am a member of the Welsh Canoe Association. I am a self employed paddlesports Coach and the Community Coach for clubs based in West Wales.

267.3. Which stretch/es of water do you own/use/manage?*

Based in Pembrokeshire I mainly use the rivers of the Western and Eastern Cleddau, the Gwaun, the Nyfer and the Teifi but I also travel a lot to use the rivers which run off the Brecon Beacons, the Black Mountains and Snowdonia, including the Conwy, Glaslyn, Ogmore, Dee, Tawe, Sawdde, Usk and Wye amongst others.

267.4. Are you happy that your legal rights are clear and well defined?

I believe that the law regarding my rights to access inland water could be clearer than they are. If I access the water from a public right of way and exit only at another public right of way then I believe I have not trespassed. If I wish to get out onto another persons land then I accept that I would have committed trespass. Riparian owners in law are allowed to extract water from a river but as far as I know the water in the rivers comes from the sky, how can someone claim to own it?

I know that we have a right of navigation on all tidal stretches of water. I would like to see similar legislation to that recently introduced in Scotland, "Access with Responsibility". I have paddled both in France and Canada where I saw no conflict between water users.

As far as I am aware every other country in the world has a right of access to its waterways.

Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

For years the WCA and BCU made us aware of voluntary agreements for the river of our country. They were very restrictive, often only requesting that paddling take place between October and March, depending on which river it was for. This was totally unacceptable as a river can be in spate at any time of the year.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

At present the fishermen seem to believe that the rivers are for use exclusively by themselves. I would like to see the law clarify that everybody has a right to access these waterways and experience the great things they can offer all people from all walks of life. The legislation in Scotland seems to work very well with all users of the rivers sharing as they should.

268. John Pette

My interest in the issue of access to inland waterways relates to my love of fishing while enjoying the peace and quiet of rural surroundings. I am a member of various angling clubs with waters in Wales and devote considerable time and money to the maintenance of the rivers on which I fish on the basis of the fact that this enhances the amenity while at the same time providing clean healthy water in which fish (particularly migratory fish) can prosper. In addition to this I contribute to the maintenance of such waters through the purchase of an annual rod license.

At this stage I am happy that my legal rights are clear and well defined in that my clubs own the riverbeds over which water flows and that access for navigation is available only with our permission.

I am in favour of arrangements being negotiated with canoeists to grant them access to the water at certain times and such arrangements have been in place in the past. The problem is that canoeists often abused this privilege and still continue to access water without permission and often without respect for anglers. For every 'quiet' paddler there appear to be many noisy groups who are not content to simply use the waters for navigation purposes but linger causing considerable disturbance in faster streams spoiling the fishing we have worked so hard to enjoy and potentially damaging spawning redds. This continues to be the case, polite challenges often resulting in abuse and a further lack of respect to the right of the owners to enjoy peaceful fishing on land and rivers for which they have paid and in which they continue to invest.

Were any of my clubs to grant access to canoeists on certain days or at certain times of the year I would respect that and probably choose to fish elsewhere on those occasions but I would like to see such rights respected and not abused. I would like to see both canoes and canoeists licensed and numbered so that they too make a contribution to the Environment Agency for the work that is involved in maintaining the river system and to ensure that action could be taken against them were they to abuse what ever rights may be granted.

If rights were granted for open access the proximity of many Welsh rivers to major populations would serve to discourage fisherman from maintaining river banks and fish populations and from contributing to the local economy in such a significant fashion. To allow canoeists free uninterrupted access to private areas is akin to allowing mountain biking on golf courses!

269.G L Jackson

I write as suggested, as one of the Trustees of the above Trust. Dolanog is situated approximately ten miles from Welshpool, post code SY21 0LQ. The Trustees own fishing rights on the River Vyrnwy at Dolanog being 1830 metres of double bank and 2120 metres of single bank.

The level of water in the river is largely controlled by what is let out of Lake Vyrnwy, some six miles upstream. During the summer months the general level is low and would barely sustain canoes. While we have no objection to the current use of our river by canoeists during the winter, I feel it would be totally inappropriate if not at times impossible, for canoeists to have a general access to the river during the summer months. It would have a very detrimental effect on our fishing rights.

270. Charles Scola

I am a canoeist, a member of the national Canoe Wales Organisation.

I regularly try to paddle on the beautiful local rivers in the South Wales area to relax, exercise and enjoy the scenery and wildlife. I am confused as to where and when I am legally allowed to access these various rivers, it is very hard to get clear unbiased guidance and there is rarely any signage on the rivers themselves.

I enjoy paddling quietly and unobtrusively, appreciating the beauty of the river's environment without disturbing anybody. Normally fishermen (with whom I normally share the river) are friendly, we exchange greetings and I try to follow their instructions to avoid their lines; we are both sharing and enjoying this superb natural environment. However, occasionally a few fishermen are aggressive, abusive and do not seem prepared to share the river, but assert that they have exclusive riparian rights which exclude use of canoes on 'their' river. On a recent incident a fisherman actually started throwing stones at me (fortunately he missed or the consequences could have been very serious). Surely the peace of the riverbank needs to be respected, and remain accessible and enjoyed by all without fear of abuse, intimidation or even overt violence; and this must be protected by law.

I do not believe that any individual or group should have a monopoly on any Welsh rivers, whatever their sport or interest. This precious resource should be freely shared between all interested users, as long as all parties are willing to respect the rights of all users to use the resource sensibly without damaging it. I would be very happy to pay an extra subscription through Canoe Wales to pay for upkeep of the banks / water environment and provide proper parking and access facilities, my membership sticker would be clearly displayed on my car and canoe to show that I have paid my subscription.

I would request that the Assembly pass legislation to provide unrestricted access to all Welsh rivers to all interested non powered water users, walkers, fishermen etc in a similar way to the Scottish Parliament.

271. Andy Turner

As a kayaker, I am interested in the responses posted to your inquiry, and indeed the eventual outcome.

I would like to suggest a solution to a complaint, used by land-owners and fishermen alike, that kayakers do not assist with the maintenance of the riparian environment.

My solution is this: allow us access to the rivers.

As it stands, the paddling community has no interest in helping with this maintenance, because we have no rights to use them. However, if we were granted access, it would be in our interest to ensure that the river is in good condition, and the various interested parties could work together to achieve the mutual goal of protecting our beautiful rivers.

This would allow the creation of good-quality access and egress points which would minimize damage to the river banks; it would allow the clearing of fallen trees and branches from the rivers, thus making the river safer for kayakers. It would also allow us to gain a greater understanding of the issues involved in river management, for example the life cycle of the fish, and so increase the appreciation of keeping away from gravel beds, the most critical times of year etc.

Of course, not all kayakers would be willing or able to take part in such work. However, as a member of a university club well used to the frustration of "low water" trips, I feel that spending a day helping the river environment would be a far more productive use of my time. Of course, as things stand, we simply can't do this.

I am convinced that this sort of personal engagement will bring about greater cooperation and respect than simply shouting at each other.

272.Snowdonia Society

The Society welcomes the committee's inquiry into access to inland water.

Cymdeithas Eryri Snowdonia Society, established over 40 years ago and now with over 2500 members, is a registered charity which seeks to protect the landscape, wildlife and cultural heritage of Snowdonia for the benefit of those who live in or visit the National Park, and for future generations. Our members are people who have first-hand knowledge of Snowdonia, and either live in the National Park or visit it regularly. The Society is a minor landowner, but has no navigable water on its property.

The National Parks of Wales cover a significant proportion of the total land mass of Wales. They were created by Parliament in order to, *inter alia, promote opportunities for the understanding and enjoyment of their special qualities...by the public.* The CROW Act has made a significant positive contribution of access rights for walkers and climbers and the Society feels that a statutory right of non-motorised access to Welsh rivers, canals and lakes for recreational or educational purposes would be a logical extension of this policy. It would also sit well with the statutory purposes of National Parks. Our only reservation would be that a legal right of access to water should not be available where it can be demonstrated that environmental harm would take place. We have seen some evidence of tension between angling and canoeing interests but we believe that it is possible for them to co-operate to achieve a workable solution. We would hope that responsible access codes would provide some leadership in this matter and feature good practice guidelines for both groups.

Regular participation in active recreation activities such as paddling has a clear benefit for the health and well being of individual staking part. The key industry of Snowdonia is tourism and outdoor activities are a key component of this activity. The Society believes that this activity can be grown here with consequent benefits for employment without damaging the environment or significantly interfering with angling.

The committee may wish to study the operation of the Land Reform (Scotland) Act 2003. We believe that any such legislation in Wales should place an obligation on Welsh Ministers to produce and maintain a Code of Responsible Water Access, setting out clearly the obligations of persons wishing to exercise their right of access.

273.Lee Evans

I am extremely concerned regarding the potential outcome of the 'Inquiry into Access to Inland Waters in Wales'. While I can empathise with canoeists and rafters, I believe it would be wholly unfair to grant them open and free access to Welsh rivers and fear that this would lead to a dramatic decrease in the quality of fishing on our rivers. This issue has been over politicised and it is imperative that we fully understand the issues of those that will be affected most.

As a keen river fisherman of over 25 years, experience indicates that these craft certainly affect fishing quality.

Clearly, most things in life have a value allocated to them and I believe that it is fair to ensure that all river users pay an appropriate sum for the privilege. I am a member of Merthyr Tydfil Angling Association; I am regulated by them and reap the financial benefits of cheaper fishing through membership of this large non-elitist club that lease beats on various rivers. Surely, it would be fair to expect a similar situation for canoeists and rafters? This way the cost of access and use -for everyone- will be determined by enthusiasm for the particular sport and the value of the stretch of water.

Many anglers and clubs have invested lifetimes of work to realise the quality of fishing we have today. I am confident that this quality will be severely affected if open and free access is granted to canoeists and rafters.

274.C D Coxwell

274.1. What is your interest in the issue of access to inland waterways?

User for waterborne recreation

274.2. Are you a member of an organisation related to your use of water?

No

274.3. Which stretch/es of water do you use?

River Arun

River Wey

River Severn

River Itchen

River Avon

Llangollen Canal

Montgomery Canal

River Usk

Monmouthshire & Brecon Canal

River Wye

274.4. Are you happy that your legal rights are clear and well defined?

No

274.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

Legally I can paddle some 4% of rivers in Wales, it is highly unlikely, but I run the risk of being taken to court for trespass if I paddle any of the other 96% of rivers in Wales, and I will most certainly receive verbal abuse from various other river users.

274.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

I believe that water, as a natural resource belongs to everyone and therefore there should be no legal restrictions on the use of rivers in Wales.

274.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill

274.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

None now exist, as the WCA has pulled out of all Voluntary Agreements as, after 50 years of negotiation, recent Government studies have shown that they cannot provide the necessary water resources needed for water sport.

274.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

They should be used when short term exclusive access is required to stretches of water, for example when a championship fly fishing event is taking place.

274.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

50 years of negotiation has resulted in a pitiful 4% of the linear waters ways in England and Wales that are in private ownership being opened up via agreement. Voluntary agreements are restrictive in nature, usually permit use of small sections of rivers only and are for short periods of the year. Canoeing, Kayaking and Wild Swimming continue to enjoy growing numbers of participants for which sustainable access to water is essential to allow participants and rural economies to continue to benefit from what is a low environmental impact, high health promotion activity.

I do not believe that further access to water can be delivered by utilising the same methods that have failed again and again.

I feel that a solution can only be achieved with a mechanism of access similar to that of the Scottish Land Reform Bill. Legislation is required to enshrine and enhance the right of access to the water, and provide clear roles and responsibilities for user groups in relation to the preservation of the environment.

Prior to the introduction of the Land Reform Bill, many parties were concerned about what it's effects might be, since it's introduction all concerns have been shown to be unfounded and people from all walks of life are able to share and enjoy the Water and environment, responsibly and without conflict.

275.T.E.L. Jones

Having been informed of the above issue by my local angling association a few days ago I am prompted to write to ask you to lobby strongly against the proposal on behalf of all local anglers.

I must say that *my* initial reaction was a mixture of disbelief and anger that such a proposal is being given serious consideration – because of its implications for anglers!

May I highlight the arguments that we, as fishermen, wish to put forward against providing free and unfettered access to our rivers:

1. We pay a large fee for an Environmental Agency licence to be allowed to fish
2. The licence imposes restrictions on when and how we are able to fish
3. We also have to pay (directly or through clubs) for permits to fish specific waters
4. We make substantial or voluntary contributions (in cash or in kind) to maintain rivers and protect or improve habitats (CFF, £120 000+ last year)
5. We operate catch-and-release schemes to conserve fish stocks
6. We pay towards a hatchery to support fish stocks
7. There are far more of us than canoeists
8. Nearly all of us live (and vote!) in the area.

To allow canoeists access to rivers, without any payment, wherever and whenever they want, would be extremely unfair compared with the conditions fishermen accept.

My club's members are also making the very pertinent point that if someone suggested that anybody should be able to go into anybody's garden whenever they wanted, without permission or payment, the suggestion would, of course, be ridiculed - because gardens are private property and belong to somebody. The same point must surely apply to rivers, the fishing rights of which are owned or leased by anglers!

In the light of the arguments raised above, all anglers will be most grateful if you would lobby strongly on our behalf against the proposal to allow free and unfettered access by canoeists to rivers in Wales.

276.Trewern Outdoor Education Centre

Interest in access to inland waterways:

As teachers at Trewern Outdoor Education Centre, we regularly use stretches of water to teach young people and adults. Invaluable 'classroom' for PSHE, physical skills and environmental education. We are all keen recreational canoeists as well.

Membership of Organisations related to this issue:

Canoe Wales, AHOEC, IOL

Stretches of water used:

Group use - Regularly use Glasbury>Hay and Hay> Whitney, on the river Wye. More occasional use of Aberbran>Brecon stretch of the Usk. Personal trips on most paddlable rivers in S.Wales

Legal Rights:

We are not happy that legal rights are clear. Ancient navigation rights give clear access rights from Hay down, on the Wye. Elsewhere it is less clear, with many sections not being accessible at all.

Changes in legal rights:

It would be a very positive step to change legal rights to reflect the needs of a greater section of society. The situation in England and Wales is not mirrored elsewhere. A lead could be taken from Scotland's stance.

Experience of voluntary agreements:

These rarely work, as they are very prohibitive giving minimal access to canoeists, for short periods during the winter months. As all landowners need to be in agreement, rather than just those whose land is effected (access and egress points), very few rivers have any agreed access.

Key Issues:

Currently very few waterways are available for paddling, hence those rivers which are open are frequently 'over used'. Opening up more rivers would spread use, thus causing less disturbance. Arguments that canoeists disturb fish are weak - paddlers and fishermen use rivers 'side by side' around the world, with no reports of dwindling fish stocks. Our current position which allows access to such a small select group is unacceptable.

277. Paul King

What is your interest in the issue of access to inland waterways

I am an angler but have previously canoed and rowed. I have represented Wales in international events in both rowing and fly fishing. I have been fishing for 48 years and have represented during this time have represented Wales in the World and European Fly Fishing Championships. I rowed for six years, representing Wales twice at international level, and have also canoed recreationally.

Are you a member of an organisation related to your use of water?

I am currently a member of three angling clubs with fishing in Wales, the Wirral Game Fishing Club, Clwyd and Denbigh Angling Club and Tregate Angling Club and serve on the committee of two of them.

Which stretch/es of water do you own/use/manage?

I regularly fish on various stretches of the Welsh Dee, Conwy, Usk, Clwyd, Elwy, Monnow and Wye and from time to time on other Welsh rivers such as the Dyfi, Tywi, Teifi and Dysynni.

Legal Rights

I am happy that both my legal rights and those of other water users are clear and well defined?

My understanding of my legal rights over the stretches of waters that I use is as follows:

I pay for an Environment Agency rod licence for migratory fish which gives me the legal right to fish for salmon and sea trout with rod and line but not any specific right to fish on any particular stretch of water.

I then pay a membership subscription to a fishing club or a fee direct to the owners of the fishing rights for the right to access the river and then to fish in the river in question. I am then legally entitled to fish those water but not others, within the fishing rules set out by the EA or landowner.

On all rivers except the Wye and Monnow where there are ancient rights of navigation, any other recreational use, particularly by canoeists, rafters and gorge walkers is a trespass unless they have entered into a voluntary agreement for access and egress and also at times possibly in contravention of the Salmon and Freshwater Fisheries Act as they wilfully disturb fish spawning areas.

I am content with the current situation and do not wish to see any changes in my legal rights and definitely do not want to see increased access for other water users without the full agreement of the anglers/landowners and riparian owners.

I am not aware of any legislation that exists in other countries that could be used in Wales? Some mistakenly look at Scotland as an exemplar but land ownership and river management are and have been historically on a completely different legal basis in Scotland and the comparison is weak and ill founded.

Legally, under the current law, having canoeists in a fishing pool on a river is almost exactly the same as a party having a picnic on the 18th green of a private or members' golf club.

Canoeists claim that the law is unclear but this is disingenuous and a ruse to encourage legislation, the law is perfectly clear, access to inland water in England or Wales without a specific right of navigation or voluntary agreement is a trespass.

Voluntary Agreements

None of the rivers on which I fish have any current voluntary agreements and this is primarily because the canoeists will not currently enter into discussions on voluntary access agreements despite being offered as a) they will not accept any conditions for such access and b) they believe that they will be able to have free and unfettered access as a result of WAG rewarding their campaign of civil disobedience with a legal right to such free and unfettered access.

I am not aware of any models for voluntary arrangements in other countries that could be used in Wales as none of them take due regard of the rights of landowners, riparian owners and anglers?

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

For me the main issue is that WAG seems determined to reward anarchy and illegal activity by canoeists and rafters not only by giving them what they want but to do so against the wishes of a far larger number of anglers.

There are over 77,000 rod licence holders resident in Wales, many more licence holders from England visit Wales for angling holidays. Angling generates about £148m revenue in Wales each year of which £68m stays within Wales.

The other water users are far fewer in number, for the most part not resident in Wales and contribute far less to the Welsh economy and yet WAG seems to want to favour this minority at the expense of anglers.

Anglers pay between £50 and £650 per annum to gain access to rivers through clubs, significantly more if they pay direct to the riparian owner or join a syndicate, and the canoeists currently pay nothing and intend for this to continue.

Anglers are heavily regulated by law and the canoeists are either not regulated or choose to ignore the law. If free and unfettered access to inland water is granted then this will presumably apply equally to anglers, rendering all fishing rights valueless overnight and, even if it doesn't, the value of many fishing rights will fall substantially as a result of potential disturbance and WAG will face compensation claims from thousands of riparian owners whose asset values have been destroyed. A figure of £50,000 per mile for fishing rights where migratory fish are present is not unreasonable. In these difficult economic times with pressures on key services I really don't think that for WAG to enact legislation that rewards anarchy with such a high potential cost against it could in any way be described as responsible government.

I believe that voluntary agreements are the only workable way forward. Canoeists currently have access to a reasonable amount of Welsh inland waterways and are having purpose built white water facilities constructed for training ahead of the 2012 Olympics. They could have access to more via voluntary agreements but access would be controlled in such a way that canoeists gain access during periods not conducive to fishing or likely to disturb spawning fish. For voluntary agreements to work canoeists have to recognise that anglers pay considerable sums for access to rivers, clubs have purchased fishing rights that have been paid for by the membership. They may also have to pay for access.

There is another major obstacle which is that all canoeists would have to abide by whatever agreements are reached, and accept that where no agreements are negotiated there is no legal

access. The extreme militant and anarchist elements clearly present within the ranks of the canoeists makes this unlikely.

Further Comments

One of the key species that attracts visiting anglers to Wales, creates the highest value fisheries and is the quarry of choice of many Welsh anglers is the sea trout or sewin. Wales has the best sewin river fishing in the UK and some of the best in Europe. The sewin is a nervous fish to the extent that most sewin fishing takes place at night when they lose their caution to some degree.

Almost every Welsh river has sewin present.

If a pool is disturbed by other water users during the day the sewin will not settle and cannot be caught. Many salmon and sea trout fisheries even stop salmon fishing two hours before sunset in order to rest the pools and allow the sea trout to settle for night fishing.

If canoeing and rafting takes place on these rivers and damage the sewin fishing then the first result will be that visiting anglers will go elsewhere and many Welsh hotels will lose vital trade. The next result will be that interest from Welsh anglers will decline and clubs may not then be viable and the fishing will lose value prompting claims for compensation.

I strongly object to any rewarding of law breaking by a Welsh Assembly Government legislating to give the mostly English law breakers what they are seeking and in my view to do so makes the Welsh Assembly Government guilty by association.

I urge the Sustainability Committee to maintain the status quo, support the rule of law, support Welsh voters indicate clearly that free and unfettered access is not going to be an option and to promote voluntary agreements with for allowing canoeists and rafters access to more of the rivers.

278.Alan Johnson.

I am a keen fisherman and regularly fish on the Dee. I would like to state that I think there needs to be careful consideration of the issue of use of rivers by canoeists and fishermen. There are probably more fishermen than there are canoeists, but that does not mean that canoeists should have no access. However, it does not mean that there should be unlimited access either. Fishermen pay for their access and the upkeep of the waterways and they are regulated by the Environmental Agencies. Perhaps you should consider the same for canoeists, so that they too can contribute to the cost of maintaining the environment and can be subject to an appropriate degree of regulation. We live on an increasingly crowded island and tensions arise between different groups when the activities of one devalue the activities of another group. This can be the case between canoeists and fishermen. A balance needs to be struck, and unlimited and unregulated access for canoeists to all inland rivers does not represent such a balance. Before coming up with a compromise, which won't meet all the demands of either group, please carefully discuss this with both.

279. Mark Yorke

I am a recreational user.

I am not a member of a canoeing organisation.

I canoe on a variety of rivers in S.Gwynedd

I understand that there are no legal rights in England and Wales to canoe on non tidal rivers.

I have no knowledge of any Voluntary Agreements, probably because I am not a member of an organisation, and I do not read the canoeing press.

I suggest the following are key issues:

- a) Disturbance to an individual fisherman whilst fishing, is most acute (1) on a narrow stretch of river (i.e. when he can cast over the full width of the river) (2) in "calm" conditions when fishing conditions may be "ideal"
- b) Vice versa to a. above.
- c) When a group exceeding (say) 4 canoeists is on the water.
- d) When a canoeist(s) have no regard for a fisherman,s interest (and bearing in mind that he has probably paid for his day, and a considerable sum in some circumstances)
- e) I suggest that no attempt is made to legislate on access to rivers. (costly to implement, and police etc.; further polarise the 2 separate interests etc.)

Instead I suggest that good examples of successful voluntary agreements are publicised in the canoeing and fishing press, and direct to canoeing and fishing clubs and organisations, and this approach is strongly promoted to the relevant parties, TOGETHER with an agreed "Code of Conduct" to be included in an Agreement of course.

I appreciate that this may not remove all existing or potential problems within a short time, particularly if some individuals who are not a member of an organisation (canoeing or fishing) are unaware of, or choose to ignore any voluntary agreement.

Perhaps a suitable sign should be installed at all popular access points where a voluntary agreement IS operative. ("for details of the agreement contact...")

280.David Jones Powell

280.1. What is your interest in the issue of access to inland waterways?

I am a co-trustee and co-beneficial owner and manager of a stretch of single-bank and double-bank of the river Usk above Brecon. I am also a resident in a house on the bank of the river in one of the surprisingly few houses with a view of a substantial length of river. I was born in this house and have fished in the river and been interested in the life of the river all my life, as were my parents before me. I have not been resident in this house all my life though. Like many fishermen, I feel I should speak up for the river and, if necessary defend it, as it has no voice of its' own. If I don't do it, who will? It is one of my recreations to enjoy the life of the river passively and I do not find it necessary, in doing this, to enter every last part of it or, indeed, any part of it outside my boundaries. Relations with my neighbours would soon deteriorate long term if I did and I have no wish or need to do so anyway. In short I get no kick or advantage from trespassing.

280.2. Are you a member of an organisation related to your use of water?

Yes; United Usk Fishermen's Association; CLA; Countryside Alliance; Anglers Cooperative Association (until it merged); Salmon and Trout Association; the Wandle Trust.

280.3. Which stretches of water do you own/use/manage?

2.5km of single and double bank of the river Usk.

Legal rights.

Yes; I am happy that my legal rights and responsibilities are clear and well defined. The law relating to the tort (wrong) of trespass has recently been set out very authoritatively (in my opinion) in a posting by Fish Legal (formerly ACA- see above) on the canoeists' message board. As a former Solicitor I understand the legal language used (necessarily for absolute clarity for other lawyer/readers) as well as any other lawyer, I hope, and have always been interested in the ramifications of Land Law anyway, particularly also because I practised in a rural area.

I have noticed that a very large proportion of canoeists' and supporters' responses to your invitation to submit views, claim to find the law unclear. It is often said, in a criminal context, that ignorance of the law is no excuse; but there are circumstances where the tort of trespass can be a criminal offence e.g. aggravated trespass, armed trespass, and trespass in breach of bye-laws. As Jonathan Swift said "There's none so blind as they that will not see."

I know that, in my case, because the trusts of which I am trustee own the banks and the bed of the river and perhaps unusually, in our case, the bed of the river is shown on our title deeds (now registered at HM Land Registry), we do not have to rely on the legal presumption of ownership of the bed of the river which the law otherwise implies in favour of the riparian owner. This presumption is rebuttable. Furthermore I also know that our rights are incidents of ownership of the underlying bed and not the right to take the product of someone else's land (a profit à prendre) as rights of common are. I also know that the boundary of our legal ownership is an imaginary line drawn from the centre of the Earth to outer space passing through, first the land, then if applicable, the overlying water, thence into the air as far as it is possible to go. I have always assumed, but have never had to check, that when aeroplanes were invented, there had to be a specific piece of "right to roam" legislation to exempt them from the law of trespass; if not, the journey from London to New York would, hopefully, be more expensive, with a little coming to Wales as a wayleave.

I also know, instinctively, as does practically every other householder and his dog I have ever met, that an unauthorised breach of my boundary is a tort, namely trespass. I do not nor does anyone else, need a lawyer to tell them that it is “wrong”, and this, if I may say so having retired, is one of the many beauties of the law of trespass as it has been developed by the judges over centuries. Perhaps not many people will agree with me that the law of trespass and its remedies is a thing of beauty but it works well and certainly not to the overt benefit of the property owner in an over-crowded island. It works because it is subtle, precise, and relatively toothless and most trespassers are not persistent enough or the property owner spendthrift enough to bring the sharper bits of it into play – so all parties to the tort should be, and in my experience usually are, relatively happy to come away from the encounter with something, even if some feathers on both sides have been ruffled – a small price for keeping the peace. It works so long as both parties know and respect their legal limitations, and because it is instinctive to protect (on the one side) and to respect (on the other side) each others boundaries. The more exactly that a law reflects peoples’ instincts the more likely it is to be observed.

I am concerned though that no public body seems to be willing to undertake responsibility to promote or enforce the law relating to rubbish and litter in the river; the Environment Agency is most efficient when it comes to obstructions in the river but not, it seems in respect of mere rubbish. It seems very difficult to pin down who is responsible for the collection and removal of river rubbish; should it really be left to individuals (last year I collected three spent phosphorous grenades which must have travelled at least 5 miles)?

Other than this I do not wish to see any change in the law. I am not sufficiently well informed on the law of other countries to know whether or not their laws could be used in Wales. As far as I can see the legal systems of the developed world have at least two main sources of law namely the common law (England and Wales, America and the Commonwealth) and the Napoleonic Code (Europe and former colonies) and the two do not sit comfortably together. I lived in Italy for a couple of years and in my experience the Common Law is more democratic and individualistic and the Napoleonic code more dictatorial and bureaucratic. I am not a member of UKIP.

Voluntary Agreements.

I ran the Upper Usk agreement covering the main stem of the river between Sennybridge and Brecon on behalf of the United Usk Fishermen’s Association from Sept 1983 to Nov 2006. The agreement was in fact dated 27th March 1984. The parties were the British Canoe Union, the Welsh Canoe Association and UUFA. I have a copy of the original and its successor (almost identical). In Nov. 2006 having been unable to renew the time-expired agreement with the Usk representative of the WCA and, indeed on one occasion having suffered a bizarre attempt by the WCA Access Development Officer to prevent me talking to her at a meeting in Hereford, I was not surprised to receive a letter from her saying that the WCA were “not able to sign another agreement” citing (inter alia) their “environment protection policy”. I replied asking for a copy of that policy and am not surprised that I have not heard from them since; no doubt one can be quickly and painlessly produced. I took it then that the agreement was at an end even though some clubs are still writing in. I tell them I have been nationalised and point them to Wye/Usk Foundation. During the 23 years of the agreement I did not once refuse permission always giving it “on the terms of the agreement”. If the consent was for a time in the fishing season (very few were) I would also draw attention to the river-level condition though I now understand that the phone number of the gauge was either changed or unobtainable for long periods of the agreement. I neither had the time nor the resources to monitor observance of the agreement and effectively I had to trust the canoeist. That also was a reason for never refusing permission as I knew I could not hope to check observance if I said no. Occasionally I would hear of trouble at the Sennybridge entry point at Rhydybriw where I knew one of the residents. He would ring

to complain of obstruction by canoeist's vehicles or immodest changing practices by canoeists (a common complaint). It is commonly said that this agreement "worked well"; so it did as long as the parties to it did not interfere to make sure that its conditions were being observed as, indeed, any agreement would. It was effectively out of sight and out of mind. I have no idea how many people actually canoed but my figures for the last three years of the agreement up to 2006 were; 2003/4 72 written requests for 905 canoeists; 2004/5 71 requests for 602 canoeists (but 22 requests unquantified); 2005/6 86 requests for 783 canoeists (with 19 requests unquantified). The canoe season was expressed to run from 18th October to 2nd March i.e. exactly the close season for game-fishing. The same people, often club secretaries, wrote year after year and a decent relationship grew up in some cases, running to a Christmas card in one case, until I was nationalised by the Wye/Usk agreement in 2007. I did not make a penny out of it (on the contrary) and the cost to the applicants was two postage stamps, one to send, plus an s.a.e. Towards the end of the period I began to receive more blanket applications to cover the whole season, without specifying numbers, mainly from out-door pursuits centres. However it never amounted to a great burden either because I had secretarial help up to 2002 when I retired and after that because I sent out standard replies with no carbon on my own stationery (s.a.e. provided, hopefully, but not always). I now understand that this practical solution may have been "feudal" whatever that means in this context.

I feel that the effective nationalisation of the inland waters of Wales as envisaged by the petition is a very retrograde and damaging step. I would like to see all parties make a much more determined and focused attempt at proper commercial agreements. At present, regrettably, relations between the parties are very bad indeed and one of the parties has expressed its' intention not to enter into any agreement at all. This attitude is very likely to persist as long as the promised land of statutory access is not kicked firmly into touch. At present there is no incentive for either side to enter into an agreement, which will be redundant if statutory access is granted. The countryside is owned by a large number of small businessmen - the farmers. Instead of insulting them by giving them a metaphorical "two fingers" as they float by without consent, the canoeists and others could be persuaded perhaps to adopt a more engaging stance, to drop the macho approach and even to flourish a small wayleave payment. The instinctive irritation of riparian and fishery owners might thereby be assuaged. There are other conditions which might also satisfy other interested parties whose voice has not been heard for some reason (what was the policy in sending out the request for submissions? It seems to have been quite haphazard). I am thinking of the naturalists. This will all take time and therefore money but nobody seems to have tried to undertake the task in the precise and almost microscopic, methodical way required. The sledgehammer of statutory access for all will please nobody except the ideologues. Everyone else with the interests of the river at heart and broader minds and interests will lose out as the river becomes no-one's deep pleasure and pride, as the right to say no evaporates in the battle between competing interests. The river environment is narrow and fragile and depends on a lack of disturbance in relation to the adjoining intensively farmed landscape.

Key Issues.

One key and very basic issue which seems to have been overlooked is that what is being sought amounts to an expropriation of part of a right of ownership with a monetary value. To take this away, almost certainly with no compensation proposed, if the CROW Act and the Coastal Access Bill are guides, is an expropriation unworthy of a civilised country. This is quite apart from any degradation of the river itself. Our field sports, which have grown up within the legal system which the applicants complain of so much, are a magnet for people from all over the world less blessed with the ability by law to preserve property from public access; I am thinking of the Americans and Europeans who come here for the game shooting and, if nothing else, the fishing to be enjoyed on, for example the English chalk streams. The first fishing tenant we had that I can remember well was a New Zealander

living and working in Baghdad who came over for a month a year to fish here and to shoot and stalk in the North of England and Scotland. Nowadays we are open for day tickets to people from France, Italy, Switzerland and the Netherlands as well as the UK and the further they come from the more they have to spend money in Mid-Wales for board and lodging. The Assembly surely does not exist in order to drive value from rural Wales. When I noticed that the Petitions Committee was an all-party committee and that, apparently, it had been unanimous in its resolution to keep the petition alive by passing it to your more powerful committee, I realised that between them the four parties represented on the Petitions Committee inescapably, either separately or in coalition, represented our only expectation of government in Wales until 2011, I began to worry. As I thought about it I noticed a quotation from the great Thomas Jefferson, Third President of the United States, an individualist, a democrat and of North Walian and Welsh-speaking descent, who said "Government? It is the group within society that claims for itself the exclusive right to rule everyone under a special set of laws that permit it to do to others what everyone else is rightly prohibited from doing, namely aggressing against person and property". Please reassure us that the present Welsh Assembly Government headed by the present First Minister is at least as benign and well-intentioned, towards its electorate first and foremost, as it usually appears to be.

281.D. Eric Davies (Youth coach for Llandysul Angling Association)

I remember some years ago when a plastic duck race was organised in the park in Llandysul. We acquired the help of the Teifi Coracles in retrieving the ducks from the pool known as sewerage pool. A fishing net had been laid across the end of the pool to stop any of the ducks escaping down river. A solo coracle came down through the pool before the ducks and to the surprise of the large crowd, a salmon was disturbed and swam down river and straight into the net. The water bailiff present released the salmon of about 10lbs back to the river. Without a net present we would never have seen the salmon trying to escape the disturbance of that coracle.

From that incident, I am convinced that canoe activity is detrimental to migrating fish on any river; maybe canoes and rafters should not be allowed to navigate a river where there are migratory fish, and that man made courses should be built especially for them, like they do for the Olympics. This way the natural cycle of the waterways may be preserved and the canoeists will benefit from increased health and safety factors.

Bright canoes and bright clothing are not compatible with river and nature. It could well be some of the reasons for the decline in our migratory fish.

I and other volunteers are coaching the children of Llandysul to fly-fish, and would hate to think that we are instrumental in getting these children on to the banks of the Teifi only for them to have fights with canoeists that have acquired free access to all waterways of Wales.

I am urgently calling on the Sustainability Committee members to think very carefully on the future of life in the country-side.

282.Susan Digges La Touche

282.1. What is your interest in the issue of access to inland waterways?

I paddle a Canadian canoe

282.2. Are you a member of an organisation related to your use of water?

Yes

British Canoe Union

Canoe England

282.3. Which stretch/es of water do you use?

In Wales:

River Dee

River Tryweryn

River Severn

River Banwy

Afon Alwen

Afon Ceirw

River Conwy

River Wye

In England:

The Severn

The Wye

The Leam

The Thames

various canals, the jurisdiction of British Waterways.

282.4. Are you happy that your legal rights are clear and well defined?

No

282.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

I understand that I can paddle some 4% of rivers in Wales, but that I could run the risk of being taken to court for trespass if I paddle any of the other 96% of rivers in Wales. However, I will most certainly receive verbal abuse from various other river users.

As I am not on someone else's land, but floating upon water that runs above it, and thereafter onto another site down river then I am unclear, legally, regarding how someone can claim to 'own' this piece of water.

282.6. Would you like to see any changes to your legal rights?

Yes; I would like my rights to be codified so that the legal situation is clarified. I would like to see a right to paddle the rivers, and understand that such a right should come with some responsibilities.

If yes, what changes would you like to see?

I believe that water, as a natural resource belongs to everyone and therefore there should be no legal restrictions on the use of rivers in Wales.

282.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill. In France there has also been codification / legal clarification of access to Rivers.

282.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

No. I am aware that there were some voluntary agreements for rivers in the past and that they led to conflict.

If yes, please briefly outline the agreements that exist and your experience of how they operate.

In England, I understand that none now exist as the BCU has found that they didn't work sufficiently well and they introduced complications where paddlers (people who paddle canoes) did not know the fine detail of these agreements and this, in itself, led to conflict. I also understand that they also do not exist in Wales, as the WCA has pulled out of all Voluntary Agreements as, after 50 years of negotiation, recent Government studies have shown that they cannot provide the necessary water resources needed for water sport.

282.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

They could be used when short term exclusive access is required to stretches of water, for example when a fishing competition is taking place.

282.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No, I am not aware of any.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Voluntary agreements tend to be impractically restrictive and complicated. Neither party tends to know the full details of the agreement and this leads to conflict. More people enjoy canoeing and kayaking than ever before and this should be encouraged as a means to improve the health of the population.

I do not believe that access to the water can be delivered by using voluntary agreements, but that our access to the waterways should be enabled, and then protected, by means of codification similar to that introduced by the Scottish Land Reform Bill. Not only will this legislation enshrine and enhance the right of access to the water, but it will also provide clear roles and responsibilities for user groups in relation to the preservation of the environment.

Prior to the introduction of the Land Reform Bill, many parties were concerned about what its effects might be, since its introduction all concerns have been shown to be unfounded and people from all walks of life are able to share and enjoy the Water and environment, responsibly and without conflict.

In France both fishermen and paddlers share the use of the rivers. For example, in the Ardeche River in the south of France and the Allier in the Auvergne, France. In the latter location paddlers were permitted access 10am until 6:30pm with fishing being permitted outside these times. Angling and paddling is possible on the river at the same time and the two currently exist peacefully on the River Severn. In France, fishermen were permitted to fish during the day when many people were paddling canoes.

283. Kevin Jackson

283.1. What is your interest in the issue of access to inland waterways?

My comments are made as both a professional educator and also as a recreational canoeist.

I am Head of an Outdoor Education Centre and Advisory Head for my employer, a County Council. A major part of my work is introducing young people and adults to a range of water activities that includes using rivers, lakes and the sea. In doing so I ensure good practice, with specific focus on sustainable use of venues, including having sensible access, is central to all sessions delivered by my staff.

My personal primary sporting interest is river and sea canoeing.

283.2. Are you a member of an organisation related to your use of water?

I am a member of Canoe Wales (WCA).

283.3. Which stretches of water do you use?

Numerous inland, tidal and sea venues across all parts of Wales.

Voluntary Agreements

I am not happy that my legal rights are not clear and well defined. On numerous occasions access to water is prevented because others interpret decisions for their own advantage.

To gain access to the water I may have to cross private land and I know I need permission for that. However once on the water it is my understanding that no one owns the water and therefore I am not breaking any laws.

As far as tidal waters are concerned I believe I have a right to canoe those waters.

I have been canoeing in Wales for 30 years and for most of that time have respected voluntary agreements which used to exist. They were few and far between and restrictive in the extreme.

Voluntary agreements have never properly worked and frequently create friction between the various user groups, mostly due to how these are interpreted. The WCA, acting in the best interests of canoeing, have attempted to negotiate access agreements in the past on behalf of its members. If an individual canoeist is not a member then there is no requirement to abide by the agreement, so in reality they do not work. What is required is clarity in determining what access really means and how this should be interpreted.

Briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Quite simply the WAG target for engaging young people in positive activity in the natural environment will be considerably more difficult to achieve if restrictive access to water continues. Wales has an abundance of natural waterways and these could be a central to providing positive recreation and leisure opportunities, particularly for young people. The infrastructure for expansion exists, however the access does not.

Clear examples of successful access arrangements can be found in Scotland and Sweden, both are popular and easily understood and are valued by local communities, who gain from these

arrangements. Why shouldn't legislation in Wales mirror that currently in these countries, creating the right to canoe inland waters subject to sensible rights and responsibilities?

In Wales there needs to be clear and unequivocal guidance on access that ensures all water users are able to follow their chosen activity in the knowledge that they have a right to be on the water. Whilst this will need to consider historical issues it needs to focus on what is required to take forward the opportunities presented in WAG initiatives for young people; as well as considering the potential financial implications for local communities and how these might make a difference.

It is not acceptable that access to a natural asset is restricted or prevented by single use groups, or organisations who would seek to use H&S as a barricade to hide behind, therefore denying access to other groups.

I have canoed in Canada and Europe and have seen no conflict between water users. Different water activities occur side by side with no conflict and evidence of this is easily obtainable. Water based activities account for a major income generation in many countries and importantly makes significant contributions to local communities, not least in employment. These countries do not have restrictive legislation other than the recognition that water is a natural resource for the population to access.

It seems that the next logical step up from access to the countryside is to create access to waterways. In doing so there needs to be proactive management to ensure a range of users can amicably operate alongside one another to use natural and man made water features. This may only be achieved through a legislative process.

284.Lloyd Allin

Thank you for the invitation for my views on the above matter.

My family and I have recently returned from holidays in France and also two long weekends in Scotland where we enjoy free access to the country's rivers. When I first started canoeing I used to regularly (every weekend) visit Wales but because of the unclear access situation and the verbal and physical abuse that was sometimes aimed at myself on the rivers I started to enjoy my hobby elsewhere. Now with a family I would love to show my children the beautiful rivers, by far some of the best that I've ever paddled, in the world, rivers such as the Ogwen, the Seint, the Dee, and the Conwy and the whole of South Wales which I have never yet explored. It seems silly that I have paddled world wide but because of the unclear access situation I have not yet paddled my local rivers. I really look forward to the time when I can take my family and explore these fantastic rivers without fear of abuse, something that I don't want to subject my children to. Voluntary agreements have failed and never worked properly and have only allowed for very limited use on only a very few rivers and mostly during the winter months, which is not very suitable for young children and also not that environmentally sound. To have a system similar to the Scottish Land reform where all river users have legal responsibilities defined in a code would seem the way forward and I am pleased that you are investigating this possibility. It would be nice to invite canoeists from around the world knowing that they could have access to these wonderful rivers and countryside.

285. Jonathan Bradley

285.1. What is your interest in the issue of access to inland waterways

I am a recreational user of inland water, primarily involved in white water kayaking, although I also have interests in open canoeing on flat water. I have been involved in the sport for approximately ten years, during which time I have canoed and kayaked extensively in Wales, as well as Scotland, England, Ireland and several other European countries.

285.2. Are you a member of an organisation related to your use of water?

I am not an individual member of the British Canoe Union (BCU).

285.3. Which stretch/es of water do you own/use/manage?

Many Welsh rivers, including: Conwy, Ogwen, Glaslyn, Usk, Wye, Dee, Tryweryn, Llugwy.

Legal rights

I am not happy that my legal rights are clear and well defined in relation to access to inland water. My understanding of these rights is that without permission from a land owner, access and egress should be made from public land, for example a footpath running alongside a river. Once on the river, the situation is less clear, I believe there is no specific legislation to either permit or deny access.

I would like to see a right of access explicitly stated by legislation. An essential counterpart to this would be some form of access code, outlining responsibilities to minimise the impact of water-based activities on the environment and other river users. In my opinion, any legislation introduced should focus on allowing access to as many different groups as possible, while protecting the natural environment.

I believe that any legislation for Wales could draw on the legislation of several other European countries. In Scotland, there is a right of access to all inland waterways, subject to a code of conduct. Another sensible system is used in France, where canoeists can access rivers all year, but during the fishing season canoeists may only use the rivers between 9.30 am and 6 pm. Anglers can also use the river between these times, but may have to expect the occasional passing canoeist.

Voluntary agreements

I paddle on rivers both with and without voluntary agreements in place. Most agreements are based on restricting the dates and locations at which canoeing is "permitted". If an agreement is in place, I will adhere to it if I feel it is based on sensible, environmental concerns. The agreement for the river Greta in the English Lake District is a good example, which agrees to access all year, but requests canoeists and kayakers not to use the river during November and December, unless the water is above a certain level, to avoid damage to spawning beds. This level is indicated by a marker located at a commonly used starting-point.

Voluntary agreements are fundamentally flawed as they are based on the premise that canoeing and kayaking should not be allowed without the permission of every landowner along a section of river. Consequently agreements have existed on very few rivers and the majority of agreements that do exist have focussed on restricting the time at which access is permitted, rather than environmental concerns such as water levels. Aside from the clear impracticalities in finding agreement with such a potentially large group of people, the canoeists will always be negotiating from a position of weakness, with any one landowner able to take away the agreement on a whim. This hardly provides an environment in which such agreements can be easily reached and

sustained, and as such there are very few sections of river in Wales on which voluntary agreements allow a reasonable degree of access.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

I think that one of the main issues with recreational access to inland water in Wales is the lack of understanding between the various involved parties. In particular there seems to be concerns that canoeing is somehow damaging to the environment or disrupts fishing, despite contrary evidence from the large number of countries such as Scotland, where access rights to rivers are more clearly defined and many canoeists frequently paddle on rivers which are popular with for fishing. There also seems to be a fear that legislation allowing canoe access will cause a sudden change to the use of Welsh rivers, I do not believe this is the case, as most people who will go paddling in Wales already do. There are not large numbers of canoeists waiting at home for legal clarity before they will venture onto a river. Legislation would simply serve to allow people to enjoy their pastimes with peace of mind, and hopefully offer more protection from the small minority who would attempt to intimidate and otherwise discourage canoeists.

286.D D Matthews

Having read, listened to and taken account of as much information as possible on the above subject, including that given by your Welsh Assembly representatives (WA) at the Royal Welsh Show. I now see no alternative other than ask you to note my feelings and misgivings on what is a very contentious issue.

Like a lot of the people who will no doubt contact you, I am a part of a syndicate who own fishing rights on the Taff at Abercynon, (We have had a fair amount of poaching on this stretch with no Policing support from the EA) and I am also a member of the Teifi Trout Association where we are now being pressurised by not only the canoeists but by the Assembly who to my mind have little or no understanding of the actual situation or underlying feelings of all Anglers. Note here that I am not a land owner rich man etc; I have worked hard all my life in Industry and have had to pay for my pleasure both financially and health wise and ask for fair play.

I know my Legal rights and have no wish to see them changed without due consideration and then only after fair and constructive negotiation as should be the case in any democratic society. Consider what has happened over the last couple of years, canoeists and rafters being enticed to break laws, or in some cases not knowing the law, and pull out of voluntary agreements. Obviously they no longer want to negotiate or even enter into negotiation. In fact on the Teifi I believe commercial rafting is taking place, this is not only breaking the law (certainly when the raft leader tells those in the raft to ignore anything the anglers say) this type of commercial adventure be licensed and policed by the DTI. This cannot happen in that the Law will be broken by the Government itself, also in a case such as this under Health & Safety Policy risk assessment comes into play.

Allowing access to rivers without strict Laws, Policing and Agreements will be unlawful under the Freshwater Fisheries Act 1975. By condoning or supporting the Welsh Canoe Association (WCA) proposals the Assembly itself may be acting outside the law which leads to anarchy. Canoeists have given statistics which need to be seriously checked. There is approximately 25% of free navigation on most tidal rivers which is already open to the WCA and others.

The WCA through its web site are giving access and egress points on rivers which again invites trespass. These people will not accept restrictions and riparian owner's rights and we as anglers have to endure trespass by them. Now it would appear that it is the intention of the Welsh Assembly to support their application and reward them for unlawful behaviour.

We as anglers put a significant amount of work and finance into Welsh Rivers and their habitat, this has been brushed aside by WCA & WA committees. Note that overall income to the Welsh economy from angling is £140m Quoted by your agency not us. The WA sent a team to Scotland where the Scotland Land Reform Act 2003 gave open access to rivers and this team believes, after a very short visit that this will work in Wales, absolute rubbish, Scotland is a foreign Country and its Parliament is playing down the troubles north of the border. According to reported sources there is an open war zone on the upper Tay river through commercial rafting (which our rivers are not big enough to take) making angling virtually impossible.

Let's take a quick look at the Griff Rhys-Jones scenario, through giving his opinion on how canoeists should act towards anglers he virtually proposed violence, intimidation etc; (Anarchy and Terrorism) he successfully promoted his TV "Rivers" programme very well but it again incited unlawful behaviour. I wonder what would happen if we as anglers wanted to fish where he moors his Yacht, I have little doubt that we would be prosecuted for trespass. Goose and Gander comes to mind.

Should the Law be altered as canoeists wish we believe that riparian owners, angling clubs and others would be in their right to sue the WA for the reduction in value of their assets and the derogation of leases and rights. Alternatively should any law be passed without negotiation and the implementation of rules and regulations agreed by all parties, together with the licensing of the canoeists all in line with what applies to anglers, we as anglers should withhold our license payments, fish where we like, and break the law and then be granted what we wish by the Welsh Assembly.

Please consider the contents of this letter and your proposals and especially what any alterations to the law could incite. I believe that anglers may be open to just agreement through constructive negotiation. Think what could happen to the Welsh Economy and how anglers from other Countries, who input into our economy through fishing some of the finest rivers in the world, will come to view Wales, my Country, if the Welsh Assembly gets this wrong.

287. Peter Medlicott

May I first of all introduce myself. My name is Peter James Medlicott and I have since 1964 been an active member of the Rhayader Angling Association and also the Elan Valley Angling Association both of which merged and are now collectively known as Rhayader & Elan Valley Angling Association (I will refer to this throughout as "the Association"). I am Vice Chairman of the Association and Senior Vice Chairman of the Welsh Salmon & Trout Angling Association. When I joined the Association rivers and waters were used by the generosity of the riparian owners for a nominal rent and over the years money has been raised and water purchased as and when it became available. The Association now owns a 16 acre lake and also the river bed in part and fishing rights in another part for approximate 6 miles of the Wye (which consists partly of single bank and partly of double bank) and about 1 ½ miles of the Elan (again partly double banked and partly single bank) and fishing rights in the Marteg. All these waters were paid for by the Association for the benefit of all anglers who may visit the area and have a licence to fish. They can purchase a day or season ticket on the waters if they so wish with concessionary rates for OAP's and Youth anglers.

From time to time while I have been a member of the Association, the Association has had to deal with a considerable canoe problem during the angling season although we did have an agreement with one canoe club allowing it to use the water "out of season". This did work well but unfortunately there were "cowboys canoeists" who used the water with unmarked canoes and were basically untrained and undisciplined in their sport. Unfortunately there has not been an agreement for canoes for some time on our waters.

I have been watching with interest Griff Rhys Jones with his tours of rivers of England and Wales on television and his somewhat derogatory comments about anglers. The one remark that sticks in my mind is when he remarked with words like "what harm is there with one canoeist paddling down the river avoiding any angler?" The short answer to that must be possibly none but unfortunately they do not "paddle" down the river singularly but there are usually quite a few of them at one time and they deliberately paddle around pools and around anglers who are lawfully fishing. This does of course cause a considerable amount of stress and not only that but very often will disturb the pool and the river possibly for the rest of the day. Although I have no first hand information on this particular point, I understand that in Scotland a lot of the rivers have been taken over by commercial concerns who hire out canoes and anything else that floats. These centres have developed on some of the Welsh waters and I have heard of one at Llandysul (I believe they are called the Llandysul Paddlers) who advertise for people to go down the rivers and over land and waters which they do not own and have no permission to use. It cannot be right that the clubs who have gone to a lot of trouble to provide a facility for members of the largest participating sport to enjoy their sport to be disrupted by others who have no rights on the water and think they should have the right for 365 days of the year free of charge. In Griff Rees Jones' television programme it also came out that he had to change into his wetsuit "discretely" in his car in a public place. This was mentioned during the meeting at the Royal Welsh and is an important point. Not only will car parks have to be placed at the head of a canoe run but also at the bottom and then there is the question to be asked "where is the end of the canoe run"? If canoeists are to be allowed unlimited access will those car parks be built at the public expense for the use of canoeists benefit or other people as well and where will they be put i.e. at intervals of a mile or two miles down the stream and so on.

The commercial use of the water was referred to at the meeting at the Royal Welsh and also as to whether charges should be made and Licences or Permits issued for the use of the water. I believe the canoeists are insisting they should have access free of charge at any time of the year but the use

of anglers using the water is of course restricted during the fishing season as directed by the Environment Agency and quite frankly I cannot see why canoeists or anyone else who wants to use the water should not be so limited. Most rivers close for game angling on the 17th October and do not open again until 1st March (I am not qualified to comment on coarse angling as I am afraid I do not go coarse fishing). During the months from late October through to March is when I would have thought the water was perfect for canoeists to use the rivers after entering into an agreement with the fishery owners and those who own the fishing rights and rivers. Commercial bodies could also be a problem as they would be looking for day visitors for the summer and would presumably demand access at any time to the detriment of the anglers who are treated as if they have no interest at all in the waters. I also understand the scottish waters are considerably larger than the welsh rivers and although the problems of multiple use is not apparently a major problem nonetheless it does arise and fights do break out from time to time especially at low water. Canoes and angling are two users but there is nothing to stop raft racing and little Johnny sailing his boat on the river not to mention those keen walkers who come to the river, strip down to their trunks, put their clothes in a water proof bag and swim across the river and then get dressed on the other side. I am sure they and any other bathers would complain about canoes pestering them in the river but then if everyone was allowed to use the river how could they be stopped. It is also important to consider the safety angle. It must surely be unfair for the owner of the river to be responsible to make sure that the river is safe for canoeing, rafting, swimming or anything else. If the river was used by agreement a simple condition that it is used by that person entirely at their own risk (which is the common practice with angling although most reservoirs now will not allow you on the water unless you are wearing a life jacket) would put the onus of any injury or death entirely on the river user who would have to do the health and safety checks and take all precautions (short of damaging the trees banks and bed of the river). What was suggested at the Royal Welsh was that arrangements for access to National Parks and Mountains etc., was working well but this does not really apply here as the risk using a footpath is to my mind totally different to a risk involving water especially as canoeists want the water as rough as possible! There have unfortunately been fatalities in this area and it is not right for riparian owner to be responsible.

The canoeists say that they do not have the use of much water. I believe there is a considerable stretch of the Wye going past Clyro which is navigable as is quite a lot of the River Severn although I do not know whether or not a navigational permit is needed on these waters. They should however be made to pay to use the water if it is proposed to allow them to have free access and for the water to be policed to ensure that they do pay. I cannot see why canoeists (who are after all despite what they say trespassing at the least) and others using the water should not pay for their sport as anglers, footballers, cricketers, tennis players, bowling club players or any club you wish to mention does in order to maintain their sport).

Finally, I would add and I am sure you will appreciate that acquiring the waters has involved some angling clubs around the Principality in incurring financial burdens (whether with a loan or being committed to payment of rent) and any decrease in angling permits could put clubs into financial difficulties. Also the above are my personal views and the Association has responded separately.

288. White Water Consultancy

What is my Interest in the Issue of access to inland waterways?

We are Canoe and Kayak Importers (from North America and Europe) based in Rural Carmarthenshire, which employs local people. As a consequence of where we are based we act as a riparian land owner on the River Gwili, keen game and sea anglers and regular river and sea paddlers. None of the staff who work for White Water Consultancy are members of any large organisation related to the use of the water (including BCU, WCA etc)

Legal Rights

As far as we can see Voluntary Agreements and restricted access are unmanageable and impossible to police. The right to be able to use local rivers and lakes is a right for everyone in Wales and not just the few. Anglers will insist that because they pay a license fee to the EA and then pay additional monies to local clubs, that they should have special treatment. However 40% of the money used by the EA for the upkeep of Welsh rivers is supplied from taxes that we all pay. The fishing fraternity has artificially inflated the value of their fishing areas over the past couple of decades, to the extent that the so called premium beats are too expensive for most normal anglers to afford. An example of this would be a stretch of the Towy, between Carmarthen and Llandeilo, which sold for £6 million to an angling syndicate. Only 2 of the 20+ members lived in Wales, neither were local and the rest lived in the SE of England.

Recreational Access

We believe that Wales has become one of the premium centres for recreation in the UK. Its mountain biking, climbing, walking, surfing etc are without peer. However, 98% of its inland waterways are unusable at present because of outmoded and outdated laws written decades ago to protect the rich landowners, who for too many years saw Wales as a "cash cow". Why should my 8 year old daughter, born and brought up in Nantgaredig, be threatened with Trespass if she should wander down to the Towy to paddle/swim. The Welsh Rivers deserve to be used and seen by everyone, irrespective of class or economic status. They are a National resource and therefore should be for the Nation and not just for a privileged few.

289. Nat Hone

I write in response to the request for comments on the Inquiry into access to inland waters in Wales. I am a member of the Midland Flyfishers and I note that you have had a response from the editor of our monthly Bulletin, Richard Garland (SC(3)-AIW237). I have looked at a number of the responses so far both from anglers and canoeists and I feel that he has articulated my views better than I could myself. Therefore, I have reproduced his response below as my response as well but want to acknowledge my plagiarism.

I would like to add further emphasis on one particular point. We would all like our pleasures to be free. However, no pleasure should be taken at someone else's expense. Our rivers cost time and money to look after. The riparian owner is the person responsible for the river. Anglers help pay for this with rents, licence fees, etc. It does not seem just that others wanting to use the rivers should not contribute. Therefore, the riparian owner should be at liberty to make voluntary commercial arrangements to help pay without any particular group having a right of access without such an agreement.

If such an approach is seen as unworkable, other users should pay a licence fee for access to the rivers and be subject to conditions that balance the interests of all users in the same way as anglers are now.

To answer the questions posed in the consultation document:

289.1. What is your interest in the issue of access to inland waterways?

Fisherman.

289.2. Are you a member of an organisation related to your use of water?

Midland Flyfishers.

289.3. Which stretch/es of water do you own/use/manage?

River Dee at Glyndyfrdwy.

River Wye at Three Cocks.

Legal rights

We have clear legal rights to the fishing and the freehold of the river in the case of the Dee.

We have exclusive use of the water for fishing and the owner of the freehold has the right to permit or grant access to the river as he/she wishes.

I would not like to see any changes to these legal rights.

I am not aware of any legislation that exists in other countries that could be used in Wales?

Voluntary agreements

We have in the past had voluntary agreements with local canoeing clubs for access to the Dee.

The agreements provided access outside the salmon and trout fishing season on named days which would not interfere with spawning.

I would not object to future voluntary agreements on this basis.

I am not aware of any voluntary arrangements in other countries that could be used in Wales.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Firstly the Freeholder owns the rights to the river which he may have purchased at some considerable expense.

Secondly the Club or individual who enjoys the fishing will also have paid a considerable amount of money to rent or obtain access to the fishing.

Thirdly all fishermen pay the EA for a licence to fish.

And finally most Clubs and individuals spend a considerable amount of time and money on river maintenance, stocking and upkeep and looking after both the river and the fish.

So why should we allow unrestricted access by a leisure group who contribute nothing financially to support our rivers and environment.

If canoe access is to be allowed onto all rivers in Wales it should be by voluntary agreement and the access dates should be restricted to certain days of the year so that other river users activities are not spoilt and spawning is not interfered with. I also think that canoeing should not be allowed on smaller rivers where the impact will be unacceptable to the environment.

The right of access should be paid for and the money used to look after the rivers and their environment and to compensate the many fishing related interests whose existing rights will be adversely affected.

290. Welsh Salmon and Trout Angling Association

I write to you as General Secretary of the Welsh Salmon and Trout Angling Association (WSTAA) until December 2008 when I retired from office after forty years service.

In view of what is currently happening in Wales regarding the 'access to inland waters' issue I feel it would be negligent of me if I did not provide your committee with some details of the Welsh Salmon and Trout Angling Association as an organization and bring to your attention what the WSTAA has done for Welsh Fisheries and for angling in Wales over the past forty years. I have not - in fifty years of membership of the WSTAA - seen members so incensed as they are now as they know that any moves to make our rivers 'a free for all' would destroy what our member clubs have worked so hard to maintain for decades – and in the case of some clubs - for well over a century.

Background information on the WSTAA - the National Governing Body for Game Angling in Wales

WSTAA was formed in 1952 and is recognized by Sports Council Wales as the Governing Body for Game Angling (i.e. trout, sewin & salmon fishing) in Wales. It is a democratic organization managed by an Executive Committee whose members represent angling clubs from the six Welsh regions namely Clwyd, Gwynedd, Mid-Wales, South East Wales, Gower and South West Wales. It represents some seventy angling clubs whose combined membership runs into thousands. In fact it represents on average 80% of all rod-licence holders in Wales. Over the past five decades the WSTAA has led campaigns on Conservation Issues associated with the aquatic environment; it is also the Body that promotes game angling development and fly-fishing competitions in Wales. It coaches and promotes teams and individuals competing at European, Commonwealth and World Championships. In fact the Association has organized World, Commonwealth, European and Four Nation Championships on Welsh waters since 1952.

(In order to facilitate matters for the Sports Council, it agreed to join forces with the Coarse and Sea Angling Federations under the umbrella of the Federation of Welsh Anglers, ***but it still maintains its independence and has its own committee to deal with game-angling issues***)

Links with the Welsh Office and the Welsh Assembly Government at Cardiff

Over the years the WSTAA has held annual meetings with Ministers at the Welsh Office - and in latter years with Ministers at the Welsh Assembly Government (WAG) - and has always been well listened to and supported by those Ministers.

In 1967 for example, a deputation from WSTAA met with the much revered Jim Griffiths M.P. - the then Minister for Welsh Affairs at the Welsh Office. As soon as his attention was drawn to what was happening on Welsh rivers at the time – (i.e very rich syndicates from England out-bidding Welsh angling clubs in purchasing our wonderful salmon and sewin rivers for their own private use - a practice known at the time as 'the cheque-book invasion'), Jim Griffiths acted firmly and constructively – ***and his intervention and support ensured that local angling clubs could purchase their own local rivers for use by their own local community.*** This helped the angling club structure in Wales survive – a structure which is the envy of every other nation in the world.

In latter years officers of the WSTAA have met with Ministers from WAG whose portfolios have included Countryside and Environmental Matters. In their number have been ***Mike German A.M., Carwyn Jones A.M., Jane Davidson A.M. and Elin Jones A.M.*** At each of our meetings with the respective Ministers issues impacting on Welsh fisheries have been discussed and those have

included canoeists and 'access issues'. Every time the consensus of opinion has been ***that access to Welsh rivers would be possible – but only through local agreements signed by both club/riparian owners and the canoe club/association involved.***

Recent concerns of Member Clubs – Canoe access agreements being disregarded

For a number of years local agreements had been drawn up on Welsh rivers and were adhered to by both 'sides' but, in recent years, personnel at the head of the Welsh Canoe Association has advised its members (and non-members) to terminate all agreements with angling clubs and as a consequence canoeists (and rafters) now traverse Welsh rivers at will – showing no respect whatsoever to the rightful owners. **In fact on the Canoe Association websites, access and egress points along all rivers in Wales are noted and people who follow this unauthorized information have been found trespassing on Welsh rivers.**

Effects on clubs

This unlawful move on the part of the Canoe Association has been very detrimental to our member clubs as many anglers – local and visiting - have had to put up with verbal abuse and nuisance activities from paddlers. Rivers the length and breadth of Wales are being affected and clubs have turned to the WSTAA for support and advice on how to respond and ***we can only affirm what the Ministers at WAG have always told us - there will be no change to the law appertaining to access in Wales.*** The question we are then asked is - why are the canoeists allowed to so blatantly break the law?

Recent worries re: Petition Committee's response to the Canoeists' lobby

Recent developments involving the Petition Committee (and now the Sustainability Committee) have been a cause of grave concerns to our member clubs. They were gravely disturbed and unhappy at the end of 2008 to learn that the Petition Committee had looked so 'favourably' upon the demands of Canoe Wales for open and unrestricted access to all Welsh rivers. It reminded them of the 'cheque book invasion' of the sixties as more often than not it is canoeists from across the border that come into Wales in droves to paddle on our rivers.

WSTAA and its member clubs were further taken aback when they realized that the Petition Committee had by-passed them completely and travelled all the way to Scotland to seek evidence on the access issue. It seemed that the owners of waters in Wales did not count and would have no say in what could happen to their own waters. The WSTAA and its member clubs have been the mainstay of Welsh rivers for decades and yet they were totally ignored on such an important and sensitive issue. Our views were not sought – even though we had held several meetings with WAG Ministers on this very issue!

I need hardly remind you - as our representatives at WAG - that Scotland and Wales are very different. From an angling perspective there is little or no 'club structure' on the rivers of Scotland – and anglers do not need to purchase a licence to fish Scottish rivers. The rivers of Scotland are long and wide whereas Welsh rivers are very small and narrow by comparison. Scotland is a long, long way away from the large conurbations of cities like Liverpool, Birmingham, Manchester etc but the rivers of Wales are a mere couple of hours drive away – and very close and accessible to the canoeists' and rafters' clubs in these University cities.

Our member clubs do not wish to see a change in the law governing our rivers – what they want is to see the current laws maintained and adhered to by all – possibly a strengthening of

the law of trespass - which brings us back to local agreements and the need to have these respected by all who use our inland waters.

Personal involvement with Fisheries' conservation issues

On a personal note I would inform you that for several years I served on the Salmon Advisory Committee of Great Britain sitting alongside world class scientist like Dick Shelton whose research into Salmon is revered world wide. His research papers show that irresponsible activities on rivers at spawning time will result in salmon not being able to fulfil their spawning activity. This research has been supported by others and at this precarious time for our wild salmon it would be detrimental to future stocks to allow anything or anybody to disturb salmon during spawning time. Likewise with the sewin (sea-trout) The sewin also enters the rivers to spawn and because of activities out at sea – let alone the river – it is in grave danger of disappearing from Welsh rivers. Anglers are fighting for its survival – and at the moment scientists based at Bangor University are researching the life pattern of this most precious and enigmatic of fish.

Facts appertaining to WSTAA member clubs - and on anglers in general

1) The majority of our angling clubs own or lease waters the length and breadth of Wales. e.g. The river Teifi has three major clubs on its banks namely Tregaron, Llandysul and Teifi Trout Association at Cardigan as well as three smaller clubs. Each of these clubs have purchased beats of the river for their members at great expense. E.g. – should someone wish to purchase the best two mile stretch on the Teifi today, the asking price would possibly be in the region of £50K - £100K. (Likewise with the Dee, the Dovey, the Conwy, the Towy etc and I couldn't possibly fathom the sum of compensation WAG would be required to pay should it allow all Welsh rivers to become public property as is the demands of the canoe lobby).

In spring, summer and early autumn anglers travel long distances for the privilege of fishing for sewin and salmon on Wales's well-cared-for and cherished rivers.

2) All anglers have to buy a Rod Licence from the Environment Agency (Any anglers caught fishing without a licence can be prosecuted)

3) All anglers have to purchase a permit to fish any and all club waters – they cannot wander onto any river without first purchasing a permit and thereby gaining permission of the rightful owners.

WSTAA Executive Committee and Access to member clubs' waters.

Since the canoeists tore up the agreements they had with angling clubs, and their subsequent refusal to enter into any further negotiations – while carrying on to trespass on club waters - the situation has been regularly discussed by the WSTAA Executive Committee. (Five meetings and an AGM held every year).

The policy drawn up by the WSTAA and its members stated that access to rivers should only be by local agreements. Canoes/Kayaks/Rafts should be licenced and should also bear a clearly recognizable registration number. All crafts also to have insurance cover.

These requirements are essential – and on the matter of payment – all who participate in any sport are required to pay.

Final comments

In his recently televised series on ' Rivers', television celebrity Griff Rhys Jones, flippantly encouraged paddlers to go on rivers and disturb as many anglers as they can. He however was quietly paddling

down the river in his one-man-and-his-dog canoe – a solitary figure in a wonderfully idyllic setting. Unfortunately that picture is far from what is happening on Welsh rivers today. Canoeists arrive in van loads get dropped off at their 'access' point, go down the river in numbers and are picked up at their 'egress' points before returning to the big cities – on the same day.

On the river Teifi for example a Rafter has set up his own Rafting Business and has the audacity to charge people to go down the river on his rafts – a river which he does not own - in loads of six and more passengers. We would ask if this is what you want to see happening on all Welsh rivers?

I would urge you therefore to think carefully before allowing such occurrences on our most precious commodity. The demand of the canoe lobby is to have free unfettered access to our rivers every day of the year. No rules! No regulations! The freedom to do as they like!

To us, law-abiding citizens, it is heartbreaking to realize that those who have so blatantly broken the law and have encouraged others to break the law are the very ones who have managed to get our own Government in Wales to consider changes in the law to meet their demands.

I would ask you to give due consideration to what angling and angling clubs have done for the rural economy of Wales for decades. They have cared for the ecology of the river systems, they have campaigned for better water quality, they have boosted the economy of Wales to the tune of £130 million (Environment Agency figures) by what they have to offer.

WSTAA and its member clubs would strongly oppose any changes in the law in order to facilitate matters for the canoe lobby. Negotiated access is available – but it does take two sides to negotiate.

For Information - listed below are river conservation and other projects that WSTAA has been directly involved in over the years:

- Water Framework Directive
- Warren Report
- Avian Predation
- Salmon at sea
- S.S.S.I and fishing interests
- Fisheries finance
- Habitat restoration
- New angling legislation
- Right to row
- Catch & release
- Agricultural Pollution
- FishingStrategy'07
- Enforcement
- Objective One
- Funding of Welsh Teams
- Access agreements
- Abstraction proposals.
- Trout & Grayling Strategy
- Leaching from lead mines.
- Length of fishing Season
- Brighton Report on access
- Liming of acidic waters
- Abandoned mines.
- Cypermethrin
- Afforestation

- Water Sports
- Warren Report.
- Salmon Strategy
- Angling Unity

ADENDUM - RE: Angling as a Sport

The Sport of Angling

Wales is regarded as one of the leading locations for staging International, Commonwealth and World Angling events – in fact the WSTAA organized the very first Rivers International Match. This was on the river Dee in 1992. This year the event was held on the river Taff downriver of Merthyr Tydfil and brought in anglers from the four nations to fish the river for several week-ends prior to the event – which was considered the very best ever held with the river and the quality of the fish being praised by all contestants.

Wales has also held a World Championship in 1990 on the River Dee at Llangollen as well as three Commonwealth Championships and indeed Wales has been chosen to host the 2010 Commonwealth Championship in mid-Wales. The River Dee was also the venue for the first ever World Youth Championship. As a result of the above championships visiting anglers from far and wide come to fish the rivers of Wales every year.

Wales is recognized as the country offering some of the best and fairest of fly-fishing competitions and one wonders what would happen to such events if our rivers became a free for all. In fact this year one of our major National competitions could have been ruined were it not for the fact that angling club members on the river Taff managed to restrain canoeists (trespassing) from going down the river. Had they gone down the whole event would have had to be cancelled - involving the WSTAA in paying compensation to those that had travelled, paid accommodation fees and lost wages.

As organizer of most of these high-profile events I would ask you what should I do next year for example if there was a free for all on the rivers of Mid Wales? Am I to organize a Commonwealth Championship Match/Festival - bringing in teams from all the Commonwealth Countries to mid Wales and have the event ruined by canoeists? The WSTAA has worked hard over several decades to put Wales high on the piscatorial map – providing competitors with high quality sport and we do not want to see our efforts destroyed in any way.

Local canoe clubs have lived and worked to local agreements until ordered to break them by Canoe Wales and our members have great difficulty in comprehending how the Sustainability Committee can even consider allowing open access to our rivers because of what is obviously the intransigence shown by Canoe Wales who by their actions promote only anarchy on Welsh rivers.

As the Governing Body for Game Angling, the WSTAA has strived to improve the image of angling. It has insisted on responsible behaviour and restraint in the discussions going on between yourselves and Canoe Wales. However as Canoe Wales has so blatantly encouraged their members to bulldoze their way through the restrictions imposed by law and have encouraged the tearing-up of all agreements previously signed and which govern the laws of ownership, our members are anxious to challenge the Welsh Sports Council as they are apparently giving financial support to an organization that encourages unlawful and disruptive behaviour.

WSTAA has always encouraged its clubs to ensure all their members have a rod licence in order to fish and to purchase a permit in order to have the right of access and use of a facility owned by someone

else. How can the governing body for canoeing explain its mantra of demanding everything and paying nothing?

If ever Welsh rivers were made free for all then the WSTAA angling clubs - all 70 of them - would demand action from their governing body. I believe that they too would demand free fishing with no licence and no payment to anybody.

That, I fear, would convert all Welsh rivers into an 'Alton Towers' scenario.

I have fished on most rivers on the continent and have experience of what happens when the rivers are 'free for all'. In Belgium the canoe pressure was so great on particular stretches of river that fishing was impossible. While fishing on a wide river in the Czech Republic I had to wade out to mid river as the fish were active on the other side but suddenly had to cease fishing as there was a fleet of canoes passing behind me and indeed had a colleague not called out a warning I could have easily caused serious injuries to the canoeists with my lines and hooks. Having two sports on one pitch is totally unfeasible.

Since 1952 WSTAA has supported Welsh Angling Clubs and if this 'free for all' move is recommended and approved it will certainly see the demise of local angling clubs - especially the smaller ones. It will not be the 'cheque book invasion' of the wealthy as in the sixties but the 'canoe invasion' of the young and athletically strong and will certainly destroy the best fishery management structure in the world whereby local people manage their own waters.

Angling clubs have members of all ages and abilities – they open their membership to young and old, male and female, disabled as well as able bodied. They encompass the whole community.

*At one time we had the 'cheque book invasion' – thankfully overturned by intervention from the Welsh Office and by local communities via their angling clubs.

***Now we face the 'Canoe Invasion' of Welsh Rivers – and you, our representative members at the Welsh Assembly Government, are the ones tasked with addressing the issue.**

I know that the Welsh Salmon and Trout Angling Association and all its member clubs will now be looking to you to give the matter the fairest of deliberations.

291. Conwy Valley Fisheries & Conservation Association

The following is the submission to the inquiry into Access to Inland Water in Wales on behalf of Conwy Valley Fisheries & Conservation Association (CVF&CA).

The rivers Conwy, Lledr and Llugwy suffer from unlawful access by canoeists which is causing significant nuisance to our members and has the potential for environmental damage. Under question 5 we offer a possible solution to the problem of access for canoeists.

291.1. What is your interest in the issue of access to inland waterways

I am submitting this as Secretary of CVF&CA on behalf of the Chairman and members of the Association. In total CVF&CA represents some 600 members made up of riparian owners, hoteliers, anglers, and private individuals who have an interest in the welfare of the river Conwy and its major tributaries the rivers Lledr, Llugwy and minor tributaries such as the Afon Ddu from the tidal reach up to the rivers source. Members of the association provide lawful access to the river for fishing to angling clubs, hotels and the general public, fishing on these rivers is mainly for salmon and sewin (sea trout) with some brown trout fishing on the upper reaches. Access is based on payment to the riparian owner and is for the most part available to members of the public who can purchase day permits.

Our association carries out environmental projects to maintain the river system and its unique eco system and has been assisting the Environment Agency (Wales) in the re-introduction of fresh water pearl mussels through our smolt (young salmon) rearing program. All of this work is undertaken on a voluntary basis. As with many other angling groups in Wales our stocking programme is funded from member contributions.

291.2. Are you a member of an organisation related to your use of water?

The Chairman of CVF&CA is a riparian owner of an upper stretch of the river Lledr which he maintains as a conservation area and does not permit any adventure activity or fishing. Our members operate three smolt (young salmon) rearing ponds one of which is situated on our Chairman's land.

I am on the committee of the Conwy and Clwyd Rivers Trust (CCRT), Secretary of CVF&CA, Treasurer and past Chairman of WGFC and represent the CVF&CA at Local Fisheries group meetings with the Environment Agency (Wales).

291.3. Which stretch/es of water do you own/use/manage?

Members of CVF&CA have control of access over virtually all of the Conwy river system with numerous access agreements for fishing. Agreements also exist for Canoeing on parts of the upper reaches and tributaries above impassable barriers for migratory fish. In total some 60% of the Conwy system is presently available for canoeing.

Legal Rights

The law is perfectly clear i.e. there is no right of navigation beyond the tidal limits of rivers or upon inland waters without agreement of the landowner. It is interesting that you seem to consider the evidence presented by the Welsh Canoe Association/Canoe Wales (WCA/CW) as to be true. It is not. The WCA/CW implies that rights under Roman Law for access to waterways should be upheld and refer to Magna Carta as if in some way these references provide evidence that canoeists are deprived of a right. Historically the treaty of Rhuddlan post dates Magna Carta and re-affirms the rights of landowners and access to inland water. There is absolute clarity backed up by legal precedent over

the past 800 years on the legal ownership of rivers and the rights of navigation beyond tidal limits. The WCA/CW argues that water does not belong to anyone and that once they are on the water they are not trespassing and all they need is the right of access/egress to and from the river - this is incorrect; water passing over land is classified in law as land. Interestingly the Scottish Land Reform Act felt the need to define this fact and whilst the water does not belong to the landowners they have beneficial rights to it in a similar way they have beneficial rights to any fish in the water or fowl upon it. It is this fact which has required Acts of Parliament to enable navigation beyond tidal limits on rivers and for that matter to enable navigation upon canals. This is fully known to the UK Government and as such this must be known to WAG.

Unfortunately riparian rights are enshrined in civil law and the canoeing fraternity make use of the difficulty in applying this law to pursue their unlawful activity. They hide their unlawful acts by using terms such as 'stealth' and 'de facto', they claim that their unlawful activity is 'tolerated' and therefore they have, in some way, a 'presumed right'. Nothing is further from the truth. Under civil law individual offenders have to be brought to court. It is almost impossible to identify individuals due to the fact that when challenged about their trespass on private land [private water] they are not obliged to give their names or addresses. It is only possible to take out injunctions on organised groups such as University canoe clubs. Canoeists are fully aware of the difficulties of bringing prosecutions and openly flout the law in the almost certain knowledge that nothing will be done.

To consider supporting petitioners who openly promote and incite civil disobedience in support of their claim beggar's belief.

Voluntary Agreements

Voluntary agreements are the crux of the matter after all this is how angling clubs gain access; they negotiate voluntary agreements with landowners for access to rivers for fishing. The WCA/CW has withdrawn from long standing agreements with fishing clubs and landowners in Wales stating that they were no longer prepared to accept conditional access, the claim that these agreements have been broken by the fishing clubs is patently untrue. We are aware that some access agreements with private estates e.g. Forestry Commission and National Trust have been withdrawn on some rivers due to the conduct of some canoeists who fail to observe conditions and yet the WCA/CA state that it is anglers who prevent them gaining access to rivers.

The problem canoeist's face is caused by the WCA/CW policy of unconditional access and their intransigent stance on this issue. It is interesting to see that prior to submitting the petition WCA/CW removed the launch fees for canoeists at their white water centre on the River Tryweryn (Canolfan Tryweryn). From what I have read the decision to withdraw charges on their own facility was taken as it was thought to weaken their case for free access in their petition. Withdrawal of charges was done prior to the WCA/CW presenting their petition to WAG last year, prior to this date they charged for using their facility. It should also be noted that the WCA withdrew from voluntary agreements on many rivers for the same reason i.e. to strengthen their case. The WCA then submit their petition to WAG saying that they are prevented from accessing rivers by anglers.

As an example of what can be achieved with regard access the club I belong to started over 30 years ago with four members who went fishing together and has grown to 150 members; at its formation the club had no access to water. The fact that the club has purchased water and has access agreements on the rivers Dee, Clwyd, Elwy, Conwy and Lledr proves that by organising into a club and making conditional agreements it is possible to gain access, albeit restricted, to short stretches and subject to payment.

Unlike fishermen who share opposite banks, canoeists have a problem with river navigation as there must be agreement with both banks before they can navigate as in law there is no such thing as 'part navigation', this makes access for canoeing difficult but not impossible as there must be agreement from both banks before navigation can take place. Had canoeists formed into organised groups and approached landowners/angling clubs it would have been possible for them to obtain conditional access on payment of a fee, in fact there were many such agreements which have been broken by the WCA. It is the intransigent stance by both the WCA/CW and the English governing body the BCU which is causing problems, it is not that canoeists are short of water upon which to canoe, it is access to 'white water' which is causing the problem as this puts them in conflict with anglers. This issue is clearly identified in the Brighton report where they state the problem exists at 'local hot spots'. On the Conwy System canoeists have access to over 60% of the river, of the remaining only some 30% is fished extensively but includes some white water sections that the canoeists want access to and this brings them into direct conflict with anglers during the [short] fishing season.

For voluntary agreements to work there has to be two parties who are prepared to agree to conditions. Unfortunately there is no one on the canoeing side to negotiate with, the WCA/CW having withdrawn from existing agreements and refused to discuss renewal of these.

For our part CVF&CA has written to Canoe Wales (CW) to offer assistance in brokering conditional agreements (CCRT have done the same), in response CW stated that it is not their role to negotiate access agreements on behalf of canoeists, perhaps they are correct in saying this as the Federation of Welsh Anglers does not negotiate access agreements for angling clubs.

The question therefore is how will voluntary agreements be negotiated?

It appears that canoeists turn to WAG to resolve an issue of their own making.

This stance by the WCA/CW has led to stale mate and ever increasing unlawful access which is now causing significant nuisance to lawful users. There is no doubt that something has to be done to reduce the level of unlawful access now taking place and the consequential nuisance to lawful users. There is also the potential for significant environmental damage should this not be brought under control.

There is a solution but I doubt it is what CW/BCU wants or for that matter many angling clubs however we table it for consideration. At the end of the day there must be compromise on both sides, unless we do something there will be all out war on the rivers of Wales.

Possible Solution

First and foremost our concern is for the protection of the migratory fish spawning grounds in order to allow fish to breed in peace and this requires a complete close season over known breeding areas from any invasive water borne activity – and that includes angling on mixed fisheries (fisheries which contain both game and coarse fish e.g. grayling).

Angling is easy to deal with as spawning areas can be declared as no wading areas during the breeding season and covered by fisheries by-laws.

Controlling adventure activity such as canoeing and gorge walking will be more difficult but not impossible.

Unfortunately the EA advice to canoeists is that under high water conditions they do no harm to redds (areas where migratory fish lay eggs – equivalent to a birds nest) but the EA do not mention that, as with nesting birds, fish can (and are) being driven away from the redds due to noise and are

failing to 'lay their eggs'. In 1999 there was a desk top exercise carried out and a resulting report entitled 'The effects of canoeing on fish stocks and angling', but this report is not supported by any scientific field based evidence. Observational evidence however, over the last three years, indicates that canoeists are driving fish away from the head waters where they breed. This is having an ever increasing impact on the level of successful spawning of migratory fish. Salmon and sea trout cannot gather on their spawning grounds and 'pair up' ready for spawning due to disturbance by adventure activity such as gorge walking and canoeing. Canoeing over narrow, shallow, crystal clear rivers as found in North Wales disturbs fish much the same way as an off-road motorbike would driving through a rare bird's nesting site – it's the noise which drives the fish away; there is field based scientific evidence about the noise produced by canoeing and rafting to back this statement up.

Our proposal would be to split the year into three equal parts, giving the fish, canoeists and anglers equal (negotiable) time periods.

This would see the rivers closed over known migratory fish spawning areas for up to four months, say from 1 October to 31 January to allow migratory fish (Sewin & Salmon) to reach their spawning grounds and breed in peace.

There could be a four month period for canoeing (subject to riparian owner agreement) between say 1 February and 31 May for 'white water' access although this may not be exclusive.

Finally there could be a four month period for anglers from 1 June until 31 September. With the exception of the close period this proposal would not exclude concurrent activity on rivers by canoeists and anglers but such activity must be controlled by legally binding agreements.

Dates can be adjusted to suit individual rivers as spawning times differ and are dependant on water height and temperature. This proposal would not apply to all rivers and would have to be dealt with on a river by river basis, the EA already have experience of doing this via fisheries by-laws however this would inevitably require water users to have some form of registration (not a licence) which must have legally binding conditions or the system will not work.

For agreements to work there must be protection for riparian owners to prevent commercial enterprises utilising rivers for profit at the expense of owners, their tenants, and the environment. This is major issue for some Scottish rivers something that was told to the Petitions Committee on their visit to Scotland but seems to have been ignored.

Fishing clubs in Wales are best placed to manage any such access agreements as uniquely much of the fishing in Wales is controlled through clubs and not by landowners. Despite what has been said by the WCA/CW and the canoeing fraternity anglers are not against access, it is the unlawful and uncontrolled access which causes much nuisance which anglers object to. Unfortunately canoeists via their governing bodies refuse to accept conditional access and prefer to accuse anglers of preventing them from pursuing their recreational pastime of canoeing – please note we are talking in the main about recreational canoeing, their sporting needs are catered for.

Of course for this to happen there needs to be open discussion with all sides i.e. anglers, canoeists and landowners only when this is achieved can there be any meaningful progress.

It is impractical for WAG to impose a solution as it is unlikely to be accepted by anyone. It is far better to force the parties involved to the table and let common sense prevail, resorting to a change in the law should only be used as a last resort after all the declared policy by WAG is for voluntary agreements.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

There is no right of navigation beyond the tidal limits of rivers without landowner's permission or appropriate statute. The issue is one of unlawful access and the nuisance it causes to lawful users. Canoeists have little respect for the anglers they meet on their unlawful river journeys, anglers who have lawful access and have paid to fish in peace and tranquillity have to suffer from the nuisance caused by canoeists (deliberately in some cases) and are then accused of being anti-canoeist. You simply cannot have two conflicting activities taking place in such a restrictive space; the rivers of Wales are in many instances less than 5m wide. Playing rugby and football on the same pitch at the same time would not be acceptable, the same applies to anglers and canoeists who use the same space, there has to be time separation of the two activities. Concurrent activity in a confined space is always going to result in conflict.

Scottish rivers cannot be compared with the generally very much smaller rivers in Wales. It should also be kept in mind that in Scotland the population density is much less than that of Wales which also enjoys easy access from three of the four largest English cities.

Fishing in Wales is club controlled unlike fishing in Scotland which is privately owned. Through these clubs access to water has been negotiated and through their subscriptions clubs have been able to purchase the fishing rights from riparian owners, the fishing in Wales is, in many instances owned by the people of Wales. Clubs in Wales are run by local people for the benefit of everyone they enable locals and visitors alike to enjoy game fishing for trout, salmon and sewin and in so doing generate significant income for the rural economy of Wales according to EA(W) circa £165M pa of which £68M stays in Wales; the same cannot be said of canoeing. Fishing is inclusive and is open to all regardless of physical ability this is only true of canoeing in calm water. The start up cost of angling is low unlike the cost of canoeing which requires specialist equipment, wet suit, helmet, canoe/kayak. The carbon foot print of angling in Wales is low as most clubs offer fishing to locals who live close to the rivers unlike canoeists who travel long distances (most are day visitors). Canoeing disturbs fish waiting to spawn. Sewin in particular are easily disturbed and such disturbance disrupts angling. As many Welsh rivers are crystal clear and relatively shallow such disturbance removes any chance an angler may have of catching a fish.

In addition the fishing clubs of Wales provide voluntary management of the rivers they fish, they care about the rivers and the environment.

To reward what can only be described as anarchic canoeists over and above the lawful Welsh anglers is to deprive anglers of their Human Rights. It was interesting to read the response from Dr Siân Phipps Clerk to the Enterprise and Learning Committee with respect to the numbers of WCA petitioners who were Welsh residents we find the following statements worrying:

".....To take a slightly different approach to your questions, we do not exclude petition signatories on account of where they live. As long as a petition is calling for action within the remit or responsibility of the National Assembly for Wales, we do not discriminate against any of its supporters. In this particular case, for example, petitioners might live outside Wales but be of Welsh origin, or they might not be Welsh but still have an interest in the issue because they work in Wales or are visitors to Wales for recreation or tourism. Neither do we discriminate on the grounds of whether a petitioner is a registered voter in Wales or not. The National Assembly's petitions system is open to people of all ages, and many of our petitioners are too young to vote.....".

For a democratically elected government to plan to make changes to legislation which has a direct effect on the people of Wales, your electorate, based upon the wishes of visitors is unbelievable. We doubt that you have a mandate to disadvantage your electorate; we certainly did not elect you to do this. There are over 77,000 fishing licences issued in Wales and according to the terms of reference for the Sustainability Committee you are required to put the needs of the people of Wales first. It is about time you took note of what your electorate are telling you, to do otherwise is tantamount to a dictatorship.

Instead of giving credence to the unlawful actions of canoeists you should be dealing with the nuisance they cause to legitimate users of the environment. It is interesting to read in the recent Environment LCO section 6.3 there is recognition of nuisance this is the description of nuisance used in the LCO:

Meaning of “nuisance”

In this field “nuisance” means an act or omission affecting any place, or a state of affairs in any place, which may impair, or interfere with, the amenity of the environment or any legitimate use of the environment, apart from an act, omission or state of affairs that constitutes pollution.

Canoeists are impairing and interfering with the amenity of the environment used by anglers. In addition to this they are causing harm to the environment due to activity over spawning grounds during the breeding season (a Salmon and Freshwater Fisheries Act offence). If in the various committee stages of this bill WAG recognised nuisance to legitimate environment users why are you considering a petition based on civil disobedience which causes much nuisance to lawful users?

Further Comments

I assume you will be taking into account the evidence you already have through submissions to the Petitions Committee. We have already submitted evidence through the Welsh Rivers Preservation Society to the Petitions Committee which covers all of the issues, most if not all of this evidence has been ignored to date. It would be interesting to know if you will take into account the views expressed earlier or are you simply going to ignore this information in the same casual manner the petitions committee did?

You cannot compare rivers in European countries with those in Wales. Many European countries are land locked and to overcome this rivers are used for navigation in order to move goods across boundaries. The major rivers in Europe are interconnected via a series of canals. Not all rivers are open to canoeists in Europe. I am aware of small rivers in France, Belgium, Austria and Switzerland where rivers are closed to canoes and only fishing is allowed but there is no mention of this in the University of Gloucester report as they give the impression that every river is open for canoeing.

From a riparian owner’s perspective allowing access for navigation puts a legal responsibility on the owner to ensure navigation is safe. There is no such legal constraint on a riparian owner leasing water for angling. The activities of kayakers on white water cannot be deemed to be safe – this is an “extreme” activity. It is doubtful if riparian owners could find an insurer to provide public liability cover for such activity or, if they could, the cost would be prohibitive, particularly as canoeists refuse to pay for access: is WAG proposing to underwrite the public liability which goes with such access?

We find the visit to Scotland by the Petitions Committee somewhat disturbing as from reading the minutes they failed to gather any meaningful information such as why the Scottish rivers had a right of navigation; they also failed to ask when told the access code was working well *‘for the most part’* what was meant by this. Surely if this was a fact finding visit identifying problems should have been

key. Unlike Scotland the rivers in Wales were not used for the removal of timber: use of rivers in Scotland for the removal of timber apparently established a right of navigation. Navigation of this type has never been the case in England and Wales. In fact in order to move materiel from the middle and lower reaches of the Wye for military purposes it was necessary to pass various acts of Parliament to enable navigation. I do not intend to detail these but your researchers have access to all of this information, you appear to choose not to acknowledge the precedents that already exist.

An argument has been put forward by canoeists that the water does not belong to landowners so by being on the water they are not committing an offence. Again this is incorrect. Riparian owners do not own the water but they have beneficial rights to the water and its usage whilst it is on their land. In a similar way riparian owners do not own the fish in the river but they have beneficial ownership. In fact under the 1969 Theft Act water is classified as 'private' there is therefore a legal definition to demonstrate that riparian owners have the right to say who they allow onto their 'private water'. Whilst on the subject of fish, anglers do not pay riparian owners to take fish nor does the Environment Agency stock fish for anglers to catch. Anglers pay riparian owners for access to the river whether or not they actually catch any fish, the payment is solely for the right of access but admittedly permit costs and rents are based on the probability of catching fish i.e. the more you pay the better chance of catching – but there are no guarantees. The fishing licence monies are 'ring fenced' by the Environment Agency for habitat improvement, none of this money is used for stocking fish for angling, anglers pay for their own fish if they carry out any stocking. Irrespective of angling the Environment Agency under the EU Habitat Directive and WAG's own bio-diversity directive would still need to spend the same amount of money on habitat and mitigation stocking. The canoeists make out that angling is in some way subsidised nothing is further from the truth.

The laws of England and Wales differ from those of European countries and whilst it may be useful to compare rivers say in Scandinavia they do not have the pressure on them that the rivers of Wales would suffer due to the population density. It was interesting to read the submission by the Country Land & Business Association Ltd to the Petitions Committee where they define the various population densities. Why is it that WAG has chosen to ignore the information they have been presented? I would suggest that the Sustainability Committee take the time to read this submission as it deals with facts and not opinion. For the sake of clarity I copy part of the information below to save you looking for it:

Population

Population levels between the various countries are very different.

The population of Scotland at 5.06 million works out at 160 head/square mile (based on an estimated size of 31510 sq miles).

In contrast, Wales, at 8015 sq miles with a population of 2.9 million works out at 351 head/square mile, and in England, the density is even higher, with 49.13 million crammed into 50,352 sq miles making a staggering density of 975 head/sq mile.

These population densities go a long way to explaining the enormous pressure on the countryside, and why access requires considerably more management within the more densely populated countries of England and Wales, than in the less dense areas such as Scotland.

Sweden – frequently quoted as offering unrestricted open access - is 173,731 sq miles which with a population of 9 million (estimated July 2007), gives an average of just 5 head/sq mile. It is not even comparable to the England and Wales situation”.

“...The Scottish Land Reform Act opened up rivers and inland waters to many types of recreational use. Fishing, however, continues to enjoy its historic protection and is only available where duly paid for. Scottish rivers are wide and careful use by fishermen and other users can avoid conflict. However, conflict has not been entirely avoided, and the rights granted under the Scottish Act make these types of conflict hard to resolve. Conflicts occur in certain hotspot areas where fishermen – who have paid to use stretches of river – suffer disturbance from rafting, canoeing and other users (who of course, are exercising their rights under the new act). These conflicts are magnified where the recreational users are gaining commercial benefit from their free access to the river. It is clear that in such circumstances the Outdoor Access Code is of little benefit, as it fails to protect the legitimate interests of those who have paid to fish the river. It is possible that it was intended thus – that fishing interests should not be able to deny access to other users.

“...There is very real disruption to fishing from this type of conflict, and little that authorities – desperate to achieve agreement – can do to ensure that this type of situation is resolved. It could be answered that what is needed is a strengthening in the access code.....”

If you take the time to read what has already been presented to the Petitions Committee it becomes quite clear that access to inland water is being pursued on an ideology basis and not factual information. If you wish to make such significant changes to the law then put the details in your manifestos and let the electorate vote upon it. You do not have a mandate at this time for what you propose. The Westminster Government have already dismissed a similar petition by the BCU.

292.David A Thompson FRICS FAAV

I refer to your letter dated 21st July 2009 inviting those people with an interest in the above subject to submit written responses to the questions raised in the annex.

I write in support of all points raised by the Midland Flyfishers Limited, who hold extensive fishing rights freehold on the Welsh Dee above Llangollen together with other fishing rights on the River Wye and other river systems in England.

I fully endorse the comments made by Midland Flyfishers Limited, also the Llangollen Angling Limited dated 11th August 2009 and the WSTAA Dee & Clwyd Region letter 13th August 2009 amongst others.

I believe that a free for all year round as demanded by the WCA (now Canoe Wales) is a direct imposition on what amounts to large stretches of privately owned fishing rights and would be an ecological disaster to these valuable triple SSSI and SAC sites and fly in the face of what all both private and public bodies are trying to achieve in conserving and looking after this very valuable and scarce resource, let alone the damage that is done by canoes and their occupants to protected salmon redds and I, and I believe my fellow members, do not support your proposals.

293. Dr AW Pattullo

I am writing in response to the Sustainability Committees inquiry into access to inland water in Wales.

I have lived & paddled kayaks in North Wales for over 35 years. I paddle both on inland waterways and the sea. I was a member of a University Canoe Club and am now a member of Snowdonia Canoe Club. I have paddled on a number of rivers in North Wales, together with rivers in Scotland, England, France, Italy, Switzerland, Germany & Austria. The only time I have ever suffered any abuse (including being cast at) has been from anglers on Welsh river banks and the Welsh sea coast - the fishing rods being the evidence that they were anglers.

With respect to legal rights to paddle rivers in Wales, my understanding is that in most cases I have no legal right to paddle rivers as I am travelling over a landowners land, without permission and so am trespassing. However I do not believe there is any such restriction off the sea coast!

I would very much like to see a change to the position with respect to legal rights. I would like to see an arrangement similar to Scotland where paddling rivers is considered to be like any other sporting pastime - to be enjoyed and encouraged. Apart from the sport/technical challenge, paddling down a river gives a completely different perspective on the area through which the river runs, be it rural or urban.

I have paddled rivers in the past through voluntary agreements. For example many years ago I used to paddle the river Dee above and around Llangollen. Unfortunately the agreement restricted paddling to one or two weekends per year. Consequently I met every paddler I had ever known on these weekends - as these were the only opportunity to paddle the river. These were very sociable weekends, but not the best paddling due to overcrowding at every interesting rapid on the river. Anyway that agreement has now finished - there is no legal access to most of the Dee. On other excellent white water paddling rivers, no voluntary agreement has been forthcoming after 30 years of negotiation.

I do not want to be in the position of breaking the law, civil or criminal. I want to enjoy paddling rivers without concern about abuse or arguments. I remember the first time I paddled in France - paddlers were welcome because they brought money through tourism into the local economy. Paddlers and anglers coexisted with no arguments, each enjoying their own sport. On some European rivers there are restrictions in place - anglers have access during one part of each day and paddlers another part of the day. Paddling in France was like a breath of fresh air and highlights the huge opportunity being missed in Wales. I am a coach to a youth organisation but would not considering taking any of them down many rivers due to the potential for altercation.

The key issue is that in Scotland and other European countries, paddlers have the legal right to paddle the river, albeit constrained by a voluntary code of behaviour. From a paddler's point of view, paddling down a river is similar to walking a footpath - except that the footpath will be a "right of way" whereas there are few rights of way on rivers.

Footpaths are maintained, but there is no direct charge to walkers and paddlers would like a similar arrangement for rivers. I think that a key issue is that anglers are required to pay for their sport, and I suspect that the idea of other water users having free access is not popular with anglers and landowners.

In summary - Wales has a superb natural asset - its rivers. Legal access is denied to paddlers for the vast majority of these rivers. Scotland and other European countries demonstrate that paddlers,

anglers and landowners can co-exist without conflict so change the law and make the most of the asset.

294. Tregaron Angling Association

As chairman of the Tregaron Angling Association I feel that I must point out to you the concerns that we have concerning the canoeists demanding access to our rivers in Wales 365 days a year without restriction if this right is granted to them it would surely do more damage to our salmon spawning grounds than did the Irish drift nets.

The upper Teifi is the spawning ground for salmon and sea trout if their runs were disturbed between November and February it would be devastating for the future migratory fish stocks on the River Teifi.

Tregaron angling has been a fishing club since it was formed in 1916 many of our members past and present have worked tirelessly to improve the environment of the upper Teifi to improve the water quality where invertebrates can thrive so that young salmon parr can feed and grow before they start their journey to the sea and the so many problems once they enter the sea to start its long migration.

As concerned anglers and trustees of our environment we implore you not to allow this wilful destruction of this very fragile environment where the salmon come to spawn. We feel that canoeists must be restricted as the angler is restricted and are subject to a closed season from mid October to March 3rd thus allowing migratory fish the time they need to spawn and also allowing eggs to hatch beneath the gravelled runs.

If canoeists want access to the water and we believe that they should have a right then let it be in accord with the same strict rules that anglers are subject to. We have to buy the right, we have to pay for a licence then there is a permit cost then clubs have to buy the fishing rights on the river bank we have to pay rent to the riparian owners we have to pay access cost too cross the land to get to the river or negotiate agreements with land owners.

Anglers have been doing things like this since before Isaac Walton's time so for the sake of good environmental practice and the promotion of healthier future migratory fish stocks the canoeist must not be allowed to gain free unfettered access to such a fragile environment they must be made to respect the rights of others and be willing to submit to national and local agreements so that fragile ecosystems on the river may be preserved for the future.

295.Ian Tordoff

As a paddler myself and in my current work, where we are looking at canoe trails in Chester and the Weaver Valley I wonder if this is something to consider.

While the inland water ways bill, if passed would open up water ways, is it worth considering still having agreed access and exit points on the water ways.

That way land owners may be happier to consider the bill and it will help manage clear and safe access to the water.

These should however be realistic access points to all the water ways and offer suitable locations which are realistic in distance between each access point and should be clearly marked and promoted.

For example on the River Dee. Points could be:

- Bala
- Llandderfel
- Cynwyd
- Corwen
- Llangollen Horseshoe Falls (in place)
- Llangollen Mile end Mill (in place)
- Llangollen Town (in place)
- Trevor Rocks
- Erbistock
- Overton
- Bangor on Dee

Below here the Dee is a navigation in England so access is then available to the sea. All these points offer good road access with a short footpath and result in not crossing fields or private land. The only exception to these would be in the event of an emergency. I'm not sure if the bill is more complicated than this?

This would encourage working together with land owners and enable protection of sensitive areas of land for crops, plant environment and wildlife. It may also help fishing in that canoes and fisherman who be accessing the rivers from different locations to avoid duplication of access points and pools. Passing through these areas on the water it is believed has limited impact on the environment.

In Scotland there is also a courtesy code which helps canoes and fisherman communicate while on the water to enable all to enjoy the river environment.

I'm not sure if this help inform any discussions but thought I would pass it through.

296. Betws-y-Coed Anglers Club

Please would you consider the following points whilst deciding whether or not it is appropriate to make a change in the Law to inland waterways.

1. Who is going to insure these people to partake in their dangerous White water recreation, how can you Risk assess on such activities? they would need Public Liability of £5,000,000 to allow them to access Forestry Enterprise land and Probably similar for Estate Land, as they would be sharing such land and waters with other legitimate users (Anglers, Farmers etc).
2. Does this mean Anglers will also have Free access to fish any waters in Wales, and not have to pay Leases to the Land owners?
3. Are the WAG and CCW willing to accept full responsibility for the damage done to our sensitive rivers, Inhabitants, Environment and SSSI sites, by allowing such activities to take place? (because once allowed to run rough shod no amount of training/advice will stop the damage by certain users).
4. Are you willing to provide extra monies to the E.A`s Environmental Crime team, because due to cut backs already they are under staffed and are pushed to protect our rivers, without the increased work load they will have to put in to control Paddlers and their Nuisance activities?
5. There will also be increased work loads put on the Emergency Services, Mountain Rescue, Police and Ambulance, when they will undoubtedly have an increase of incidents involving Paddlers being rescued from dangerous situations, at a huge expense to the Tax Payer.

297. Andy Wilson

297.1. What is your interest in the issue of access to inland waterways

Recreational user:

User for waterborne recreation (e.g. canoeing, rowing etc)

297.2. Are you a member of an organisation related to your use of water?

If yes, which organisation/s? Welsh Canoe Association

297.3. Which stretch/es of water do you own/use/manage?

Most lakes and Rivers throughout Wales whether a right of navigation exists or not.

297.4. Are you happy that your legal rights are clear and well defined? No

Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage. We have no legal right to access most of the waterways that we wish to but have a moral right to enjoy our natural heritage.

297.5. Would you like to see any changes to your legal rights?

Yes,

If yes, what changes would you like to see?

a right to access to inland waterways within clear environmental guidelines (levels etc) enshrined in law.

297.6. Are you aware of any legislation that exist is in other countries that could be used in Wales?

Scottish Land Reform Act

297.7. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

If yes, please briefly outline the agreements that exist and your experience of how they operate.

River Llugwy, year round access between defined access and egress points. River Conwy, October to March only but should also include other times when the river is at a canoeable levels.

297.8. Would you like to see any changes to the voluntary agreements?

If yes, what changes would you like to see?

All agreements should be fair to all, open all year round and consider the environmental concerns. The basis should be Responsible Access for All.

297.9. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Sorry, no but every other country where I have kayaked (most of Europe) has a sensible and fair access policy.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

The fishing lobby appear to want the rivers to themselves, which is unfair. Canoeists and kayakers would be happy with a sensible arrangement that permitted paddling at suitable water levels between agreed and defined access and egress points. We would also be prepared to pay a sensibly priced national licence in order to invest in maintenance of the waterways.

298.Matt Oseman

298.1. What is your interest in the issue of access to inland waterways

Recreational user: Walker

User for waterborne recreation: Canoeing

298.2. Are you a member of an organisation related to your use of water?

Yes : British Canoe Union

298.3. Which stretches of water do you use?

Wye, Usk, Teifi, Twyi, Tryweryn Other lakes and rivers if I was allowed. I would like to paddle the Dee, but put off by reports of abusive behaviour and car vandalism against canoeists.

298.4. Are you happy that your legal rights are clear and well defined?

No

298.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage.

I understand I require permission to cross any land to access a waterway, or use of public land. I understand that landowners have riparian rights to exploit the river along their property for fishing. I do not believe that allows them to control the navigation of a river – the law is unclear on this point as there is a lack of definitive legislation.

298.6. Would you like to see any changes to your legal rights?

Yes – I believe inland waterways are a national asset, and it is in the nation's interest that access to inland waterways becomes available to all.

If yes, what changes would you like to see?

Ideally I would like to see free right of access to all members of the public regardless of what activity they were – provided that this right were granted with responsibilities for safeguarding the environment, protecting livestock etc.

298.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes. Almost every other country I know permits this access with the embarrassing exceptions of England and Wales. Notably Scotland has enacted just such rights with the 2003 Scottish land Reform Act. This appears to work extremely well, and makes Scotland a destination of choice for canoeists and outdoor enthusiasts. Additionally I know I can paddle in France, Germany, Belgium, Sweden, Norway, Finland, USA, Canada without problems.

298.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage :

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate. :

The Wye Usk Foundation provides a moderately successful agreement on those rivers. However it limits canoe access to just 5 months of the year (Mid October to Mid March), whilst fishermen enjoy access for 9 months. Notably it prevents canoe access during Spring and Summer – except during periods where the rivers are experiencing Spate conditions. This may appear reasonable, but as I have to travel some distance to these rivers, I need to plan my visit. I cannot reasonably predict Spate, so the reality for me is that the river is inaccessible between Mid March and Mid October. It would be nice sometimes to paddle when it is warm!

298.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

Voluntary agreements are flawed because they are negotiated by special interest groups who pursue their own interests and ignore wider considerations of equity and fairness. In the specific case quoted – the Wye Usk Foundation negotiates from a position of power as it negotiates with the assumption that it controls access. It is under no pressure to provide an equitable agreement. The Wye Usk voluntary agreement is only between anglers and canoeists and excludes all other recreational users.

298.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No – as far as I am aware all other countries have legal right of access and do not need them.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

What is unique about Welsh salmon fishing that it cannot co-exist with other water users, where in most other countries this is not seen as a problem?.

Inland waterways including rivers and lakes are key national assets. Is it appropriate that they are accessible only to a select few – or should they like the Welsh mountains be accessible to all?

Is it in fact appropriate that angling clubs buy up whole stretches of river and thus controlling these assets

As popularity of outdoor adventure sports continues to grow, how will the current (few) agreements cope? More and more visitors will wish to access rivers during summer holiday periods, which they are currently prohibited from doing. The future is likely to become even more problematic.

Wherever canoeists and anglers are forced to co-exist such as on public navigations, canals, tidal rivers, they do so without issue. Neither side finds their activity impossible, Why should this not be possible on ALL inland waterways?

299. Gareth Digges La Touche

299.1. What is your interest in the issue of access to inland waterwaysLand owner

I use rivers and lakes in Wales for waterborne recreation as a canoeist.

299.2. Are you a member of an organisation related to your use of water?

I am a member of the British Canoe Union.

299.3. Which stretch/es of water do you own/use/manage?

I paddle extensively on the rivers and lakes of North Wales including the River Dee, the Tryweryn, the River Severn, the Banwy, Afon Alwen, River COnwy, Afon Ceirw and the River Wye.

In England I canoe on the River Severn, the Wye, the River Leam, the Thames and various canals.

299.4. Are you happy that your legal rights are clear and well defined?

No.

299.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

I understand that I can definitely canoe on only 4% of the rivers in Wales, but that I could run the risk of being taken to court for trespass if I paddle any of the other 96% of rivers in Wales. What I have discovered though is that I am almost certainly likely to be subject to verbal abuse from other, bank based, river users.

I fail to understand how anyone can claim to own water runs over/above their land and thereafter onwards onto another area of land.

299.6. Would you like to see any changes to your legal rights?

Yes; I would like my rights to be clearly defined in law so that the legal situation is clarified. I would like to see a right to canoe the rivers on the premise that with such a right should come some responsibilities.

If yes, what changes would you like to see?

I consider that there should be no legal restrictions on access to what given that water, as a natural resource belongs to everyone.

299.7. Are you aware of any legislation that existis in other countries that could be used in Wales?

Yes, the Scottish Land Reform Bill in Scotland. Also in France the legal situation is codified providing a very clear legal situation.

299.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

Yes, but they are so restrictive as to be of little practical use. They are usually weighted in the favour of those who wish to fish a particular stretch of water. Also there is no way of knowing if such agreements exist for a stretch of water. The last thing anyone is going to do is spend hours researching if there is or is not an agreement in place when they are about to head out for the day.

If yes, please briefly outline the agreements that exist and your experience of how they operate.

I also understand that the Welsh Canoe Association has pulled out of all Voluntary Agreements as, after 50 years of negotiation, recent Government studies have shown that they cannot provide the necessary water resources needed for water sport.

299.9. Would you like to see any changes to the voluntary agreements?

Yes

If yes, what changes would you like to see?

I think they have little place in today's society. Potentially they could be used when short term exclusive access is required to stretches of water, for example when a fishing competition is taking place.

299.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No. As far as I am aware in most countries where they have been tried they have failed.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

In my experience voluntary access agreements tend to be restrictive, complicated and impractical. Generally neither party on the river knows the full details of the agreement and this inevitably leads to conflict. More people enjoy canoeing and kayaking than ever before and this should be encouraged as a means to improve the health of the population.

I do not believe that access to the water can be delivered by using voluntary agreements, but that our access to the waterways should be enabled, and then protected, by means of codification similar to that introduced by the Scottish Land Reform Bill. Not only will this legislation enshrine and enhance the right of access to the water, but it will also provide clear roles and responsibilities for user groups in relation to the preservation of the environment.

Prior to the introduction of the Land Reform Bill, many parties were concerned about what its effects might be, since its introduction all concerns have been shown to be unfounded and people from all walks of life are able to share and enjoy the Water and environment, responsibly and without conflict.

In France both fishermen and paddlers share the use of the rivers. On many rivers such as the Ardeche River and the Allier access to canoeists is restricted to between the hours of 10am and 6pm. Fishermen are allowed unrestricted access from 6pm to 10am and share the water between 10am and 6pm. This situation works very well and no conflict results.

In England fishing and canoeing coexist peacefully on the River Severn. I see no reason why this situation cannot exist in Wales.

The fishing lobby often claim that canoeists disturb the fish, however Environment Agency research has demonstrated the opposite and I have had fly fishermen tell me that the passing of a canoe will often cause the fish to rise up off the river bottom and take their bait.