

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

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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 1 o 5

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Responses recieved prior to 18 September  
2009  
Prepared September 2015  
Volume 1 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

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| <b>21.</b> | John Saunders, Basingstoke                       | <b>50.</b> | Jason Morley                      |
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| <b>25.</b> | Gethin Thomas                                    | <b>54.</b> | Jamie Ewen McNeill                |
| <b>26.</b> | Tony Godbert                                     | <b>55.</b> | J Meeke                           |
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| <b>28.</b> | Owen Hayward                                     | <b>57.</b> | Sam Dwyer                         |
| <b>29.</b> | Chris Easabrook                                  | <b>58.</b> | Nicola Dowie, Maesteg Canoe Club  |
|            |  | <b>59.</b> | Chris Hurley                      |

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| <b>61.</b> | Gareth Lambert  | <b>92.</b>  | Gareth Thomson                        |
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| <b>64.</b> | Paul Stabler  | <b>95.</b>  | Dr Andy Williams                      |
| <b>65.</b> | Paul & Anita Stewart                                    | <b>96.</b>  | David Evans                           |
| <b>66.</b> | John O'Connell  | <b>97.</b>  | Nick Bates                            |
| <b>67.</b> | John Danter, Cardiff                                    | <b>98.</b>  | Richard Froud, Warwickshire           |
| <b>68.</b> | Louise Tully  | <b>99.</b>  | Richard Townshend                     |
| <b>69.</b> | Neil Williams   | <b>100.</b> | Richard Andrews                       |
| <b>70.</b> | Craig Lunn  | <b>101.</b> | Anita Adam                            |
| <b>71.</b> | Denise Marriott   | <b>102.</b> | Stuart Teal                           |
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- 186.** Andrew Darby
- 187.** Ffynnon Taf Angling Club
- 188.** Deb Barnes
- 189.** J A Mellis
- 190.** Seiont Gwyrfai and Llyfni Anglers Society
- 191.** Islwyn & District Anglers
- 192.** Ian Kitson
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- 194.** Claire Rosselli
- 195.** Petronella Matson
- 196.** D A Morgan
- 197.** J A Mellis
- 198.** The National Trust Wales
- 199.** Campaign for the Protection of Welsh Fisheries
- 200.** Rod & Anna White
- 201.** Simon Morse
- 202.** Rev'd Douglas Caffyn
- 203.** Merthyr Tydfil Angling Association
- 204.** Guy Williams
- 205.** Chris Vian, Southampton
- 206.** Clare Price
- 207.** Professor David Clough, Department of Theology and Religious Studies, University of Ceredigion
- 208.** B J Harrison
- 209.** Adam Harmer, WCA Regional Coaching Organiser (North)
- 210.** Ed Pethick
- 211.** Vincent Williams, Dwyrhyd Anglers
- 212.** Karl Midlane
- 213.** M I Holroyd
- 214.** N Earnshaw
- 215.** David Tiddy
- 216.** Emma Aldridge
- 217.** Dr Mike Butters
- 218.** Paul Hopwood
- 219.** John Morgan
- 220.** Paul Edward Bowen, Chairman – Crickhowell & District Angling Society.
- 221.** C.Weeks
- 222.** Mark Laird
- 223.** Gereint Mortimer Bsc
- 224.** Wye and Usk Foundation
- 225.** Norman Humphreys
- 226.** Lynn Hughes (Mr)
- 227.** Joseph King
- 228.** Rachel Harvey
- 229.** Geoffrey Southall
- 230.** Welsh Wild Swimmers and River and Lake Swimming Association (RALSA)
- 231.** Imperial College Canoe Club, Imperial College Union, London
- 232.** Peter Hayes
- 233.** Bob Walker
- 234.** Cowbridge & District Angling Club
- 235.** John Phillips
- 236.** Spencer John on behalf of Ffynnon Taf Angling Club
- 237.** Richard Garland
- 238.** David W Griffiths, Conservation officer Teifi Trout Association
- 239.** Michael Seager
- 240.** Neil Andrews
- 241.** Tim Burne

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- 243.** Emeritus Professor P H Leng
- 244.** Garw Valley Angling Association
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- 247.** Rossett and Gresford Flyfishers Club
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- 254.** The New Dovey Fishery Association (1929) Limited
- 255.** Cefni Angling Association
- 256.** The Llandoverly Angling Association
- 257.** Llandysul Angling Association
- 258.** Nigel Collis
- 259.** Welsh Rivers Preservation Society
- 260.** Lowri Taylor, Caerphilly Wales.
- 261.** The United Usk Fishermens Association
- 262.** Hugh Waller
- 263.** Mrs P.N.Nash
- 264.** Paul Thomas
- 265.** Peter Wilkins
- 266.** Brian Powell
- 267.** Mike Mayberry.
- 268.** John Pette
- 269.** G L Jackson
- 270.** Charles Scola
- 271.** Andy Turner
- 272.** Snowdonia Society
- 273.** Lee Evans
- 274.** C D Coxwell
- 275.** T.E.L. Jones
- 276.** Trewern Outdoor Education Centre
- 277.** Paul King
- 278.** Alan Johnson.
- 279.** Mark Yorke
- 280.** David Jones Powell
- 281.** D. Eric Davies (Youth coach for Llandysul Angling Association)
- 282.** Susan Digges La Touche
- 283.** Kevin Jackson
- 284.** Lloyd Allin
- 285.** Jonathan Bradley
- 286.** D D Matthews
- 287.** Peter Medicott
- 288.** White Water Consultancy
- 289.** Nat Hone
- 290.** Welsh Salmon and Trout Angling Association
- 291.** Conwy Valley Fisheries & Conservation Association
- 292.** David A Thompson FRICS FAAV
- 293.** Dr AW Pattullo
- 294.** Tregaron Angling Association
- 295.** Ian Tordoff
- 296.** Betws-y-Coed Anglers Club
- 297.** Andy Wilson
- 298.** Matt Oseman
- 299.** Gareth Digges La Touche
- 300.** Narbeth Canoe Club

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| <b>320.</b> | The Countryside Alliance  | <b>351.</b> | Andrew Spittle                               |
| <b>321.</b> | Martin Doyle, Chief Executive of Plas y<br>Brenin, National Mountain Centre,<br>Snowdonia | <b>352.</b> | Roger Cooper                                 |
| <b>322.</b> | Robert Wheatcroft   | <b>353.</b> | Mark Goddard                                 |
| <b>323.</b> | Diane Whittingham   | <b>354.</b> | James Gordon                                 |
| <b>324.</b> | Mike Leggett  | <b>355.</b> | Bill Gray                                    |
| <b>325.</b> | Jean Perraton   | <b>356.</b> | Gary Davies                                  |
| <b>326.</b> | Mick Clark  | <b>357.</b> | Robert Neil Matthias                         |
| <b>327.</b> | Joseph King   | <b>358.</b> | Ross Taylor                                  |
| <b>328.</b> | Lee Watts   | <b>359.</b> | Bucks County Scout Canoe Club.               |
| <b>329.</b> | Bob Mackay  | <b>360.</b> | Sports Council for Wales                     |
| <b>330.</b> | Tim Jarvis  | <b>361.</b> | John Taylor.                                 |
| <b>331.</b> | Paul Edlington  | <b>362.</b> | Canoe Camping Club                           |

- 363.** Ian Mills
- 364.** Mark Rainsley
- 365.** Caerphilly County Borough Council
- 366.** Fran Faulkner
- 367.** George Pickup
- 368.** Rob Bourn.
- 369.** Charles Hopkinson
- 370.** Neil Morrison
- 371.** Andrew Quick
- 372.** Edwyn Lewis
- 373.** Paul Thomas
- 374.** John Norris
- 375.** Ms O Hardwick & Mr J V Bradshaw,  
Llyn-y-Fan Hatchery
- 376.** Andrew Rowbottom
- 377.** C. H. Williams
- 378.** John Bagby
- 379.** Dewi Roberts
- 380.** Gary. T.Owain-Ashbrook
- 381.** Rob Pickering
- 382.** Keith Day
- 383.** Enfys Howells, Abergwili Angling Club
- 384.** Julia Morgan
- 385.** Rev'd Allan Smith FRSA
- 386.** Kathryn Warren
- 387.** Prince Albert Angling Society
- 388.** Chris Stephens
- 389.** Heather Rainsley
- 390.** Emma Moonlight
- 391.** Rhodri Anderson
- 392.** David Ingerslev
- 393.** Nigel S Ayers
- 394.** C J Jenner
- 395.** Katrina James
- 396.** Alan Greenhalgh
- 397.** Welsh Association of National Park  
Authorities
- 398.** Jennifer Roberts
- 399.** Mike El
- 400.** N S Morgan, Merthyr Tydfil Angling  
Associatio
- 401.** David Addi
- 402.** C Evans
- 403.** Liam Roseblade
- 404.** Philip Thomas, Cardiff Canoe Club
- 405.** Jonathan Williams, Swansea
- 406.** Canoe England
- 407.** Graham Stradling
- 408.** Mr Ezra Watts
- 409.** Sarah Houle
- 410.** Steve Maskell
- 411.** Martin Bloomer
- 412.** John Tomloinson, Birmingham  
University Kayak Club
- 413.** Stephen Maskell
- 414.** Mike Clark
- 415.** Chris & Sue Pierce
- 416.** Andrew Thomas
- 417.** Alfred Pope
- 418.** John Hicks, Powys
- 419.** Robert Melvin, Crickhowell
- 420.** Garth Roberts, Carmarthenshire Rivers  
Trust
- 421.** Sandra Bishop, Afon Teifi Caravan Park
- 422.** David Addis



- 423.** Louise Beetlestone
- 424.** Geraint Anderson
- 425.** Nathaniel Rice
- 426.** Andrew Boothman
- 427.** Hazel Wheatley
- 428.** Suzanne Howell
- 429.** Michael Horswill, UWE Canoe Club
- 430.** The Outdoor Swimming Society (OSS)
- 431.** Graham Wilford
- 432.** Alan Greenhalgh
- 433.** Farmers' Union of Wales | Undeb Amaethwyr Cymru
- 434.** Nigel Brauton
- 435.** George Stephenson
- 436.** Mrs Astrid Inglis
- 437.** Llain Activity Centre
- 438.** D M Rees
- 439.** Kathy Lewis
- 440.** Anonymous
- 441.** Stuart Fullwood
- 442.** Paul E. Bowen, Crickhowell & District Angling Society
- 443.** Anonymous
- 444.** Anonymous
- 445.** Lord Rowlands CBE
- 446.** Clive Easton
- 447.** The New Dovey Fishery Association
- 448.** Lembit Opik MP
- 449.** Max Coventry, The Welsh Rivers Preservation Society
- 450.** Anonymous
- 451.** Mr Alan Lewis, Rhayader & Elan Valley Angling Association
- 452.** John Coombs
- 453.** Dr John Elfed Jones, CBE, D.L
- 454.** Myddleton Angling Club
- 455.** DD Mathews
- 456.** John Seel
- 457.** Max Coventry, The Welsh Rivers Preservation Society
- 458.** Vice Admiral Sir Iwan Raikes KCB, CBE, DSC, D.L
- 459.** R. D. Halstead, RFCA Calder Catchment Group
- 460.** Usk Town Water Fishery Association
- 461.** Lee Watts
- 462.** Crickhowell and District Angling Society
- 463.** Gwilym Hughes
- 464.** Andrew Smith
- 465.** Peter Medicott
- 466.** John R Anthony
- 467.** John Ross – Jones
- 468.** Max Coventry
- 469.** Osprey Fly Fisher's Association (Incorporating Pontypridd and District Angling Society)
- 470.** Mark Ryan (PDF to be attached)
- 471.** Glaslyn Angling Association
- 472.** A Furley
- 473.** R S L Price
- 474.** The Angling Trust
- 475.** Clwb Godre'r Mynydd Du
- 476.** Michael Devaney (PDF to be attached)
- 477.** RSL Price, Afan Valley Angling Club (PDF to be attached)
- 478.** Mr P.K Jones (PDF to be attached)

- 479.** Lawrence Jones, Welsh Canoeing Association
- 480.** Andrew Budden
- 481.** Eurig Davies (PDF to be attached)
- 482.** John Baylis (PDF to be attached)
- 483.** D Emyr Jenkins
- 484.** Paul Hughes
- 485.** National Farmers' Union Cymru
- 486.** Jonathan Williams
- 487.** Pontardawe and Swansea Angling Society (PDF to be attached)
- 488.** Andrew Peate
- 489.** Gary Owain-Ashbrook
- 490.** Denbigh and Clwyd Angling Club
- 491.** Parc Cenedlaethol Eryri/Snowdonia National Park

# 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 canwïo, 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 existis 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.

# 01. Dominic Parkes, Swansea

1. I use inland waterways for water-based recreation, ie canoeing and kayaking
2. I am a member of a canoe club - Llandyssul Paddlers
3. I use the Teifi between east of Llandyssul and the sea, and the Towy between Carmarthen and the sea. I would like to paddle other rivers in Wales once I have sufficient experience
4. My understanding of my legal rights is that I can in all cases paddle on tidal waters. As I understand it, many land owners consider that I would be committing the civil offence of trespass if I paddle non-tidal rivers that cross their land. However, I do not consider that the law is unequivocal on this matter - it seems to be a grey area.
5. I would like to see paddlers given much better access to non-tidal rivers, enshrined by law. I don't think that this should come without certain responsibilities for the paddler.
6. Scotland seems to have a much better river access system - and it seems to work.
7. Stretches of the Teifi have a voluntary access agreement.
8. The agreement seems to be based on seasonal paddling, with a 'closed season' for paddling most of the river during the fishing season
9. I don't think river access should be down to voluntary agreement - they are too one-sided
10. Voluntary agreements exist in England, but I don't feel these are really any better than the Welsh ones (such as exist). The Dart Loop agreement is probably one of the better ones.

## Key issues

Key issues seem to be that anglers have over the years paid a lot for fishing rights. The value of these assets may be eroded - or at least it may be perceived that it will be eroded - if access were granted to all rivers all of the time. I'm not sure that the majority of anglers would ever agree to a change in the status quo - but that doesn't mean I don't think things should change. I'm not unsympathetic to anglers though, and feel that the paddling community will need to provide reassurance that rivers will be used responsibly.

## **02.Simon Joinson, Chester**

### **02.1. What is your interest in the issue of access to inland waterways?**

User for waterborne recreation

### **02.2. Are you a member of an organisation related to your use of water?**

Yes

British Canoe Union

Canoe England

Canoe Camping Club

### **02.3. Which stretch/es of water do you use?**

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

### **02.4. Are you happy that your legal rights are clear and well defined?**

No

**02.5. 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.

**02.6. 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 or Lakes in Wales.

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

Yes, Scotland - the Scottish Land Reform Bill

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

Historically, 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.

**02.9. 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.

**02.10. 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 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.



### 03.Marc Musgrove

Firstly I would like to congratulate the Sustainability Committee for its decision on the 24th June to hold an inquiry into this matter. I participate in a multitude of outdoor sports and activities and am particularly concerned by the lack of access to rivers that is currently available to kayakers and canoeists. I have travelled to many countries and been able to enjoy unimpeded access to rivers in a way that allows all recreational users to enjoy natural resources. I would reference Scotland, Norway, New Zealand, and the USA as being examples of countries where river access is available for all to enjoy. The Welsh Assembly has the opportunity here to set a leadership example in the UK which would have significant visibility in many other countries, not least in England where access to inland whitewater rivers is extremely limited.

Establishing open access to Wales' natural resources in the same way that ramblers are able enjoy the land would have significant benefits in terms of encouraging take up of the sport particularly at youth level, raise prominence of Wales on a national and global level, encourage the development of national teams and drive greater income from tourism for Wales' rural towns.

## **04. Geoff Tetley, Pembrey**

With regard to the above subject I consider that canoeists and others who want to use Welsh rivers above the tidal limits should have to enter into access agreements with riparian owners and be prepared to pay for the use of such assets in the same way that anglers do. I support the laws covering private ownership of Welsh rivers and consider that these laws should be maintained and respected.

Anglers have to purchase an licence from the Environmental Agency with part of the funds raised being used to monitor water quality, to control pollution and to try to limit any misuse of waters in Wales. Canoeists and others who want to use Welsh rivers will benefit from work undertaken by the Environmental Agency and as such they should be licensed and contribute to the agency funds.

## 05.Neil Upton

I have been following the online debate about allowing canoe/craft access to Welsh rivers.

There is a romantic notion that everyone should have access to land and water, both inland and sea, in Britain. However in practice this is not possible for eminently practical reasons.

At a superficial level access to Welsh rivers by canoeist would appear to be an organic right however this can only take place in parity with the access availed to other river users and riparian owners, the impact on migratory and non migratory fish and ecological effects.

Fishermen are the custodians of the river. Without their presence there would be an increase in poaching, pollution would go unnoticed and bank sides would deteriorate increasing the potential for flooding. Fishermen have to pay for the right to fish. Some of this payment forms a significant income stream for the Environment agency.

Sea Trout, known in Wales as Sewin, are synonymous internationally with Fishing in Wales. They have iconic status in the national and international fishing community attracting tourists from far and wide. They are a shy fish being easily disturbed, hence the unique method of fishing occurs in the hours of darkness. They return to the river of their birth where they spawn in the autumn. Another opportunity to be disturbed by canoes.

My impression of canoeing of a single person in a kayak was shattered recently when I saw a picture of a group of inflatables, each containing 4-6 people, on the Teifi. Perhaps the term canoeing, with its impression of peace and tranquility, smoke screens the true impact of unfettered inland waterway access.

'Canoeing' as an activity is often offered commercially as on the Wye system so will be subject to economic pressures that may erode any ecological considerations. Noise and litter pollution will increase turning the countryside into a fun fair.

I have experienced the devastating affect that fish farming in North West Scotland has had on seatrout stocks so am conscious on how fragile the species can be. Ther loss to Wales would be equivalent to banning Rugby !!

Sympathetic as I am to peoples right of access it must be considered in the light of existing users and the ecological and economic consequences. The scottish experience has not been totally successful for all parties.

## 06.Nuala Dunn

I would just like to put my point of view forward for the committee.

I am both a land owner with river access on the Dysynni, Merionyth, and a recreational user and canoeist. I am a member of the Welsh Canoe Association and the Association for Heads of Outdoor Education Centres AHOEC.

As such I am well aware of my legal rights at present.

We(my family) have a number of voluntary arrangements with local centres clubs and individuals, who we allow to access the river from our land and we are more than happy with this. Both my husband and i are fully committed to allowing young people to access wild spaces and to have adventures in the outdoors, believing it necessary for people to experience outdoor places in order to grow to love, respect and in turn care for them.

Having canoed and mountaineered extensively in both UK and abroad, a great model for access is the Scottish model where fishermen and canoeists enjoy rivers side by side and work together to protect the special environment for the enjoyment of all.

I am keen that such a model be adopted in Wales in order to dispel the myth that fishing and canoeing are mutually exclusive, we often do one from the other, and in order to open up our wonderful open spaces and environments creating respect and sustainability for the future.

Another couple of countries to look at are SWEDEN AND Norway.

## 07. Ian Kennett, Gwent Outdoor Education Centres

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

- Personal and professional interest in canoeing / kayaking

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

Yes:

Welsh Canoe Association / Association of Heads of Outdoor Education Centres / Outdoor Education Advisors' Panel / Institute for Outdoor Learning / Local Access Forum / Gwent Outdoor Education Service

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

Commonly River Wye from Ross to Redbrook, River Usk Rhyadyr to Crickhowell. Less frequently River Monnow, Grwyne Fawr

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

NO

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

Access only allowed on Wye by law. Everywhere else technically breaking the law if no permission from the land owner

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

YES

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

Right of passage on rivers, similar to the Scottish system for responsible users.

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

YES Scotland and Sweden.

### 07.8. 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.*

On the Usk seasonal / spate access on very limited sections. Restrictions on access egress points and limit on party size, limits on dates available, charges for use of some sections

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

Yes

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

Change in the law to allow responsible access along rivers

**07.10. 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.**

There is currently very limited access causing severe over use in certain honey pot areas. Additionally I feel that by simply floating along a section of water I am very unlikely to cause any significant harm to wildlife, myself or other users. To enjoy some of the most spectacular and beautiful parts of Wales I currently have to break the law. That should change. It works in Scotland and Sweden (plus most of the rest of Europe) so should be adopted in Wales and England.

## 08. Kevin Davies

Gwendraeth Valley Paddlers, Carmarthen River Festival Committee, Carmarthen Riverside Improvement Group

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

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

Other (please specify) - Just enjoy the countryside

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

Gwendraeth Valley Paddlers

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

Paddle on tow, teifi, gwili

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

No

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

I am aware that I have access to tidal water, however it is not clear whether we can paddle up to the low tide, mean tide or high tide mark or where exactly these points are on the river itself which could lead to conflict amongst river users. Above these points I understand that there is no legal access outside any access agreements i.e. we cannot paddle on any inland waterways even outside the fishing season.

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

Yes

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

Ideally, there should be open access to all members of the general public onto and around inland waterways, within statutory guidelines. Rivers and streams etc should not be privately owned, no one can own the water that flows through them, it's a natural resource that should be there for all to enjoy.

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

Yes, rest of the world and more recently Scotland.

### 08.8. 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.*

River Teifi, 500m at Llandysul canoe club, Teifi tour, 1 weekend outside the fishing season organised by Llandysul canoe club (Llanfihangel to Cardigan).

## **08.9. Would you like to see any changes to the voluntary agreements?**

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

If open access was granted there would be no need for access agreements. Historically access agreements have not worked and they cause high concentrations of paddlers/users over short periods (hundreds of paddlers over 2 days on the teifi tour) surely it would be more beneficial to all to have smaller concentrations of paddlers/users throughout the year.

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

Unfortunately our rivers in Wales are selfishly dominated by greedy fishing dynasties who not only prevent access for all to enjoy these natural resources but also compete against each other for the best fishing beats, resulting in the extortionate charges that anglers themselves have to pay to fish in those areas. I'm sure that some anglers would like to fish in these areas but cannot afford to do so.

To put their attitude into context, sustrans have proposed a cycle route along the old railway line between Carmarthen and Llandeilo. This would provide an excellent level cycle route clear of public highways through a beautiful valley alongside a fantastic river which would attract thousand of families and individuals to participate in a recreational activity and enjoy the welsh countryside, boosting tourism and bringing money into the local economy. However due to the proposed routes proximity to the river Towy at some points the angling clubs have objected to it, basically showing that they do not want anybody on or near the rivers in case it ruins they're so called sport. The anglers also don't want coracles or estuary net fishermen (both part of welsh heritage and peoples livelihood) taking away their prize fish from them and they need to accept that it is pollution that is responsible for reduced fish stocks and not other river users.

Paddlers and other potential users therefore have no chance of access via local agreements or otherwise whilst the law is on the side of the landowners/angling clubs. Rivers such as the gwili and upper towy can only be paddled following periods of heavy rain (for instance, all this week) when the river levels are too high for fishing but due to the existing law we cannot legally paddle down them. Even when we paddle on the tidal water we still get abuse from some fishermen even though we make sure that we courteously paddle as far away from them as we can and keep clear of their lines which is common practice on rivers or the sea.

As it stands the general public have no idea that they do not have access to in land waterways, people do not realise that when they allow their children or dogs to play in local rivers on hot summer days that they are breaking the law.

This law needs to be changed, we have a country that is blessed with natural wealth but unfortunately the only wealth that seems to count is financial.



## 09. Doug Reid

### 09.1. •What is your interest in the issue of access to inland waterways?

Active game fisherman - occasional canoeist - sometime sailboat racer.

### 09.2. •Are you a member of an organisation related to your use of water?

Yes - Glyn Neath angling association

Ex member of British Canoe Union

### 09.3. Which stretch/es of water do you use?

Fishing

Regularly on the Neath, Hepste, Mellte - occasionally on the Usk and Wye system and very occasionally the Teifi system

From time to time on the Lliw, and Elan system.

Canoeing - where and when I want on rivers - the lakes and, more importantly reservoirs, are effectively closed.

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

No - not by a long long way

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

I buy the right to fish for approved species from the appropriate right-holder.

There is no holder of such a right for navigation - this is in real need of clarification - the assumed position is that of the WCA.

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

Yes. - They need to be codified.

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

The inland waters - river lake and reservoir - are the property of the Welsh people and should be used to the benefit of those people the use of the fishing resource has some need of control, and with this a historical set of rights and matching duties. The historic use for navigation is not subject to the same well-developed set of rights and duties.

The Scottish Parliament, in its Land Reform Act, took the view that a right of navigational use for unpowered craft would be presumed and that all water would be considered navigable - excluding garden ponds - this has to a very large extent, been a success with little in the way of conflict and notably no diminution in the Salmon angling revenues - anyone in any doubt of this is welcome to price a week on the "Junction Pool" at Kelso in October.

As that relatively rare animal, a paddling angler with extensive white water experience, I have come to believe that the conflict between paddler and angler is largely artificial - at least on the fast flowing spate rivers of Wales where; when the river is full enough to paddle there is no point in disturbing the rod, and there is no mileage in trying to paddle a Mayfly hatch

In South Wales almost all of the inland still water is in the form of reservoirs and in the hands of Welsh Water (Dŵr Cymru).

The enemies of Fisherman , Canoeist and Sailor alike - why when Llangorse is used for sailing, fishing, and paddling is the ENTIRE Elan system out of bounds for paddling and, as a result, near unfishable except in low water conditions (Try wading the south bank of Claerwen).

Ditto Llyn Brianne - a salmon river dammed, a famously scenic gorge lost - 530 acres and 13 billion gallons of water with no recreational activity at all - NONE.

There is no rational excuse for this behaviour - and I do not believe that W.W. will mend their ways unilaterally -

Legislation is required so as to grant people, both Welsh and tourist, access to these magnificent places.

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

Yes, Scotland - the Scottish Land Reform Bill

(N.B. Not seen as an issue in most of the civilised world - See Norway, Sweden, Germany.....)

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

No Longer

*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.

### **09.9. Would you like to see any changes to the voluntary agreements?**

Yes.

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

They should only be used when short term exclusive access is required to stretches of water for sporting or maintenance purposes

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

Yes, Stanley to Thistlebrig, 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.**

I've paddled for forty years and fished for fifty - neither paddlers nor anglers believe that the "Other Side" will negotiate in good faith and create local voluntary agreements - it is simply not happening now, and never will without primary legislation.

Much the same can be said of Welsh Water's "JUST SAY NO" access campaign - which treats Anglers, Paddlers and Sailors in just the same way.

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.

## 10. Nick Winder

### **What is your interest in the issues of access to inland waterways?**

I am the Head of Centre for a charitable trust that provides residential outdoor education in mid Wales. I am a canoeist and kayaker, and teach people both these disciplines on inland waters.

### **Are you a member of an organisation related to your use of water?**

Yes – I am a member of the Canoe Wales (WCA as was)

### **Which stretches of water do you own/use/manage?**

#### **Legal rights**

I believe that my legal rights are anything but clear. There appear to be no rights and poorly defined restrictions.

My understanding of the legal situation is that it is often necessary to cross private land to access the waters, which can mean trespass. However once afloat on the water, the water belongs to no-one and I am free to paddle as I wish while acting responsibly. I believe that there has never been a test case to define the right to paddle on waters but as people have boated for hundreds, if not thousands of years there is precedent for access.

Yes! I would like to see free access to all inland waters, and tidal waters if currently limited, tied to a requirement for responsible behaviour.

The example of Scotland is obvious and applicable here. Having paddled in other countries I observe that only in England and Wales are there any restrictions. The rest of Europe, North America, South America and Africa, all seem to have more enlightened access than us.

#### **Voluntary Agreements**

I most usually use the rivers of south Wales – Usk, Wye, Tawe, Irfon amongst others. There are access agreements for some of these rivers. Access agreements have been shown to not work over the last 50 years and cannot be made to work. Welsh paddlers are withdrawing from agreements as they deem them an illegal restriction of access.

As a note whilst using access agreements I have been regularly sworn at (often with children on the river), had rocks thrown at me, been shot at with an air rifle and suffered threats to self and vehicles.

Regarding changes to voluntary agreements – the only suitable change is their abolishment. The best of them are poor, and the worst are scandalous where they are available. One riparian owner amongst hundreds can stop a voluntary agreement.

### **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.**

Wales should follow Scotland and enact free access with an obligation for responsible behaviour. How can we have access to roam but not get our feet wet? How can so few people stop the activity and sporting outdoor enjoyment of so many?

The situation will not go away, canoeists will paddle where they want and will challenge for rights to access.

## 11. Steve Wilford, Penarth

I am a keen canoeist of over 20 years, having paddling extensively throughout Wales, England, Scotland, Europe and further afield. I am a current member of the Welsh Canoe Association, previously a member of the British Canoe Union before moving to Wales.

Over the past 20 years, I have pursued my activity on hundreds of rivers including the following in Wales among others:

Usk, Wye, Twyi, Tawe, Taff, Irfon, Teifi, Twrch, Rhondda, Dee, Doethie, Conwy, Ogwen, Tryweryn, Glaslyn, Llugwy, Mawddach.

I have during this time pursued this activity with every consideration for the environment and for other water users. As I understand my rights, I am not committing trespass in passing through private land on a river. I am aware I require permission to cross land to access rivers at access and egress points.

I have on occasion been confronted by individuals claiming to represent landowners, fisheries etc that have informed me that my presence is breaking a law, to which none have been able to persuade me that I am. I believe there is a dire need to clarify the situation of access to inland waterways in Wales to avoid what can on occasions become heating debates.

I would like to see responsible access made available to all waterways in Wales, not only the model now present in Scotland. I recognise that passage of all rivers at all levels in irresponsibility and that with any change or clarification in the law a code of conduct is required to protect the environments, but any restrictions on access should be driven by this need, rather than the whim of a landowner or other water user.

I have paddled extensively in France, Germany, Switzerland, Austria, Italy, Canada, US and New Zealand as well as the home nations and found that the legal and practical situation means that all water users have good access without undue restriction to a national heritage. Canoeists from these countries are astounded by the current situation here and certainly not enticed to visit. Wales has consciously modelled itself as a Mountain Biking haven that attracts visitors from around the world, with acceptance from all parties that our natural resources are for all to enjoy. Wales some of the world's best rivers for canoeing and could pursue the same avenue should legal clarity be reached.

My experience of voluntary agreements is that they are overly restrictive. The previous agreement on the river Dee for example made allowance for access for around 3 to 6 weekends per year, up to just 3% of a given time, when in fact, the river is navigable for large portions of the year without risk to spawning beds or other aquatic life. Access agreements are particularly fragile where as a canoeist we have little bargaining power. An average river trip may be some 10 to 15km in distance and pass dozens if not hundreds of landowners property.

There is a drive from the angling fraternity that canoeist should pay to access the rivers they use, however I would question why this is necessary. An angler with obtain a fishing license, the fee of which helps contribute to the Environment Agency's costs in managing fish stocks and providing fishing opportunities. This as I understand it is also funded directly from the tax payer. The passage of a canoe does not incur any cost, damage nor action for it to occur, hence what would an access fee be used for? An angler may also pay a landowner or club for the right to fish a particular swim, but this payment is either further used to provide services for the participant or taken as profit by the landowner. I am more than happy to pay for facilities that are provided for my use, for example car

parking, changing facilities etc, but I am not willing to pay a landowner for the right to float past his land, where I incur him no cost or inconvenience.

I am pleased that the Sustainability Committee are considering this issue and look forward to a sensible progression to bring Wales in line other nations.

## 12. John Walker

I am a member of the Seiont, Gwyrfai and Llyfni Angling Society and as such fish the aforementioned rivers and lakes where the Society owns the rights to fish.

In order for me to fish I must have a licence from the EA, the riparian owners' consent and pay an annual club membership or buy a day ticket. If I do not do so I am guilty of both criminal and civil offences. I am also only permitted to fish during certain times of the year (the open season). As a member of the Society I also help to maintain the rivers, river banks and lakes I am permitted to fish on.

It seems reasonable to me that, as the waters do not look after themselves, other users of the rivers and lakes I am able to use also pay for the privilege, assist in their upkeep and only use them at permitted times.

The inland spate rivers of North Wales cannot be put into the same category as the major Scottish rivers. Ours are shallower and more susceptible to environmental damage to spawning fish, their eggs and the invertebrate life the fish depend upon. They are also far more accessible, being close to major conurbations. The salmon and sea trout runs and the wild brown trout population on my local rivers have seen a dramatic decline in recent years. I believe this is mainly do to pollution but paddle sports do nothing to assist this.

I accept there are one or two significant rivers in North Wales where the tidal reaches may support free access but the inland and upper reaches of these rivers are environmentally delicate and cannot sustain this.

I have no objection in principle to paddle sports or others wanting access to the rivers. However, with rights come responsibilities and if other users want to use the rivers of North Wales they need to do so responsibly and consider the environment and other users of this asset. They need to pay for the right to use the rivers, assist in the management of them, respect the rights of others and only use the rivers when permitted to do so by the riparian owners.

Finally, our waterways are vital environmentally and, commercially to the prosperity of this region. Fishing tourism needs to be encouraged and can be very lucrative. A policy wanting to implement laws giving free access to this resource will do little to encourage money into the region.

## 13. Peter Ball

I am interested in the issue of access to inland waterways as a recreational canoeist and whitewater kayaker. Although a resident of England, I am a frequent visitor to Wales for canoeing on the rivers and sea, I also have family connections in North and South Wales.

I am a member of the British Canoe Union and of Swaledale Outdoor Club (affiliated to BCU).

Since 1968 I have paddled on (parts of) the Conwy, Dee, Glaslyn, Llugwy, Ogwen, Taff, Teifi, Tryweryn, Tywi, Usk and Wye.

Access for canoeing to rivers in Wales is unclear and as in England, landowners and fishing bodies feel they have the right to prevent us using most of this natural resource.

UK Government has repeatedly recommended that canoeing and fishing/ riparian owners make voluntary agreements but for as long as I have paddled (40 years) this has been unachievable and recently demonstrated as unworkable by the Environment Authority's pilot scheme in 2006. I feel very frustrated with the situation, it's not so bad for experienced paddlers but the number of rivers where you would feel comfortable to introduce young or inexperienced people to the sport without fear of suffering abuse from the status quo is quite small and so (children especially) miss out on the real beauty and serenity of our inland waters.

I favour the introduction of a system such as the Scottish Land Reform Act 2003 whereby canoeists and other small boat users, swimmers etc would have access to and along inland waters, whilst also making such users responsible by their actions to respect the environment and property.

My experience of voluntary agreements is that they have limited us to a tiny proportion of the rivers in our countries. Those that have been secured suffer a disproportionate number of canoeists and become virtual no-go zones.

The key issue for recreational access to inland waters is that it should be some independent body making the arrangements for access, not people with a vested interest. Ideally Wales will follow Scotland's lead and introduce an act to grant legal access to and along inland waters with clearly laid out responsibilities for all users.



## 14. Nik Mason, Glam Boaters

Please could you note my request for free access to inland waters by non motorised water crafts, additionally for swimming and playing.

I paddle in a white water kayak mostly and have tried open canoes and sea kayking, i have been chalanged by anglers who say why should they pay around £200 pound and we don't, i have pointed out that they are actualy paying for the right to hunt fish and remove them from the water whilst we are just travelling along the water but if you don't already know, this does not go down well.

I have also been wished well by angles and would like to wish them well in their sport.

I am not intimidated but i do for some reason feel guilty when challanged by anglers because the angles seem to have historical rights or so they think, i would counter that the rivers were the motorways and high ways a long time before anglers started paying to hunt fish and so i feel it should be the same now.

Untill the goverment makes a clear statement on the right to access there will continue to be Uncertainty

## 15. Angus Riddell

I work as a canoeing instructor and canoe for leisure. The position regarding legal rights is poor and leads to misunderstanding between all waterway users and landowners. It often seems to be a personal interpretation depending on time of day and mood. Friction most often occurs between anglers and canoeists as the most frequent users of the waterways. This appears to create a polarised anglers / canoeists conflict but that oversimplifies the argument and does not explain why the legal rights are so poorly understood.

The very limited access to water in Wales has created "Honeypot" sites which only exacerbates conflict due to the sheer volume of users on the water. Voluntary agreements do not work as is evidenced by the scarcity of them compared to kilometres of usable water. The obvious models to adopt are the Scandinavian one of "all mans right" or the access rights as enjoyed in Scotland. I can go home and put my boat on pretty much any piece of water I want to, I can fish from my boat, go for a swim and in fact do more or less whatever I wish so long as I harm nothing and offend no one.

obviously this needs everyone to accept responsibility for their actions and there will always be some people who are unable to do this but anything other than adoption of the a/m options is a failure to grasp the nettle and this access problem will resurface time and again wasting time, money and resources.

## 16. Rheanna Colyer

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

Kayaker/ canoeist

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

BCU and member of a BCU and RYA affiliated canoe and sailing club

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

In Wales I paddle most rivers that have rapids on: Wye, Dee, Tawe, Trwyeryn, Usk, Mellte

#### Legal rights:

- The legal rights are quite well defined, although seem to discriminate against kayakers
- Kayakers have use of the rivers in the winter, when it's freezing and fishermen decide they'd rather be inside. In the Summer kayakers are only allowed to paddle the river when it is in flood, so very dangerous
- I would like all rivers to be open to everyone all year around. Everyone who uses the rivers wants to get as much use and enjoyment out of them as possible, it seems pointless argueing about this and stopping others from enjoying themselves
- The legislation in Scotland works well for kayakers and fishermen and I would like to see that put in place not only in Wales but throughout Britain

#### Voluntary agreements:

- Wye/Usk
- Kayakers/ canoeists have use of the rivers in the Winter and anglers have use of them all other times, unless in spate when kayakers can use the river.
- I would prefer for a voluntary agreement that anglers and paddlers can enjoy the river side by side and therefore for the rivers to be open to all sports throughout the year

## 17. Lawrence Parker

I am a user of the inland waterways in the sense of waterborne recreation, in that I both Kayak and Canoe on inland waters within Wales. I am also a member of the British Canoe Union (BCU), Canoe England, as I am based in England but travel to Wales to enjoy the wonderful, and exciting waterways present.

As far as I am aware current access to inland waterways is by voluntary access agreements which are entered into by the owners of the land over which the river flows and/or points of access and egress. I use the WCA website and guidebooks to inform me and my friends which waterways have current access agreements.

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

## 18. Eifion Jones, Llangadog Angling Ltd

I write to you with regards to the proposed opening up of the rivers to the general public and more so to the canoeing fraternity.

I would like to point out that we as anglers as well as paying for the rights to fish on water and paying a substantial fee to the Environment Agency for a licence to do so which limits the amount of time we are allowed on the river bank and being conservationists of the rivers ensure that there will be fish there for future generations by imposing a catch and release system, bank and fishery maintenance which is done voluntarily and ensure that the habitat is safe.

We also support the local hatchery to ensure that the future of the Salmon and Sea Trout is there for years to come and this comes from club funds with no extra cost to the anglers.

We work hand in hand with the local farmers ensuring that fences, gates and stiles are maintained to ensure that the stocks are kept in the designated fields.

Most of our members work and vote in the locality therefore I would urge you to seek further information from different groups whether you want somebody who does not pay a licence fee, a permit fee, helps out local hotels, pubs shops and even the farming community who are only interested in their own well being do nothing for conservation or improve habitat, are not known to the local community, do not have any form of identification and are generally ignorant of the whole way of rural life as it stands.

They only use the river at their convenience and do not bring any money into the local community because they are usually in and out and away from the river on the same day

I am speaking on behalf of a small club of 200/250 people who will fold if open access is allowed, there is always ways to ensure that everybody can benefit from our natural resources but it must come at a cost to all parties involved

# 19. Tim Jepson

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

- Walking the riverbanks
- Kayaking and Canoeing
- Swimming

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

Canoe Wales

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

I am potentially a user of all waterways in Wales - rivers, canals, estuaries etc.

### Legal rights

I feel that the legal rights to access are very confused and ill-defined. Interpretations of the law depend on the type of user.

No, I cannot simply outline my understanding of my legal rights to enjoy the waterways.

I would like to see the law changed to explicitly support the healthy, sustainable use of waterways by all user types. Money should not be able to buy an exclusive right to access. I would happily observe restrictions to access which are clearly designed to protect the waterway environment.

My experience of waterways in Scotland and abroad indicates that a right to access works to the advantage of all water users.

### Voluntary agreements

My experience of voluntary agreements in Wales is that the landowners and fishermen do not want to voluntarily agree to use by recreational users. They act to protect their own interests at the expense of others', their belief is that money buys them the right to exclude others, irrespective of the quiet, sustainable enjoyment they derive.

### Key issues:

Environmental protection

Availability of healthy exercise opportunities

Inclusion of all users

Payment for access

Compromise arrangements between users backed by legislation.

## **20. Tim Smith**

Myself and my family are members of Thameswey Canoe Club and sometimes use the rivers in Wales for recreational trips in kayaks and canoes.

I would love to see more access to Welsh rivers for recreational use.

Surely this could also benefit local businesses and communities.

## **21. John Saunders, Basingstoke**

### **21.1. What is your interest in the issue of access to inland waterways**

Recreational user:

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

### **21.2. Are you a member of an organisation related to your use of water?**

Welsh Canoeing Association Access Supporter

### **21.3. Which stretch/es of water do you own/use/manage?**

Wye (Kayaking with wife and daughter during paid instruction course during our summer holiday stay in Wales in August 2008, kayaking course during weekend stay in Wales at Christmas 2008 (and also the Usk), kayaking course during weekend stay in Wales in April 2009

Mellte visited the valley specifically to walk along the riverside in weekend break to Wales in February 2009

Teifi (Kayaking during paid instruction course next weekend after which we will stay in Wales on holiday for 7 additional days).

### **Legal rights**

#### **21.4. Are you happy that your legal rights are clear and well defined?**

No.

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

Some of the above noted rivers have rights of public navigation but on most 'ownership' is claimed on the principle of riparian 'laws'. Access to the rivers is restricted by land ownership.

#### **21.6. Would you like to see any changes to your legal rights?**

Yes.

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

Clarification to confirm or creation of a common right of access to and navigation of rivers in Wales (with a concomitant code of responsibilities).

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

The Scottish right of public access to and use of rivers.

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

Knowledge of many, experience of few as I believe that most rivers are now often paddled without regard to the preference of restrictive elites.

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

Agreements, in the minority of locations where they even exist, serve to restrict public access.



## **21.9. Would you like to see any changes to the voluntary agreements?**

Yes.

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

I would like to see the justification for access agreements removed by confirmation/creation of a common right of access to and navigation of rivers in Wales.

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

I do not believe that access agreements serve the interests of the wider population, and that they are created to uphold the control of the few.

## **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.**

Establishment of a legally defined right of access to and use of inland water in Wales for recreational purposes

## **22. Peter Brundret**

### **22.1. What is your interest in the issue of access to inland waterways**

Recreational user – Riparian Wildlife photography

Fishing – I am a trout fisherman

I am also a river bailiff for part of the River Monnow

### **22.2. Are you a member of an organisation related to your use of water?**

I am an Honorary Secretary of the Monmouth & District Angling Society

### **22.3. Which stretch/es of water do you own/use/manage?**

In total 7 Miles of the River Monnow: 4 as a river bailiff and fisherman and 3 nearer Monmouth as a fisherman and society secretary (see above)

5 Miles of the River Trothy (fisherman and society secretary)

1 mile of the River Wye (as fisherman and society secretary)

2 Coarse Fishing pools near Dingestow (Monmouth) as a fisherman and society secretary

### **22.4. Are you happy that your legal rights are clear and well defined?**

No

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

Fishing is only permitted if the fisherperson has an annually renewable species related license obtained from the Environment Agency and the permission of the owner of the fishing rights on that particular water. Differing species permit license holders only to fish during designated periods as defined by the Environment Agency for that species in that particular location.

I understand that canoeists are permitted on any river designated as a navigable river by the Environment Agency. On a river not so designated such as the River Monnow, I believe canoeists are only allowed access provided they have written permission from the EA and permission from any landowners across whose land they need access to both enter and to leave the river.

### **22.6. Would you like to see any changes to your legal rights?**

I am not sure.

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

No

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

No

### **22.9. Would you like to see any changes to the voluntary agreements?**

**22.10. 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 believe all people whatever their recreational activity ought to have the right to enjoy the inland waterways provided their activity does not inhibit or limit the opportunity for recreation of others. This right should be conditional in that it does not threaten but enhances both the environment and wildlife and needs to be regulated, monitored and managed.

This right should not be god given but should be subject to charge related directly to the cost of upkeep and maintenance of the riparian environment and should reflect any causal damage by the participants in the activity.

As fishermen we have the health of the rivers and ponds uppermost in our minds and spend time and money establishing healthy "in stream" populations and suitable habitat. It is imperative that any increase in the use of rivers and ponds by canoeists is closely monitored and regulated to avoid causing disturbance and imbalance in the precarious relationship that exists between all things in nature.

In summary, any sport needs to ensure it puts more into the environment in which it operates than it takes out.

## 23. David Walton

I am a recreational Kayaker, I regularly travel to Wales in order to run the white water rivers. I have been visiting and travelling along Welsh rivers for in excess of 15 years

I am a member of an active, Coventry based canoe and kayak club with about 30 members. I would estimate that on average at least one of our members paddles in Wales each month. I am also a member of the BCU (British canoe Union).

I have on occasion been challenged by third parties either on the river or whilst attempting to access the river. On one occasion my party were followed by car for several miles by an aggressive and confrontational man, who claimed to be a land owner, whilst trying to access the River Winion. I am aware of other members of the club that have been threatened whilst trying to access the River Dee.

As such I believe that there are no clearly defined rights of access to Welsh waterways. There are conflicting wishes of water users. (Although I believe most if not all users of water ways can harmoniously co-exist). I also feel that the laws of trespass and the ownerships of the waterways of Wales are not clearly defined. I believe that the rights of navigation along waterways have not been suitably established to enable any interested party to have an informed position on there rights of travel.

I would like to see clear legislation for rights of access for all Welsh waterways. I believe that this should consist of unrestricted access for canoeists, kayakers, swimmers and other recreational users where access can be gained from public land.

I am aware of unrestricted access (or close to it) in Scotland, Austria, Slovenia and Switzerland and have kayaked and canoed in all these countries without the issues I have experienced in Wales. Slovenia for instance publically promotes access to their waterways.

I am yet to see a voluntary access agreement that I consider workable or not overly biased to one party. For example I have seen agreements that require pre-booking several weeks in advance, this does not practically work as water levels and weather conditions are unknown. I have also seen dated access agreements that do not take into account water level and river conditions.

I would like to see agreement to access all rivers in Wales subject to any reasonable steps to protect the environment of the waterway.

I am not aware of any working voluntary agreement outside of Wales that I would believe to be acceptable.

I believe the key requirements to successful unrestricted recreational access are:

1. Clear legislative guidance
2. Publication of suitable routes and access to all rivers from publicly accessible land
3. A clear understanding that water users can harmoniously enjoy waterways together

I would like to see legislation to preserve waterways for all reasonable recreational uses and hope that this study is the catalyst for creating a suitable law.

## 24. Robin Parry, Gwyrfai and Llyfni Anglers' Society

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

I am the chairman of the Seiont, Gwyrfai and Llyfni Anglers' Society. We are a fishing club based in Caernarfon and surrounding area in Gwynedd. The club has been in existence for 100 years. Our aim is to offer fishing to anglers, both local and visitors, at a reasonable price. The vast majority of our members are locals, who pay an annual membership subscription which entitles them to fish, and we also sell many day and week tickets to visitors in the summer and autumn.

We offer fishing on the three rivers suggested in our title as well as on several lakes in Gwynedd. We rent some fishing rights and land but we are also legal owners of the banks and bed of the rivers and adjoining land of extensive stretches of the rivers named above. Our interest in the issue of access is therefore as anglers, but also as landowners, although I wish to stress that we are not a privileged estate wishing to keep everyone off our land, but rather the opposite—a club with an entirely open membership, run for decades by volunteers striving to keep local fishing in local hands and available to local anglers, and supported for decades by these same anglers putting their hands in their pockets and paying subscription fees. This club structure, run by local members, is a particular feature of angling in Wales and is different to the situation in other areas, particularly Scotland.

As anglers we are also committed to conservation and many of us are active e.g. on Environment Agency committees and have brought pollution and wildlife issues to light over the years.

### Legal rights

Our legal rights are clear and well defined. The land we own is private and except where there are public footpaths unauthorised access is trespass. If someone wishes to launch a canoe or kayak on our waters from our land we are entitled to stop them doing so and ask them to leave. On land and waters that we rent we have the same right, as representatives of the owner. Where we rent fishing rights only we still feel we have the right to ask unauthorised canoes and kayaks to leave as they are impairing our right to enjoy our legally held fishing rights.

Outside the fishing season there are times when the water conditions are attractive for canoeing and kayaking and when these activities would not disturb our angling. It would seem that agreements between the canoeists and the owners of the waters as to when canoeing could take place is the obvious way forward to allow shared use of the waters. I do think, however that it needs to be acknowledged that the waters are owned by someone and that granting access to them would also demand responsibility on the part of those using the waters. To suggest that rivers are a free natural resource which should be available to all as and when they wish is a rather romantic and unrealistic view of how the British countryside should be managed and in the past such views have frequently caused friction between landowners, farmers and residents in rural areas and those who wish to enjoy our natural resources. For example- I often see attractive looking rivers and might consider fishing them but would not dream of doing so without first asking locally regarding ownership and availability of angling, buying an appropriate permit and following the rules on angling methods and seasons. If angling was not available, for example, to visitors, then I would accept this and look elsewhere.

Likewise, if a canoeing club owned a stretch of water, I feel they would be free to launch canoes and kayaks on it as they wished. If angling was offered on their water I would follow whatever arrangements they had in place if I wished to fish there.

If access is to be increased by voluntary agreement then there would also need to be arrangements for recognising individuals and also some form of sanction available against people using the rivers outside the agreed periods if this caused friction with the owners.

### *Scotland*

I am well aware that in Scotland there is more open access for canoes and kayaks. Scotland is a larger country than Wales, with lower population density and many of the rivers are also far larger than the majority of Welsh rivers. I have fished in Scotland and had canoes coming through the pools in which I have paid to fish. Amongst Scottish anglers there is considerable anger and resentment at the disturbance caused to fishing by canoes since the laws were changed. I do not think the Scottish arrangements would solve the problem of access in Wales. In North West Wales the rivers are generally smaller and short and few are beyond two hours motoring from the major conurbations of the Northwest of England and the Midlands. Unlimited access to these waters could mean large numbers of canoes and kayaks endlessly disturbing the fishing of those who legally own either the waters or fishing rights or both, with no way of controlling the activity. I feel strongly that Welsh rivers can only be managed if the details of access are agreed between the owners and those wishing to use the waters.

We have no experience of voluntary agreements on the waters we manage, particularly as the WCA/Canoe Wales do not wish to enter into agreements. We frequently send canoeists off our waters during the fishing season.

I am aware that there is a recently drawn up arrangement on the Afon Glaslyn on National Trust land but I am also aware that WCA/Canoe Wales have not agreed to this because of the above policy and the arrangement is unilateral.

### **The key issues for recreational access to inland water in Wales**

Canoes and kayaks disrupt angling. I am aware that there is often quoted evidence that these activities do not reduce fish stocks but they do disrupt angling. In our relatively small and often clear water rivers canoes passing through scare fish and render fishing pointless for some hours. Canoes running a length of river will have this effect all along the stretches they travel. Further groups following behind will cause the same disturbance again and again.

Unrestricted access would severely impair legally enjoyed angling. It is likely that it would lead to fewer people fishing with clubs across Wales seeing reduced membership. Expensive fishing rights and property assets would be devalued overnight and many historic angling clubs would fold within a season of unrestricted access being granted. Likewise angling visitors would be unlikely to arrange fishing that might potentially be ruined by unrestricted canoes and kayaks. Angling tourism would suffer.

A separate issue is that of spawning salmon and sea trout and the disturbance of these fish, as well as the damage done to gravel beds containing spawn by canoes, paddles and wading during low water in winter. Such disturbance is an offence, and unrestricted canoe and kayak activity at sensitive sites and levels would need to be policed by the Environment Agency.

### **In summary:**

Angling has long been enjoyed in Wales and the country is home to some of the most famous angling clubs in the United Kingdom.

Unrestricted access to Welsh rivers for canoes and kayaks would severely disrupt the enjoyment of these traditional countryside activities and I feel that if the WAG were to legislate for free access they would be guilty of trampling on the legitimate sporting and property rights of thousands of Welsh residents to please a number of people based outside Wales.

For privately owned water and land, whether owned by clubs or individuals, voluntary access agreements are the only appropriate way of allowing shared use of these waters.

## 25. Gethin Thomas

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

My interest in access to our inland waters are two fold. On one hand I am a recreational paddler. I love to canoe and kayak. I have paddled all around the world in places such as the Northern Territories of Canada, the USA, France, Spain, Sweden, Africa and New Zealand. Yet I cannot paddle the river across the road from me without incurring the wrath of my neighbors!

Secondly I work as a Deputy Head in an Outdoor Education Centre. We work with young people from all sorts of background from affluent families to kids who turn up to a week long course with nothing but the clothes on their backs. One of the most notable pieces of work I have done to date was to take a group of "at risk" young people on a week long canoe expedition. We had to go to Scotland as there are no access agreements on or local waters.

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

I am a member of the Welsh Canoeing Association with whom I am a registered coach in both canoe and kayak

### Legal rights

I am not at all clear on my legal rights to access once on a river.

However in conversation with local water bailiffs I am lead to believe that for some reason, unlike to my knowledge and experiences in my travels every where else in the world, I have no rights to canoe any stretch of water in my area (or England and other parts of Wales) which are non-tidal. There are some rivers near by where there are rights of navigation however these are on rivers far from me and present little interest. I have had conversations with police officers when accessing a local river, having had agreement from a local land owner to cross his land. The police where contacted by the land owner on the opposite bank, which we where no where near. The police officer said he only came to chat as the land owner had concerns for our safety, for which he had no qualification to ascertain, the river was at a perfect level to paddle, as a qualified canoe coach for the last 15 years I had no concerns for our safety. The police officer said it was not the first time they had been contacted by this particular land owner, who had clearly figured out what to say if he wanted to create issues.

I understand that I can walk along a footpath alongside a river carrying my boat however cannot put my boat on the water without permission as somehow someone has managed to retain rights to the water that falls from the sky!! However if that water should burst the river banks, as it frequently does near me, I cannot hold that owner to account for the loss of income of assets that may get damaged by that water that he/she owns.

In my place of work we have a small stream which is a popular spawning ground for fish. We ensure the stream is kept clear to encourage fish stocks. I understand that my taxes are used by the Environmental Agency to, among other things, ensure fish stocks are kept up. The Environmental Agency has asked us to keep clear of the stream during December to January as the fish reed; however after that have said there are no issues with the children playing in the stream. So my efforts and taxes are being used to encourage fishermen in there stranglehold on the rivers, yet the Environmental Agency say it is fine to play in the rivers; how can we be causing damage by passing over the river bed in our boats?



I have been verbally abused and even had children under my charge verbally abused on our local rivers, even on tidal sections, by aggressive fisherman.

I would like to see our access agreements brought in line with Scotland's where I have paddled past many a happy fisherman with a smile and a wave from all parties.

### **Voluntary agreements**

I have had some experience of voluntary access agreements in North and South Wales. I have paddled sections of the river Dee on one of the 4 days access where hundreds of canoeist are shoe-horned down a fantastic section of river on one of the brutally short weekends access.

I have paddled sections of the Usk and Wye during a certain time of the year where access has been agreed but been challenged by both fishermen and land owners, again abused.

In my experience voluntary access agreements DO NOT WORK. They are often wrapped up in bureaucracy often asking paddlers to obtain written agreement to paddle a river weeks in advanced of a proposed trip. This limits the paddlers flexibility and often forces the paddler onto a section of river on a day when water levels may not be safe or environmentally sustainable. Even with these agreements we are still verbally abused.

### **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 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.

## 26. Tony Godbert

Voluntary River Keeper, Betws-y-Coed Anglers Club

We are writing to you with our concerns, involving the attempt by WCA/CW to increase access to inland waterways across Wales, and would like it to be noted that we strongly oppose any attempt in changing the law to allow this.

I would like to mention that we have tried repeatedly, with WCA/CW's Ashley Charlwood to enter into an Access agreement with our club, and at one time had a perfectly good one working on the waters we lease, only for it to be quashed by Ashley Charlwood, Quoting to me "it is no longer WCA policy to have access agreements" which is a bit ironic considering he is the Access Officer for the WCA.

The rivers in Wales are very delicate and on a completely different size scale to the ones in Scotland, and if you do not stop this petition for access, you will personally be the ones giving permission to all Canoeists, Kayakers, Gorge walkers etc to damage beyond repair our sensitive waterways! (you will be authorising Environmental damage)

And finally we are the ones looking after the rivers along side the E.A, through litter clearance, habitat improvements, voluntary policing of the rivers, the list of jobs a select few of us do is endless. You will have to when considering whether or not to back this attempt for a change, be willing to lose the above if you make the wrong decision.

You may think this is a strong threat, but I personally (and no doubt my colleagues) will stop all voluntary works I/we do on the rivers, if you allow this access to inland waterways to happen!

We have approximately 120 members in our club, and sell a large number of day tickets to visitors staying in or around the village of Betws-y-Coed, so the amount of people your decision will effect through just ONE Angling club in Wales is vast. (you only have to look at the E.A Rod licences sold to get the fuller scale)

## 27. David Roberts

I am both a recreational kayaker & canoeist. I am also a member of the WCA, though mainly because I have to be order keep my coaching qualifications valid.

Over the years, the muddle and confused access situation to rivers in Wales has meant that I have done less and less paddling. Indeed, recently I have kayaked on more rivers in the Alps than at home in Meirionnydd. The prospect of conflict with landowners and/or fishermen just puts you off going out for what should be an enjoyable day. In terms of the economic impact for Wales, many English paddlers now organise trips to Scotland, where the access situation has been sorted out. I too would rather go paddling in Scotland than at home in Wales (and obviously take my money for food, accommodation, petrol, car parking etc. there too!).

It seems strange that in the face of scientific studies by the Environment Agency and examples of best practise in other European countries, that fishing clubs still want to ban all paddlesports from their waters. This attitude just seems to promote conflict, as instead of negotiating access (along with ideas such as "traffic light" water gauges & paying for car-parking) fishing clubs just put up a wall of resistance. This even extends to clubs like the Prince Albert denying well published facts, such as the Normal Tidal Limits on estuaries, such as the Mawddach, where I live. Yes there are irresponsible & ignorant idiots on both sides of the debate but at the end of the day, all sensible can people can only want cleaner, well cared for rivers & lakes and the opportunity to enjoy those places.

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 Welsh model of legislation could be developed.

## **28.Owen Hayward**

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.

Waterways in Wales should be open to all for recreational use – they are a fantastic way to promote health and well being. The Scottish access law provides a clear working model based on responsible use by all who wish to access our natural heritage.

## 29. Chris Easabrook

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

Professional Kayak Coach, I work and play on the river.

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

Welsh Canoe Association

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

Use.

Llugwy, Conwy, Dee, Glaslyn, Owgen, Elwy, Aled, Alwen, Usk, Wye, Melte, Tribs of the Usk

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

No, I don't really understand what I have access to and not.

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

I have a right to use the water but not the land around it.

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

Yes

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

Where sensible (live stock, shooting etc.) access through private land to use the water. A simple footpath and gates for access would be great with the land owners understanding that I'm doing so at my own risk.

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

Right to Roam - Scotland,

### 29.8. 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.*

Certain times of the year on certain areas.

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

Yes

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

Do away with them, there needs to be a YES or NO gauge to tell whether the river is high enough whatever time of the year, and clear footpaths with gates to riverside. Right to Roam, with fines for those that abuse, so people leaving gates open, litter etc.

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

In France, no one paddles after 6pm for the fisherman. It's a fair system and everyone respects it so it seems to work.

### **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 understand that:

Fisherman are upset because they have to pay to fish, where as we only pay towards British Waterways so think it's unfair.

Landowners can see some organisation (Rafting on the Dee) charging people to use the water and want to do the same.

Kayakers feel we are unfairly done by and don't really respect any system anymore.

Some people are just generally a pain in the arse and will cause trouble no matter what the situation is.

I would love to see access to all water free of charge in Wales to encourage people outside and onto the water. For rivers with seasonal flow, it needs to be high enough not to effect spawning beds etc. This just needs to be a green block when the river is high enough and online so people can see it before they leave for the river. Like <http://www.wyeuskfoundation.org/conditions/gauge1.php> with the Red line above which is suitable.

Landowners need help to create footpaths and gates through their land so kayakers can get to the water without causing any damage. These footpaths, parking, portaloos etc. should be maintained by the WCA (with more money from membership fee / government to pay someone to oversee this) Kayakers found abusing this system should be fined with the money going to mountain rescue services.

It should be free to paddle the Dee, setting an example to landowners, and those without a valid argue should be cautioned / fined for being a pain in the arse.

## 30. David Grimes

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

Recreational user:

User for waterborne recreation (canoeing and kayaking)

Use in the course of education to children and adults. Canoeing, Kayaking, Improvised Rafting, Swimming

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

Canoe Wales

### 30.3. Which stretch/es of water do you /use/?

North Wales Rivers and Lakes especially Dyfi, Mawddach, Dysyni, Tal y Llyn, Lyn Tegid (Bala) Nant y Moch, Llyn Clewedog, also Rivers Wye and Usk and their tributaries

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

NO, other water users seem to think that canoeists do not have ANY rights.

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

If there is a legal right of way to the waters edge, I can access this body of water to paddle my craft.

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

Yes

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

I would like clear and transparent legislation that permits all water users to get along harmoniously without unnecessary confrontations occurring.

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

Land Reform (Scotland) Act 2003 provides a useful basis from which a unique Welsh model of legislation could be developed.

### 30.8. 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.*

River Wye, Builth Wells – Boughrood, access agreement in place. Anglers often shouted at paddlers despite the agreement.

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

Yes

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

I would like clear and transparent legislation that permits all water users to get along harmoniously without unnecessary confrontations occurring.

**30.10. 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.**

At present, I believe that 90% of Wales' waterways are closed to users such as canoeists. This is as a result of a tiny minority of people controlling access for a majority of potential users. The current system is extremely elitist with fishing rights being hugely expensive and exclusive. If access to rivers was opened to all, including Canoeists AND anglers, there would be the potential of using one of our country's finest resources to promote many healthy socially inclusive recreational activities.



## 31. James King

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

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

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

Haverfordwest Kayaking Club

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

I use all accessible parts of the Cleddau river in Pembrokeshire which are defined as being tidal rivers with free access for recreational users.

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

Yes

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

As a tidal river, access to navigation on it is open to the general public. Non-tidal rivers do not permit general public access and is deemed as trespassing should one do so.

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

Yes

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

Legal access to waterways across England and Wales, specifically non-tidal rivers.

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

The Scottish land reform act, Scottish Outdoor Access Code,

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

No

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

NA

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

NA

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

Not at this time.

**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 key issues to me seem to be that of the demand by general public to have access to waterways across England and Wales and that of the land owners firstly granting that access and secondly having peace of mind that their land/property will be respected at all times. Vast opportunities could present themselves once total access is granted from farmland being adapted to camp sites and in result supporting local farming to the new asset to local tourism to help support local business. We only need to look at Scotland land reform to see how to obtain the overall goal and negotiate our way through the complications in getting there.

## 32. Neil Hopkins

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

I use the water for the following reasons OBSWART (search and rescue), Fishing, Canoeing/Kayaking, Gorge walking

### 32.2. Are you a member of an organisation related to your use of the water?

Yes. Fishing EA via a rod licence and Canoeing via membership to the BCU (British canoe union)

### 32.3. Which stretch/es of water do you use

Any I can but I am limited to canoeing extremely little near my home in Machynlleth.

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

No not at all happy with legal clarity of water access

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

Current understanding is the landowner adjoining the water course has the right to allow or deny access

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

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

I WOULD LIKE TO SEE WITHOUT A DOUBT IS THE SAME LAW AS IN SCOTLAND THAT ACCESS IS ALLOWED AS LONG AS THE RIVER ETC IS NAVIGABLE - WE SHOULD HAVE NO RESTRICTIONS ON ACCESS FOR ANYONE JUST SENSIBLE CONSERVATION RULES.

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

Just Scotland's

### 32.8. 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.*

I think the national trust allow access to their water in the Snowdonia national park especially Llyn Dinas and the Afon Glaslyn but only if water levels are high enough according to marker posts.

As a keen outdoors man, environmentalist and hydro engineer I would like to see no restrictions as in Scotland just a sensible set of conservation rules that could be policed by park rangers etc. I would also be prepared to pay for something similar to a rod licence if I was able to canoe (i.e. an access licence).

### **33. Richard Retallick**

I have been canoeing for about 25 years and believe that Wales has some of the best rivers in the world. However the access to these rivers for canoeists is probably the worst in the world. For this reason alone I tend to canoe elsewhere be it Scotland or Europe where the access situation is much more logical.

I believe that if nothing else it will be restricting tourism to Wales. But fundamentally I believe the situation is unjust.

I understand that there is a potential conflict of interest with other water users but believe that this to be a fear with no factual base. I have seen countless examples where fishermen and canoeists have coexisted with neither suffering a loss to their hobby.

Please right this ridiculous situation.

## 34. Andy Garlick, Meridian Canoe Club

We are recreational users of the Welsh inland rivers which provide some of the finest canoeing and kayaking in the Europe.

We are 180 members of Meridian Canoe Club from SE London and N Kent

Every winter we paddle the rivers, Usk , Wye, Trewern, Dee, Conway, Ogwen, and Teifi, amongst others.

The Wye has a right of navigation , all the others are much less clear.

The legal position for paddlers is still somewhat unclear. Last winter after many years of trying to obtain voluntary access agreements the Welsh Canoe Association decided to recommend to its members that as long as they paddled the rivers when they were at sensible levels (as defined by marks on water gauges) and used recognised get on/get off points then paddlers were free to use the Welsh rivers over the winter season. This has proven to be a great improvement from paddlers, BUT we still face stiff opposition from anglers who are now resorting to methods ranging from verbal abuse to puncturing tyres of cars parked by paddlers.

It would be nice if this position could be legally enforced as we still receive aggravation from anglers, gamekeepers etc who totally believe they have a legal right to exclude us totally

You would do well to investigate (and hopefully follow) the example of Norway where there is both a right to roam and a right to use all inland rivers.

The Voluntary arrangements for use of certain stretches of river were never good, mainly due to the intransigence of the angling community who do not wish to permit ANY water users other than their own members . The use of the River Dee from Corwen to Llangollen is an example of this. Paddlers were permitted very limited access on a handful of winter days , the fishermen then decided that even this was too many and they “banned” all paddlers from accessing this stretch of water.

The angling community continues to stall any discussions because they want NO other water users to access “their” stretches of water, and therefore no amount of negotiation will shift them.

The only method is for paddlers to take matters into their own hands , or to appeal to higher authorities to allow a combination of users to be permitted at all sensible times to co-operate and for all to obtain enjoyment from this resource.

As above voluntary arrangements have been shown not to work , access for all needs legal backing

## **35. Peter Wood, Caernarfon**

### **35.1. What is your interest in the issue of access to inland waterways**

User for waterborne recreation.

Also as a publisher of outdoor adventure books including guidebooks to outdoor activities in Wales.

### **35.2. Are you a member of an organisation related to your use of water?**

Welsh Canoe Association.

### **35.3. Which stretch/es of water do you own/use/manage?**

I use whitewater rivers all over Wales for kayaking and lakes all over Wales for canoeing and swimming.

#### **Legal rights**

Better definition of the legal right of access would not affect my participation in canoe sports (despite threats and objections often from self appointed wardens of fishing beats, none have been able to take action to prevent me kayaking).

However, confusion and discouraging misinformation will put off tourists and recreational users who are keen to discover what outdoor activities they can pursue in Wales. It is our policy, since producing whitewater guidebooks to Scotland immediately prior to the CROW act to continue to publish guidebooks to Welsh and English inland waters on the basis that access over private land may be considered trespass (a civil offense) by unwelcoming landowners and canoeists should behave considerately in those (and all) circumstances, but that passage over natural watercourses is not trespass.

I would like to see a right of passage over all natural watercourses inscribed in law -- to encourage tourism and outdoor recreation in Wales and to silence the threatening behaviour of individuals who currently seek to keep canoeists and other water users off the lakes and rivers of Wales.

Scottish access legislation is the precedent for Wales. Scotland enjoys a boom in outdoor recreation tourism at present. I believe that almost all former British Empire countries enacted land reform and right-to-roam acts after secession, including Canada and New Zealand. With luck, England will be the last to follow suit behind Scotland and Wales and to adopt clear right-to-roam access legislation.

#### **Voluntary agreements**

Voluntary agreements have been in place on several rivers in North Wales. They involve the consent and whim of too many parties on long rivers such as the Dee, for which the agreement of access had a convoluted passage ending in the removal of consent by just a few parties.

Voluntary access agreements have been tried and have failed. However local forums for exchange of information, education and joint environmental action between all the user-groups would be helpful. In particular, it is helpful for canoeists to know where the fishing beats are and where the redds are too. Which species of flora and fauna live in the river and when are their breeding seasons and fragile periods?

Signs and online information can provide this (see the river level signs on the Glaslyn and river information signs all over the Sessia Valleys in Piedmonte, Italy).

Disclosing real time river level data to ALL river users (such as can be found on the FishingWales website) is a boon. Kayakers will want to use rivers only above certain levels (and advisory can be given by the WCA and others of suggested minimum flows such as the markers on the Glaslyn). Real time water quality indicators could also be given where this information is collected by the EA (eg. on Llyn Padarn where there is an algal bloom problem right now).

**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.**

Right to roam.

Education.

Information.

Joint environmental action by all users.

(reasons given in the previous answer)

## 36. Adam Jeff

My interest in the issue is primarily as a user for waterborne recreation, specifically a kayaker. I attended the University of Aberystwyth 2001-2005 and during that time was a keen kayaker, a member of the university canoe club and the Welsh Canoeing Association. Although I have now moved abroad I regularly return to Wales to see friends and, often, to go kayaking.

The current access situation for kayakers in Wales (as in England) is extremely frustrating and confused.

The most important thing is to clarify the position for all concerned. The legal complexities of the current system make it almost impossible for a recreational user to find out what the legal situation on a particular waterway is. This has a number of effects:

- It discourages users who are actually entitled to use a particular waterway from enjoying their rights.
- Users can become frustrated with the system and simply ignore it, leading to conflicts
- It makes it impossible for users to defend their rights when these are arbitrarily infringed.

For example, if a farmer put up a new fence across one of my favourite walks, I could take out my OS map and show the footpath crossing his land. If a landowner turns up and tells me I cannot enter the river I am about to paddle, I have no such recourse.

In my experience, voluntary agreements work well because they provide the necessary clarification. One example with which I am familiar is the Aberglaslyn gorge. This is a classic short section of river which has provided much enjoyment and excitement to many paddlers. I don't remember anyone I know paddling outside the agreed season, when in any case the water levels are usually too low for paddling. Similarly I can't imagine that many fishermen would be disappointed to miss this rather bleak spot in the middle of January.

An access agreement which didn't work very well was the Dee (I'm not sure of the current situation, this is based on about 5 years ago): the weekends allocated to kayakers were far too few. This led to congestion on those weekends – less enjoyable and sometimes dangerous for all the paddlers, and I imagine impossible for the fishermen; while many paddlers balked at the injustice and flaunted the rules by paddling on other weekends. If the river had permanent access, I imagine there would only be one or two parties of paddlers on any day, causing only a few minutes disruption to any fishermen. Kayaking on the Dee causes no damage to the river or its ecosystem, it is a wide and usually deep (when people want to kayak it) river with a number of good access points. The situation exists at root because fishermen have more money to spend than most kayakers – a patently unfair reason as well as misleading. Money from fishing permits goes into the deep pockets of a few landowners, whereas I know few paddlers who would kayak the Dee without stopping for a pint in one of Llangollen's fine pubs afterwards, and probably visiting local shops and filling up their car. So although we may spend less money it is more fairly distributed into the community.

I would argue that voluntary agreements are generally good where they exist, but are no substitute for legislation. All users should have an equal right of access by law. A system of voluntary agreements essentially asks some users to beg for access from others, who may simply refuse to cooperate.

The only other country which I have experience of paddling in is France, where the situation is immeasurably better. In the French Alps paddlers are recognised as a valuable source of tourism.



Access points are generally marked. This simple and cheap step not only makes it much easier for paddlers but prevents bank erosion from people launching in unsuitable places. Similarly there are signs on the river to point out exit points (and explain why you must get out there, e.g hydroelectrics ahead!). Some rivers have time-sharing agreements, usually paddlers during the day and fishermen in the evening (this works very well there since most paddlers are tourists and most fishermen are locals, but probably doesn't apply very well in Wales). The most striking thing about the whole system is its clarity and the abundance of information available to paddlers.

Most importantly, since the vast majority of rivers are open most of the time, no-one objects to those few that are closed (perhaps for environmental protection) and these are never trespassed on.

However I would say that the best template is simply to look at the situation for walkers and extend this to inland water users. Since the right to roam act it is assumed that walkers have access. However they only have this right if they are behaving respectfully and not causing damage. It does not extend to walking through a planted field; similarly a right of access to water need not apply where an investment has been made in a particular stretch of river, e.g. salmon steps. It can be revoked for limited periods e.g. for lambing, similarly access to a river could be removed for a short period each year if there is a justified reason.

The key point is that the right of access exists as a default state, and a landowner must justify any changes to that right; these changes are limited in area and time they can be applied to.

## 37.Dave Miles

Firstly let me say that i am thankful that you are at the very least trying to listen to the view of all concern over the matter of access to inland waterways. a big thumbs up for proper democracy.

this issue effect me as a kayaker, i have paddled for over 15 years now starting at the age of 11. In that time i have kayaked too many rivers to list. some what you many call illegally although not knowong it at the time. i have also been an active member of a local canoeing club the Llandysul Paddlers for most of that time. there are many fabulous rivers in my local area. yet only one short section of the river teifi that has access. I do not understand why a small section has access yet other section do not.

what i do know is that the Kayaking is not a Crime - Official WCA Petition facebook Group has 2176 member to date. Are there that many people in any Facebook group against open access to waterway? If not then it would seem to me that the people have spoken and as our elected officials there is only one course of action to be taken. i fact i couldn't even find a facebook group against it!!!

to cut this email short because i could waffle for ages on the in's and out's of the matter and i'll leave that to thoughts who get payed to waffle.

i think that all inland water ways should have open access for all.

no one owns water (although some corporation may think they do)

all the people I have ever use the rivers with have always treated them with the utmost respect

please restore my faith in democracy

## 38.Rory Fyffe

I am the president of a university canoe club as well as a keen walker. Access to waterways in Scotland has afforded me the ability to kayak where there is enough water, preventing me from damaging spawning beds in shallow water. While kayaking in Wales I have been forced to use a tiny percentage of the rivers and am therefore forced onto shallow water. Voluntary agreements do not work. Only around 4% of English and Welsh rivers have working access agreements. This simply is not enough waterway to cater for the number of kayakers. If kayakers stuck only to those rivers with access agreements then it would be very quickly clear that this notion of voluntary agreements is just the politicians avoiding taking sides and passing the buck. This results in increasing the problem and confounding it.

If I am to be frank, I do not see any reason why the Welsh cannot have access to their rivers in the same way that the Scots do. Kayaking causes significantly less damage to the environment than say fishing, a fact that anglers are aware of, and the opposition to open access to waterways is nothing more than greedy fishermen not being willing to share.

## 39. Brian Taylor

I have been visiting Wales regularly for the last ten years paddling and walking in some of the most beautiful and picturesque places on this planet. I have been most respectful of the terrain, nature and environment and have not left anything other than footprints. Whilst walking I enjoy just about total freedom to go wherever I want and enjoy all the best Wales has to offer. If I take my canoe/kayak I have been threatened and abused by irate fishermen who proclaim I'm destroying the environment and ruining their pleasure. In most of these places I could quite legally follow river side footpaths and disturb both the fish and the angler if I wished which I do not.

In Scotland I can roam the countryside on foot or by kayak and have legal access why not in Wales. I'm a tourist and bring revenue by staying in B&B's, Guest Houses and Hotels, I spend a considerable amount in Restaurants and shops which your Tourist board actively promotes. In the last year I have visited Wales at least 15 times and it is my intention to continue to do so, I would hope that the Welsh Assembly will open up these beautiful waterways for all to use and enjoy. I presume that we have moved away from the exclusive nature that the landed gentry once enjoyed by depriving the working man access to these wonderful facilities and beautiful environments that your lovely country offers in abundance.

## 40. Robin Scott

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

User for waterborne recreation: kayaking

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

No.

### 40.3. Which stretch/es of water do you use?

I kayak on many rivers of Wales, for example: Conwy, Lledr, Llugwy, Mellte, Ned Fechan, Ogwen, Glaslyn, Mawdach, Gain, Twyi, Dee.

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

No.

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

I believe the legal access for canoeing is restricted to tidal rivers. However, it is unclear to me whether ownership of land or fishing rights also include navigation rights for unpowered craft.

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

Yes.

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

Legal navigation on all rivers for unpowered craft and wild swimmers.

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

In Scotland there is a right of navigation on all rivers for unpowered craft.

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

Not currently.

### 40.9. 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 the moment, fishermen and landowners have complete control over inland waters, and are able to prevent the activities of swimmers, canoeists, sailors, etc. This is wrong. Over several decades, voluntary access agreements have consistently failed to give reasonable access to all water users. I would like to see an independent agency, possibly funded by some reasonably priced water-users license, which protects the rights of all water users, allocates access and minimum water levels for rivers on an individual basis, and deals with environmental concerns. All rivers are already catalogued on this website: <http://www.canoewales.com/Guide/riverguide/walesmap.htm>

## 41. Chris Wright

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

I am a recreational Canoeist and kayak coach who wishes to be able to coach and guide people on Welsh rivers as part of the visitor economy.

I would also like to be able to take my young family onto local rivers without the fear of exposing them to conflict

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

I am a member of Canoe Wales

### 41.3. Which stretch/es of water do you own/use/manage? Legal rights

I use rivers and estuaries primarily in North Wales.

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

I am clear that I must seek permission of the landowner, and riparian rights owner before accessing inland water in Wales. (this is an impossible task to achieve as it is virtually impossible for anyone to truly establish who owns particular stretches of land and whether they have sold on sporting rights.)

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

I understand that without having gained permission to access the water I expose myself to being asked to leave the river or face accusations of trespass.

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

Having kayaked on rivers all over the world and been welcomed by host nations to responsibly access their rivers, I see a fantastic opportunity for Wales to follow the lead of Scotland in providing clarity on responsible, sustainable access to inland water.

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

As above

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

As above

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

I have many years of experience of benefitting from voluntary agreements only to see them breaking down and failing to provide satisfactory sustainable solutions.

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

As above

#### **41.9. Would you like to see any changes to the voluntary agreements?**

Voluntary agreements can still be brokered to manage the requirements of different users and or the environment. However those agreements can only be practical if both parties have equal rights to access and both acknowledge each others rights and responsibilities. Without those equal rights either party can withdraw from negotiations or agreements with nothing to loose.

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

A land (water) reform act would allow all parties to be able to negotiate management plans which work for their interests and the environment, from an equitable starting point.

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

The only voluntary agreements I know of are time based i.e. morning and evening restrictions e.g. white water kayaking in the French Alps to allow undisturbed angling at these times. This arrangement appears to work but is formed on the basis of every body having a right to be there and needing to establish a way of respecting every ones rights 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.**

The lack of clarity associated with rights of access means that it is impossible for most UK citizens (or valuable foreign visitors) to understand the rights and restrictions associated with access to inland water. This confusion leads to frustration and all to often conflict. A land reform act similar to the Sottish solution is the only way to provide a truly sustainable solution.

## **42. Chris Clarke – Williams**

### **42.1. What is your interest in the issue of access to inland waterways**

I am a recreational user.

### **42.2. Are you a member of an organisation related to your use of water?**

Yes I belong to the British Canoe Union, Mainstream Christians in Canoeing and the YHA

### **42.3. Which stretch/es of water do you own/use/manage?**

I use various Rivers and waterways in South and North Wales. These have so far included the Wye, the Usk, the Brecon canal the Llangollen Canal the River Dee and the Tryweryn.

### **42.4. Are you happy that your legal rights are clear and well defined?**

Not really.

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

Since ancient times all rivers which are navigable have been rights of way, this was enshrined in law by the Romans and later in the Magna Carta. In the 18th century legislation to control angling rights was introduced and many fishing interests and some landowners believe this legislation modified the law for all river use. This makes what should be a very clear right somewhat unclear in many people's minds.

### **42.6. Would you like to see any changes to your legal rights?**

Yes

*If yes, what changes would you like to see? The legal right to navigate made clear.*

There should be a provision for negotiated non access to some waters at certain times of year in exceptional circumstances.

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

It is my understanding that apart from England all other countries operate in this way so looking at the access legislation in any of our european naighbours or in North Americal should be helpful.

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

I do not think any agreements really exist anymore.

Sometimes landowners or Angling clubs agree that they will not contest access to certain waters at certain times or when in spate.

### **42.9. Would you like to see any changes to the voluntary agreements?**

Yes



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

The emphasis needs to be on the very rare situations where navigation is not possible for environmental reasons. A method of making such agreements not to navigate know will be needed.

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

No other country apart from England has access 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.**

It is normally impossible to negotiate old style access agreements so they are no longer being asked for. The problems were two fold

- First asking for an access agreement suggests that a right of navigation does not automatically exist where in fact as far as is know it does.
- Second active agreement is required from all riparian owners for old style access agreements and in practice it is often not even possible to find out who needs to be approached.

The old Access agreements which are needed going forward are either agreements not to paddle in a few Sites of Special Scientific Interest and similar places or agreements to use private land to access rivers where suitable access from existing public land or rights of way does not exist.

## 43. Joel King

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

User for waterborne recreation

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

No

### 43.3. Which stretch/es of water do you use?

River Wye

Afon Teiffi

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

No

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

Parts of the rivers I use are subject to a legal right of navigation. Other sections are considered by some as private property belonging to the owners of the river's banks, requiring an access agreement.

### 43.6. 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 except in areas of high sensitivity, such as fish spawning grounds, that require protection.

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

Yes, Scotland - the Scottish Land Reform Bill

### 43.8. 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.*

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. I do not belong to the WCA or any other body and have not made personal access agreements.

Paddling the Afon Teiffi, which has a debated right of access I have encountered many fisherman, most of whom were happy with our presence. Only a minority were confrontational, the image people seem to associate when canoes and fishermen meet. My main concern was that in several places land owners had deliberately placed barriers across the river, such as barbed wire, to prevent access. This nearly resulted in a serious injury to myself and fellow paddler.

### **43.9. Would you like to see any changes to the voluntary agreements?**

Yes.

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

Voluntary agreements are no longer an acceptable means of acquiring access to waterways. Access should be a legal right with agreements in place for short periods to restrict access during official events and to protect sensitive natural areas.

### **43.10. 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.**

Decades of negotiations for access to waterways has resulted in only a tiny proportion of them being available to waterborne recreation users. Many of these agreements further limit the users to small periods of time. In the meantime the popularity of canoeing, kayaking and other uses of Wales' waterways is increasing. This has given rise to the myth that if the waterways were opened up they would all become noisy, busy and polluted. Given access to the remaining 95%+ of waterways users would be widely dispersed along with the benefits associated with increased usage (health, local tourism, etc).

Prior to the introduction of the Land Reform Bill in Scotland, 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.

## 44. Harry Watson

Hi im 15 and last year I started kayaking, I am writing this as 3 days ago, i was in Wales paddling the trywern which i must add, was one of the top adrenalin experiences in my life, i absolutely loved it, and want to do it as much as possible. It's almost upsetting, when i heard about some of the storeys of people not being allowed to paddle a river because the local land owner owner didn't want them to, they give reasons such as

- Leaving litter,
- Being Noisy,
- Walking on there property,
- Damaging Fish stocks and
- Spreading disease.

Now I can appreciate that a VERY small percentage of kayakers do this, although im sure the affects of fishermen are worse,

I have never left litter, i'm sure a very small amount of Canoeists do, and im also sure that the problem is a lot worse in fishermen.

Noise, we are never really noisy, we have little need to be, and even if we are we are never on the same stretch of water for any long time, we are constantly moving on, compared to fishermen who are constantly in the same spot, and can play music from radios,/ mobile phones, we cant obviously do that!

I do admit that we have to walk occasionally on peoples property, we obviously try to limit this as much as possible, but usually this is because we want to scout the river checking for weirs or obstructions, or to help people who who are out of there boats.

Now, i cant say i'm an expert about this, but i would have thought we would damage fish stocks' very much - at least compared to fishermen, we are floating in the water above any spawning beds, we don't catch the fish and take them home.

Spreading disease - I was once accused of doing this through spreading disease by not washing your kit, I know each person is different but i always wash my kit after use, i think most people do - if you don't it can deteriorate quickly and it's not cheap!!

In my opinion i think people should be allowed to paddle ANY river with a minimum width of 1.5 meters and a minimum depth of 0.3 meters on the day ( they can variate due to rain levels) And i understand that to acess some rivers you will need to walk across private property, i think land owners should just live with this fact and maybe a small fee could be charged to do this, if the walk from a public road is more than 100 meters, im not sugesting putting a pavement through someones garden, but letting a few kayakers few between the hours of 10am and 5pm say?

Another's suggestion of mine is that all barbed wire across rivers must be removed by the local land owner, as it's not only bad for us canoeists it kills fish, and is just horrible stuff which should just say on prison fences (but thats another matter).

Now i know very little about politics, but if there is any way you welsch goverment people could suggest something along theese lines to the English goverment this would be much appreciated ;).

Now i know i'm just some silly 15 year old kid, but i really hope you take my opinions into account as what i'm saying is a fair point and what im aiming to achive is for everyone to have fun.

## **45. Bob Andrews**

### **45.1. What is your interest in the issue of access to inland waterways?**

I am a canoeist.

### **45.2. Are you a member of an organisation related to your use of water?**

I am a member of the Welsh Canoeing Association and a honorary member of Gwendraeth Valley Paddlers.

### **45.3. Which stretches of water do you use?**

### **45.4. Are you happy that your legal rights are clear and well defined**

I am not happy that my legal rights are clear and well defined.

To gain access to the water I may have to cross private land and I know I must have 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 want to see legislation in Wales that mirrors that currently in Scotland, in that I will have the right to canoe inland waters subject to rights and responsibilities as they have in Scotland.

I have canoed in Canada and also in France where I saw no conflict. I believe the Scandinavian countries have a right to canoe all waters – subject to responsibilities.

## **Voluntary Agreements**

I have been canoeing in Wales for the best part of 30 years and for most that time have taken on board those voluntary agreements which used to exist. They were few and far between and restrictive in the extreme. For example on the Afon Dee in North Wales the recreational canoeist was restricted to I think 4 weekends in the winter months – which led to massive honey potting of the Llangollen area. In my own local area I tried and failed to arrange a voluntary agreement to paddle the non-tidal stretch of the Afon Tywi. I was rebuffed and told to travel to the Afon Wye!

The Afon Teifi only had a small stretch where there was an agreement – in Llandysul.

Voluntary agreements have not and will not work. First of all to what are we agreeing? No one owns the water that flows. What happens when one riparian refuses to sign up? How would we know what parts of a river have agreements?

## **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.**

We need clarity and the certain knowledge that we can access the inland waters always subject to rights and responsibilities and again I would refer you back to the legislation that those in Scotland enjoy. The days are long gone when one user group has sole use to a natural asset.

## 46. Paul Wilkinson

I am an active whitewater kayaker.

I am a member of the British Canoe Union (BCU) and my local canoe club (Abingdon) and my University canoe club (Leeds).

I use several stretches of water in Wales depending on the water levels. These include parts of the Ogwen, the Llugwy, the Trewern, the Wye, the Conwy and the Dee.

I do not believe that my legal rights are clear and well defined with regards water access in Wales (and indeed England).

I have seen fairly compelling evidence that the Magna Carta enshrines our right to access inland waters, but this seems to be disputed by anyone with the opposite opinion. I also don't understand why the right to roam legislation was not passed to include inland water access by small non-powered craft as it seems silly that we have recent clear legislation to go walking, but not to go paddling. Despite this I continue to paddle as there doesn't seem to be a precedent for prosecuting paddlers and when I go paddling I feel that I'm not doing any harm to anyone.

I would like to see changes to my legal rights to allow clear access.

I have kayaked in many other countries without the access problems of England and Wales - in fact they are the worst of anywhere I have kayaked across Europe and North America. Scotland and France both have clear laws regarding our rights to paddle, and some places in France and Slovenia it is encouraged further with signage to key access and egress points, river information boards and parking areas.

I have some experience of voluntary access agreements but generally for rivers in England.

One agreement includes open access throughout the winter and no paddling in the summer except for when the river is above a certain level. In this case it is appropriate as when the river is at normal summer base level it is too low and unrunnable anyway.

This is the only example of an agreement that I ever really stick to as others sometimes restrict access to all but a few days a year and make you wonder who ever agreed to them!

I think the key issue is just clearing up the law as currently there does not seem to be a clear position and access seems to be a bit of a grey area.

Often we will go to Scotland instead of Wales for a weekend kayaking because we know we won't get any hassle there when we try and paddle, unlike on certain rivers in Wales, like the Conwy.

## 47. Ben Brisbane

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

User for waterborne recreation - whitewater kayaking

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

*If yes, which organisation/s?*

Manchester University Canoe Club

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

River Tryweryn, (Whitewater Centre down to Bala) River Dee (Serpents tail to JJ's), River Conwy, River Ogwen, River Severn

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

No

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

As far as im aware, kayakers actually need permission to paddle on rivers from not only the land owner of the banks but also from the environmental agency? (Only learnt this fairly recently) Either way, there is almost no leagl rights to paddle a river which is ridiculous considering so many people do it. The only places I am aware are free is the Afon Tryweryn national whitewater centre, you have to pay £5 for the dee.

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

Definetly

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

Introduced Right to Roam on welsh rivers or an agreement formed which allows kayakers to use the rivers without being victimised by landowners and fishermen.

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

In Scotland you can kayak almost anything so far as im aware (a right to roam). As for Europe, there are many agreements in place which allow paddlers on any rivers during daylight hours, from 9-6. Then the fisherman are allowed to use the water at other times. I hear slovenia has a particularly advanced ruling around kayaking, not only signposting get ons/outs for rivers, but also tourist information centres readily providing information so paddlers clearly know the rules.

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

No



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

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

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

**47.10. 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.**

Allowing kayakers to use rivers, effectively introducing a right to roam on all rivers just like Scotland, thereby stopping any intimidation from landowners and fishermen. It seems that most people are happy to see kayakers or fishermen on rivers, it just needs to be recognised by law that they are common land. Most people are generally friendly, however there are the select few who seem to adore confrontation and threaten to ring the police or take matters into their own hands to stop you paddling rivers.

## 48. Mark Hayes

On behalf of Mark, Karen, Rebecca and Robert Hayes

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

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

All my family Kayak Mark Karen Rebecca and Robert Hayes

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

BCU

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

Legal rights

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

No

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

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

A lot more Access to inland waters

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

A agreement that allows you to paddle any river with enough flow ie a spate agreement

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

Yes in France Scotland Norway US most of Europe in fact.

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

Yes but manly only from November to March when its very cold!

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

The River Crake in the Lake District has an agreement for November to March

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

Yes

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

A only paddle when the River is at a certain level

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

Yes 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.**

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.

## 49. David Butler

As a paddler in Wales and the borders I would make the following points:

In my sport I cause no harm to private property nor to the environment. Unfounded (but oft repeated) assertions that the passage of paddlers causes damage to spawning beds is wholly without evidence. In the rare cases where there are genuine environmental issues I am happy to adapt my activities to respond to them but they would need to be clearly communicated and confirmed by independent advisers rather than the riparian owners who are perceived as making up science to suit themselves.

In a few parts of Wales there is in my experience no objection from other river users to paddlers sharing in the enjoyment of the country's natural resources. In some areas this is emphatically not the case. The limited access which we enjoy in practice makes legislation essential.

Voluntary access agreements are NOT a solution. Decades of trying to negotiate agreements has left paddlers with a few crumbs thrown to the ground by the riparian owners and other interest groups. Access agreements are not a sustainable way forward and if Canoe Wales attempted to negotiate such agreements they would be quite unable to gain support for their position from paddlers across the country.

I contribute to the local economy in the areas I visit as do most other paddlers in my experience.

## 50. Jason Morley

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

User for waterborne recreation - canoeing and kayaking

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

Welsh Canoe Association and Royal Air Force canoe association.

### 50.3. Which stretch/es of water do you use?

River Dee from Horseshoe Falls to Llangollen Town

River Tryweryn from Canolfan Tryweryn to Bala

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

Yes, but they are being increasingly muddied by disregard to the law from fellow kayakers.

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

Both the River Dee and River Tryweryn rely on access agreements for paddlers to use the water from the land owners either side of the river who own the river up to it's central point. Those agreements rely on cooperation between the landowners (generally through the angling community) and paddlers who sometimes have conflicting interests; sadly the agreements are breaking down.

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

Yes.

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

All users of the river should be provided with equal access, but legislation must ensure that certain areas, such as spawning grounds, are adequately protected. River bank owners should not suffer canoeists trampling their grounds; legislation must cover the right to access and egress. Public access and egress should be made available by local authorities that have a vested interest in promoting tourism in Wales.

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

The right of navigation in Scotland requires an individual to have a right of access and egress to the river, but does not restrict the passage of craft over the water.

### 50.8. 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.*

Over the years the WCA operated a cadre of access officers who negotiated access to the rivers over certain periods. Whilst that system worked to a certain degree, it undoubtedly restricted the overall access to only a handful of weekends a year and was tourism negative. Unfortunately those

agreements have now completely broken down and there is no access to the river Dee other than the short stretch at Mile End Mill.

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

No. Unrestricted access to river users is required – but with the caveat of certain control measures to protect the rights of the land owners and wildlife (fish stocks).

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

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

No

## **51. Sally Smith, Swansea**

### **51.1. What is your interest in the issue of access to inland waterways;**

User for waterborne recreation - Kayaking

### **51.2. Are you a member of an organisation related to your use of water?**

Not currently

### **51.3. Which stretch/es of water do you own/use/manage?**

I have paddled a large number of rivers throughout Wales, however, due to my location I most often paddle on the river Tawe, which flows into Swansea, also the Mellte, and the Nedd Fechan.

### **51.4. Are you happy that your legal rights are clear and well defined?**

I don't believe that my legal rights are clear and well defined.

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

My understanding is that I have a right to be on the water but not on the banks or riverbed. It is therefore important to access the rivers from a public access point or ask permission.

### **51.6. Would you like to see any changes to your legal rights?**

Yes absolutely

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

I would like to see waterways used by different groups of people without the continual harassment that I have experienced, especially in South Wales (where I have been chased by dogs, been intimidated, had my number-plate details taken, been photographed whilst changing, and approached and abused by strangers when I had previously secured access agreement to a river wave).

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

Yes I believe Scotland has excellent water access and we should move in that direction. My experience in Scotland was excellent.

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

Voluntary agreements will not clear the legal position and leave the power in the hands of the fishermen. Where there has been voluntary agreements I have still been subjected to harassment. I would like to have equal rights to the waterways.

### **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.**

Wales loses out to tourist kayakers due to the lack of defined legal rights. Wales has such a wealth of fantastic rivers; financially we should be supporting adventure sports because there is a large amount of money that comes in with it. Opening up the rivers would be a large step in this direction. Wales benefits from a large amount of rain, which makes it a prime location for kayaking. Due to the need

for the rivers to be high kayakers are often using the rivers when others are sheltering. However I am aware that many paddlers avoid Wales because of the access agreements.

I appreciate that there are responsibilities that come with using waterways and the kayakers I know are very careful to park respectfully, ask for permission to access the water and change discreetly, as we depend on the environment for our choice of sport most of us are very conscious of our footprint and environmental impact.

I would like to see these issues addressed through clear legislation that gives everyone a legal right to use the rivers of Wales. I would like to be able to pursue my choice of activity without facing harassment and intimidation.



## 52.Phil Davies

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

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

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

BCU and also Tandridge Canoe and Kayak Club <http://www.tandridgecanoe.co.uk/>

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

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

No

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

Very limited access to rivers that are privately owned.

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

yes.

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

Access on the basis of not causing any damage and membership of a recognised organisation, e.g. BCU. Assistance to landowners to provide sensible access and egress facilities, through interested organisations.

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

Norway has a very open access, owners interests are respected by the public.

### Voluntary agreements

The BCU has information on access agreements they appoint officers who can be contacted to find out detailed arrangements.

### 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.

A transformation is needed. Sustainable use can be achieved by enforcing open access: Access to the majority of water would greatly reduce pressure on the very small percentage of rivers currently open for access by canoeists and kayakers. Education of the various interested parties in the influence of their activities on others and how to mitigate adverse influences and mutual respect would be far more constructive for all than the present exclusion system. This could be done through interested organisations. It will be necessary to restrict access in some areas for reasons of preserving the privacy of wild animals or plants vulnerable to disturbance. Above all the solution needs to be simple, inexpensive with minimal red tape.

## 53. Dr Matt Creed

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

Recreational user: Kayaker

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

Yes, the WCA (Welsh Canoeing Association)

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

#### Legal rights

I access inland waters mainly within South Wales, including but not limited to the River Usk, Mellte, Nedd Fechan and Tawe.

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

No, I feel that the legal right to access is unclear.

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

I hold the understanding that where the ability to navigate exists that I should be free to access the water. I recognize that if crossing private land (river banks) I should seek permission but I cannot recognize that the RIVER BED is private territory. Even if it is considered so I feel that navigating above a river bed, on water passing over it is acceptable, and causes no environmental damage.

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

I would like to see my right to access inland waters enshrined in law. I feel that the Land Reform (Scotland) Act 2003 may provide a useful basis for the development of a unique Welsh model of legislation. Enshrining the rights of access to all.

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

Legislation similar to the Land Reform (Scotland) Act 2003, enshrining the rights of access to inland waterways for all the people of Wales without discrimination as to their intended use, provided this was not to the detriment of the environment.

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

Yes, as mentioned, I feel that the Land Reform (Scotland) Act 2003 may provide a useful basis for the development of a unique Welsh model of legislation; enshrining the rights of access to all.

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

Yes, I understand that these have been attempted in the past and have at times cooperated with them but they are often restrictive and seeking to serve the overriding interest of a single group of individuals. As a Kayaker this most often would seem to be Anglers.

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

Agreements have in the past specified specific dates for access limiting kayaking to specific dates, often dates most convenient to other interested parties. This system was most prohibitive to accessing water and thus I now have little time for such "agreements".

### **53.9. Would you like to see any changes to the voluntary agreements?**

I feel they should be abandoned in favour of legislation specifying a right to access for everyone.

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

As above.

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

Not to my knowledge. Most other European countries legislate or presume access for all as a right.

### **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 key issue would be defining of the right to access inland water at any time, in any area for any purpose having no or minimal impact upon the environment.

I feel that this would not only have significant social, health and economic benefits for Wales, but would help resolve conflict between water users.

In my experience such conflicts arise from a difference in opinion over individual rights to access water for different activities.

Wales has everything to gain by following the Scottish model and making a statement that inland waterways are for the use and benefit of all Welsh people, and indeed visitors to Wales and not just for specific politically, economically or socially advantaged groups.

Only when everyone knows that they have a right to access inland water will various groups of users be empowered to resolve conflict and work together to enjoy and protect our beautiful natural assets.

## 54. Jamie Ewen McNeill

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

Recreational user

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

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

Bangor University Canoe Club

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

N/A

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

Not at all. According to the Magna Carta there is a navigation right.

However, this is being blocked by the actions of a minority of predominantly angling groups. There is a beautiful stretch of water near Caernarfon; the Afon Seiont. Due to various issues it is not navigable due to the very real threat of violence.

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

I truly believe that there exists a right to navigate any stretch of inland water providing there is sufficient flow to enable my passage.

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

Clarification. Either in favour of canoeists or against us.

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

The adoption of a country side code similar to that in Scotland providing responsible access for all.

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

Scottish Outdoor Access Code.

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

Glaslyn River Gauge

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

Very well.

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

Voluntary agreements only work when there is a mediatory party involved.

**54.10. 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.**

Clarification of rights of access.

Effective communications put in place between all river user groups.

Ability to temporarily "close" sections of rivers for competitions (angling, swimming, canoeing)

## 55.J Meeke

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.

I am a Kayaker who regularly travels to Wales to enjoy the wonderful rivers. I feel my activity boosts the local economy in the areas I paddle and I take great care not to harm the environment.

A more open access policy would encourage a greater involvement in paddlesports in Wales and elsewhere within the catchment.

I am a member of the BCU and a London based canoe club. We generally travel as a group of around 20 participants and either camp or lodge as appropriate. Our trips are typically of 2/3 days duration. With a greater variety of river runs available we would expect to extend our trips to 5/7 days. I feel this would provide extra help to the economy with no increased environmental harm.

## 56. Dan Tattersall

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

Recreational user: User for waterborne recreation: Canoeing.

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

Regents Canoe Club - London

British Canoe Union

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

Various white water rivers, both across Wales and further afield. I coach beginners on the gentler moving water, and enjoy recreational paddling up to white water grade 4.

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

Not at all - the current situation is very unclear.

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

1) Access and egress to/from the river should be made across land with public access (eg footpath) or else trespass is committed

2) Navigation down the river where no agreement is in place and causing trouble is aggravated trespass and is an offence.

3) [Regular] trespass is a civil offence, rather than criminal and so we can only be asked to leave by the quickest route (down the river!).

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

Access to all navigable river for all.

1) The rivers are a resource that should be shared and enjoyed by all.

Other recreational users are in no position to have an opinion over who should or shouldn't share the rivers with them (except to highlighting damaging effects being caused by other users).

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

Most other countries across the world that I've paddled in have sensible access rules, understood by all.

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

River Dart in Devon.

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

I would like to see rules drawn up to prevent damage to the shared resource, but then freely available access to all - a river is there to be shared.

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

As stated above, I have had no problems paddling any river across the world, as the rules are much clearer (eg French Alps, 10am-6pm with fishing outside these times; America by permit to limit when paddling can occur etc).

**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.**

Simply to clarify the rules to allow access to all, within sensible limitation.



## 57.Sam Dwyer

I am taking the time to write to you because I am glad to see an effort being made to address the situation about access to waterways.

My interest is to use the waterways for white water canoeing and kayaking. I am not a member of any organisation.

When I come to Wales I tend to use the rivers around the Betws-y-coed and Bala areas as these provide the best kayaking.

To be honest I am unsure of my legal rights for using the rivers. I look up a river and see if there is an access agreement. I use the rivers within season or when they are in spate out of season.

As I understand it I have the right to use a river where there is an access agreement in place in season and with suitable amount of water. I have to get on and off at areas where there is defined access e.g. a path down to the river.

As for changes I would like the right to use any section of white water in season that has a suitable amount of water in it for free.

I am not too sure about legislation that could be used.

There are a few good voluntary agreements, for example:

The River Glaslyn has a really good access agreement with clearly defined access and egress points and a really good water level indicator.

The Upper Conway you are allowed on if you have signed on in the Shop in Betws-y-Coed.

I think that all rivers in Wales could have a clearly defined agreement like the one on the River Glaslyn.

In France the agreement is that in season you can use any river between 9 am and 6 pm. Scotland you can use any river anytime within season.

### **Key issues:**

We have an excellent national resource that all people should have the right to use.

Kayakers want to use it for free, fishermen and landowners want them to pay for it. It is the equivalent of putting a fence round Snowdon and charging people to walk up it.

### **How it should change**

Pass a law allowing full access to all rivers.

Get access agreements in place to limit numbers so there is less impact, define a season that it can be used, indicate areas that must be avoided because of proven reasons, e.g. SSSI

## 58. Nicola Dowie, Maesteg Canoe Club

### 58.1. What is your interest in the issue of access to inland waterways:

User for waterborne recreation: Kayaking & Canoeing

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

Canoe Wales

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

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

No.

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

Our understanding is that we have an historic agreement with the local fishing club as to where, when and frequency of when we can use our local river.

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

Absolutely YES

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

We would like to be able to have open access to all rivers/lakes/waterways. Rivers should have the same accessibility as our country side. We should have a "waterways/rivers users code of conduct" exactly the same as we have the 'Country side Code'.

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

Yes – Scotland has a fair and admirable policy of 'open access' to all! No groups/users are ostricized from using waterways.

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

Yes – we have an agreement with the local fishing club.

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

The agreement is that the fishing club states exact locations as to where we can access and egress the river. The fishing club states we can only paddle on the river between two dates of october and march each year. We are unable to paddle our local river outside of these dates.

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

Yes

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

We would like to be able to be trusted as a responsible group of people that we are always respectful of the river and do not ever cause any unessary harm to any livestock including fish and the overall

river environment. Just as walkers are able to access the countryside, and are trusted to behave in a responsible manner we wish to be afforded the same respect and rights.

**58.10. 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.**

The current situation is extremely biased to one group in particular of recreational users. Canoeing is the most popular water sport in the UK yet government legislation as it stands is actively discouraging a popular sporting activity.

Just as accessing the countryside is encouraged, as is cycling encouraged. Then paddlesports should be encouraged and allowed a fair usage of wales' natural environment.

## 59. Chris Hurley

Thank you for the opportunity to contribute to this inquiry. I am please to see that the National Assembly for Wales is taking this important step to increase the access to some of Wales most beautiful and important natural assets to all users.

This will undoubtedly bring significant benefits to Wales.

I am in full 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.

As a recreational user of our inland waterways I feel we should be positively encouraging more use of them for everyone to enjoy in the manner that they choose.

As a member of the British Canoe Union I feel that the legal rights for access to th waterways of Wales are unclear and confusing at best, which creates mistrust and conflict between user groups i.e anglers and other Waterways users which is gradually escalating.

There are already documented instances of Anglers physically assaulting other river users (which I'm sure Canw Cymru will be able to provide to the committee) due to the anglers belief they have exclusive rights to use the waterways. Failure to clarify the access issue will only serve to exacerbate and increase these confrontations by anglers to other waterway users.

Other European countries don't have these issues with anglers and other waterway users able to share the resource without conflict disagreement or impinging upon eachothers use of the waterways so I fail to understand why this is the case in Wales.

A change to the legislation in line with the Scottish Land Reform Act would provide once and for all clarifiaction that the waterways are a natural resource that should be available for all to enjoy.

## 60. Jonathan Wood

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

- User for waterborne recreation (e.g. canoeing, rowing etc)-Open canoeing & kayaking

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

British Canoe Union

Canoe England

Three BCU affiliated clubs (Y-Paddle, Castle CC and Ealing CC)

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

In the past 3 years:

– Dee

– Tryweryn

– Usk

– Llugwy

– Conwy

– Elwy

– Wye

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

No

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

The riparian owner may control access to the banks of the rivers, and sell angling rights, but it is not clear in statute that there is no control over navigation down the waterways.

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

Yes

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

A clear right of access to navigate for unpowered craft, wild swimmers and other aquatic leisure activities. This would recognise that access should be environmentally responsible

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

The recent changes to the Scottish Land Reform act, Scandinavian model of free access

### 60.8. 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 “voluntary” part is rather a misnomer. Typically, angling clubs have bought up fishing rights and assumed that they then control all river use. In many cases canoe access has been severely restricted.

Often agreements are controlled around dates, not the actual environmental conditions. Paddlers may then run rivers that are too shallow/dangerously in spate, simply because it may be their only chance that year. This pressure would be relieved by a free access attitude.

### **60.9. Would you like to see any changes to the voluntary agreements?**

Yes

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

Withdrawal of all existing agreements-access enshrined in law.

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

No, but reasonable temporary agreements for in-river works, fishing championships, canoeing competitions could be applied for

### **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:

I spend a significant portion of my disposable income on paddlesport, both in the UK and abroad.

It is tragic that Wales has such a fantastic resource of rivers and that they are not freely open to all.

I have paddled down rivers that have disputed access. However that is my choice as an adult. I would not take beginners or juniors anywhere I knew there was a risk of verbal or physical abuse. This illustrates that there are rivers the “general public” may never get to enjoy.

The anglers’ argument normally boils down to “We pay-they don’t”.

Angling is subsidised by the EA, and therefore every taxpayer. I also pay for licensing for certain waterways through my BCU membership.

Canoeists are also accused of environmental damage.

This is generally unproven, and it is in the paddlers’ interest to keep rivers as pristine as possible. Anglers cannot call themselves “Guardians of the river” with some of the “management” they have instigated.

With a free access statute, paddlers would be able to spread across the country, putting less concentration on any one spot, and following the best water conditions, rather being restricted to a tiny percentage of Wales’ rivers.

Over decades, access through voluntary agreements has not improved. In certain cases it has got worse.

Even the government backed project by Brighton University showed the difficulty in establishing who owns the riverbanks, and how to achieve an agreement.

Rivers should be open for all to share, with environmental responsibility, and this should be enshrined in law.

## 61. Gareth Lambert

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

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

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

Yes I am a member of the BCU

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

Any section of whitewater that is in a suitable condition.

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

No

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

There is no specific law denying me access to rivers, however it may constitute trespass.

### 61.6. 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 the law clarified. Ultimately, I would like the right to paddle any river that I chose provided that I do so responsibly. This could include minimum water levels to ensure breeding fish are not disturbed.

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

Other than England, just about any other country in the world has a system that would be acceptable. Scotland's model would seem to be a good one that has been proven to work for many years. Remember that the system in Scotland was working for hundreds of years before it was enshrined in law. It is not a new experiment as some may like to portray it.

### 61.8. 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 river is 'open' between certain dates. These dates are arbitrary and bear no relation to any environmental considerations. The river 'closed' in March, since then I have paddled it about 5 or 6 times when the water levels have been suitable. In that time I have seen no-one other than my paddle mates. In other words, if I had followed the agreement, no-one would have been able to enjoy the fabulous area.

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

Yes



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

I would like to see them scrapped, in 30 years of kayaking, the number of rivers available has gone down not up. Landowners are simply not willing to enter into reasonable agreements because they fear loss of fishing revenue. If access is granted to all rivers then all fishing areas would be competing on a level playing field and therefore revenues would be maintained. I don't believe that politicians or landowners have ever truly realised this. It seems to me that it is intrinsically fairer to landowners to allow access to all rivers rather than to expect some owners to risk a reduction of fishing revenue due to a perceived disturbance from kayaking.

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

Of course not, that's because no other country in the world is as daft as either Wales or England have been.

### **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 are a number of key issues:

Social fairness – is it socially acceptable that in the 21st century a small group of people can dictate the use of what is a natural resource.

Ownership – A landowner does not own the water that passes through his/her land, if they did they would be liable for flood damage to other peoples property. A kayaker only seeks to use the water therefore he/she is not interacting with anything that is owned by the landowner. The landowner does own the fish whilst they are within his boundaries. The fisherman's whole purpose is to interact with something that is owned by the landowner, they therefore need a permit.

Right to roam – A rambler has the right to walk across land, what is different for a kayaker to pass through a water way?

Finance - Fisherman often complain that kayakers do not contribute financially, but we take nothing from the river and require nothing adding to the river. What should we pay for as we use nothing other than the water which fell as rain for free.

## 62. Bill Jenkins, Garway Flyfishing Club

As chairman of Garway Flyfishing Club we have access to a three mile stretch, both banks, of the River Monnow as it flows through Garway towards Ross-on-Wye. Most of our water's right hand bank flows through Wales and the majority of our members live in Wales.

Our main concern with the proposal that open access should be afforded canoeists is that it should be remembered that as anglers, with responsibility for a particular stretch of river, not only do we spend a good deal of our time maintaining that river and its banks but we make substantial payments in order to do so.

We have to purchase an annual rod licence from the Environment Agency to fish any water and have to pay landowners substantial amounts to gain access to the river. In our case our annual membership, in addition to the rod licence, is £375 per annum.

Without angling clubs, such as ours, being prepared to take long fishing leases on our rivers it would be impossible for many landowners to carry out necessary river improvements and maintenance. As a club we also hold regular work parties to clear litter and debris from the river bank to allow everyone to have easy access to the water.

If others are to be granted rights to the river then suitable licensing arrangements and landowner fees should also apply. To allow them to use the same water as anglers without doing so will be clearly unfair. It also absolves them of the responsibility of care for the river.

I have been a member of Garway Fly fishing Club for nearly 20 years. I have been an angler for over 40 years and during all that time have bought my annual Environment Agency Licence and paid the landowner fees.

The Environment Agency relies heavily on collecting rod licence fees from the UK's three million anglers. We should not be made to feel we are being unfairly treated or singled out for payment. Interestingly the vast majority of anglers pay their dues without any coercion or system of checking. In over 40 years of river fishing I have been asked to produce my licence only once, over 35 years ago.

## 63.Pete Cornes

My interest in access to inland waterways: kayaker, swimmer

Organisations: BCU member, Canoe Wales/WCA affiliate member

I want to lend my support for the findings of the Petitions committee's inquiry into access to inland water. I learnt to paddle in north east Wales, and lived for years in north west Wales. Considering the incredible amount of top quality rivers at every grade – throughout the entire country – something needs to be done to help people get onto them.

You asked for voluntary agreements in other countries that could work – I'm afraid that despite having paddled all round the world (France, Italy, Spain, Portugal, Austria, Switzerland, Norway, Zambia, Zimbabwe, Uganda, the US, New Zealand and Taiwan) – these places all have access enshrined in legislation. The clear example – and the closest – is Scotland, where the Land Reform Bill has worked wonders.

## 64. Paul Stabler

I am in support of the recommendation that the Land Reform (Scotland) Act 2003 should be used as a useful basis from which a unique Welsh model of legislation could be developed.

As a keen paddler, and someone who has spent a lot of time on rivers around the world (including Wales and Scotland), I have seen first hand how paddlers co-exist peacefully with all other river users in every country I have visited with the exception of England and Wales. It's time to give fair and equitable access to our waterways to all.

Please see my specific responses to the questions below.

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

Recreational user: User for waterborne recreation (kayak)

### 64.2. Are you a member of an organization related to your use of water?

BCU

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

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

NO

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

Unclear – Currently I access rivers from public land and paddle rivers without agreement when there is adequate water to do so without damage to the river bed. However, I have had confrontations with fishermen while doing so.

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

I would like the right of navigation given (with sensible considerations to the environment)

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

Land Reform (Scotland) Act 2003. Also, France, Germany, Austria, Slovenia, America, Canada, New Zealand are a few of the countries I have paddled where the rights and responsibilities are clearly stated for all users.

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

Only agreements I have experienced were on the River Dart (England) where restrictive tickets were required and had to be purchased in advance. This meant on the day the ticket was valid, if the water was too low you would have to either paddle and risk damage to the river bed, or miss the chance to paddle the river until you were lucky enough to get another ticket.

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

They don't work!

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

No

## 65. Paul & Anita Stewart

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

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

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

BCU

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

any whitewater river in Wales that has sufficient water to paddle on when I'm visiting Wales as a tourist

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

no, they are not clear, vague legal case law with little recent test cases to verify the current belief that landowners hold rights of passage over the land up to the middle of the river. The last legal case in 1972 Peters v Rawson alleged that the kayaker had disturbed the fishing rights of other users. Lord Denning a fisherman, has subsequently been proved wrong by EA reports that kayakers do not disturb fishing. There has only been some reference to the Magna Carta and riparian ownership but no one has ever provided such evidence in deeds etc that this exists. If it did, I suspect that there would be more cases in the courts.

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

as far as I'm aware, as no one has been able to prove legal rights to me, I paddle any river as long as I can access and egress via a public right of way or with the landowners permission to access the water from their land

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

Yes

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

responsible shared usage for all water users, similar to those set out in Scotland, protection of gravel beds for redds from both waders and paddlers.

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

Europe has open access, Scotland has sensible usage in line with a code of conduct

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

Never worked when I paddled rivers in Yorkshire, could only paddle certain days of the month but if it was dry, it meant you could not paddle because it was too shallow.

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

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

yes, do away with them. they don't work, will always be broken by either side, what's required is legal clarification

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

**65.10. 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.**

clarity in the law - what is riparian ownership and where does it extend too. how can I navigate down a river with many riparian owners if they do have legal right of navigation, if the system works so well in Scotland and Europe, why can't it in England and Wales. This is an opportunity to bring to rivers what the Ramblers did for footpaths and create a huge shift in enjoyment of the countryside for more than the advantaged.

## 66. John O'Connell

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

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

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

Yes WCA

### 66.3. Which stretch/es of water do you use

Taff, Ely, Tawe, Tefi, Tywi, Usk, Wye, Rhondda Fach & Fawr Sawdde

Ystwyh

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

NO

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

I not sure but I say I have the right to paddle any river at any time

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

Yes so I can have more access

### 66.7. If yes, what changes would you like to see?

I have the right to paddle any river at any time

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

Yes In Scotland and most of the EU, Not England agreements seem to be in law

### 66.9. 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.*

They are granted by land owners and or fishermen but they withdrawn them at a moments notice

Also imerdation is being used i.e. on the Tefi tour an annual event in October out side the fishing season

The agreement was withdrawn and intinerdation put on car area and other enterprises to close down

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

Yes

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

I want agreements in law



**66.11. 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.**

The fishing crowd do not fish about October to March but out of spite they will not let us use the rives

I am 66 and do not want to go down the rive with let or . Why can we not be like Scotland ?

## 67. John Danter, Cardiff

Unfettered Canoe access to inland rivers.

May I draw your attention to this event:

Welsh Kayak Fishing Championship

The Welsh Kayak Fishing Championship will be held in Tywyn on the 13th Sept 2009. The event will be a species hunt competition with the winners being crowned the First Ever Welsh Kayak Fishing Champion.

Now forgive if I'm wrong, but aren't migratory fish, Salmon etc trying to return to the river to spawn, so we can have Salmon for future generations, during this time?

Surely then, it doesn't make any sense to disturb the river, river bed and more importantly the fish themselves during this delicate period

I'm not a marine scientist but I would have guessed that most God born creatures wouldn't want to be disturbed during an attempt at breeding for the future.

If canoeing had no effect on the fish and didn't stress them what so ever, then why does my days fishing cease for several hours after a few canoes come down stream over the fishes heads? They're obviously terrified by something and go into hiding.

If I am out fishing and a canoe comes down onto the stretch I'm fishing on, I'll stop fishing. This is out of common courtesy and also for the safety of the canoeists. However, if I'm in the middle of a river wading and fishing looking downstream etc, how are novice canoeists meant to notify me of they're arrival and also successfully ensure their path doesn't meet mine and knock me over etc.

Also, I walk to the river I pay to fish on. The money I've paid goes back into the environment to sustain the river for future generations. Canoeists don't pay for the privilege of using a river and have get there via a heavy vehicle of some sort in order to get the canoes there. Much more of a pollution and carbon footprint than little old me.

I say canoeing is dangerous, disruptive to fish stocks and the environment. I say if allowed to go ahead, then it should be at certain times of the year and also on certain stretches. They should belong to affiliated clubs that follow rules and regulations and more importantly they should pay for the privilege and abide by the law, just like anglers do.

## 68. Louise Tully

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

Recreational user: Kayaking and canoeing

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

Welsh Canoeing Association

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

I mainly paddle the rivers in Snowdonia, however sometimes further afield. Mostly grade 3-4 rivers. I find the access situation very confusing: As far as I understand there is hardly any year round access to rivers for paddle sport. We are allowed access to some rivers between October and March and there are lots that have no access. I have paddled rivers with no access and received abuse from river bailiffs and fishermen even though the rivers were in spate at the time. As far as I am aware nobody owns the water, just access to it from the banks. On rivers with no access I have used public rights of way to access the water and still had problems from people.

I would like to see access to all waterways for paddlesport. I am happy to abide by any regulations that say to stay away from fish ladders etc at spawning time but other than that free access should be possible. In France everyone accepts people are allowed to kayak between 9am and 6pm and other times are just for fishing. In Scotland everyone seems to share the waterways and it seems to work very well.

### Voluntary agreements

As paddlers we have tried for many years to campaign for access and whilst doing so have stuck to voluntary agreements on the certain rivers we are allowed on. This has seemed to get us nowhere so now the message we are receiving from canoeing organisations is to go and paddle rivers even if there is no agreement.

### 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:

- There needs to be education for fishermen that kayakers do not harm fish. At the moment we are made to feel like criminals for taking part in our very harmless pastime.
- If access was to improve there must be efforts made by both sides to keep everyone happy. For example, kayakers parking in places that do not disturb land owners etc. There are many local paddling clubs and popular websites that would allow information to be spread. Everyone seems to get along fine in Scotland and France so I am sure with some education and cooperation that it could happen here too.

## 69. Neil Williams

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

Canoeist.

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

No

### 69.3. Which stretch/es of water do you use?

Where and when I want on rivers - Llangorse lake however reservoirs, are effectively closed.

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

No

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

No

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

Yes.

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

The inland waters - river lake and reservoir - are the property of the Welsh people and should be used to the benefit of those people the use of the fishing resource has some need of control, and with this a historical set of rights and matching duties. The historic use for navigation is not subject to the same well-developed set of rights and duties.

The Scottish Parliament, in its Land Reform Act, took the view that a right of navigational use for unpowered craft would be presumed and that all water would be considered navigable - excluding garden ponds - this has to a very large extent, been a success with little in the way of conflict and notably no diminution in the Salmon angling revenues

Legislation is required so as to grant people, both Welsh and tourist, access to these magnificent places.

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

Yes, Scotland - the Scottish Land Reform Bill

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

No

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

No comment

**69.10. 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.**

All inland waterways should be made accessible for canoeists ASAP.

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.

## 70. Craig Lunn

I am aware that this concerns the WAG and I live in England but I do travel to the Welsh rivers often, spend money in Wales while on these trips and care for the environment as a whole.

### **70.1. What is your interest in the issue of access to inland waterways**

I am a recreational paddler (canoe and Kayak), walker and swimmer; I enjoy spending time in the countryside, especially near water. I use it as stress relief from a very demanding job.

### **70.2. Are you a member of an organisation related to your use of water?**

I am a member of the BCU, currently a volunteer at a kayak club but soon to be qualified as a coach.

### **70.3. Which stretch/es of water do you own/use/manage?**

I use various rivers around Wales including the Wye (Upper and Lower), Mellte, Clydach, Tryweryn and Usk.

Most of the rivers are usually used in flood conditions to minimise impact on the fish in the area and to lessen the possibility of disruption to other river users.

### **70.4. Are you happy that your legal rights are clear and well defined?**

No, the rights seem to be geared to the people who can afford to pay for access to the rivers, even when the actual access and egress is on public land.

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

At the moment on most rivers I do not have the access rights need to pursue my leisure activities as these rights favor the land owners of the river bank even if I do not use the land itself (Except in an emergency), some rivers have navigation rights (Wye)

### **70.6. Would you like to see any changes to your legal rights?**

Yes, I would like to have access to all rivers/waterways, being able to use private land to access these waterways as long as it is not over cultivated land (Farmers' fields, private gardens etc) or causes any distress to natural or farmed animals.

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

Yes, Scotland has free access to land and waterways on the same understandings as above.

On my last visit to Scotland I had no problems from landowners; I checked kayaking websites for any slight changes to this agreement and followed these, for example on the river Pattack you are asked to call the estate, inform them you wish to paddle (Access is about 2 miles over private estates) and they issue you with a code for their security barrier. The estate managers asks that the minimum number of cars/vans be used to access the river and that they are removed before you paddle.

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

Yes, there are agreements in place on some of the rivers I paddle (Middle Wye, Usk), in my opinion these agreements only work a small percentage of the time as it is the landowners who decide when and where paddling can take place, this can cause problems for novices as any summer paddling can

only be done in flood conditions which are usually too dangerous for beginners and any winter paddling needs a larger amount of specialist clothing which many cannot justify the expense until they have decided if they are to continue learning to paddle or which discipline to take up.

I would like to see all voluntary agreements scrapped when an open access agreement is finalised, some agreements could be set in place for specific date/activities (Important fishing competitions, rafting days, canoe slalom events, etc) but these should be fair for all concerned without one group having the casting vote. Scotland does have these types of agreements on certain rivers.

**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 key issue for me in this area is the ownership of the rivers/waterways; I do not believe that anyone should own what is natural (and moving). All people should have access to all rivers/waterways on the understanding that they do not abuse/damage them; anyone found doing so should be prosecuted.

The decisions on who can/can't use the rivers should be taken by people elected and not by people who happen to own the land NEXT to them.

I do not know of any kayaker who would disagree with agreements that safeguarded the spawning grounds of fish and if exclusion zones were set up and clearly sign posted they would be able to either avoid the river or specific parts of it (This would need agreements from landowners to allow portage right)

## **71.Denise Marriott**

Deputy Head of Centre, Newgale YMCA OEC

I am writing to say that 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.

This access is of great importance to our young people with whom i work daily and having previously been based in Scotland i have seen first hand the successfull impact such an Act has had.



## 72. Peter Carol, ProAdventure Ltd

Managing Director, ProAdventure Ltd ([www.proadventure.co.uk](http://www.proadventure.co.uk))

I write to support the change in Water Access in Wales to follow the Scottish model.

My business already brings over half a million pounds a year in to Wales. Access in line with the scottish model will enable us to bring more money and more well paid jobs to Wales and the Dee Valley.

## 73.J. Michael Moxon

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

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

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

British Canoe Union

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

Kayak on upland rivers of North & South Wales

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

No

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

They are unclear about access to water

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

Yes

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

Clearer guidance on what is permissible

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

Scottish Land Reform Act

### 73.8. 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.*

Agreements are based on what's best for the fishermen rather than what's best for the river - date based rather than river level

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

Yes, they have been shown not to work

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

Government guidance

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

They don't work

**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.**

Better guidance on what is expected, along the lines of the Scottish Outdoor Access Code

## 74. Dean Holland

### 74.1. What is your interest in the issue of access to inland waterway

Recreational user (both Fishing and Water sports).

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

Fishing Licence holder, WCA/BCU Member, BELA Instructor, Scouts Association.

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

Various across Wales, Carmarthenshire and Snowdonia in particular.

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

No

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

Recreational user have little or no access rights to non-tidal stretches of water.

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

Yes.

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

As an Adventure Tourism Management Graduate with experience in the outdoor recreation industry in both Wales, Continental Europe and Asia I can see a situation which cripples not only leisure pursuits in Wales but more importantly tourism. Wales' unique selling point to foreign and domestic tourists is clearly its wealth of striking natural landscapes. In financial times such as these I would expect the Assembly to be directly stimulating tourism in rural parts of Wales. The currently access situation is so woefully biased towards landowners and private fishing that it does not promote communal use of waterways for recreation and as such stifles any development of tourist activities using the waterways. If local people aren't allowed to use the waterways to practice and develop recreational skills such as kayaking, sailing etc then what chance is there that they will go on to establish small family run businesses catering for such activities. Local campsites and hotels should be offering excursions and activities on waterways to tourists, but they are not because there is no access. Local children should be involved with organisations that encourage them into such activities for health reasons as well as for sport, but they are barely able to offer any access to inland waterways.

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

Aside from the more open access offered in Scotland (that works) I have worked on and used waterways across France that have very relaxed access laws and the benefits are clear. Water based activity tourism is much stronger on the continent and local villages and landowners reap the financial benefits of annual tourist droves.

### 74.8. 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.*

Invariably the lack of legal clarity in voluntary access agreements leaves the landowner/access body with such an overwhelming control that parties looking to use the waterways often give up. It is far too common for access to be revoked for no (genuine) reason at short notice. Recreational

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

Yes.

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

Closer regulation and standardised documents for parties to adhere to.

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

No. See above.

**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.**

See above. Please feel free to contact me for further suggestions/observations regarding UK Adventure Tourism, as this is both my field of study and area of interest.

## 75. Bob Llewelyn

Member of Association of Heads of Outdoor Centres.

Association of Mountain Instructors

The Climbers Club.

I am in full 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. I think this would contribute greatly to the economic development of Wales as a whole, and particularly North Wales, and enhance the life of Welsh residents.

## 76. Peter Blackburn, Plas Pencelli Outdoor Education Centre

I'm the present Head of Plas Pencelli Outdoor Education Centre and secretary of the South Wales region of the Association of Heads of Outdoor Education Centres. Plas Pencelli is located near Brecon and hosts about 2000 young people a year for a weeks' outdoor educational residential experience. These people are from all across Britain including Wales. The Centre is a Welsh Canoeing Association recognised Centre and paddle sports forms a strong part of what we provide. Frustratingly, although we are surrounded by a variety of waters, access to these is severely limited. Visitors struggle to understand why we can't paddle down this or that river. The trouble is that as a canoeist we've all become accustomed to these restrictions over the years. At this time of the year we are much more restricted because of fishing interests.

Meeting a fisherman when canoeing down a river is an unsettling experience that the general public will probably be unaware of. Any encounter with a fisherman starts first of all with most fisherman avoiding any eye contact. Being reasonable a canoeist would try to be polite and ask which route they would like you to take. But most ignore you and withdraw their line only at the last second. Some will steadfastly keep their line in the water course despite your imminent passage. I've had many abusive comments thrown my way and this often with groups of young people in attendance. I've come across fishermen in Mid-Wales stringing wire across the river to catch canoeists! Some farmers on the Wye put dangerous fences right into the flow even on popular stretches. De facto access on the Wye has slowly been removed bit by bit so that the available points on the Wye are now miles apart and not always suitable for novices.

As a canoeist I often see fish in the water and they will move from section to section as you pass but it never appears to be significant disturbance to my eye. Many rivers have unfriendly "canoeists move on through quickly" notices but canoeists often like to dwell on exciting water features to practice skills. Most canoeists will be nature loving with a concern for the environment and have very limited impact on the river environment. The sport is family orientated and helps promote good health.

Despite the number of local reservoirs access to any of these is almost impossible. There appears to be no good reason for this and once again a huge national loss. Although the sea is not far away this is usually unsuitable for novices. Local canals have therefore become very popular being one of the few acceptable venues. Even here the increase in narrow boats has lead boat owners and hirers to complain about canoeists, who have been using the canal long before the proliferation of narrow boats, creating more tensions in a world where canoeists are marginalised.

The truth is that there is the potential for the lives of many to be enriched by paddle sport. There is the chance for many people to enjoy the natural water courses of Wales right through the year rather than these being the domain of a few and these from a particular slice of society. In France the same rivers are paddled and fished frequently and there is virtually none of the bad feeling towards canoeists that presently exists in England and Wales. The inalienable rights of fishermen on rivers have developed to such a degree that it can cause astonishment to question the present status quo.

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.

## **77. Matthew Bishop**

I wish to register my support for the Petitions Committee's short inquiry into Access

Along Inland Water, which has clearly highlighted the issues present. Their recommendation that the Land Reform (Scotland) Act 2003 provides a useful basis from which a unique Welsh model of legislation could be developed. Greater access to waterways has been proven to increase tourism & economic activity. Canoeing & kayaking have also been shown in Studies commissioned by DEFRA to have no negative impact on the river environment.



## 78.Nick Cunliffe

I understand that the Welsh Assembly Government is currently considering changes regarding access to inland waters. This is a significant issue for all canoeists and kayakers and I wish to register my support for such changes.

The Land Reform (Scotland) Act 2003 provides a useful basis from which a unique Welsh model of legislation could be developed.

My interest in this matter is both professional and personal. I have for twenty years been frustrated at the limited access available to me, as a kayaker, to the inland waterways of Wales, restrictions that have severely curtailed my enjoyment of an otherwise healthy, environmentally sound outdoor pursuit. From a professional point of view, as an outdoor activity business owner and employer in Wales, I am certain that the resolution of our access problems, as recently achieved in Scotland, would have the following beneficial effects:

More visiting kayakers to the North Wales area, confident of their ability to paddle, conflict-free, on the rivers of the area.

Increased economic prosperity in the area as a result of the additional numbers of visiting padders, with associated benefits for accommodation providers, restaurants, pubs, garages and other related services.

Better opportunities for local people (adults and youngsters) to participate in a healthy outdoor pastime, fostering a greater appreciation of their local natural environment and developing skills appropriate for future employment in the growing outdoor industry.

Increased opportunities for businesses such as my own to directly employ more people as a result of the positive changes outlined above.

I therefore support the proposed changes that will finally give canoeists and kayakers the same access rights and responsibilities as hill walkers in the UK.

## **79.Stephen Banks**

I wish to register my support for the potential move to an open access situation for inland water in Wales. The Land Reform (Scotland) Act provides an excellent example of how land owner fears are over exaggerated, as when open access was introduced in Scotland it created a less divisive and more understanding use of the countryside by all. It would be a move to support the vast majority of people who act in a mature and responsible manner. I urge you to consider it favourably.

## 80. Will Smith

I have been trying to kayak and canoe in England and Wales on our rivers for 23 years since the age of 7, I have managed to complete a couple of handfulls of rivers in the UK, involving getting abused, cars being damaging and other pathetic hassles.

I have kayaked virtually all of the decent rivers in NZ and the Alps and only ever had 1 unhappy fisherman who gave us a frown. I have kayaked all the major rivers across Nepal and get greeted by the villagers and fisherman, from whom we often purchase fish to eat at our camp. People from all over the world are miffed when they learn you are not allowed to paddle on rivers. Rivers are wild and unownable, they are the veins of the planet, our planet, and should be available for all to enjoy in harmony.

I don't have anything against fisherman in general but I do know they deserve the reputation they have, i have met some very friendly chatty fisherman, but unfortunately most give you grief for being a canoeist and 'scaring' the fish! The Wye has an ancient industrial heritage of goods boats up and down all the time, still lots of fish! The Wye has a heavy concentration of canoes and is a popular salmon river, this concentration would be massively spread were other rivers to be opened, we can only canoe on about 3% of all our rivers. Even on the Wye where there is an open navigation order other river users can be completely intolerant, not giving any time of day to groups of young kids, scouts, schools etc who are led down the river away from fishing areas, allowing everyone to enjoy their chosen sport. Just today I floated past a fisherman with 21 scouts, the fisherman caught a large Barble while we watched, everyone was happy, except for maybe the Barble, what's the problem? This is an absolute joke and no one in their right mind would buy it.

## 81. Steve Mackay

Please after so many years of discussion and procrastination..... Isn't it time to at least address the access issues to inland waterways of England and Wales for all to enjoy peacefully.

It must be time for a change and reform with approval on all sides of course but I would recommend that England and Wales come more into line with the Scottish Model through their Land reform Act. which seems a very sensible direction in 2009!

Its about Landowners putting something back for the community and not just seeing everything in terms of pounds shillings and pence and maybe the community putting something in as well and so we can move on and put this age old argument behind us and finally make some progress!!

A now grumpy 48 year old who just likes to go walking, canoeing and fishing

## 82.Spike Green

"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."

The current situation is madness! We are in a place where a minority dictate to a majority. The majority (those who would like to spend time 'mucking about' in boats) pay tax money to pay for the activity of the minority (The tax payer pays for the EA)! Wales and England are the only to countries in the world where this situation exists.

It has been proven that kayaking does not affect fish. Equally it is obvious that fishing affects kayaking - we are not allowed to pursue our sport! We have no desire to stop fishing. We'd just like to go boating thanks!

## **83. Graham Burns**

### **83.1. What is your interest in the issue of access to inland waterways?**

I am a Professional Outdoor Education Teacher introducing many young people to a range of water activities that includes rivers, lakes and the sea.

My personal primary sporting interest is river canoeing.

### **83.2. Are you a member of an organisation related to your use of water?**

I am a member of Canoe Wales (WCA).

### **83.3. Which stretches of water do you use?**

I am not happy that my legal rights are not clear and well defined.

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.

It is very important that legislation in Wales mirrors that currently in Scotland, in that I will have the right to canoe inland waters subject to rights and responsibilities as they have in Scotland.

I have canoed all around the World and have seen no conflict between water users. In Europe different water activities occur side by side with no conflict. Water based activities account for a major income stream in many countries and ensures all year round local jobs in areas that offer little other choice of employment. These countries do not have legislation other than the recognition that water is a natural resource for the population to access.

### **Voluntary Agreements**

I have been canoeing in Wales for 22 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. For example on the Afon Dee in North Wales recreational canoeing was restricted to 4 weekends in the winter months.

In my local area voluntary agreements to paddle the Afon Llugwy and Conwy are in place however as they are restricted to such small lengths of river they don't work. Once you have paddled these stretches of water a number of times their appeal and challenge diminish. As a member of the national governing body and an active coach my only option to progress my skills and those of my students is for us to break the law. The irony is this creates a situation where many kayakers choose not to join the governing body as they believe it is restricting their right to participate in the sport.

Voluntary agreements have not and will not work. To what are we agreeing? No one owns the water that flows. What happens when one riparian refuses to sign up? How would we know what parts of a river have agreements?

### **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.**

We need clarity and the certain knowledge that we can access the inland waters subject to rights and responsibilities. A successful example is the legislation that those in Scotland enjoy.

How can it be justified that one user group has sole use of a natural asset.

All water user groups need clarity and equal opportunity for a natural resource. How can we have the situation where we have a right to roam in our Country, subject to rights and responsibilities, as long as we don't dip our feet in the water?

## **84. Richard Witheridge, ProAdventure Ltd**

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.

It is imperative that we sort access to the waterways of Wales as soon as possible, so that we can continue to develop ecological tourism within Wales, continue to train and enhance our children's skills and open a natural resource to a non-damaging sport.



## **85. Bruce Roberts, Wrexham**

### **85.1. What is your interest in the issue of access to inland waterways**

– Recreational user: Yes

– User for waterborne recreation (e.g. canoeing, rowing etc) Yes – open water swimmer.

### **85.2. Are you a member of an organisation related to your use of water?**

Yes – Outdoor Swimming Society

### **85.3. Which stretch/es of water do you own/use/manage?**

Have swum in various rivers/lakes such as Llyn Tegid, River Wye, River Dee, Llyn Idwal etc etc

### **85.4. Are you happy that your legal rights are clear and well defined?**

No, certainly not. The rights of users other than anglers and landowners seem to be very poorly defined and/or understood. It is incredibly difficult to get an answer to a simple question such as 'can I legally swim here?'

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

My understanding is that swimmers have an automatic right to swim only in tidal waters (sea and estuaries). There is some confusion as to whether they have rights elsewhere. There is certainly no right to access as this rests with the landowner and once in the water the situation is confused by the rights of anglers or at least their perceived rights.

### **85.6. 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 similar rights to those apparently applying in Scotland where the 'right to roam' on open land seems to be extended to open water.

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

See above.

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

No

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

N/A

### **85.9. Would you like to see any changes to the voluntary agreements?**

N/A

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

**85.10. 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.**

The key issue in respect to inland waterway access for recreational use would seem to be the perceived conflict of the rights of anglers and those of other (often less numerous and less influential) users such as canoeists and swimmers. Whilst it is important to maintain proper control over anglers' rights and to protect the waterways for angling it is also important to ensure fair usage for other users. There has, historically been some conflict between canoeists and anglers in Wales and yet in Scotland this conflict is almost non-existent. One reason for this is the free access to open water in Scotland; the more areas that are accessible to canoeists (and swimmers) the fewer there are in any one area and the less chance for conflict. As the River Wye is one of the few rivers accessible to canoeists it is inundated with canoeists much to the annoyance of anglers. There should be very little conflict between canoeists, yachtsmen, anglers and swimmers as they have very much the same interests in respect of keeping the waterways clean and safe. There should be more stringent rules that apply to powered and/or polluting craft.

## 86. Angus Myles

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

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

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

Yes

*If yes, which organisation/s?*

SCA

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

Dee & Trywren

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

No

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

Basically that I have no "right" of access as fishing interests have kept river access to themselves

### 86.6. 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 right to responsible access as per Scotland and Norway

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

Yes, Scotland and Norway

### 86.8. 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.*

They are prone to being withdrawn at the whim of the fishing interests. AT best they give minimal access.

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

Yes,

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

I would like to see them replaced with a right of responsible access

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

Yes, 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.**

There is only access if you are a fisherman.

## 87. Tim Lambert

Firstly can I say how very happy I am that this matter is being considered but how sad I am that it has taken so long for the issue to be taken seriously.

As an Englishman living close to Wales I regularly enjoy holidaying and spending my money there. I enjoy my chosen sports of Canoeing and Kayaking in Wales and have seen a lot of a wonderful country from a unique perspective. I have done so without ever encountering any objections from any other water users.

However; I do feel unable at present to introduce my children to my wonderful sport and your wonderful country as I feel that with the exception of the Wye, I am unable to peacefully paddle Welsh rivers without the threat of violence from the bank or returning to a car vandalised due to being identified as that of a canoeist. Until either my children grow or the law is changed I fear that Scotland will be the natural holiday destination for me and my family.

## 88. Ray Hind

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

- Recreational user: sailing, canoeing
- User for waterborne recreation (e.g. canoeing, rowing etc)
- Other: tourism business

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

If yes, which organisation/s?: Canoe Wales

### 88.3. Which stretch/es of water do you use:

lakes, rivers, sea of North Wales

### 88.4. Are you happy that your legal rights are clear and well defined?:

No

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

provided that there is access/egress via public right of way then it is possible to use the river/lake - no one can own moving water

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

Yes

*If yes, what changes would you like to see?:*

Open access as in Scotland

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

Scotland

### 88.7. 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.*

There are many voluntary agreements negotiated by Canoe Wales, some work well others do not; the disadvantage is that rivers with voluntary agreements are used much more than others.

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

No, the way forward is legal open access

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

### 88.9. 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.**

The key issues are:

- Scotland has open access to inland water
- The European mainland has good access to inland water
- There is now good access to land in Wales
- But there is only limited access to inland water in Wales (& England)

Solutions:

- The solution is legal open access to inland water in Wales following the Scottish model
- Government Organisations, e.g. Forestry Commission, National Park Authorities, Unitary Councils, should actively promote free access to inland water thus supporting WAG policy on regular exercise.

## **89. Eifion Jenkins**

As a recreational user and member of Narberth Canoe Club, I would like to submit the following observations to the current National Assembly inquiry into access to inland waterways.

### **89.1. What is your interest in the issue of access to inland waterways**

User for waterborne recreation - canoeist/kayaker.

### **89.2. Are you a member of an organisation related to your use of water?**

Member of Narberth Canoe Club affiliated to the Welsh Canoeing Association

### **89.3. Which stretch/es of water do you own/use/manage?**

Inland and estuary waters throughout Wales.

### **89.4. Are you happy that your legal rights are clear and well defined?**

Currently in non-tidal waters, access to water is dependent on landowner - making it effectively impracticable to obtain permission.

### **Would you like to see any changes to your legal rights?**

Yes. I would like to see a situation where recreational users have rights similar to walkers in the countryside, where there is an assumption of a right to river passage unless excluded for special reasons.

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

Yes - France, 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.**

Recreational access should be a right but it must also be responsible and respect the needs of other users such as farmers, anglers etc. Perhaps it could be linked to membership of recognised clubs/organisations - perhaps it should be backed by a strong code of conduct on the water.



## 90. Tim Limon, Manchester

I won't lie, I don't know a great deal regarding the politics surrounding Welsh inland waterways. All I do know is the only navigable river for several days worth of canoing is the River Wye. Whilst this is a lovely river I'm staggered that this is the ONLY river in England and Wales, the ONLY one! There are hundreds of waterways in England and Wales, I'm very pleased that Wales is leading the way in addressing this issue. I implore you to make the right decision, to make them accessible to more sources than the fishermen.

## 91. Dr James Pullen

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

- Recreational user:
- User for waterborne recreation (e.g. canoeing, rowing etc)

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

Not at present, but I have previously been a member of several canoe clubs with BCU affiliation.

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

I have previously kayaked on the following rivers in Wales: Colwyn, Conwy, Cwm Llan, Dee, Eden, Gamlan, Glaslyn, Lledr, Llugwy, Mawddach, Nantygwryd, Ogwen, Tryweryn, Vyrnwy, Wnion, Wye.

However, in future I may well choose to kayak on any number of other rivers. Currently, Chris Sladden's excellent guidebook "The Welsh Rivers: The Complete Guide to Canoeing and Kayaking the Rivers of Wales," lists over 300 rivers suitable for kayaking. I believe the updated edition due out in the next year will expand even further on this.

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

No.

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

My current understanding is that landowners own the banks of the river and the bed up to the midpoint from either side. Encompassed within this ownership is the control of fishing rights from these banks. The right of navigation by an un-powered craft is unclear. I believe the Magna Carta enshrined this right in England & Wales, but subsequent legal misinterpretations have led land owners and fishing clubs to believe that they also control navigational rights to inland waterways. Rivers such as parts of the Severn and Wye have ancient rights of navigation, allowing for unfettered access.

### 91.6. 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 legal right of access to all of Wales' inland waterways, which also enshrines the responsibilities of all waterway users. Such legislation would give the presumption of a right of access, but still allow for "closure" of sections of rivers for genuine environmental reasons, backed by proper scientific evidence.

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

Yes, I have kayaked in a number of countries around the world and none have as restrictive access laws as England and Wales. Scotland has by far the fairest system for all recreational users, where a presumed right of access is enshrined in law. In my opinion, this should be viewed as best practise for any proposed legislation in Wales.

### **91.8. 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 – there used to be an “agreement” which restricted kayaking to about four weekends a year. This led to 100s of boats descending at once, which rather spoilt things. Negotiations to extend access broke down resulting in the abandonment of the agreement. Nowadays, the river is paddled with little dispute at any time of the year when there is sufficient water to float which seems much better despite the lack of legal clarity. The only exception to this is the managed section of water next to Mile End Mill, where the owner has threatened legal action against kayakers who don’t pay him for use of the water.

Llugwy – used to have an agreement which restricted paddling to the winter months. I’ve never paid attention to it or had any conflict as a result. I was verbally abused by the intoxicated owner of the house next to Cobden’s Falls and a friend’s kayak was thrown into the road. This occurred during the dates when access was supposed to be allowed. I managed to reason with the gentleman, but later learnt he had smashed up another kayaker’s car parked nearby. This incident was reported to the police.

Aberglaslyn – as for the Llugwy, however, recently a suggested minimum water marker has been installed for the section of whitewater below Beddgelert. This would seem to make more sense.

Conwy – used to have an agreement which restricted numbers and days for kayaking and required signing-in at the café. This was rarely adhered to with regard the number limitation and after the villagers at Ysbyty Ifan withdrew permission for access, most kayakers have chosen to paddle year-round when there is sufficient water. I have heard that one land-owner now spends his weekend chasing paddlers around the river which has even led to an alleged assault and a court case. A number of kayakers cars have been damaged over the years near the A5 road bridge, leading to police involvement.

### **91.9. Would you like to see any changes to the voluntary agreements?**

Yes.

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

Most voluntary agreements are deeply unfair in terms of use by kayakers and as a result not adhered to. The only reason to restrict paddling should be on genuine environmental grounds with proven scientific backing. The only agreement I have come across which works is for the river Greta in Cumbria, which allows for 365 days a year access, with a minimum water level during the months of November and December when fish are spawning.

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

In France kayakers have sole use of the rivers from 9am-6pm and fishermen have sole use in the evenings. However, I do not require sole use, I am perfectly happy to share my usage with the Fishermen as is the case in 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.**

At the moment fishing interests and landowners do not believe that water users navigating the nation's inland waterways have a right to be there, whilst these users do. This leads to conflict, mostly just verbal, but increasingly physical. From my standpoint this seems to be predominately directed by the landowners and fishing interests against other water users. As a kayaker I have no issue with sharing the natural resources of Wales.

A legal enshrinement of a presumed right of access is the only way forward. Best practise is the Scottish system. Voluntary agreements have failed to produce the access canoeists require for the last fifty years, and I see no reason why pursuing this route would give greatly enhanced access over the next fifty. In England, the Environment Agency together with the University of Brighton attempted to gain access via voluntary agreements on four rivers in a pilot study. This cost tens of thousands of pounds and resulted in at best reaffirming the status quo. In the case of the river Wear access negotiations weren't even attempted on the white water sections and resulted in a mere 1.6km of agreed access which has subsequently been withdrawn. The Wear has over 60km of sections of interest to the canoeist, which are regularly paddled when levels are suitable without conflict despite the lack of an agreement.

The nation's waterways are our natural heritage and should be open to all, just as the mountains and woodland are via footpaths and the right to roam.

I grew up in Pembrokeshire and regularly kayaked in North Wales during my years at university in London. Now I live in northern England. To travel to the rivers of North Wales would take me a similar amount of time as to travel to those in Scotland. However, I usually now chose Scotland over Wales for my kayaking weekends or holidays simply because of the welcome I receive there. If Wales were to change its laws to mirror the Scottish system, I would be far more likely to visit Wales and spend my money there.

## 92. Gareth Thomson

I have been informed, not by any kind of Media/Press but through my contacts, of your agreement to carry out an inquiry into Access to Inland Water in Wales. I am staggered to learn of this as it flies in the face of your "Main Functions" which as you know or should know are bulleted below.

- Climate Change
- Energy
- Rural Affairs and Agriculture
- Environment
- Planning

This latest inquiry, should you decide to vote in favour of "open access", will have an IRREVERSIBLE adverse effect on all of these points.

I trust you will consider both your positions and your Primary Remit before voting in favour.

The main argument seems to be between the Anglers and the Canoeists:

- THERE IS NO MENTION OF THE WILDLIFE AND FAUNA!!!!

Who is thinking or speaking up on their behalf????

SUSTAIN OUR ENVIRONMENT!!

Please Remember that:

The PRIMARY USERS of any River or Water Course are the NATURAL WILDLIFE and FAUNA. Not like Humans:-

- THEY HAVE NOWHERE ELSE TO GO!!!!

How many of you would squash a Wasp or Bluebottle?? Or, open a window to let them out?? I know what I do!!

Let me tell you a bit about me:

I am 61 years old and have lived in Dolwyddelan nearly all my life. I was born in a house on the banks of the River Lledr and have lived with the river coming in the house during some floods and cursing it, and at other times, appreciating the beauty, pleasure, and knowledge gained from it year after year. As a small boy I used to get on top of our Garden Wall to look at the River and saw little fish, that I was informed were Trout, scattering away to hide under the rocks upon seeing my shadow loom above them. Sadly this does not happen to the same extent these days as the River has declined in quality since my early days. I have put this fact down to a couple of things. One being more forestation, with the lack of that land management, as the trees require the same nutrients that the River life need. The most noticeable decline was when the councils started to use salt to keep the roads clear in the winter. The run offs go directly into the "Freshwater" rivers and streams. It doesn't take a Professor or any so called Expert to work out that Freshwater Invertebrates and other River Life have great difficulty with these purges of salinity.

I am not nor have ever been a Fisherman or a Canoeist but still extract great pleasure from the River Lledr. I have swum in the river. I have skimmed stones on the river. I have cleared other peoples' rubbish out of the river. I have brought up my children and grandchild to care for the river in the same way I do but still be able to extract this great pleasure of just "BEING" in this fabulous environment. We stay away from the river during the times that the Salmon are running because it is our way of respecting the final mission in their lives. This is, as you should know, to sustain their wonderful species by laying their eggs in their traditional Spawning Grounds.

– THE FISH HAVE THIS RIGHT!!!

We used to watch them go past but now sadly it doesn't happen to the same extent.

I WOULD HATE IT NEVER TO OCCUR FOR THE FUTURE GENERATIONS!!!

Please take this into consideration when deciding the future of "OUR" rivers.

The list of RIVER-LIFE is a long one and these creatures need you to protect them.

Please also take into consideration some of the Environmental Projects that are still going on.

- The OSPREY PROJECT in the River Glaslyn area.
- The preservation of some of the "PROTECTED" LICHEN in Snowdonia.
- The REINTRODUCTION of the BEAVER in Wales. This is supported by numerous organizations including the EA.
- The Otter Preservation Trust.
- The Salmon rearing ponds on the tributaries to the River Conwy.
- The SALMON LADDER on the River Conwy.

Without the fish it will just be a ladder and what a waste of Public Money!!

- After many years without we now have Otters on the River Lledr again and this shows that the work that has been carried out by Volunteer Landowners, in the upper reaches of this River, by allowing their Riverbanks become sanctuaries is bearing fruit.
- The Herons are about, there are Wild Geese that use this area as a stopover during the Spring, there is the occasional Cormorant, There are Dippers and Moorhens and many other birds around the River Banks.
- SADLY!!! The Curlew is no longer around and I put this down to CRoW 2000 and the disturbance of their habitat.
- The Beaver: The reintroduction of this very shy creature will be a waste of time, effort, and the lives of the Experimental Beavers. Once People start to come around the Beavers will be off. This will result in the DODO scenario!!

## **Comments on the National Assembly for Wales Petitions Committee visit to Scotland.**

SCA submission.

Beware the woolly words!!

*A "LEGAL PRESUMPTION" is just that!!*

A "legal presumption" is a SUPPOSITION relative to the given facts. It can stand until REFUTED!! This has already happened in a case in Scotland where the Land Reform Act 2003 was challenged and defeated.

It is therefore not FACT.

*PADDLERS:*

This word gives the impression of gentle paddle work on the slow flowing rivers or on the Lochs. They cannot "Paddle" down waterfalls and many of the Fish runs. This requires much aggressive and hard heavy use of the "Paddles" with the blades twisting and turning un-naturally creating pressures in the water that affects the bottom gravels where the invertebrates live. There are the Irish Sea and the North Sea as well as the vast expanse of the Atlantic Ocean to "Paddle" in.

*STATUTORY RIGHTS:*

How can a statutory right be based on the anticipation of something yet unproved?? Legal Presumption.

*ROGUE ELEMENTS:*

These people should be brought under control as a failure to do so would appear to condone anarchy.

I believe that anarchy is against the law in this country.

I do not see how a Government Committee member can allow anarchy to win and therefore should vote against such behaviour.

To condone this behaviour makes any person thus liable to prosecution.

*SALMON PARASITE (Gyrodactylus Salaris).*

Surely the Environment Agency would stand a better chance of eradicating this parasite with less people on the rivers!!

*DEVELOPEMENT:*

The mention of more Car Parks and Changing Facilities would result in more areas of the National Parks being scarred forever. This would result in More Cars—More People---More Power requirements etc. etc. This all points to an increase in CO2 emissions and an increase in waste. The waste would require collecting = more emissions. The Car Parks would require Access Roads with the onus on the Local Councils to keep clear access on them. In the Winter at the height of the White Water there is usually Snow and Ice about. This would mean more salt and more uncontrolled run offs into the rivers.

**ANOTHER NAIL IN THE COFFIN OF THE FRESH WATER INVERTEBRATES AND FISH!!**

*DRAINAGE:*

Nature provided us with a natural filter drainage system not hard standing areas that the water will run off in purges. These purges will be bad for any of the Water Life and could even cause Flooding.

### *OLYMPICS:*

How Many Athletes have an Olympic Stadium outside their front door?? They have to travel to an area suitable for this training. There are areas that Canoeists and Kayakers can do the same.

### *INCLUSION:*

A favourite word at the moment!! Indigenous Country Folk live, eat, and breathe Country. They are born, bred and grow up in the countryside with the feelings and appreciation that goes along with it. The Education of the country is inbuilt in the soul of these folk. Townsfolk come for the odd holiday and weekend jaunts and it is impossible to educate these people of the "TRUE" country code. Not a code put together by Government Agencies who are more than likely Townsfolk themselves or people who think they know what Countryside is. The CRoW Act 2000 is a prime example of this with not much consideration being given to the Landowners and or Farmers who have to meek out a living off the land. This Land is the true Natural Habitat of thousands of species that are all part of the Natural Food Chain. People walking everywhere completely unaware of the damage they do!! Scaring little animals, reptiles, and birds as an example of what was NOT thought about by the legislators. When scared these animals do not behave in the same way. It can affect their reproduction and existence of their species. I feel that the act was made with Townsfolk in mind and bowed to the pressure of the jealous dissatisfied people of this world.

### *SUSTAINABILITY:*

There is concern at the moment about the shortage of Song Birds and little Birds. This could be down to a Natural Phenomenon or it could be down to the effect Humans have on these creatures.

### *QUESTION:*

How many flies do you regularly clean off the Car??

Each one is part of a potential meal for these Birds.

Attracting more people with cars and vehicles to our rivers will have a bigger impact on the likes of the aforementioned birds by killing their meals.

### *FARM ANIMALS:*

During the best periods of "White Water", usually in the Winter, Sheep are pregnant with Lamb. From grazing gently in the fields alongside the rivers to being all of a sudden scared by some "Yahoo Canoeists" could lead to more Still Born. This will not go down well with the Farming Community!!! Canoeists ARE Yahoos because I have witnessed their behaviour. (nb). I know that all are not the same but I can only say what I have seen.

*OUTLOOK: Please take heed!!*

### *RIVER USERS:*

### *BEWARE THE FUTURE!!!!*

How long will it be before people with the likes of Wet Bikes and Speed Boats want to use the rivers?? How long before a machine is made to climb up the rapids to provide a platform for these adrenaline seekers to shoot the rapids?? They will declare "Equal Rights"



## *FUTURE GENERATIONS:*

A Possible scenario!! The Children will be able to read about this fabulous Atlantic Salmon and other types of Freshwater Fish, much the same way we do about Dinosaurs, but will not be able to see them. This will be because our generation thought more of the egoistical enjoyment of a few Canoeists and failed to protect the Millions of years old species of Salmon and other evolved Water Life.

## **MY RECCOMENDATION:**

If i may be so bold.

- THINK!!
- Do not vote for total access to the rivers.
- Vote for the RESPECT of the Rivers and Water Courses.
- Vote for the Water-Life. THEY ONLY HAVE YOU TO DO IT FOR THEM!!
- Quell any Militant tendencies. It would be nasty and ugly if Militants from both sides started trading blows.
- Listen to the Country Folk of Wales as we are the ones who will have to put up with the intrusions in our lives.
- Think about the additional Council Tax the Local People will have to pay to cover these extra required facilities. There will be no added benefit for the majority. We would be paying for MORE INTRUSIONS into our lives!!!
- DIALOGUE. Local Councils, Landowners, Riparian Owners, Insurance Companies, Police, Ambulance, Fire Service, Lifesavers. All WILL be affected.
- As it is at the moment the Emergency services are well stretched with ambulances not meeting the attendance times. It could get worse in the future with the inevitable accidents happening in the most remote areas of our country. THINK!!
- SUSTAIN what we have and please do not vote for the destruction of these super places we have been gifted with.

I am quite willing to meet and talk with you.

I am a Construction Project Manager with a certificate off the RAF at Valley for my attention to the Environment. This was obtained during a Construction Project there. I also strive very hard to get the highest points available from the BREEAM for my projects.

I DO CARE!!

## 93.Liz Murnaghan

I am a member of a canoe club based in the South East of England. My club regularly runs trips to Wales to enjoy the rapids produced by your mountain streams and rivers. There is no where in the South East where we can enjoy water of that standard. I would like to be able to organise these trips without the fear of threat and intimidation from the locals. It is a long drive from Surrey to Wales and to partake of our harmless pastime means we also have to arrange accommodation and food locally which all helps to sustain the Welsh economy. I would like to see access to the rivers and countryside of Wales be allowed along similar lines to the system in force in Scotland.

## 94. Brian Rooney & Tony Bostock

You may like to make a note of a message from an acquaintance who has been in touch with me about worrying problems with access which have arisen in Scotland. We certainly do not want similar problems to arise in Wales.

Many thanks Paddy Rooney

----- Forwarded Message -----

From: tony bostock To: BRIAN ROONEY

Sent: Sunday, 2 August, 2009

Hello Brian,

I have no objection to you sending my information and comments to the Welsh Assembly Committee, and I hope that it will prove to be of assistance.

You may also be interested to know of the problems so called free access in Scotland has caused. Once the rivers were "opened up", anglers have boycotted beats and relinquished their beats, not only meaning a substantial reduction in revenue to riparian owners. But because fewer people are fishing less Salmon are being caught which because rates are set by the number of Salmon caught the income to the District Fishery Boards have also declined on a number of rivers, plus the rural economy has suffered.

One of my reliable sources in Scotland commented only last week that the upper Tay is nothing but a "war zone". Rafters, commercial Rafters at that, are a major problem. This is nothing to do with recreation but simply a money making commercial enterprise. So everyone needs to be aware of these issues. My main contact said to me last Friday night, and I quote "Whatever you do, do not do in England and Wales what we did regarding access in Scotland", period.

Best regards, Tony.

Tony Bostock

Chairman - Midlands Regional Fisheries & Angling Consultative Council,

Chairman - Teme Catchment Fisheries Association

Regional Representative - Salmon & Trout Association

Director - Severn Rivers Trust

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From: BRIAN ROONEY To: Bostock Tony

Sent: Thursday, 30 July, 2009

Tony,

Many thanks. Would you have any objection if I sent it on to the Welsh Assembly committee which is looking into access to inland waters. It would show them that it is not just Wales which is concerned about these problems.

Regards, Paddy Rooney

## **95. Dr Andy Williams**

Head of Outdoor Education, Trinity University College, Carmarthen

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.

I encourage WAG to demonstrate its political autonomy on this matter of national importance.

## **96.David Evans**

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.

Having lived in Scotland for a year and enjoyed that country's access legislation, I further think that the same rights of access should be applied throughout Wales.

## 97.Nick Bates

Llandysul Paddlers

In my opinion there is a long overdue for open access on inland waters in Wales.

As a user for recreational and work related purposes i feel strongly that in this present day and age where a country such as Wales with its amazing natural beauty is not a freely used resource. There are forever long disputes over navigable waterways and there seems to be a very old fashioned way of thinking on a negative side where there is not use for all because of who owns what and whos paid what and so on....

Wales is a fantastic country with amazing outdoor resources and the Welsh Assembly needs to act and step up and realise how important it is that there should be a right to navigate on all waterways without the hassles and confrontations from anglers and their clubs.

All users of waterways need to respect each others needs and way of life and cooperate to get the best out of what Wales has to offer.

Every water user has a right to use this natural resource.Nothing is taken out and much is put in.

Anglers pay because they take fish out of the rivers. Paddlers leave it as they see it. No disturbance to the wildlife. No hooks hanging off trees and causing distress.In fact we work hard to remove this threat and prolongue the lives of animals living in and around the river.

We respect and love these waterways. The anglers should be the ones asking us if they can use it.

## 98. Richard Froud, Warwickshire

I support reform of the access to inland waterways.

As a Kayaker and member of the BCU I am frequently frustrated at the confusion regarding rights of access to Welsh rivers.

Paddling in Scotland is wonderful because I don't have to fear arguments with land owners or fishermen. Wales has some fabulous rivers, but only a few of them can be paddled without fear of harassment.

Kayakers and Canoeists do not damage the environment in any way - quite the opposite - as we pass we often remove fishing line and hooks caught up on trees which fishermen can't reach.



## 99. Richard Townshend

WCA level 4 coach, inspector Learning Outside the Classroom Quality Badge etc.

Regarding the Petitions Committee's short inquiry into Access

Along Inland Water, and their recommendation that the Land Reform (Scotland) Act 2003 provides a suitable model from which Welsh legislation could be developed, I would like to add my fullest approval. Having attempted to canoe and kayak on Welsh rivers since 1972 initially as a school pupil, then both recreationally as a teacher of Outdoor Education working in North Wales, it would be wonderful to be able to pursue these activities in a responsible and environmentally sustainable manner without worrying that every person that I see on the bank may be about to tell me to get off the water, which has been the case in the past. I know that many people have and currently do not make use of Welsh (and English) rivers because of the current access situation, and would offer the example that for the October Half Term for most of the last twenty years I have led trips canoeing in Scotland at least in part because of the much better access situation there, which in itself has been much improved by the recent legislation.

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