

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

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

Ymatebion a gafwyd cyn 18 Medi 2009
Paratowyd Medi 2015
Cyfrol 2 o 5

Responses recieved prior to 18 September
2009
Prepared September 2015
Volume 2 of 5

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Cynulliad Cenedlaethol Cymru yw'r corff sy'n cael ei ethol yn ddemocrataidd i gynrychioli buddiannau Cymru a'i phobl, i ddeddfu ar gyfer Cymru ac i ddwyn Llywodraeth Cymru i gyfrif.

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

Gallwch weld copi electronig o'r ddogfen hwn ar wefan y Cynulliad Cenedlaethol:

www.cynulliad.cymru

Gellir cael rhagor o gopïau o'r ddogfen hon mewn ffurfiau hygyrch, yn cynnwys Braille, print bras, fersiwn sain a chopïau caled gan:

Uned Cydgysylltu

Cynulliad Cenedlaethol Cymru

Bae Caerdydd

CF99 1NA

Ffôn: 0300 200 6565

E-bost: cysylltu@cynulliad.cymru

Twitter: [@CynulliadCymru](https://twitter.com/CynulliadCymru)

© Hawlfraint Comisiwn Cynulliad Cenedlaethol Cymru 2015

Ceir atgynhyrchu testun y ddogfen hon am ddim mewn unrhyw fformat neu gyfrwng cyn belled ag y caiff ei atgynhyrchu'n gywir ac na chaiff ei ddefnyddio mewn cyd-destun camarweiniol na difriol. Rhaid cydnabod mai Comisiwn Cynulliad Cenedlaethol Cymru sy'n berchen ar hawlfraint y deunydd a rhaid nodi teitl y ddogfen.

An electronic copy of this document can be found on the National Assembly's website:

www.assembly.wales

Copies of this document can also be obtained in accessible formats including Braille, large print, audio or hard copy from:

Co-ordination Unit

National Assembly for Wales

Cardiff Bay

CF99 1NA

Tel: 0300 200 6565

Email: contact@assembly.wales

Twitter: [@AssemblyWales](https://twitter.com/AssemblyWales)

© National Assembly for Wales Commission Copyright 2015

The text of this document may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading or derogatory context. The material must be acknowledged as copyright of the National Assembly for Wales Commission and the title of the document specified.

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

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

Ymatebion a gafwyd cyn 18 Medi 2009
Paratowyd Medi 2015
Cyfrol 2 o 5

Responses recieved prior to 18 September
2009
Prepared September 2015
Volume 2 of 5

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Cynnwys | Contents

Proses Ymgynghori Consultation process.....	7
Cwestiynau i'r ymholiad i fynediad i ddyfrffyrdd mewndirol	8
Questions for the access to inland waterways inquiry	9
100. Richard Andrews.....	10
101. Anita Adam	14
102. Stuart Teal.....	15
103. Stuart Fisher.....	16
104. William J Lawrenson.....	20
105. Iain Porter.....	21
106. Eifion R Morgan	24
107. Carmarthenshire Fishermens Federation.....	25
108. Philip Woodhead	27
109. Viv Archer.....	28
110. Simon Allfree.....	30
111. Jonathon Sykes.....	32
112. Peter Harrod	33
113. Lynne Medlock	34
114. Hugh Woods	35
115. Phil Hadley	37
116. Mark Hobley.....	39
117. Jason Ratchford.....	41
118. Joe Casey	42
119. Andy Shan	43
120. Crickhowell Fishing Club.....	46
121. Frances Bateman.....	48
122. Ian Campbell.....	49
123. Rhys Park.....	50
124. Mark Brockway	51
125. Carolyn Bird	52
126. Huw Evans	53
127. Betty Lee.....	54
128. Sean Taylor	55

129. Karen Sinclair.....	57
130. Anonymous	58
131. John Bell.....	59
132. Rebecca Good	61
133. Colin Asquith.....	63
134. Nona Thomas.....	64
135. Jack Cox.....	65
136. Andy Walters	67
137. Gino Vasami and Janice Vasami.....	69
138. Max Coventry and Tony Bostock.....	71
139. David Jones	74
140. Ray Prince	75
141. Rebecca Cadbury	77
142. Wilhelmina Wilson	78
143. Peter Huntington.....	79
144. Stephen Gale	80
145. Chris Porteous.....	81
146. Neil Farmer	82
147. Gavin Bailey	84
148. Kerr Sinclair	85
149. W.N.Elbourn.....	86
150. Ruari Fangman	87
151. D.T.Roscoe	88
152. Anonymous	89
153. Edward Fitzwilliams.....	91
154. Rhyl & St Asaph Angling Association.....	92
155. Mark Benson.....	93
156. R. Jones.....	95
157. Upper Dee Angling Federation.....	96
158. Canoeists.....	97
159. J.K. Heminsley	98
160. Harry Chichester.....	99
161. T J Rosselli	101

162. Ross-on-Wye Angling Club	102
163. Alan Francis Sanders	103
164. Ribble Fisheries Consultative Association	104
165. Adrian Cooper	106
166. Paul Fernee	109
167. Michael Stirk.....	110
168. Sam Wort	111
169. Dr Alan Edwards.....	112
170. R J Foulkes.....	113
171. Owain Rowley – Conwy	114
172. Dr Richard M Lucas	116
173. Hugh, Priscilla, Ben and Joanna Llewelyn	118
174. Llandysul Angling Association	120
175. Ron Miers.....	123
176. Prysor Angling Association.....	124
177. Dolgellau Angling Association	125
178. Hoylake Fisheries	127
179. B.P.M. Rooney	129
180. Rhayader & Elan Valley Angling Association	130
181. Maelor Angling Limited	132
182. Salmon & Trout Association	133
183. Ian G Harmond.....	135
184. Brian Moore	138
185. Chris Beckley.....	140
186. Andrew Darby	142
187. Ffynnon Taf Angling Club	144
188. Deb Barnes.....	146
189. J A Mellis.....	147
190. Seiont Gwyrfai and Llyfni Anglers Society	148
191. Islwyn & District Anglers.....	150
192. Ian Kitson	151
193. Open Canoe Association	153
194. Claire Rosselli	155

195. Petronella Matson	156
196. D A Morgan	157
197. J A Mellis.....	159
198. The National Trust Wales	160
199. Campaign for the Protection of Welsh Fisheries.....	166

Proses Ymgynghori | Consultation process

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

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

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

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

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

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

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

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

Cyrol 1 – 001 – 099

Cyrol 2 – 100 – 199

Cyrol 3 – 200 – 299

Cyrol 4 – 300 – 399

Cyrol 5 – 400 – 491

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

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

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

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

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

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

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

Volume 1 – 001 – 099

Volume 2 – 100 – 199

Volume 3 – 200 – 299

Volume 4 – 300 – 399

Volume 5 – 400 – 491

Cwestiynau i'r ymholiad i fynediad i ddyfrffyrdd mewndirol

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

- Perchennog tir
- Defnyddiwr hamdden
- Pysgota
- Defnyddiwr ar gyfer hamdden ar ddŵr (ee 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 exists in other countries that could be used in Wales?

Voluntary agreements

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

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

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

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

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

100.Richard Andrews

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

Recreational user:

I am a recreational user. I regularly canoe/kayak (most weekends year round, if there is sufficient water in the rivers) and also often walk along river banks on public footpaths. These are both predominantly performed on upland streams and rivers in Wales.

Everything I say here is from the point of view of a keen kayaker.

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

No longer a member of any organisation, but used to be a member of the British Canoe Union (BCU). I took the decision to leave the BCU when I realised voluntary access 'agreements' were not working. I would like to be a member of the Welsh Canoe Association now that they have adopted a new stance regarding access to inland waterways, but unfortunately cannot as I am not a resident in Wales. Given the recent move by Canoe England (and BCU) to abolish access agreements and push for legislation then I will most likely be joining the BCU again.

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

Almost every river in Wales, and a fair few in England. As a kayaker we like to explore new rivers rather than continually using the same. This spreads us out, reduces environmental impact even further and also keeps our sense of adventure!

A list of rivers I've kayaked off the top of my head is shown below:

- Dee
- Conwy (all sections from Ysbyty Ifan to Betws-y-Coed, except Conwy Falls)
- Llugwy (from Plas-y-Brenin to above Swallow Falls)
- Nantygwywrd
- Arddu
- Cwm Mynach
- Ogwen
- Lledr
- Aberglaslyn
- Colwyn
- Nant Mor
- Mawddach
- Eden
- Wnion
- Lliw

- Twrch
- Eunant Fawr
- Mellte
- Neath
- Usk
- Wye
- Sawdde

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

Absolutely not. There is too much ambiguity in the law. Personally I truly believe that we have a right of access to inland waterways in canoes/kayaks/coracles etc. My greatest concern is over those that have the exact opposite belief, which from personal experience can lead to extremely uncomfortable and sometimes threatening positions when confronted by people who believe I should not be there. The lack of clarity in the law is at times literally dangerous in my opinion. Only this weekend a friend's car was damaged as a result of this.

100.5. 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 there is a legal right to paddle/canoe/kayak on inland waterways, but obviously excluding reservoirs/water storage pools/dam spillways etc. There is no legal right to walk over private land to access the rivers. However, when accessing the rivers from public land (footpath etc) then I believe the law supports responsible access on the rivers.

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

Yes, absolutely. A change in statutory law to give clear rights regarding responsible, free access to inland waterways.

If yes, what changes would you like to see?

I would like to see them clarified to reflect free and open, responsible access to inland waterways. The only restrictions that I believe would be fair are genuine environmental reasons, such as an agreed minimum water level for canoeing/kayaking, agreed between the WEA and paddlers, not between different water users such as fishermen and paddlers where there is too much chance for arguments to arise and nothing will be agreed upon.

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

The Right to Roam act in place in Scotland has recently prove successful.

I have kayaked in France, Italy, Switzerland, Austria, Scotland, Wales and England. The ONLY place that I have encountered problems is England and Wales.

France – no paddling before 9am or after 6pm. Common sense regarding water levels. Never had a problem or known of any.

Italy & Switzerland – no restrictions and I've never had a problem. Common sense seems to work fine for everyone.

Scotland – never had a problem. Responsible access on rivers, using common sense about river levels/conditions, seems to work very well.

100.8. 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.

In short the 'agreements' are restrictive and are dictated, in my experience, by landowners trying to protect fishing rights and fishing organisations trying to prevent other members of the public of sharing 'their' resource. I know that sounds hard, but from my experience that is exactly what I have found. They are unfair to water users such as canoeists, kayakers, rafters, swimmers and even down to kids playing in the river.

I would rather see a blanket piece of legislation that covers all rivers in England and Wales, much the same as in Scotland. There could be individual points made for certain rivers, i.e. no canoeing or swimming below a certain water level, or fishermen are not allowed to wade in the water.

reasons. Rather than a blanket agreement covering all rivers (within reason)

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

Yes

If yes, what changes would you like to see?

Complete removal of them, except in cases where an agreement is required because, for example, genuine environmental reasons such as an SSSI that would be damaged due to floating over it, or a fishing/canoeing competition etc.

A minimum water level for canoeing/kayaking would be acceptable, on the basis that scraping over gravel beds can damage spawning ground. By the same token, a fisherman wading in the river would probably cause more damage with their feet than a canoe would do by brushing against just the top skim of gravel.

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

None at all – I've only experienced open 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.

To reiterate what I've said above:

Complete removal of all access agreements.

Blanket legislation allowing free and open, responsible access to inland waterways, similar to that seen in Scotland. Funnily enough, Scottish fish are not scared by canoes, it only seems to be Welsh and English fish that are! Neither are fish in any other countries that I've visited.

Exceptions to the legislation can be made based on genuine, proved environmental reasons.

Negotiation between groups, e.g. fishermen and canoeists should stop. Input from both sides is agreed but the final decision needs to be made by a separate body.

Communication is important – for example if a fishing match is to be held on a popular river it would be a good idea to publicise it on a canoeing internet website so canoeists could avoid the river for that day/weekend. Possibly a central 'rivers' website for Wales could be set up whereby all water users can look at it.

101.Anita Adam

I have been a paddler since I was 13 (nearly 20 years). Things have changed little with water access in that time and I often have to go abroad to get the access to water I am seeking. Wales has a fantastic resource in its waterways which it could exploit a lot better than it does and attract more canoe tourists (as per France, Italy and Slovenia...). Also there is a lot of demand for rafting.

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.

102.Stuart Teal

I wish to express my hope that access to inland waters will be brought about by statute similar to that enjoyed in Scotland.

I am level 3 coach for canoeing and kayaking who visits friends in Wales regularly with his family. However, due to the restrictive access to many inland waters in Wales, I am not currently bringing groups of paddlers to Wales, but taking a much longer journey to Scotland. My strong preference would be come to Wales but the issues around access are too great.

I sincerely hope changes are made to bring Wales into line with the water access enjoyed in elsewhere in the world.

Perhaps this change will further highlight the in-equity of English (and currently Welsh law) on public access to open places.

103. Stuart Fisher

103.1. 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)

User for waterborne recreation.

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

If yes, which organisation/s?

Paddlers International

International Sea Kayak Association

Canoeist magazine

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

Interested in all waters, especially rivers and the sea.

Legal rights

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

No.

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

The legal position at present on most non tidal rivers seems to be that the riparian owner owns the bed to the centreline. Although he does not own the water above it, he is able to control use of that water and may permit others to use that water if he wishes. Often the owner is unknown to the public. It is virtually impossible to obtain positive agreement from all consecutive riparian owners and to do so when weather and water conditions are safe and suitable. A touring canoeist might cover 50km every weekend, passing 100km of bank. On tidal waters the bed is usually owned by the Crown and use of the water is permitted without problems.

However, research by Douglas Caffyn leading to the paper *The Right of Navigation on Non-tidal Rivers & the Common Law* (Canoeist, Nov 2004, p13) suggested that the right of navigation on all rivers has never been revoked but that a series of errors in a legal textbook in 1830 led to a widespread misunderstanding of the law by lawyers. This was not challenged at the time as recreational boating hardly existed. The Rural Affairs Minister in Westminster, Alun Michael, said the paper was important but the exact position on each river still needed to be determined through the courts (Canoeist, Jan 2005, p25). Paddlers International suggests that if the Government Minister in charge does not know the position it is not right to say that the position is 'clear and well defined'. It is not in the interests of boaters (or anglers or riparian owners) to have to pursue use of each section of river through the courts, whether users are local residents or tourists from abroad.

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

Yes.

If yes, what changes would you like to see?

I wish to see the rivers as free to use by unpowered craft in Wales as in the rest of the world. They should be as free as roads and footpaths are to cyclists and ramblers. When I walk in the hills I choose where I wish to go and then go there. I do not face authorities asking how many hill walkers there are and, thus, how many hills they have to provide to keep hill walkers satisfied. I am not required to buy a licence, display identification or be regulated by any body other than the police. Equally, no body is given the task of regulating me.

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

Wales has the most repressive river access situation of any country in the world. Virtually every country (except England) has better access legislation, usually far better. The Land Reform (Scotland) Act is a model of modern legislation suited to the needs of the 21st century.

Voluntary agreements

103.8. 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.

There are very few access agreements at all in Wales and even these have now been abandoned by Canoe Wales. One has been for a short stretch of the Dee at Llangollen, which has offered minimal use over the decades, mostly for competition and for two or three weekend mass tours per year over a 3km length. This culminated in a protest march (Canoeist, Jan 05, p22) and a boycott of the river with local businesses supporting the canoeists.

The Tryweryn below Llyn Celyn dam has been used since the mid 1970s, sometimes a 5km section down to Bala but mostly only a 1km section past the canoeing centre. Despite being the section of Welsh river most heavily used by canoeists and rafters it has an otter trail at the busiest part.

There is an agreement for a few hundred metres of the Teifi at Llandysul.

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

No, except to scrap them as they are a waste of time.

If yes, what changes would you like to see?

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

Most often quoted are the showcase access agreements prepared by Brighton University for the Environment Agency, using time and funding not available to ordinary canoeists (Canoeist, Nov 06, p10). They were as follows:

Teme – This river is believed to have been used by the Romans to carry lead from Velindre to the Severn in coracles, ie almost the whole length, and to have navigation arches on some bridges, each

of which would establish immemorial usage rights. The Environment Agency deny both of these. The access agreement offered was for 1.6km at Ludlow, 6 days per month, under terms which were rejected as they were considered dangerous for users. A weir in Ludlow has been rebuilt with a fish pass which is too narrow for canoeists to use, contrasting with passes on the Continent which are designed to be used by both canoeists and fish. The EA claimed that to make it a safe width would be to condone trespass.

Waveney – This river was one of the few where an agreement had been set up, opened by the MEP and with 6 canoeing launch platforms and a guide leaflet. It was problem-free. The new agreement is for a shorter length with a number of restrictions on use. Terms include an agreement not to use the tidal section downstream, so isolating a Broads Authority-promoted canoe hire centre from the rest of the Broads. At least one of the platforms has been replaced by a combined angling/canoeing platform which would be difficult for canoeists to use.

Wear – This section around Durham, where a statue celebrates improvements to the public navigation, is also used by rowers and other boats. The British Canoe Union have since received a solicitor's letter threatening legal action against any canoeists using a considerable part of the section covered by the agreement.

Mersey – Too polluted to have fish until recently, the banks of this section are largely in public ownership so it is not clear why the public were being banned from using it previously. It is not a particularly attractive section of river and not somewhere that canoeists travel from any distance to use but is new water, the only new water in these 4 agreements.

The Environment Agency claim that all these agreements are working well (Canoeist, Jun 08, p22). Paddlers International believes that they are more to do with controlling canoeing which does take place than in promoting new use. (The Environment Agency and, before them since 1974, the National Rivers Authority and the Regional Water Authorities have achieved virtually nothing for boat access despite this being a statutory requirement of them. Furthermore, they have not been seen to express enthusiasm for improvement. Support for canoeists has been for strictly limited sites, such as competition courses, not for touring. Lord Crickhowell, the first chairman of the NRA, told me he was satisfied with the situation and Baroness Young, the last CEO of the EA, told me there was room for a little improvement, but certainly nothing like in Scotland.

There are perhaps 650 rivers in England and Wales, involving some 65,000km of canoeable water. 98% of this is closed to all boats at all times.

The Angling Trust, claiming to represent all anglers, issued a statement on 15th May claiming agreements to be the way forward. Asked by Paddlers International for examples of successful agreements, their Environmental Campaigns Manager, Mark Owen, was able to quote only the Teme and an unnamed river in the northeast, presumably the Wear (see above).

Extensive attempts to secure access agreements in England and Wales since the Second World War have achieved minimal success. Support in principle for access agreements has come most strongly from those who know they do not work and apparently do not want them to work.

At a press conference on July 30th to launch the mapping for the English section of the coastal path, Natural England claimed that only two thirds of the path has secure legal access. Some of the rest has only permissive use, which was said emphatically not to be satisfactory and needing to be replaced by safe legal access. Asked by Paddlers International why Natural England's policy was the exact opposite of what DEFRA are promoting as the way forward for rivers (permissive use rather than a change in the

law), the acting chairman of Natural England, Poul Christensen, said he did not know. Later, a DEFRA spokesman declined to explain the discrepancy, only to confirm it. DEFRA have often said that there is sufficient river access for canoeing.

The only problems in Scotland since the Land Reform Act have been with the occasional angler who thinks English law applies, even in the presence of other anglers who know better. Even in England and Wales the vast majority of anglers accept that rivers are a natural resource to be shared, as they are abroad, and the public are largely unaware that use of rivers is not a legal right, even for swimmers, bathers or people throwing in sticks for dogs to retrieve.

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.

Canoeing is a quiet, green, healthy, non-polluting activity which is one of the least disturbing outdoor activities for wildlife, is affordable and has a high proportion of participants who are young people. It ought not to be an activity which has to take place largely outside the law.

104. William J Lawrenson

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 will help enshrine access along inland waters in a similar way to that enjoyed by walkers for recreation and health.

105.Iain Porter

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

I am primarily interested in white water and touring kayaking, but I am also interested in wild swimming, which I am yet to try.

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

Not officially - I am an ex member of two University Kayak clubs, and I regularly go on their weekend trips to help coach beginners and introduce them to the sport and the surroundings where we paddle.

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

Over the last few years I have kayaked the following stretches:

The Dee, from the Chainbridge hotel Near Llangollen to the Ponsonby arms in Llangollen,

The Tryweryn, from the top of the managed river to Lake Bala

The Llugwy, from Plas y Brenin to the Ugly House on the A5, near Betws Y Coed

The Glaslyn (The AberGlaslyn gorge section)

The Mawddach, from the Eden confluence to the car park at Grid reference SH 730234

The Teifi, from Llandysul to Cenarth Falls,

The Tawe, from the highest point that I could float on the moors to Abercraf

The Mellte, from near Ystradfellte to Pontneddfechan

The Usk, from Talybont to Llangynidr

Note that I have paddled some of the above on very numerous occasions.

The list of river sections that I'm eager to visit for the first time this winter includes:

The Conwy, (multiple sections)

The Ogwen, from Ogwen Bank Falls to the A55 Bridge

(As well as revisiting many of those which I've already experienced)

Legal rights.

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

No, I cannot say that I am. The legality of access to inland waterways in Wales is very unclear.

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

As I understand it there is no default right of access along inland waterways, but there is also no legislation preventing it. As such there is uncertainty over whether or not access along a stretch of inland water constitutes trespass. As I understand the matter there is no criminal legislation pertaining to the matter.

105.6. Would you like to see any changes to your legal rights? If yes, what changes would you like to see?

Yes. I would very much like to see the legal situation rectified to mirror the access situation in the rest of the world (with the exception of England, who are similarly behind the times.) The Scottish model of access works particularly well, where all water users co exist happily, without one sport suffering for the benefit of another.

I should point out that I have kayaked in France, Germany, Austria, Switzerland and Nepal, and none of these countries suffer the same access situation as Wales.

I would like all inland waterways to be seen as analagous to public footpaths / bridleways, where floating along the river in a non powered craft is a legal right.

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

The Land Reform (Scotland) Act of 2003 sets out a framework by which river users of all sorts can enjoy responsible and safe access. It has been shown to work in Scotland for the past six years. Many other countries have similar frameworks, including France, Austria, Switzerland, Germany, Slovenia and Italy.

Voluntary agreements.

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

No

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

Voluntary agreements have been pursued over the last 50 or so years. The pursuit of them has shown only two things:

- Requesting / attempting to negotiate voluntary agreements implies that we do not believe we have a right to make use of natural rivers, and that we have to request this 'privilege' from others.
- That the negotiation of voluntary agreements has made a very very small percentage of inland waterways available to other river users (such as kayakers), and only on the terms of other, seemingly unrelated, activities, such as fishing interests, and the arbitrary whims of the owners of sections of the banks. Voluntary agreements have, in other words, been shown not to work.

If yes, what changes would you like to see?

What I would be willing to see would be access to inland waterways by default, in line with a code of responsible access drawn up with no bias towards any particular group of river users (the current 'system' is enormously biased in favour of fishing interests). Access restrictions could then be put in place - based solely on scientifically proven (ie, with supporting evidence) needs for restrictions, such as certain water levels at particular types of year. The voluntary restriction on the Aberglaslyn gorge - where the only definite restriction on kayaking is the level of the water - is a perfect example of this.

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

The Scottish system of default access with restrictions only where proven scientifically necessary would be appropriate. Individually negotiated voluntary agreements would not.

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.

As a summary of the points I have made above, I think the key issues are that there is no default access to inland waterways in Wales for recreational sporting use (such as kayaking, canoeing, rafting, coracling, swimming... the list goes on).

Access should be allowed by default along inland waterways, governed by a code of responsible access that favours no particular group of water users over another.

Restrictions on access should only be due to sound scientifically proven environmental reasons - namely the level of any given river.

Parallels should not be drawn between groups such as fishing groups (whose hobby requires investment to maintain fish stocks, banks, bank tidying to remove fishing gear, etc) and groups such as kayakers, (whose sport requires none of the above,) to attempt to create a case for groups such as kayakers to pay an annual fee for access. Indeed, any such attempt must be seen as analogous to charging for pedestrian access to public footpaths and bridleways.

Default access to inland waterways in Wales, governed by a responsible code of access, would boost Wales' tourism industry, sporting heritage, and national health.

106. Eifion R Morgan

I have fished the river Towy for over 60 years and I am alarmed and concerned to hear that canoeists might well be given access to our river. I have observed the changing nature of the river and its wildlife through the seasons over time and appreciate the efforts being done to sustain it as a natural environment.

As an angler I contribute to the upkeep of the river through the licence fee and accept the restrictions this imposes and as farmers on this stretch of the river we have been conscious of the need to maintain the environment and have done what we can to sustain and develop the river habitat. Such voluntary contributions we have made willingly to sustain the river,

We are also appreciative of the efforts made by outside agencies to improve the river habitat through the CFF, catch and release schemes to conserve fish stocks, and the hatchery to support fish stocks.

You will also be aware that in this rural Welsh community fishing is an important recreation and brings in tourists into the area. This forms an important component of the rural economy.

I consider it very unfair to allow canoeists free access to the river with the potential disturbance to the river habitat and those that use it. As custodians of the river we accept our responsibilities and conditions imposed on us.

The river is an integral part of our community and a topic of conversation. We value it as a habitat and resent any change that would damage it.

In writing to you I ask for your support in objecting to the use of the river by canoeists.

107. Carmarthenshire Fishermens Federation

The Carmarthenshire Fishermen's Federation (the CFF) represents the interests of some 10,000 anglers, who are members either directly or are represented through the affiliated clubs and associations to which they belong. We would like to submit our evidence to the Sustainability Committee on the issue of wider access to our rivers, given the amount of misinformation that is emanating from the canoeing lobby.

Firstly we would question the contention that the law is unclear on this issue. The law is perfectly clear relating to trespass. It is also perfectly clear on the ownership of streams and rights of access to those streams. We have innumerable reports of canoeists riding rough shod through the law of the land and being abusive to our members and to riparian owners. Indeed it seems that their governing bodies are encouraging such behaviour which will inevitably lead to conflict on our rivers. The only reason the canoeing lobby are challenging the clarity of the law is that they are unhappy with it and are therefore determined to change it, under the smokescreen of a lack of clarity. Indeed this whole issue has already been tested in court through the case of the river Derwent in Yorkshire where a definitive judgement was given against the canoeists.

We would also draw your attention to part 1, section 2, subsection 4 of the 1975 Salmon and Freshwater Fisheries Act which states that any person "who wilfully disturbs any spawn or spawning fish, or any bed bank or shallow on which spawning fish may be" is guilty of an offence. Obviously the canoeists can do great harm under such circumstances and as such they are breaking the law.

This is not to say that there is no room for compromise but the canoeists must fall into line, in what must be a disciplined, organised set of arrangements.

We as anglers pay a great deal of money to enjoy, maintain and promote our sport. Anglers pay for an EA licence, they often pay to rent waters and riparian owners pay large sums of money to purchase their stretches of river. Hoteliers, local inns, tackle shops and Angling Associations throughout Wales make their money from the visiting angler. It is interesting to note that the canoe lobby do not mention making any sort of financial contribution in order to enjoy their sport!

Indeed angling in its various guises is the most popular participatory sport in Britain, something that all politicians would do well to remember. The benefits to the economy and in particular the rural economy in Wales are obvious. Only last year the CFF raised over £80,000 to buy off seine nets on the river Towy in an effort to improve the fishery for local and visitor alike. Our members contribute financially to help the local LLyn Y Fan hatchery and play a part in the collection of brood stock to ensure the future health of our streams. Thus we have a substantial stake in the well being of our rivers and any change in the status quo without adequate consultation would result in massive claims for compensation.

The Scottish model is often quoted as a blueprint for progress but evidence is emerging that the situation in Scotland is far from perfect. We would draw your attention to the fact that the law in Scotland is different to that in England and Wales and that the rivers in Scotland are far larger than ours. Reports are emerging of a chaotic and confrontational climate developing there, with a distinct fall in revenues on important Scottish salmon rivers such as the Tay. The mistakes made north of the border must not be repeated here. Voluntary local agreements are the way forward although we note that such agreements have been torn up by the canoeists on the Usk and Wye which demonstrates the intransigence of their position.

We as the angling community have a real and traditional interest in the well being of our rivers and our voice deserves to be heard on this issue.

108.Philip Woodhead

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

I am a recreational white water kayaker.

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

No

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

I have previously paddled on the following rivers: Conwy, Cwm Mynach, Dee, Dulas, Eden, Glaslyn, Lledr, Llugwy, Prysor, Vyrnwy, Mawddach, Mellte, Nantygwryyd, Nedd Fechan, Ogwen, Taf Fechan, Tawe, Tryweryn, Twrch, Usk, and Wnion.

Legal rights

The law in relation to access over land is clear, however the legal position in relation to a public right of navigation on many rivers is not clear.

I would like to see the introduction of laws to clarify the current position and explicitly allow the responsible recreation use of rivers such as those introduced in Scotland e.g. Land Reform (Scotland) Act 2003.

Voluntary agreements

I believe that sensible measures would be much more effective in river management than voluntary agreements. In relation to kayaking, two good examples are:

- The Aberglaslyn Gorge currently has a rock with a green indicator showing the river height above which kayaking is permitted.
- In France you are not allowed to kayak after 6:00pm.

Both of these measures are seem equitable and reasonable.

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.

Disturbance of spawning beds

The Environment Agency could publish more real-time data from river gauges. Online river height information would prevent wasted visits to rivers, informing those unfamiliar with a particular river and avoiding the temptation for kayakers to paddle that would otherwise travel and find a river too low. This information would also be beneficial to the fishing community (e.g. www.fishing.visitwales.com).

Wire fences across rivers

I have witnessed wire lines slung across rivers with the clear intent of injuring kayakers. Sooner or later someone will be seriously hurt from such obstructions and the landowner subsequently prosecuted. Again information and/or guidance may assist this issue.

109.Viv Archer

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

Recreational user: other - Swimmer

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

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

If yes, which organisation/s?

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

I use the arfon ogwen and its tributaries. also lakes and reservoirs as i come accross them.

Legal rights

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

No

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

i dont know if i am breaking any rules/laws, i presume i am not.

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

yes

If yes, what changes would you like to see?

i would like there to be a 'right to roam' on welsh waterways

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

i believe there is a 'right to roam' on scottish water ways.

Voluntary agreements

109.8. 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.

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

If yes, what changes would you like to see?

109.10. 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.

disturbance to areas of high conservation importance

access via private land

land owners not being responsible for incidents/accidents that occur, as fear of mitigation for this would prevent owners from allowing access.

110.Simon Allfree

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

– Recreational user:

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

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

If yes, which organisation/s?

WCA

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

Most rivers in NorthWales Including Conwy, Lledr, Llugwy, Ogwen, Gwryd, Glaslyn, Colwyn, Mawddwch and many more

Legal rights

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

NO

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

I have no clearly defined legal right to access to waterways.

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

Yes

If yes, what changes would you like to see?

Legal rights of access to all

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

The legislation that exists in Scotland is an excellent model and could be used in Wales.

Voluntary agreements

110.8. 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 agreements no longer exist. When they did they were very restrictive only allowing access for a few months of the year

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

Yes, but most of all I would like to see changes in the law improving access. As voluntary agreements have been very restrictive allowing access to only small stretches of river for short periods of time.

If yes, what changes would you like to see?

Access to all rivers at water levels which were suitable to allow people to enjoy them all year round without damaging the environment.

110.10. 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 issues are access for all people on the condition that they respect other users and the environment.

111. Jonathon Sykes

I'm a keen kayaker and live in North Wales. There are some beautiful rivers in this region, but access restrictions means the majority of them are "out of bounds". I have several friends who are fishermen and understand the potential conflicts and also understand that we can all enjoy the rivers side by side. I also understand the environmental sensitivity of many parts of rivers at particular times of year. We all need to respect this.

I am in agreement with the short inquiry into Access Along Inland Water and agree that the Land Reform Act (Scotland) 2003 provides a useful basis for developing a unique Welsh model of legislation.

112.Peter Harrod

Kayaking is a harmless sport which sees individuals getting out into the great outdoors and making the most of the beautiful surroundings and helping the local economy by staying in various accomodations and making the most of Pubs, and various other activities. We are generally welcomed into most areas and cause very few, if any problems and rather just be allowed to do our sport and work with other river users to share what is in reality the property of the general public and not individuals. Access in Scotland and France works perfectly so why can't we have this in England and Wales.

113.Lynne Medlock

I am a recreational user (kayaking) of rivers and lakes in the whole of the UK, including Wales. Wales offers some fantastic rivers for whitewater use, and although some are well publicised and set up for recreational use, there are many others that I would like to paddle.

I would really like to see canoers/kayakers given access rights to the rivers. Not only would it open up a number of opportunities to paddle in Wales, but it would also set a precedent and help us in our access rights campaign in England.

114. Hugh Woods

114.1. What is your interest in the issue of access to inland waterway?

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

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

British Canoe Union

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

Treweryn, Usk

Legal rights

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

No

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

As I understand it I have a right of navigation in a kayak as long as my access and egress is made from public land or land where there is an agreement in place, whether or not I have the explicit permission or riparian owners between the two.

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

I would like to see the right of navigation clarified possibly with an agreed code of conduct, as is the case in Scotland

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

Land Reform Act, Scotland (2003)

Voluntary agreements

114.8. 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 based on a set 'season' with specified dates where access is 'permitted' are damaging. Water levels, not arbitrary dates are not the solution to responsible use of rivers. Large groups are encouraged to arrive on a set date when they have been told river is 'open' whether or not there is sufficient water, it would be better to ask canoeists only to use a river when the level is above an agreed point.

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

If yes, what changes would you like to see?

It should be clear that any agreement is for access and egress from the river, not for the water.

114.10. 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.

Access to Welsh rivers for all recreational users should be enshrined in a land reform bill. A code of responsible use should be agreed between all parties involved.

115.Phil Hadley

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

Paddler - kayak and canoe, recreationally and professionally as a coach and guide

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

BCU

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

Almost all paddleable Welsh rivers

Legal rights

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

No

115.5. 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 fisherman tell me that they 'own' the river, but they cannot prove this point, neither are they willing to share these resources with anyone else. I just want to share the rivers with anyone who wants to use them. How illegal is it to simply canoe quietly by? I notice whenever I commit this 'crime' the police are never waiting to arrest me!

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

Yes

If yes, what changes would you like to see?

I want the legal right to paddle a river without verbal abuse and threats.

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

Every other country in the world! (except England!) I paddle all over the world and my foreign counterparts are incredulous that we have such antiquated 'laws'

Voluntary agreements

115.8. 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 fishermen allow anyone else to use 'their' river on selected dates.

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

If yes, what changes would you like to see?

Scrap them, they don't work, lets all just share the river. Imagine if you will - kayaker paddles down the river, angler reels in, kayaker paddles past, says thank you, fisherman smiles and waves, one minute later kayaker has passed - fisherman continues fishing. How is that difficult?

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

No, let's look at the Scottish model, see hypothetical scenario 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.

The key issue is that morally no one can 'own' a river. Today whilst paddling on the Dee I smiled and waved at an angler who launched a tirade of verbal abuse, personal insults and proclaimed that he owned the river, he then proceeded to drive downstream to two other spots to continue this attack. At one point he goaded a female angler into casting her lure at us. As we politely waved and wished them good day they announced that this was their river - they owned it. This behavior is completely unacceptable in modern society. We were disturbing no-one, simply passing quietly by, Please change these antiquated 'laws' and allow us ALL to enjoy the waters of Wales!

116. Mark Hobbly

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

Recreational user: Kayaking/Canoeing

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

No

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

I use many of the paddle-able rivers in North Wales

Legal rights

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

No, not clear, and a lot of mis-information is put around by other users eg anglers

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

That there are few if any legal rights

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

Yes

If yes, what changes would you like to see?

Right of navigation within clearly defined environmental responsibilities.

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

Scotland and the rest of Europe

Voluntary agreements

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

They are of little use and too restrictive

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

Yes

If yes, what changes would you like to see?

Abolished in favour of Scottish model

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

France allows access between 10am and 6pm, however at whatever water level, BUT it does avoid all confrontation (with anglers) as everyone knows the rules.

I would just like to add also that we live in the last democracy (along with England) in Europe where kayakers face abuse and threats of legal action as well as violence/vandalism of their property at the

riverside just for partaking in the sport, due to access problems. A sport which is not environmentally damaging, promotes health and fitness, and brings a lot of tourists (with their money) to Wales. Wales has become a mecca for mountain bikers, and could benefit in some small way with kayaking too.

Currently much of this money goes to Scotland where there is a more enlightened approach, and studies have shown there that all parties can share and communities can benefit financially.

I hope the WAG can pull us out of the dark ages and allow all to share a natural resource that is here for all, not a small elite.

117. Jason Ratchford

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 firmly believe that the waterways should be accessible to everyone regardless of economic standing, and should be treasured by all.

118. Joe Casey

I am a recreational white-water kayaker and have used a number of rivers throughout Wales over the past 5 years. I am not a member of the BCU, or any other organisation, although I graduated from Exeter University 2 years ago where I was captain of the canoe club and led a number of group trips to the wonderful rivers on offer in Wales. On any one trip we could take anywhere between 3 and 50 people, however we had a membership of over 100 each year.

With regards to my understanding of my legal position I find this is a very grey area and I don't believe there is suitable legislation that states my exact legal position. I personally believe that the system in place in Scotland (Land Reform Act 2003) is an ideal system that is based upon responsible use of the country's waterways by all.

I feel that all should be able to enjoy the amazing environments that are the inland waterways. I don't wish to kayak on rivers that have little water in them, and feel that if this is an issue people should be educated about the consequences of doing so, rather than stopping people using the rivers altogether. As an outdoor enthusiast I have a great passion for the outdoors and maintaining it as it should be. I wish to protect the environment as much as possible and I know that all the people I paddle with feel the same way.

With the current system I do not feel that I can make the most of the Welsh countryside and all that it has to offer and I would like this to change for the benefit of all, now and on into the future.

I hope that you take this into account and can enable everyone to enjoy the Welsh inland waterways.

119. Andy Shan

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

I am a keen kayaker and kayak mainly in Wales on white water rivers such as the Wye, Usk, Dee, Tywi, Irfon, Tryweryn and Nedd Fechan. My son and I (now 16) have kayaked for the last three years.

I am also a landowner with 50 acres about a kilometre of streams which feed the Usk catchment. We manage this land in an environmental way under Tir Gofal.

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

Wyedean Canoe Club

Welsh Canoeing Association

As a family we also belong to the NFU and CLA.

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

We own about a kilometre of streams north of Raglan which feed indirectly into the Usk, This is not a fishing or navigable section, but you will understand that the management of the 100s of square miles of catchment is as important to water quality as management of the main river channels. The committee such consider the huge amount of work done by the EA under European initiatives to understand and manage the complete river catchment.

I paddle once or twice a week throughout the year on rivers such as the Wye, Usk, Dee, Tywi, Irfon, Tryweryn and Nedd Fechan

Legal rights

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

No. The issue of ownership and right of access to the river is hopelessly confused. This vacuum has allowed some landowners and other interested parties to assert that they have an absolute and exclusive rights to control, or more usually, deny access.

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

The streams that I own are not navigable. In legal terms, I cannot extract, discharge or interfere with their passage without licence.

For the rivers that I paddle, I believe that I have a legal right to pass along any stretch of river. Landowners own the bank and possibly the bed of the river. The issue is that in many places I have to trespass across land to access the river. Here are two examples from the last the last few weeks (in the fishing season):

27 July 2009 River Tywi - Burial Chamber to Dolau Hiron bridge 14km. There is no access agreement on this stretch. In the summer it can only be paddled when there is sufficient water which there was that day. I entered the water 10 metres from the road across an unfenced piece of mountain moorland. I left the water below a bridge onto an area used by Carmarthen angling club and onto the road (about 10 metres). On this run I encountered no one on the river, fishing or otherwise.

.

17 July 2009 Upper Wye Llangurig to Rhayader 16km. There is no access agreement on this stretch. This run was after very heavy rain and the river was bank full. We entered the water from a bridge on the outskirts of Llangurig by climbing over a fence (about 5m). We left the water below town falls in Rhayader directly into a public park. On this run I encountered no one on the river, fishing or otherwise.

That is about 25 metres of trespass for 30km of paddling where I saw no-one.

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

Yes. It would be almost impossible for someone to become a decent whitewater in Wales if they did not in some way risk breaking the law or ignore access agreements. This is in a country which has some of the finest whitewater rivers outside the major mountain areas of Europe.

As a father learning to paddle with his son, there was a point where I had to decide to ignore the law/ access agreements and paddle responsibly under my own discretion. This is not a step I took lightly.

I have never been challenged and have never come into conflict with anglers who are in the maon part friendly towards us.

If yes, what changes would you like to see?

A right of responsible access to rivers.

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

Yes. And so are you: Och aye the Noo.

Voluntary agreements

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

I regularly use the Usk, mostly between Talybont and Crickhowell which has a voluntary agreement.

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

The Usk agreement allows access any time between the 18th October and 2nd March. In the summer there is a 'spate' clause which allows paddling when the level exceeds a marker on the gauge at Brecon. I have chosen to disregard this agreement many times and will paddle this section when I think the level is appropriately high based on my experience of the river. My reasons are as follows:

- The agreement assumes an absolute legal right for the landowner to exclude access. No such legal certainty exists.
- The spate line was raised by about 10 inches in March 2008 without consultation when the Brecon gauge was replaced. I have snapshots of the web page to support this.
- So far this year, in a wet summer, the spate line has been crossed about four times for no more than about 6 hours of daylight at a time. This has given, at most, 24 hours in approximately 1800 hours of daylight or 1.3%. This is so negligible that the agreement effectively excludes summer paddling unless you live on the doorstep and don't work.
- There are signs below the Gliffaes hotel which order canoeists out of the water on 2 days of the week when the estate is shooting. This could not be done on a public footpath.

- The agreement does not restrict paddling during the spawning season. This is environmentally irresponsible. It should dictate a minimum level at this sensitive time.
- The WCA has withdrawn from all access agreements.

What this adds up to is an agreement where no concessions are made by landowners, anglers, or in this case shooters and other users are excluded.

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

Yes

If yes, what changes would you like to see?

Voluntary agreements on the river are not required. What is required is:

- a recognised code of conduct for responsible access. This can be provided by WCA/BCU.
- arrangements for access onto and off the river. These access and egress points are long established by canoeists, but may need to be formalised (eg as public or permissive footpaths)
- information from the Environment Agency on river levels. Currently the EA does not provide real time, or near real time river level information on-line to the public (apart from angling sites!). This information is vital to allowing canoeists and kayakers to behave responsibly and only paddle when it is appropriate.
- information from the Environment Agency on sensitive areas eg spawning grounds, to be avoided at certain times of the year or at certain levels. Clearly there are some areas that the cannot publicise, eg freshwater pearl mussel beds.

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 has some of the best and most beautiful whitewater in Europe outside the major mountain ranges. It is not possible for anyone to become a serious whitewater paddler, touring canoeist or a river swimmer in this country without being accused of breaking a law or contravening an access agreement.

The current access situation has been over-influenced by the angling lobby. Supported by landowners, who have a vested interest in the cash that exclusive angling generates, they have excluded the general public from the rivers which are our heritage. Managing for fish and for fishing revenue is not the same as managing the whole river environment and catchment for bio-diversity whilst balancing the needs of all users.

The Environment Agency itself may not have been even handed in this debate. As an example, the EA does not provide river level information to canoeists and kayakers that would help them act responsibly. This information is given to anglers.

Public, responsible access to rivers has been shown to work in Scotland and most other progressive countries. A working model is available and easily adoptable. The question is not “should we?”, it is “why haven’t we?”

120.Crickhowell Fishing Club

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

Recreational user: Fishing.

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

If yes, which organisation/s?

Crickhowell & District Angling Society (Member).

Newquay & District Angling Association (Chairman).

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

Usk.

Cothi (Towy).

Legal rights

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

1. Yes.

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

As marked by signs on all beats, to theoretical centre of river when fishing single bank.

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

Yes, but only to preserve status quo.

If yes, what changes would you like to see?

To enhance the status that currently covers the beats I use as member of a Society. That is to state that the waters are not for any other use than that agreed by existing arrangements ie for fishing and access for same only.

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

No I am not.

Voluntary agreements

120.8. Do you have any experience of voluntary agreements for access to the stretch

of water/s you own/use/manage.

No I have no such knowledge of agreements.

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

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

No I would not.

If yes, what changes would you like to see?

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

No I am not aware.

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.

That, like Fishing, any other form of recreational use would have to be addressed in a like manner. That is by ie a licence to use in or on the water ie a Canoeist's licence as is with a Rod Licence for Fishing and agreements in place to access each and every Owner's land for access (as with Fishing) and or to pass through that said land by water.

Preferably as with Fishing there would be times when you could not use the river ie as with Fishing there are closed seasons for Game and Course Fishing. However, these two categories are not necessarily at the same time.

Should any other recreational access be agreed then it would disrupt the current users and in the case of Anglers may well indeed halt their recreational use as ie passing canoes over Salmon lies, snagged lines etc. It could well lead to a loss of revenue for ie Rod Licences as Anglers leave the sport.

121. Frances Bateman

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 find the current situation untenable since the law is unclear over access to inland waterways. I believe that this causes much unnecessary conflict between water users. In other parts of the world where water access is a fundamental right it would appear that these tensions are not apparent, and I have had pleasant encounters with all water users without exception in these countries.

This is in contrast to what I have found in England and Wales. Where, although there are many users who are happy to share. There have also been unpleasant encounters in spite of established agreement being adhered to, and the group being well controlled and quiet.

In addition to this the level of access to waterways for non powered craft is appalling, in respect to the amount of natural facilities there are in England and Wales.

I believe that the confusion over access is among the biggest downsides to both individuals, and families starting out in the sport... if it is unclear as to where you may paddle legally then many people will not partake in the sport, and if they do, they will not encourage their children to follow suit.

I currently both Coach and Paddle recreationally Nationwide. I am mainly based in Mid Wales close to the Wye and the Usk. I am a community coach for the South Wales region and assist canoe clubs and coaches with their development. In addition to this I have been involved in the commercial aspects of outdoor education, been a volunteer at club level, and work in Schools,. I have also been involved in both competitive and recreational aspects of paddle sport.

122.Ian Campbell

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 have been paddling for about 14yrs now (I am just short of 54yrs old) I have kayaked in the UK and in France, and it is only the UK that could make such a mountain out of a mole hill, do Welsh and English fish do things different to fish in Scotland and in France, in Scotland the access seems to be working very well, and in France the fishermen cannot understand why access on Welsh and English rivers are not as it should be "ACCESS" the fishermen in France like and encourage kayaking rafting ect, they do have a working agreement with kayakers and other boat users for the rivers we can use the rivers 7 days a week from 09.00hrs till 18.00hrs, this is purely down to safety due to the size and nature of some of the rivers and the locations these times help with search and rescue.

So why do we make such a pigs ear of things! Only last Wednesday a fisherman was fly fishing and had no problem fishing while we were teaching a group of kayakers on a small stretch of river in Llangollen but up the river we were kayaking a small section and a fisherman was less than impressed that we were kayaking on the river. They have no case and there should be no argument Access should mean Access.

I have just learned that a Labour MP is trying to stop boats from using the canals to help the fishermen. JOKE.

123.Rhys Park

I write in response to your request to hear the viewpoints of people with an interest in the subject of access to inland waterways in Wales.

My interest in inland waterways access relates to my experience and understanding of the current situation as a recreational user by way of Canoeing and Kayaking. I am not affiliated with a club neither am I a member of any organisations.

I currently use stretches of water in both South and West Wales, I frequently use stretches of the Afon Taff, Afon Afan, Nant Clydach, Tawe, Mellte, Ogmore and Hepste to name just a few. I enjoy paddling inland waterways most weekends.

As far as I am aware I have no legal right to paddle these rivers; however I also understand that there is no law restricting paddling of rivers.

It is my belief that the rivers belong to the people of Wales and that there should be free unrestricted use of these rivers for all interested parties, such as walkers, swimmers, Gorge Walkers and canoeists alike.

I dearly love to see the Welsh Assembly Government legislate in this area, similar to Scotland where access is now enshrined in law.

I have very little experience of access agreements apart from one on the river USK that allows Canoeing during certain months of the year. The problem I see with this sort of agreement is that they are so restrictive, and ensure that canoeing can only take place 3 months of the year, usually in the winter; they discourage many people from taking up the sport. Secondly these agreements seem not to be publicised apart from a small sign on the side of the river, I fail to understand how private agreements can work unless each individual paddler or walker were to seek a private agreement for the stretches of river they use. This is inherently difficult as one stretch of river may pass over several pieces of land, each in different ownership, and each requiring some sort of agreement.

124. Mark Brockway

I am responding with regards to the 'Access to Welsh inland Waterways' enquiry. I shall answer the draft questions offered as succinctly as possible.

I frequently canoe in North Wales and am a member of the British Canoe Association.

For many years my canoeing colleagues and myself have experienced many issues and uncomfortable situations regarding access to rivers in North Wales. The ambiguity of the law surrounding access to inland waterways in North Wales is a grey area that must be addressed. Please see the truncated court case in 2008 regarding a kayaker not paying for water fees at the Mill end site (LLangollen). I request that all recreational water users are provided open access to all water ways. I stress that I am not suggesting that open access is provided to all private land surrounding water ways. The 'Land Reform Act (Scotland) 2003' is an exemplary agreement that has been a resounding success for all water users in Scotland.

With regards to voluntary agreements, I have experienced several localised situations where land owners have permitted access to water ways over specific and clearly designated path ways, which again have proved to be an overwhelming success. The River LLugwy is a perfect example of this.

I would like to see a similar legislation to that of the successful 'Land Reform Act (Scotland) 2003' be implemented in North Wales. Not only would this demystify a grey and largely ambiguous area of the law but it would also provide free and fair access to the people who use, respect and protect Welsh waterways.

125. Carolyn Bird

I have paddled for some 35 years, for myself, with my family and through work as an Outdoor Education Instructor and now Head of Centre. I have spent many a trip in Scotland and 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.

126.Huw Evans

As committee member of a 500 strong angling association I feel that I must make some comments on the issue of access for canoes on West Wales rivers.

Having watched Gryf Rhys Jones`s excellent programme on BBC1 last Sunday night I am drawn to make some comparisons with our smaller Welsh rivers.

Firstly the programme showed canoeing through excellent scenery down a very large Scottish river, with water flows greater than the " Severn and Tames combined" . The programme was filmed late autumn judging by the snow, no fishermen and salmon egg stripping in the hatchery. Even if there were salmon fishermen on these large rivers then there is surely room for all even within season without conflict. The programme also showed the importance of salmon fisheries to hotels and local economy.

If we compare with the smaller West Wales sewin rivers eg Towy we have at present canoes coming down the river in fishing season and confronting fishermen on their way down . This conflict is likely to be worse than on a big river with many streams and runs for fish to lie. The canoes and fishermen are likely to want to use the same and only run down the river.

A large proportion of our members are over 60 years old and with increasing age tend to use the easiest access for fishing. This unfortunately , ignoring any legal aspect, is also the easiest access for canoes. These same people are often hard of hearing and can get upset by such encounters with much younger active canoeists. We should ensure that these people who use fishing as a peaceful pastime after years of active work are considered.

We have had complaints from these anglers and feel we must draw your attention to the differences in canoeing between those shown in BBC`s admirable programme and what is presently happening on West Wales rivers.

These differences are of course even greater when you consider the differences between sewin of West Wales rivers and salmon. The sewin being a very shy creature and not taking kindly to disturbance. Many commercial and other waters limit access during the day even from the bank so that sewin can be quietly fished for from dusk to dawn. Canoe disturbance especially in late evening can cause further conflicts.

So my message is clear – be careful when considering access to canoes to small Welsh sewin rivers there are health and safety issues, farmer, spawning issues besides the legal.

127. Betty Lee

As an ex canoeist I remember how unfair it seemed that rivers all over France were available for canoeing yet at home in Wales this was not the case. I was shocked when I discovered how little access was allowed. Canoeists do not pollute – no engine oil, no fishing line left to entangle wild life, no lead shot deposited – and provided they are passing through they cause minimal disturbance.

Of course access points and stretches with rapids where high usage occur must be by arrangement with the land owner. All the people I know who canoe are responsible but in case of exceptions a licensing system could enforce a degree of control.

There is a lot to be said for nationalising rivers. The Environment Agency have their hands tied when trying to reduce diffuse pollution by trying to establish buffer zones in appropriate places. If they had this power it would save water companies huge sums needed to clean up water in our far from clean rivers. This would improve the fishing.

128. Sean Taylor

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

I regularly take young people from all over the United Kingdom either Gorge Walking, Open Canoeing or Kayaking on rivers in Wales. What rivers I can use is subject to flow levels and current access issues.

Recreational user: I am a recreational user

Fishing . Unusually I am also a keen fly fisherman

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

Other (please specify) Gorge Walking

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

If yes, which organisation/s?

Yes the British Canoe Union

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

I try to use stretches that are within close proximity to my home address but travel throughout Wales when necessary.

Legal rights

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

No

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

As I understand it nobody owns the actual water you paddle on, thus if you are not causing damage you have a defacto right of passage which dates back to Norman times. Nb the Rev Douglas Caffyn has done an extensive study on the subject and there is indeed no point of law barring anyone from using waterways.

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

Yes we should have a clear system of use in this country like they do in France. I now actively encourage young people and schools from my authority to avoid Welsh rivers (thereby affecting economy) due to unnecessary complications that will arise..

If yes, what changes would you like to see?

In France it is very clear. You are allowed to use waterways between the hours of 0830 and 1800Hrs. You should also use maximum discretion towards other water users, be they fishermen or any other user.

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

Yes see above.

Voluntary agreements

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

On sections of the River Usk the Wyeand Uskfoundation have placed many signs. Implying that they are the legal body in charge. As an ex policeman I can assure you that they have No legal rights! The River Lugg in Herefordshire where I was previously an access officer had a very clear system of signs placed by the environment agency.

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

There has never been any issues on the Usk as the Enviornment Agency do have statute Powers.

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

Yes they should be scrapped as they do not work.

If yes, what changes would you like to see?

In excess of 60% of Environment Agency monies (Public Money) is spent on fishing but only 4% of rivers can be used in Britain. So the majority of the money is being used for a few people?

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

Scotland has a clear and very workable Voluntary code.

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 main issue is that Wales is losing vast amounts of potential revenue that could be gained via tourism. You only have to look at how busy Hay-on-Wye is due to river users there. It appears ridiculous on the face of it that Wales (South Wales in particular) has the lowest standard of physical health in Britain per head of population but the general public are not allowed to use one of their greatest assets. As far as I am aware there are only 2 reservoirs in Wales that one can use for recreation yet there are so many perfect locations for improving ones health and physical well-being in.

As a fly fisherman myself it appals me that I see fisherman throwing stones at Canoeists and swearing at them when young children are present. It does not paint a very positive picture for visitors.

129. Karen Sinclair

The Llangollen Angling club was founded in 1940 with the sole objective of acquiring fishing rights on the River Dee to make fishing available to local residents at low costs.

Since 1940 we have acquired some six miles of the river at considerable financial cost. The money for these acquisitions has been raised only by local anglers and permit sales.

Since 1967 the club have allowed canoe events to take place on our waters. These events have been allowed outside the salmon and trout fishing season. The events which included international competitions were organised and run by the Welsh Canoe Association (WCA) the agreements were renewed annually with the WCA representatives. In 2004 following a change of leadership within the WCA all agreements ceased. It may be of interest to your committee that even though the WCA ceased to run the events the events were taken over and run by the British Canoe Union. The slalom and white water events have continued each year since 2004 and will take place again in 2009.

This club are not opposed to negotiated access for canoeing. We are completely opposed however to the 365 day access demanded by the WCA (now Canoe Wales). In Llangollen we have a large number of canoeists travelling from the North West of England and to allow unrestricted access would be an ecological disaster. There is a potential to reach agreement but the governing bodies of canoeing must stop pretending that they are being confronted by a blanket refusal of access.

Your committee should also consider the policy statements of the Environment Agency and the Countryside Council for Wales in relation to the River Dee. Both bodies have stated that they are only happy for canoeing to take place at agreed times with clearly defined access and egress points and only on high water levels. This policy clearly reflects the sensitive habitat issues on the Dee which is a Site of Special Scientific Interest and a Special Area of Conservation.

It would appear that many of the representations to your Committee have referred to the Scottish Model. My own experience of fishing Scottish rivers and that of others in this club is that the Scottish Model is not working. It will not work and would not work in Wales as long as canoeists continue to show a lack of respect to Lmd owners and other river users.

In Llangollen we are prepared to negotiate local agreements which allow us to safeguard our assets. Local agreements coupled with an education programme of canoeists about the agreements in place and the ecological factors behind them will result in greater access to the river. We as a club cannot accept unrestricted access and should the Assembly consider such a move we would be seeking substantial compensation for the devaluation of our fishery.

130. Anonymous

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

– Recreational user

– Fishing

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

Crickhowell District Angling Society

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

Use of Red Dam (Aberhavenny, Cerdwant, Pant y Godwin

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

No

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

Only briefly

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

Limit access of canoes

130.7. Are you aware of any legislation that exists 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.

Habitat and wildlife would be seriously affected if open access rights were granted to canoeists. There should be clear enforceable rules or code to preserve the beauty of our rivers & the habitat

131. John Bell

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

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

Other (please specify) Walker

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

If yes, which organisation/s?

Canoe Wales

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

Wye, Usk, Severn, Dee, and tributaries of the above, Lakes,

BWB waterways

Legal rights

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

No

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

I believe I have a right of navigation on all rivers, unless that right has been specifically revoked by Act of Parliament

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

Yes

If yes, what changes would you like to see?

A land reform bill on the Scottish model

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

Scotland, France from personal experience, most of the rest of the world by repute.

Voluntary agreements

131.8. 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 limit access to the river, forcing overuse when access is "allowed". They are subject to change without notification and various interpretation by self appointed vigilantes.

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

Forget them, they are an abrogation of a legal and moral right.

If yes, what changes would you like to see?

Land reform on the Scottish model

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

No, they are not necessary, unless for environmental reasons.

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.

As long as the legislative position is unclear, nothing meaningful will happen.

Access to rivers for all recreational purposes must be established by law on an equitable basis for all users,

Provision of adequate infrastructure to support the right of access

132.Rebecca Good

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

Recreational user:

User for waterborne recreation (canoeing)

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

Yes

If yes, which organisation/s?

British Canoe Union

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

Dee, Conwy, Glaslyn and other north wales rivers.

Legal rights

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

No

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

That kayakers have a right to be on the water on any stretch of river as no- one owns the water however can only use certain access points on the river bank to get on and off the river.

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

Yes

If yes, what changes would you like to see?

Open access to the rivers at all sections a right to kayak the river at any section of its course.

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

Scottish access rights work externally well.

Voluntary agreements

132.8. 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 Afon Glaslyn has water level markers. If the river is high enough to reach the tick box the river can be kayaked.

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

Yes

If yes, what changes would you like to see?

Open access to the rivers for watersports users at all times. Unless there is an environmentally sensitive reason why the river can only be kayaked in higher flows then a system of river gauges to indicate this.

132.10. 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.

The rivers in Wales offer a great resource for all to enjoy sporting activities such as kayaking and canoeing which lead to a healthy lifestyle and appreciation for the environment. Kayaking and canoeing are low impact sports with no known impact to the environment and fish stocks (Environment Agency studies). Kayakers are very happy to share the river with the fishing community and give them a wide berth on the river. However fishing does present additional risk to the environment in terms discarded fishing tackle, introduction of non-native species through stocking and kayakers would ask that fishermen and women behave responsibly. I have personally been caught on barbed wire strung up across a Welsh river by a landowner or fisherman to stop kayakers. I was very lucky to escape with only small cuts, the wire broke underwater or I would have drowned. Anyone, not just a kayaker could have been caught on this wire if they fell in the river, a small child or even another fisherman.

There are issues with land ownership and if everyone had the same rights as in Scotland this would not be a problem and spread out the water access across the Welsh rivers more evenly and avoid high concentrations of water users at only a couple of rivers where access has been agreed.

An improvement in access rights for kayakers would also increase tourism and help business in the local area and allow local school and youth groups to also enjoy the river. I feel these are the groups that currently most miss out on the Welsh rivers as instructors of groups of children would have to remain entirely within the law and avoid rivers with complicated access agreements.

133. Colin Asquith

My interest is in recreational use as a canoeist, angler and walker.

I am an honorary member of the W.C.A.

I do not at present use waters in Wales but in the 1970 and 1980's was an active canoeist in various parts of Wales, particularly the rivers Wye and Usk and their tributaries. During this period I also walked to and alongside rivers on many occasions for the purpose of sightseeing and recreation.

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

In spite of considerable evidence of Navigational Rights including historical usage e.g., unopposed recreational boating and canoeing on the Wye and tributaries until 1971, riparian and fishing interests oppose or at best severely restrict access to rivers for canoeing sometimes with severe aggression and violence. Without legislation private organisations would need to use the civil courts to sort this out, thus far they have been dissuaded from doing so partly by the costs involved but also by having a policy of having access agreements. The situation in Wales (and indeed England) is much worse than anywhere else I have experienced in Europe and I would definitely like to see changes to allow recreational access to rivers, streams and lakes as a legal right but with an obligation to behave responsibly to other users and the environment. The most reasonable solution would be to adopt the Scottish arrangements.

In the late 1970's and early 1980's I acted for the W.C.A. as access advisor for the Wye and also until 1986 as access officer for Wales. We were never in an equal position at the negotiating table, but accepted restrictions on access in return for permission for members only to canoe at certain times and under certain conditions. Extra restrictions were later unilaterally imposed, stretches withdrawn from 'agreements' and stipulations made that canoeists need separately to write and ask permission and for certain stretches pay a fee. Voluntary agreements have not worked in Wales and will not work because the Riparian and Fishing interests have a controlling power that they have been only too ready to use to control and limit access by others. Agreements work much better in some other countries e.g. France where there is much better access and a far different social and political history.

I hope The Welsh Assembly will move directly to an access model comparable to the Scottish Arrangements.

134.Nona Thomas

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

I am a Professional Outdoor Education Instructor introducing many young people to a range of water activities that includes rivers, lakes and the sea. I am also involved in further development of skills and the coaching for adults and young people.

My personal primary sporting interest is river canoeing and kayaking, in which I am actively involved.

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

I am a member of Canoe Wales (WCA).

134.3. 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.

Voluntary Agreements

I have been living and using the inland waterways of Wales all my life. For most of that time have respected voluntary agreements which used to exist. They were few and far between and restrictive in the extreme.

I currently live alongside the River Usk, which has restricted access to canoeists. This is seasonal and dependant on river levels. Access to the river is via designated canoe access points.

I have several experiences of landowners and fishermen being abusive from the river bank while I have been canoeing past. I have been afloat and certain of my right to be on the water.

I also frequently canoe on the river Wye where the situation is unfortunately the same.

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 to 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?

135. Jack Cox

I am far from a habitual emailer or letter writer but I am moved to write to you, in my capacity as an individual angler, in the the strongest terms on the matter of the Welsh Canoeing Association's (WCA) efforts to persuade the Assembly to change the law to allow paddlers completely free and unfettered access to all rivers in Wales at all times of the year.

I mainly enjoy fishing on the Upper Wye, Welsh Dee and River Severn by day ticket. I enjoy fishing for both coarse and game fish and 100% of any game fish I catch in these rivers.

As an angler and a citizen I have a clear knowledge and respect for my legal rights when obtaining access to beats on these (and all other) rivers. In short, it is a trespass to go on a river above the tide which is in private ownership without the owner's prior permission, and I abide by this 100%. I feel strongly that this legal position should be upheld.

My experience of voluntary agreements with canoeists has been mixed. On the Welsh Dee above Llangollen prior to the close of the salmon fishing season in mid October, I have, on many occasions been (in some cases) deliberately disturbed by canoeists whose manners and language have been appalling. Similarly on the Upper Wye I have been disturbed by canoeists paddling through despite the river height being well below the 2 foot 6 inch mark in clear breach of the voluntary agreement. Again, when politely challenged, the response from canoeists has ranged from a shrug of the shoulders to a volley of blue language. I would also point out that on some occasions canoeists have shown extreme courtesy to me and asked where I would like them to paddle to cause least disturbance and we have exchanged pleasantries. Sadly such events have been in the small minority. On the navigable stretch of the Wye at weekends I have at times during the summer simply been forced to reel in and sit on the bank as fishing was rendered impossible to the constant flotilla of canoes and rafts, to say nothing of "spooked" fish. Such is life, before I bought my day tickets I have know this to be a risk and I have not complained in this regard. I mention this to illustrate the incompatibility of unchecked canoeing and rafting with angling.

Other points I would also raise include:

- the Salmon and Freshwater Fisheries Act (1975) which protects spawning fish and, in the case of salmon & sea trout their redds, from disturbance. This should be upheld. Anglers respect this. It is law therefore so should others.
- Canoeists give the entirely false impression - backed up by some far fetched statistics - that they have little or no access to running water in Wales. To start with there is free navigation on all tidal stretches of rivers and Wales has the second highest tidal reach in the world! The tidal stretches of some rivers can easily amount to a quarter of their whole length.
- I object to the deceitful way in which the WCA has withdrawn from some perfectly good access agreements to try to show the Assembly that they don't have enough water, whilst still continuing to give ingress and egress points on maps in their website, so inciting trespass.
- The main reason why canoeists do not have more water to paddle in the upper reaches of rivers is that the WCA will not accept any restrictions to their paddling - for instance they will not accept that paddling should just take place in the six winter/early spring months when little fishing occurs. Unfortunately the WCA have pressurised local canoeing clubs to adopt the same intransigent attitude.
- Riparian owners and angling clubs have to endure almost constant trespass by canoeists who seem to think that they should be rewarded for their unlawful behaviour by the law being

changed in their favour. This is not how a democracy should work and a key tenet of our way of life should be upheld on this point.

- Anglers put a significant amount of both work and finance into Welsh rivers to improve the habitat and water quality which seems to have gone almost unnoticed. Anglers pay twice in order to fish: once to the EA (£68 per annum for a migratory fish rod licence) and again in club fees or whatever to be able to fish a certain river or stretch of river.
- Anglers do not pay to be able to take fish (which canoeists constantly maintain); they pay for the enjoyment of using someone else's asset. This is proved by the fact that coarse fishing clubs who return 100% of their catch still pay an annual rental to the riparian owner. Their members would think it very strange if they were given this water for free.
- The canoeists and now the Petitions Committee point to Scotland where the Scottish Land Reform Act (2003) gave open access to rivers and say that this would work in Wales. I believe it would not work and that it would be quite wrong to impose something similar in Wales for the following, and many other reasons:
 - Scottish rivers are on the whole much bigger than Welsh ones, so a group of maybe ten rafts going down a river say 3m wide is bound to have a much greater ecological effect than if the river is 10m wide;
 - the numbers of major conurbations (Liverpool, Manchester & Birmingham) a couple of hours away from north & mid Wales is much greater than similar sized urban areas to the Scottish Highlands, so far more canoeists/kayakers/rafters/gorge walkers would access smaller rivers;
 - the main game fish in Scotland, the salmon, is much less wary than sea trout, which are so important to Wales both economically and culturally. Anglers from England and mainland Europe will not come to Wales and support local economies if big sea trout have been scared by canoeists above them and are therefore uncatchable.
 - the amount of trouble there has been on Scottish rivers since the Land Reform Act was passed has been grossly downplayed. Anecdotally, I understand that the upper Tay is "nothing but a war zone" with commercial rafting companies making angling virtually impossible.

Finally, to change the law to allow unrestricted access on Welsh rivers would be a direct parallel to allowing the 'right to roam' on golf course. These areas were specifically excluded from the CROW Act as they are commercial enterprises - but so are rivers. If the law was altered as canoeists wish, riparian owners and angling clubs would quite rightly require very large amounts in compensation from the Assembly for the reduction in value of their assets and the derogation of their leases respectively.

136. Andy Walters

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

I am a user for waterbourne recreation

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

If yes, which organisation/s?

I am a member of Canw Cymru / Canoe Wales.

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

I use or have used the rivers Wye, Teifi, Tawe, Ystwyth, Upper and Lower Towi, Dee, Tryweryn and Nevern.

I have also used the following lakes - Tegid, Padarn, Dinas and Brianne.

Also, I paddle or have paddled on the following canals - Tennent, Swansea, Brecon & Monmouth, Montgomery and Llangollen.

Legal rights

No, I can't say I'm happy about my legal rights. From what I can understand I would be trespassing crossing the land to get to a river or lake. Then I would be trespassing by passing over the river or lake bed. Followed by another act of trespass when I get off the river or lake.

Further to this, every person, small child, etc. you see dipping their feet into a stream on a warm sunny day is also trespassing. From recent estimates there could be as many as 2 million people trespassing in this way each sunny weekend.

On some of the rivers I paddle there are 'agreements' which allow paddling to take place. On others we just take a chance. We are mindful not to be a nuisance nor to create damage, but it's always a risk. On some of the lakes we pay a launching fee. This is ok, but I would expect facilities in place to make the fee worth paying.

I would like to see better access to all our rivers and lakes. I would like to be able to go onto a lake or river and not worry about getting grief, penalised or my vehicle damaged.

The Land Reform Act in Scotland seems to be a good model for us to adopt. Scotland have not seen a massive increase in paddlers since the act was introduced, it just makes all users aware of their rights and makes people more respectful of each other.

Voluntary agreements

I have experience of voluntary agreements, and I have to say I'm not a fan. Most agreements are too restrictive. They are almost always drafted to favour the angling fraternity. There is very rarely any 'sharing' of the resource. We tend to be allowed on after the anglers have finished for the season. They'll have had the best weather, if nothing else. The only limitations that should exist for paddling a river should be environmental ones, like when the river is low and spawning beds could be damaged. But in recent years there has been significant rainfall during summer months, but because of the fishing season we can't paddle the rivers for fear of recrimination.

I would like to see voluntary agreements superceded with a proper Land Reform Act. Voluntary agreements don't work.

I'm not aware of any voluntary agreements elsewhere that 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.

There needs to be an act passed, made law, to allow everyone the same rights of access to inland waters. How can the participation levels increase when the resources for water users are so restrictive. The government want people to be more active, well canoeing is an ideal sport for many people, but its growth is hampered. The physical benefits of paddling are undeniable, but have you considered the psychological and emotional benefits that people can experience from paddling? In these modern time, when so many people lead stressful lives, it's impossible to put a price on the relaxation aspect of paddling on a quiet lake.

Canoeing gives young people direction. When young people are actively involved in sport they get a sense of self-worth, etc. The benefits to the community are immense. Llandysul paddlers is a good example of this.

I would be content with paying £10 a year to access all the rivers and lakes of this country. I know anglers are unhappy with having to pay while we get on for free, but anglers are allowed to take food from the river, we just float past, take nothing and leave nothing. Angling has an environmental impact on some of the wildlife on rivers. There are many cases of swans being injured or killed by fishing tackle. A few years ago a seal had swam upstream from Cardigan to Cenarth Falls on The Teifi. The fishermen were furious because the seal was eating the fish they were trying to catch. I even heard a rumour that someone turned up with a shotgun to try and kill the seal. Such is the blinkered, single minded attitude of so many anglers.

Make inland waters accessible to all, but also insist on a code of conduct that all users must adhere to.

People should be allowed to make use of our wonderful, natural resource.

137. Gino Vasami and Janice Vasami

I write on behalf of myself and my wife to express our views as anglers and to request that these views are taken into account when any debate on access to inland waters takes place in the Assembly.

My wife and I are both members of the Teifi Trout Association and fish the River Teifi regularly.

When fishing the Teifi we have been alarmed at the behaviour of canoeists and rafters who take delight in disrupting and shouting abuse at licence paying anglers who are pursuing their hobby.

It is to be hoped that interested parties can in the long term come to mutual agreement about sharing such wonderful amenities such as rivers and lakes.

We would like to put to you the following additional points if we may;

1. Paddlers like to assert they have little or no access to running water in Wales yet they have free navigation on some 25% of rivers via the considerable tidal reaches.
2. We believe the Welsh Canoe Association has withdrawn from a number of voluntary agreements in order to claim poor access rights. They continue however to give ingress and egress points on their website which in effect incites illegal trespass.
3. We think we are right in saying we believe from information we have that allowing paddlers unlimited access to Welsh rivers is likely to be unlawful with respect to the Salmon and Freshwater Fisheries Act (1975) which protects spawning fish and, in the case of salmon and sea trout their redds, from disturbance.
4. The financial contribution by anglers be they Welsh or any other nationality is huge whether it be from an Environmental Agency (EA) Licence (currently £70 p.a.), angling club subscriptions (we pay £290 p.a.), shops, accommodations, caravan sites etc.
In addition the volunteers who devote their labour to improve water habitat and wildlife, water quality deserve praise and fair treatment.
5. The WCA appears quite intransigent, refusing to compromise in its insistence on unfettered access to all waters, everywhere. We believe anglers and paddlers in the long term will have to debate, discuss, compromise and reach agreement on co-existence on inland waters.
6. To reward current trespass by changing the law seems wrong and the prospect alarms riparian owners and angling clubs.
7. When paddlers say licences and subscriptions are to pay for fish taken from rivers they ignore all coarse anglers who return 100% of their catch and a large proportion of game anglers who now practice catch and release (to help improve fish stocks).
Paddlers pay zero except of course those that pay commercial enterprises for trips in a canoe or raft!
8. Golf courses are commercial enterprises and are rightly excluded from the CRow Act. Rivers should be excluded for the same reason.
9. In the hopefully unlikely event that the law is changed, riparian owners and angling clubs would quite rightly demand considerable compensation for the reduction in value of their assets and the derogation of their leases.

Finally let me say that we have fished since 1985 and I have never written a letter like this; my strength of feeling is very high.

I trust the Sustainability Committee of the Welsh Assembly will read my points and find them, along with I'm sure many other anglers' opinions persuasive enough to maintain the status quo on access to inland waterways and encourage dialogue and by dialogue voluntary agreements to prevail.

138. Max Coventry and Tony Bostock

Many thanks for your message and press cuttings. Since Brighton University set about their work in 2002 I have read a great deal of this one-sided publicity, of which in the most part it is very misleading.

Firstly I must take issue with the statement, "Take the River Teme in Shropshire -we used to paddle 365 days a year now, now we have got 10 days". What they fail to say is that as there is no right of navigation on the Teme it is "illegal" to canoe without the riparian owner's permission at any time and on any day of the year. Not only are they breaking the law, but also have been breaking down fences and I am advised other damage has been caused. So much for a peaceful, unobtrusive pastime. The voluntary agreement brokered on the Teme has been ignored by the canoeists; in fact they appear to have simply thrown their paddles out the pram.

The Teme Catchment Fisheries Association (TCF A) and for that matter the Severn Rivers Trust are not anti-canoeist and support voluntary agreements where appropriate, but we do not support canoeing where it is not appropriate or on small rivers such as the Onny, Clun or the River Teme itself, and our reasoning is as follows.

,-. Both the Onny and the Clun are very small rivers, extremely sensitive to disturbance, very shallow and narrow, quite unsuitable for canoeing. Due to the topography of these small streams canoeing can cause considerable damage, particularly in low water conditions, including disturbance to the river itself and the riverside environment. Such as damaging spawning gravel's, increasing riverbank erosion, and disturbance of wildlife etc, in addition to the negative impact on existing river users and riparian owners. Both of these rivers suffer from man made obstructions, debris and fallen trees etc, in addition to being continually intersected with strands of barbed wire and other methods used to retain livestock. All of these provide hazards for canoeists in low water and in high water, when most ""ill be obscured or submerged, provide extremely dangerous obstacles.

The lowest 4.7 kilometers of the River Clun are designated as a SSSI, due to the fact that this area supports a vitally important, unique and regrettably a declining population of Freshwater Pearl Mussels. These Mussels are very sensitive to disturbance and the damage inflicted by just one canoe scrapping over the gravels and areas where the Mussels lie would be totally unacceptable and probably cause catastrophic damage in terms of the future sustainability of the population. Although we cannot speak for the Environment Agency, Natural England or the Shropshire Wildlife Trust, we can only assume that they would object strongly to any canoeing or disturbance on this length of river.

There has never been a public right of navigation River Teme and we believe that none of the Teme sub-catchments should be classed as "Navigable". Access can only be via the permission of riparian owners and previously agreements made with canoeist on the river have been abused, in addition to damage caused to landowner's property, when access was subsequently barred. This obviously leads to the question of policing any access agreement, which we believe would be virtually impossible.

We believe that the BCU have approximately 25,000 members, but claim in excess of 100,000 people canoe. Currently the BCU can not regulate their own members to canoe legally, in fact actively promote breaking the law, so how do think they can regulate non-members or casual canoeists. Like anglers, canoeist should be licensed and contribute, something that they have flatly refused to do.

Not only are canoeists trespassing but under part 1, section 2, subsection 4, of the 1975 Salmon and Freshwater Fisheries Act, any person "Who wilfully disturbs any spawn or spawning fish, or any bed, bank or shallow on which any spawning fish maybe", is guilty of an offence. Therefore as the

spawning season stretches from the 8th October to the following 15th June, (this includes Salmonids and coarse fish within the Severn catchment), there is only a short period in the year when canoeists on the river would not be committing a criminal act. Therefore to support canoeing at these times is in direct contravention of the law and totally unacceptable.

Also within the same Act, under part 2, section 12, subsection 3, any person (a) "Does any act for the purpose of preventing Salmon or Trout from passing through a fish pass, or (b) "uses any contrivance or does any act whereby Salmon or Trout may be scared, deterred, or in any way prevented from freely entering and passing up and down a free gap at all periods of the year", is also guilty of an offence. This again would make canoeing virtually impossible on small rivers without breaking the law, at any time of the year.

Canoeing does scare fish and adversely impacts on fishing, reducing not only the enjoyment and sport of anglers who have paid substantial sums to enjoy their activity, but reduces the asset value of the fishery and potential rent to riparian owners, many of which are obviously farmers who have already experienced a substantial reduction in their incomes. We are aware that when canoeing has been allowed, particularly in Scotland, (a situation often promoted by the canoeists), angling interests have demanded considerable rent reductions.

It is most regrettable that of late some canoeists have become just another branch of the "Pay nothing, go anywhere brigade", and this cannot be supported or tolerated. It has also been brought to our attention during the Brighton University consultation process, that canoeists were actively pursuing permanent access points, picnic areas, changing facilities and toilets at intervals of 5 miles along rivers etc. Which, again leads to the question of charges for access by canoeists, licensing or registration, funding issues and compensation to riparian owners and angling clubs etc. No doubt the resolution of some, if not all of these issues will be insurmountable.

During the Brighton University consultation process in 2003 there was overwhelming opposition to allowing canoeing on the rivers Teme, Onny and Clun etc, by all parties, other than the canoeists of course. The TCF A reiterated their opposition to canoeing on these rivers on the following grounds.

1. Serious conservation concerns, (particularly on the River Clun).
2. Degradation of sensitive habitats.
3. Increases in riverbank erosion.
4. Additional disturbance to wildlife.
5. Potential damage to property.
6. Reduction in the rights of existing users, (walkers, bird watchers, riparian owners & anglers).
7. Reduction in the asset value of fisheries and of riparian incomes.
8. Insurmountable problems involving policing and licensing canoeists.
9. Canoeing would be in direct contravention of at least two sections of the Salmon and Freshwater fisheries act 1975.

10. Not able to ensure the safety of canoeists.

11. Additional unacceptable liabilities on riparian owners, in terms of health and safety and insurance etc.

Even though the opposition was overwhelming Brighton still continued to press ahead with a voluntary access agreement to be regulated by Ludlow Town Council, which in the end angling interests accepted along with "some" riparian owners, but then as previously stated the canoeists turned their backs and through their paddles out of the pram. No doubt this issue will continue to roll on for many moons and cause much controversy. The Governments stance has always been to promote voluntary access agreements and my MP, none other than leader of the opposition (for now) David Cameron is also in agreement. In fact I can not see why any Government or political party would want to consider wasting vast amounts of taxpayers funds on legislation in favour of a tiny minority group and at the same time having to restrict the existing rights and provide a massive amount of compensation for riparian owners and injured parties. Although having said that, I can not imagine the canoeists giving up either.

I must stress that the above comments are those of the Teme Catchment Fisheries Association and not the Severn Rivers Trust, but please feel free to circulate this information around your contacts if you feel that it may in some way be helpful. I trust the above will prove to be of interest and if I can assist further please do not hesitate to contact me

139. David Jones

I have been charged by the Federation of Clwyd Angling Clubs to add our disquiet to the campaign to grant free and unfettered access to canoeists on Welsh Rivers.

The Federation represents some 600+ Anglers who actively manage, maintain and fish waters within the Vale of Clwyd.

As an Angling community we are very aware of the cost in both our time and finances (licence and club fees) in pursuit of our legal activity.

As an organisation we give freely of our time to improve the aquatic and bank-side infrastructure for all wildlife, and welcome through our association with the Rivers Trust ecological and educational parties to visit and work alongside us.

Clubs via their membership have often raised considerable sums of money to purchase and then improve waters. Compare and contrast this with the more anarchic approach of the canoeists who believe that by constant trespass they will be rewarded by having the law changed in their favour.

Working closely as we do with the Environment Agency we are well aware of the lengths we have to go to protect the Salmon -an endangered species. Salmon and Sea Trout are as you will be aware are protected under Freshwater Fisheries Act 1975 -disturbance of spawning fish and Redds being a specific offence. Try informing canoeist of this as they ingress at the heads of rivers the very spawning grounds of protected fish.

Canoeists are often quick to mention the arrangement in Scotland. The arguments over the amount of rivers in Scotland compared to Wales and the easier access from major conurbations of Welsh Rivers, I will leave to others. Having for many years visited Scotland for Fishing trips, on a personal note, I am well aware of the deteriorating conditions of one of the Jewels in Scotland's Crown its Salmon Rivers. If you need proof speak to the Scottish River Authorities and see how many new restrictions are being imposed on Anglers to counter the deteriorating fish stocks. Speak with the Tay Authorities and ask them how the Land Reform Act is working, rather than listen to propaganda from WCA, I am sure you will hear a different perspective.

It is estimated that Angling brings in over £100m to the Welsh Economy. Research from a couple of years ago estimates that £23m in Gwynedd alone. I have no knowledge of what canoeists bring in to the economy, but from my observations and that of my colleagues we do not see many paying for their sport, staying in the guest houses/hotels and utilising other establishments and amenities of Wales.

Finally, the reduction in enjoyment and the reduction in value to privately owned and club owned stretches of rivers will have a major negative impact on that resource. We feel that allowing unrestricted access to Welsh Rivers is akin to allowing right to roam on other such Private Commercial Enterprises such as Golf Courses, a move we strongly believe is an affront to natural justice.

From my association with the Rivers Trust and Local Fisheries Advisory Groups, I am aware of the lengths clubs and Riparian owners have gone to agree voluntary agreements with canoeists. These have been torn up in an attempt to demonstrate how hard done by canoeists are. Fishing Clubs/Owners are more than willing to sit down and to try and work out voluntary agreements that will give access to this wonderful resource to as many people as possible.

140.Ray Prince

I write on behalf of the above i.e. myself, my wife, our daughter and her family to express our views as anglers and to request that these views are taken into account when any debate on access to inland waters takes place in the Assembly.

My daughter and her family live in Bethesda, the address from which I write this letter as I am currently teaching my two grandsons to fish in nearby lakes and rivers.

My wife and I are both members of the Teifi Trout Association and fish the River Teifi regularly.

When fishing the Teifi we have been alarmed at the behaviour of canoeists and rafters who take delight in disrupting licence paying anglers who are pursuing their hobby.

It is to be hoped that interested parties can in the long term come to mutual agreement about sharing such wonderful amenities such as rivers and lakes.

At present we are more than happy that we understand our legal rights on the stretches of water where we fish and would not wish to see any changes to those rights.

We would like to put to you the following additional points if we may;

1. We think we are right in saying we believe from information we have that allowing paddlers unlimited access to Welsh rivers is likely to be unlawful with respect to the Salmon and Freshwater Fisheries Act (1975) which protects spawning fish and, in the case of salmon and sea trout their redds, from disturbance.
2. Paddlers like to assert they have little or no access to running water in Wales yet they have free navigation on some 25% of rivers via the considerable tidal reaches.
3. We believe the Welsh Canoe Association has withdrawn from a number of voluntary agreements in order to claim poor access rights. They continue however to give ingress and egress points on their website which in effect incites illegal trespass.
4. The WCA appears quite intransigent, refusing to compromise in its insistence on unfettered access to all waters, everywhere. We believe anglers and paddlers in the long term will have to debate, discuss, compromise and reach agreement on co-existence on inland waters.
5. To reward current trespass by changing the law seems wrong and the prospect alarms riparian owners and angling clubs.
6. The financial contribution by anglers, be they Welsh or any other nationality is huge whether it be from an Environmental Agency (EA) Licence (currently £68 p.a.), angling club subscriptions (I pay £100 p.a.), shops, accommodations, caravan sites etc. In addition the volunteers who devote their labour to improve water habitat and wildlife, water quality deserve praise and fair treatment.
7. When paddlers say licences and subscriptions are to pay for fish taken from rivers they ignore all coarse anglers who return 100% of their catch and a large proportion of game anglers who now practice catch and release (to help improve fish stocks). Paddlers pay zero except of course those that pay commercial enterprises for trip in a canoe or raft!
8. Golf courses are commercial enterprises and are rightly excluded from the CRoW Act. Rivers should be excluded for the same reason.
9. In the hopefully unlikely event that the law is changed, riparian owners and angling clubs would quite rightly demand considerable compensation for the reduction in value of their assets and the derogation of their leases.

Finally let me say that I have fished since my father took me at the age of 5 to our local canal. 60 years on and I have never written a letter like this;my strength of feeling is very high.

I trust the Sustainability Committee of the Welsh Assembly will read my points and find them, along with I'm sure many other anglers' opinions persuasive enough to maintain the status quo on access to inland waterways and encourage dialogue and by dialogue voluntary agreements to prevail.

141.Rebecca Cadbury

I fall into three of the interested groups. I am a land owner, a recreational user having walked by and swum in Welsh rivers much of my life, and finally, I kayak.

I own land outside of Narberth including a short stretch of Narberth Brook included in the SSRI. I am membership secretary of Narberth Canoe Club and as Treasurer of Pembrokeshire Friends of the Earth I am deeply concerned about the preservation of our natural environment. As a club we paddle on the Haven, around the coast, and occasionally in the past we have taken small groups on local rivers. However our access to these is severely limited and our legal rights very confused so we have to travel to Bala or Llandysul or the lower reaches of the Wye to do any white water paddling.

I believe the legal rights are very confusing; but my limited understanding is that the landowner owns and controls the access to the banks of the river unless there is a public right of way. They also normally own the fishing rights which can be sold or leased separately. Individual fishermen may be charged a fee for fishing by the owner of the fishing rights. Also, as I understand it, the river itself is the responsibility of the Environment Agency to whom fishermen pay their licence fee. Their job is also confused. Is their job to protect the wildlife habit, prevent flooding, control the use and abuse of the water, protect the fishing and/or to promote the local economy through recreational use and tourism? If it is all of the above what determines their priorities?

The conflict between anglers and kayakers is well documented but I feel unnecessary. I feel that it is time all users contributed financially to the maintenance of our rivers and that the protection of the quality of our rivers which face huge threats should be the paramount concern. Thus land owners, anglers, kayakers, walkers and swimmers all need to respect and protect this precious habitat.

I do not believe kayaking is environmentally damaging but I do feel that Kayakers who want to use the rivers should contribute to the cost of their upkeep. This could be in the form of a licence fee as a part of the WCA membership and all boats could display a prominent WCA number to demonstrate they are licensed. In France kayaking is restricted to certain times of the day say between 10am and 3pm when the fishing is not so good and this seems to me to be a possible compromise. In return for this financial commitment the agency should removed and outlaw dangerous obstacles such as wire across the river, and also they could establish points were paddlers can get on and get off the river without trespassing on private land. Certain stretches of the river may be more suitable for paddling and these could be marked rather as footpaths are marked. A kayaking code should be established addressing problems such as group size and bank disturbance. Many say this cannot be policed but the same can be said of the current situation for anglers and landowners.

I do not have any direct experience of voluntary agreements. I believe they are not the solution as they create confusion and division and are unlikely to ensure the long term protection of our rivers. They may be appropriate for the development of short sections for specific recreational use such as Treweryn and Llandysul but what is of real concern is a framework for access to all the rivers of Wales.

142. Wilhelmina Wilson

I gather that they want a change in the law for canoeist to be allowed free rein on the Welsh rivers.

I strongly oppose as I do fish a lot on the Spey and the canoeists have made a total nuisance of themselves and are rude and demanding to park their cars on private land demanding to use toilets etc.

I also fish the Welsh Dee and want to make it clear that it is wrong to give canoeists free rein.

143. Peter Huntington

I am responding to the invitation to comment on WAG`s consultation. I am an angler and fish a lot in Wales as i am a member of a fishing club with a lot of water in Wales. I fish on the Dee, the Dovey, the Towey, the Severn and the Wye, mainly for salmon and sea trout. I frequently stay overnight in hotels and guesthouses in rural areas. I pay quite a lot for my fishing-travel, club fees, accommodation and fishing licence.

I am concerned about the proposals to open access to canoeists to many more rivers than is currently the case under existing rights or access agreements. You will know that a right of navigation subsists on the lower Wye. Fishing is virtually impossible on the beat I have access to at Huntsham, unless one fishes early or late, due to the constant procession of pleasure boats. While most paddlers are well-behaved, the level of traffic is such that the fish and fishing are disturbed. I do not visit as much as I might owing to this factor.

There will be a lot more of this sort of disturbance if open access is allowed on other rivers.

In addition, canoeists pay nothing towards the upkeep of rivers.

As most are not organised they are difficult to regulate.

In the upper reaches of rivers the breeding of salmon and sea trout will be further endangered owing to disturabance of the redds.

I have no problem with the encouragement of voluntary access agreement between landowners, owners of fishing rights and organised boating interests, such that property rights are respected, environmental considerations are taken into account and the interests of all the parties given due weight.

144. Stephen Gale

I write with regard to the ongoing request from the canoeing fraternity for open access to our inland rivers.

I have been an angler for thirty or more years and have always bought my fishing licence as I was always led to believe to give me authority to carry a fishing rod, I further have had to purchase from the land owner or fishery owner a further ticket to fish in their water understandably because they have had the expense of stocking these fisheries.

It seems to me that the canoeing fraternity now wish to have unfettered access to all the water in Wales with no personal cost to themselves I appreciate their argument that they take nothing out of the water they use but forgive the pun it "simply doesn't hold water." If you are fishing a run in a river that you have probably paid a good amount for and number of these canoes come through there you can pack up and go home the fish will become spooked and uncatchable.

Why should someone be able to infringe on the rights of others who have gone through the trouble of purchasing what they thought was the right for a quiet days fishing.

The inevitable outcome will be that anglers will stop using the water the fishery owners not getting any income will let their beats go to seed, the river will become overgrown and un-navigable by the canoes anyway and Wales will become the loser from the loss of revenue from both angles and canoeists.

The obvious answer is negotiation by the two bodies with someone from the Welsh assembly judicating.

Whichever way it goes the canoeing fraternity cannot expect to use these waters for free.

I cannot speak for all the members of my fishing club of 170 members but have spoken too many who agree with my sentiments'.

145. Chris Porteous

In response to the inland water access consultation, I would like to express my views as a keen outdoor enthusiast and a kayaker & canoeist. I am a member of the British Canoe Union and two local canoe clubs.

I believe that the law around inland water access (specifically rivers) requires clarification. At present my understanding is that land owners own the river banks on their land, however no one owns the rivers themselves. Unfortunately this is disputed by certain groups (mainly anglers and some land owners). I am also aware of other regulations covering specific parts of specific rivers at certain times of year to protect Salmon spawning.

I feel that the legal situation needs clarifying to explicitly give all members of the public rights to enjoy the rivers of Wales in a similar way to the recent Land Reform Act in Scotland. Where there are specific reasons why access to specific parts of rivers should be restricted at low levels to protect Salmon, this should be clarified and details made easily available, such as on a central website listing as all responsible river users will respect specific requests where there is an obvious requirement for a restriction.

On a related matter, I feel that it would be beneficial to ease access to commonly used parts of rivers, such as popular wild swimming spots or canoe put-in / egress points. In my experience of canoeing, responsible canoeists will access the river via public areas such as car parks or footpaths, however I feel a lot of problems are created in areas where there would appear to be a well used path, however it is not an actual public right of way. The creation of new footpaths or diversion of existing paths to access these common used pieces of water should avoid confrontation with land owners and possible inadvertent trespass.

My experience of voluntary access agreements is that they are, in general, ineffective. The reason for this being that as the law does not prohibit use of waterways, many users of rivers do not see them as needed. Also, as the agreements are negotiated with land owners, the agreements are heavily biased towards the desires of fishermen as land owners receive income from allowing fishermen to sit on their banks and therefore will generally try to keep them happy. Finally, agreements are generally with specific groups of users (such as kayakers). It seems to me that having many groups all trying to negotiate agreements for their chosen hobby is unsustainable.

Having said that, voluntary agreements do have the advantage that designated access paths to the river are agreed. This comes back to my earlier point of the need for new or diverted footpaths to service inland waterways.

146.Neil Farmer

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

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

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

Scottish Canoe Association

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

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

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

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

If yes, what changes would you like to see?

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

The legal rights are apparently well defined, we have none! It is however an area of great uncertainty and one that should be addressed fast.

My understanding is that I have, as a member of public, a right to use a waterway for recreation. I do not have the right to damage other peoples enjoyment or features of the waterway unless they provide a serious danger for me or other water users.

I would like to see the legal rights of Canoeists and Kayakers (along with wildswimmers and other water users including fishermen) clearly defined. There should be a default right of access to all waterways, as there is with land, with specific and minimal exclusions (for example, working harbours, hydro-scheme sites, etc).

I would like to see legislation enacted in Wales, similar or identical to the Scottish right to roam legislation. It conveys a sense of shared use and responsibility for all and is working very well.

England and Wales are among the worst countries that I have travelled in, with respect to shared access to waterways. Rarely, in fact nowhere in the world (Canada, India, Turkey, France, Norway, Austria, Switzerland, Italy, Slovenia, Uganda.....) have I come across a situation where one small subset of users have effectively monopolised the entire use of the river, and had politicians back them!!! If fishermen and kayakers can get along in Norway, with the ever present threat of GS (Salmon disease), why can they not get on in the UK - well, most can, but a few militant fishermen want to preserve the status quo of monopoly.

146.8. 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.

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

If yes, what changes would you like to see?

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

The voluntary agreements are a complete joke. They would work, if they came from a balanced power base, but at the moment, kayakers are perceived as 'powerless' and from the fishermen, with no right of access. There can thus, be no effective voluntary agreement - what you are expecting is that kayakers accept whatever is 'thrown at them from the fishermen'.

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.

Put simply, Wales should follow the lead of the Scottish Land reform act, and promote shared responsible access. There is still some conflict in Scotland, but minimal. Kayakers and fishermen even co-operated on the river Tay recently, to 'close the river; for the World Fly fishing championships! That is agreement and respect at work.

A situation of reasonable and responsible access would bring myself and other Scottish Paddlers to Wales far more frequently to enjoy the wonderful rivers that you have! It would also move us away from what looks very much like the "powerful UK Gentry" controlling access to their land/rivers!!!! It is a crowded Island, we all need to learn to share it!

147. Gavin Bailey

I am writing with regards to the Sustainability Committee's inquiry into Access to Inland Water.

I write as a Guest House owner and as a resident whose property is adjacent to the River Llugwy in Betws-y-Coed, Snowdonia. I already witness an intolerable amount of nuisance and anti-social behaviour from individuals and groups who use the river as their playground with no regard or consideration for others and their own safety. Not all individuals are a problem but a significant amount of the anti-social people visit from as far as Liverpool and Manchester and occasionally further. Typically problems caused by some of these visitors are abusive and threatening behaviour from drunk or rowdy people of all ages. These people camp illegally, steal alcohol before acting like animals with no regard for the law before heading off home having added nothing to the local economy but the bill for the cost of Policing their stay and clearing their litter from the Rivers and Forest. A small community such as the one I live in cannot cope well with the current influx of anti-social people and making access to all on our local rivers and lakes legal will only make matters much worse.

In addition I should point out that the only time we see the Sea Trout and Salmon jumping the nearby falls at Pont-y-Pair is when the weather is poor and visitors refrain from entering the water. I do not pretend to be an expert on this matter but it seems obvious to me that the fish do not pass through this part of the Llugwy when the water is so frequently disturbed by visitors entering the water at all times of year, day & night.

148.Kerr Sinclair

I think it is a shame that sports people who wish to train on welsh rivers have problems with access, The law in Scotland works, and we do enough paddling to be competitive.

149.W.N.Elbourn

The Dee & Clwyd Region have asked me to write on behalf of its fourteen member clubs to express its alarm at the proposed unlimited access by canoes and rafters to the rivers of North Wales.

The rivers of North Wales are unique hence why many of them have been made S.S. S.I and S.A.c. sites and as a result could not stand large access numbers of canoeists which would happen due to the easy road access from the large towns in England which are on average are only a two hour drive away.

The Scottish Model of access is not a fair comparison due to the fact that it does not take into account the six hour travelling time for the English paddlers to reach the rivers of Scotland. All angling clubs have rules restricting the number of members allowed to fish pools which protects the vegetation and fauna.

Many clubs have for years allowed restricted access to canoes and (one club in particular has allowed ten events to take place on its water for the past 42 years and I was amazed that they have decided to cease making agreements and have encouraged openly on the internet for paddlers to trespass, yet the British Canoe Union has been quite willing to agree dates.

All ready clubs are losing revenue which they plough back into maintaining foot paths, river banks, and restocking and I have received reports from several clubs of anglers after purchasing day permits finding illegal canoes on the water disturbing the fish with the result they have demanded re-funds.

All clubs are prepared to negotiate local agreements but will accept unrestricted access and will seek substantial compensation should unrestricted access be granted by the Welsh Assembly.

150. Ruari Fangman

Firstly I would like to say that an inquiry into access to rivers in Wales is a good step forward as in all the time I have spent using rivers for recreation there has been little or no movement from any government organisations to assess the current situation on access for recreational water users of inland rivers in Wales.

I am 16 and a kayaker from England who is part of a canoe club (www.isiscanoocluboxford.co.uk) that regularly travels to Wales to partake in our chosen sport. When in Wales looking for suitable rivers to paddle, a main and often limiting factor is access to and from the river. As we currently stand I for one am not entirely sure of our legal rights once on the river although I do understand that accessing the river from private land without permission is trespass. I have been confronted by anglers arguing that it is their river and I have no right to be there although I was under the impression that no one could own flowing water!?

I believe that a change in law that dictates access to all inland waters would be profitable for all members of the public from a parent with a child exploring the outdoors all the way through to a white water canoeist, I do however believe that a code of conduct that limits damage to the environment would also be necessary that dictates minimum water levels to paddle on to protect spawning grounds and other similar environmentally delicate areas, as I know this is one of the main concerns that the angling fraternity have.

I believe that legislation similar to that of Scotland would be suitable as it has shown that both angling and other country pursuits can co-exist with paddle sports on the same rivers at the same time without conflict. I would also like to say that I would be willing to pay for a mandatory boat licence similar to that of a rod licence as I believe that all outdoor users should contribute to the up keep of the environment although should not subsidise other sports, IE you pay for what you use.

I have found that voluntary access such as that of the Wye and Usk have been successful as I have paddled both of these rivers without incident many times, however it is my understanding that voluntary access agreements take a long time to put in place as shown by the BCU's attempts over the last 30 years and often can fall apart very quickly as the way I see it the landowners see it as them giving canoeists use of "their" rivers which is detrimental to the overall access situation as it appears that canoeists are accepting that they need permission to be there which is in reality yet to be clarified by law.

151.D.T.Roscoe

I understand that you are inviting comments on the Access to Inland Waters enquiry.

As a lifelong enthusiastic angler and also a one time whitewater canoeist I feel that I am able to have a broader outlook on this topic than many others on both sides of the argument.

While legally canoeing whitewater salmon rivers in Wales I have been verbally abused by fishermen and occasionally had anglers deliberately casting large salmon flies at me. I have also encountered anglers who were very friendly and appreciated being asked whether they wished me to pass close to them or on the far side. I even had one salmon angler who asked our party to beat up the pool to liven up the fish! So it would appear that not all anglers object to canoeing on their waters.

Some anglers have illogical views on the subject. They see nothing amiss in rowing noisily about a stretch of water but object to a canoeist gliding silently by. (particularly when they are having a bad day!)

The best whitewater canoeing is to be had in winter flood conditions outside the angling season. Canoeists at these times are doing no harm to fishermen's sport or to spawning fish. At present anglers with their "dog in the manger" attitude will not consider allowing canoeing even in these conditions.

I would make one further point. Those waters; which presently have canoeing access, e.g. certain parts of the river Wye, are subject to a constant stream of canoeists. Having fished in these conditions I too have found the constant passage of groups of canoeists annoying although it actually had little impact on the overall numbers of fish I caught. If there were open access to all waters the canoeing pressure would be divided among many waters and would therefore be much less of an annoyance to anglers than it is at present.

My personal view is that all inland waters should be open to all water users who do not use engine powered craft i.e. anglers, canoeists, coracles, punts and rowing boats. I understand that we are the only nation in Europe and possibly the world who do not allow open access to inland waters. Even Scotland allows canoeing on all waters including its major salmon waters. This lamentable situation should be put to rights.

152. Anonymous

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

– Fishing

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

If yes, which organisation/s?

- Crickhowell Angling Society
- Llanellen Angling Society
- Gawway Fly Fishing Club
- Wild Trout Trust
- Trout and Salmon Association
- United Usk Fisheries Association
- Wye and Usk Foundation
- Grayling Society

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

Crickhowell Angling Society Stretches

Llanellen (part of Llanover Estate)

River Monnow (Garway FFC)

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

Yes, as a club

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

I do not know them, but the club officers do

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

No

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

No

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

I assume there has been voluntary agreements on the Usk stretches

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

I do not know them. I assume that the club officers do

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

No

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

No

153.Edward Fitzwilliams

As a riparian owner and president of Taifi Trout Association I am very concerned about canoeists and rafters and paddlers. They are giving our fishermen trouble now – if they had a free run, as they hope, some of the river would be quite unfishable. They can come on the river in the winter and need to be controlled. You must know all this.

154.Rhyl & St Asaph Angling Association

As an association representing 180 anglers we would like to make some positive suggestions regarding free access to inland waters. It is vital that a fair set of rules is drawn up giving some serious consideration for all parties who enjoy our rivers. It is our view that all canoeists should be registered with a number clearly marked on the vessel. This would identify those who do not stick to the rules, they should be registered and hold a licence at a small cost say five-pound per annum. They should be respectful of fishing rights together with areas where fish and spawning and redds have been laid. This together with agreed accesses from landowners and riparian owners. Open access will split the two main interests apart, there has to be rules, which are workable to which both parties can pursue their hobbies.

Anglers in Wales have over many years acquired fishing rights at some considerable cost and put a vast sum of money into the economy of Wales via tourism, licence fees, etc. We are not apposed to canoeist's use of our rivers but we do feel very strongly that reasonable compromise must be reached. Let us hope that good common sense will prevail.

155. Mark Benson

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

I am a Recreational Kayaker / Canoeists and enjoy the upland riverside environment in general. I live in England near to North Wales; I am a regular visitor to North Wales for recreation, both on my own, with friends and my children.

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

Yes; member of English Canoe Association and Welsh Canoe Association.

Also, I am a member of my local club (Liverpool Canoe Club)

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

I use the River Dee from Corwen to the English border on a regular basis. Also the Tryweryn. I use other river stretches in Wales from time to time.

Legal rights

Legal rights for access to and along upland rivers in Wales are be open to misrepresentation by vested interests. This does not affect me personally as I have come to realise that I can only pursue my pastime by asserting my right to do so, rather than asking 'permission' of those same vested interests. An example of the futility of this later approach is to be found in the paltry results of 50 years' dependence on voluntary access agreements. Thus I supported the Welsh Canoeing Association's decision to withdraw from Access Agreements.

I understand that I can expect to procede unmolested when travelling along upland rivers.

I would like to see simple legislation that acknowledges the special position of rivers as part of Welsh national and world heritage, a spiritual as well as a commercial and tourist resource. From such a position it is clear that legislation should confirm that citizens have an equal right to experience the benefits of the river environment, whether as travellers or as people who wish to stay in one place on the riverside. The only preconditions should be respect for that environment and for other people.

England and Wales share the unenviable label of having one of the poorest reputation's for river access in the world. Albeit that in practice the situation is a lot more favourable than portrayed by vested angling and landowning interests, it is a situation that favours the assertive user and conflict arises when two such users meet. The situation is very different on the continent where an assumed right of access is evident; one of benefit of this is that the debate shifts to one of managing shared access, avoiding conflicts and environmental damage and maintaining so far as possible a safe environment for recreation. An example is how the relevant bodies cooperate to manage rivers in France as a key tourism resource. Closer to home, Scotland provides proof that legislation can clarify the situation for access to rivers and provide the basis for cooperation between user groups by removing the perception that one group has a greater or lesser right than others.

Voluntary agreements

My experience of voluntary agreements in Wales has historically been one of extremely restrictive agreements that generally conspire to restrict my recreational opportunities to a bare minimum. For example, prior to 2003, I might have hoped to paddle a small section of the River Dee at Llangollen just 2 weekends a year. Since the WCA withdrew from negotiations (anglers wished to restrict the agreement still further), I felt empowered to paddle this section and others from Corwen to below

Newbridge as and when it was suitable, which in the case of the River Dee is almost all the time. I soon found that firstly I hardly ever encountered an angler; and secondly, of those that I did meet, most were courteous and appeared to have no objection to my presence.

A voluntary agreement structure can only work if there is a benefit to both parties in seeking to make the agreement. Historically, for anglers there has been no benefit because of a perception that anglers had the prime right of access to the river's resources. More recently, it has become apparent that actually it is the kayaker that does not need an agreement, for such an agreement generally creates artificial barriers to a pursuit that is already dependent on several factors being positive (rainfall, recreational time, others to paddle with etc). Agreements can only have a place where they are prescribed or at arbitrated by a totally independent authority with no vested interest for one side or the other, and where the agreement is for good reason. In France and other countries used to managing shared access, there are simple, well publicised conventions / rules to achieve this. For example, at key points on French rivers you will find information boards and signs; here you will find that kayaking is allowed from around 9:30 am to 6pm, and angling at other times (there are exceptions). This suits the local conditions and allows both groups of users to avoid conflicting with each other. A different convention or solution might apply on other rivers or in other countries. The point is that once everyone understands that a level playing field applies such cooperation will emerge naturally and the confrontational elements will be pushed to the margins.

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.

We need simple principles of responsible access for all and a framework for local government to resolve conflicts equitably. Something to avoid is the arcane methods and work-creation scheme that accompanied CROW in England and Wales. Adopt the Scottish model and adapt for Wales.

156.R. Jones

As a lifelong angler I would like to express my concerns about the views of the canoe lobby who appear to want complete and unrestricted access to all Welsh inland waters. I have been an angler for 50 years and have been very fortunate to witness the huge improvements on many Welsh rivers following years of misuse by heavy industry and other polluters which rendered many rivers totally lifeless. It is only through the work of the now defunct National Rivers Authority, the present Environment Agency and the huge input of anglers that many Welsh rivers are now enjoying a revival with increased fish life and all the other life that clean water produces. This has only been achieved through the tireless work of many anglers who are the eyes and ears of our waterways.

On a personal level I am pollution officer with Merthyr Tydfil Angling Assc. The largest angling club in the South Wales valleys with about 1000 members. I believe that myself and my colleagues have contributed significantly for 45 years to the huge improvements that have occurred on the upper River Taff which now supports a large brown trout population with many anglers enjoying this facility. To think that canoeists, who have contributed nothing, now want to move in and oust anglers from the river is extremely concerning.

Anglers also contribute financially to the upkeep of our waters through licence fees. This money is used in many ways, to enhance fisheries through stocking and habitat improvement schemes and to fight pollution. All aquatic life benefits from this. It appears that canoeists, despite wanting unrestricted access. Do not want to contribute one penny for the privilege of using our rivers.

Most angling is done "by agreement" and strict limitations are imposed on anglers such as closed seasons, method restrictions and access restrictions. These are put in place to protect fish stocks and the aquatic environment in general. We are not allowed to fish when the fish are spawning. This prevents disturbance at this critical time. Salmonids are salmon, sea trout and brown trout by their very nature lay their eggs in shallow water, the very areas most prone to disturbance by canoeists.

Furthermore, in a long angling career, I have met many anglers and courtesy and good manners are common place. This cannot, unfortunately, be said of some canoeists. I have met some who show other water users some respect but this does not apply to all. In one particularly unsavoury incident on the river Rhymney at Llanbradach I was informed by four young "things" that if I don't move they will "knock me in". This behaviour may be rare but many other anglers have also experienced abusive behaviour at the hands of canoeists.

Most anglers, myself included, are not entirely opposed to canoeing but we feel it must be controlled with agreements which suit all water users and canoeists should also contribute financially as other water users do.

157.Upper Dee Angling Federation

As Chairman of the Upper Dee Angling Federation I represent 10.000 anglers, we had a very good access agreement with the then Welsh Canoe Association, however in 2004 a new head was appointed to run the Association, the first thing he did was to tear up the access agreement, he then went on to do the same with all the access agreements in Wales.

Our Federation had many meetings with the Canoe Association to come to some agreement, there response each time was they wanted unlimited access to the River Dee, at the time I was Chairman of the Conservation Committee Welsh Salmon & Trout Angling Association a delegation led by me met with Carwyn Jones the Minister responsible for the Countryside & Fishing, the unlimited canoe access issues was put to the Minister and how serious the impact would be to our rivers in Wales, another meeting was held in the Assembly with the new Minister Jane Davidson she was briefed on the serious issue of unlimited access to all Inland Waterways in Wales.

If the law was changed allowing unlimited access the river Dee we would be overrun with canoeist from England, the likes of Liverpool, Manchester, all the Midland Cities are a very short journey to North East Wales.

Angling clubs, Angling Syndicates and Riparian owners control the number of anglers who fish there waters to protect the delicate balance of the eco system, the River Dee has a S.S.S.I. and a S.AC and with the Atlantic Salmon now an endangered species it vital we keep control and regulate the use of this very important river system.

You should heed the advise from the Countryside Council for Wales and the Environment Agency that canoeing must have agreed access and egress points and only on high water levels.

Anglers have to abide by laws and byelaws on each river system, failing will mean a fine or even a prison sentence, the same must apply to canoeist.

The Upper Dee Angling Federation are willing at any time to negotiate an access agreement with the canoeist, the illegal trespass by them at present on the river Dee is becoming a major problem.

158.Canoeists

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.

159.J.K. Heminsley

I have been given a copy of the questions that your Committee have asked regarding the above. These questions are not numbered, so I will respond in the order that you have asked them.

1. I am a riparian owner with fishing interests.
2. The Conwy Valley Fisheries and Conservation Association.
3. About 2 miles of single bank fishing on The Conwy at and below -Setws y Coed.
4. I am sure that I understand my legal rights. On the stretch that I own, any person using the river without my consent for any purpose is committing an act of trespass. On the stretch that I rent, my lease gives me the right to fish that stretch. My use of the river is restricted to fishing only and for no other activity. Any other person using that stretch to fish without the consent of the owner and I would commit an act of trespass. Any person using the river for any other purpose would be trespassing. I do not want to see any changes to my legal rights and obligations. The Scottish legislation allowing conditional mixed use of on salmon rivers is the only example that I know of. However, it would be totally unsuitable on our small, intimate rivers in North Wales. The Scottish rivers are in many places 50 metres plus wide. The Conwy is one of the widest rivers in North Wales, but is rarely over 10 metres wide. Also, things have not gone at all smoothly in Scotland.
5. Until November last year, I was for 10 years, secretary of The Conwy Valley Fisheries and Conservation Association. Its members comprise the majority of the riparian owners, the angling clubs, the fishing syndicates, hotels and individuals who have fishing interests on The Conwy river system. Our members, some reluctantly, authorised me to offer The Welsh Canoe Association talks on whether or not a local arrangement to allow canoeing could be agreed. The details don't matter now, because, having in reply till my letter, which was written several years ago, said that they would be in touch "shortly", the canoe association became very silent, and never even took up the offer of talks. It became obvious that they wanted primary legislation to give them open and full access - and of course, free and full - and that any hint that they would settle for anything less, such as a local agreement, they realised would ruin their chances. I believe that since then the canoeists have withdrawn from other agreements. I urge your Committee to resist their "hard done by" attitude. They already can canoe on most of inland waters and all tidal stretches.

All inland rivers and fishing rights are owned. Owners have the free right to use or let the use of their rivers. Tenants pay rent for the fishing rights. They also pay a rod license tax of (in the case of game fish) over £60 per annum. The annual influx of fishers from England and further afield, who come to fish particularly for sea trout (sewin), help to support our local communities. This is a well established legal situation, which your Committee should not be seduced into trying to change. Local agreements are the way forward. The machine is not broken. Please do not mend it.

160. Harry Chichester

Following the Welsh Canoeing Association's (WCA) efforts to persuade the Assembly to change the law to allow paddlers completely free and unfettered access to all rivers in Wales at all times of the year, I feel compelled to write with my thoughts opposing this campaign.

I mainly enjoy fishing on the Upper Wye and Usk. I enjoy fishing for both coarse and game fish.

As an angler and a citizen I understand and respect my legal rights when obtaining access to beats on these (and all other) rivers. Indeed, I know that unless you have the owner's permission, it is a trespass to go on a river above the tide which is in private ownership. Since this is the law, I abide by it 100% and feel strongly that this legal position should be upheld.

My fishing has regularly been disturbed by canoeists on the Wye. Where they have permission and respect for the fisherman, by avoiding the areas that are sensitive, I do not have a problem with sharing the water, especially where courtesy is displayed. Too often there is none of the latter, rather rudeness and what appears deliberate disturbance of areas which hold fish. This not only significantly reduces the chances of catching fish, but also ruins the day's experience.

There are a number of other points of which I am aware:

- The Salmon and Freshwater Fisheries Act (1975) protects spawning fish and in particular the redds of migratory fish, from disturbance. This is law, is respected by anglers and should be by all others including canoeists.
- If canoeists are suggesting that they have little or no access to water in Wales, then they should note that there is free navigation on all tidal stretches of rivers and Wales has the second highest tidal reach in the world. The tidal stretches of some rivers can easily amount to a quarter of their whole length.
- I am also told that the WCA has withdrawn from some perfectly good access agreements to try to show the Assembly that they don't have enough water, whilst still continuing to give ingress and egress points on maps in their website, so inciting trespass. How can that be acceptable?
- If the WCA will not accept any restrictions to their paddling (which apparently is their stance) then it can't be surprising that they do not have more water within which to canoe. Unfortunately the WCA have pressurised local canoeing clubs to adopt the same intransigent attitude. A possible solution is that canoeing takes place in the winter months avoiding the spawning grounds, when fishing is more limited.
- Riparian owners and angling clubs have to endure almost constant trespass by canoeists who seem to think that they should be rewarded for their unlawful behaviour by the law being changed in their favour. This is not how a democracy should work and a key tenet of our way of life should be upheld on this point.
- Anglers and riparian owners put a significant amount of time, work, care and finance into Welsh rivers to improve the habitat and water quality. This seems to go unnoticed. It is certainly unappreciated by the vast majority of people. Anglers pay twice in order to fish: once to the EA (£68 per annum for a migratory fish rod licence) and again in club fees or whatever to be able to fish a certain river or stretch of river.

From my understanding, canoeists do not put anything positive back in to rivers

- Anglers do not pay to be able to take fish (which canoeists constantly maintain): they pay for the enjoyment of using someone else's asset. This is proved by the fact that coarse fishing clubs who return 100% of their catch usually pay an annual rental to the riparian owner. I know of only one instance where coarse fishing clubs fish for free and that is due to the generosity of the owner and the fact that the clubs show the utmost respect to the river and river bank.
- If open access is to be granted in Wales, then proper, considered research should be conducted in Wales itself. Reliance should not be on Scottish precedence, because the situations are different. In any case, I understand that the Scottish system is not the success it professes to be, at least not amongst those who lose out – inevitably the fishermen.

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

I am not suggesting that anglers should have exclusive rights to rivers to the detriment of canoeists. The corollary is that canoeists should not therefore have free, unfettered access to all Welsh rivers. The WCA's approach is therefore unacceptable and it will be a very sad reflection of today's government if the angling community's concerns are not listened to and more importantly accommodated.

I would be grateful if you could confirm safe receipt of this letter and I look forward to hearing of a considered, well researched and fair resolution to the issue.

161.T J Rosselli

I was very dismayed to hear of the proposed plans to allow unrestricted access for canoeist on the River Dee without prior consultation with landowners surrounding the Dee or the riparian owners.

I am a riparian owner to the stretch of the River Dee which runs between Erbistock and Bangor-on-Dee and run a fishing syndicate of 52 rods on this section. I also lease out two parts of the river to the Bryn-y-pys Angling Association. which have about 100 members and let out another section by Erbistock Mill which has 14 rods. The majority of these members come from the surrounding area and approximately half from Wales in itself. There has been renewed interest from the locals recently due to the high price of oil and traveling up to Scotland for a weeks fishing has become a lot more expensive as a result.

This stretch of the river is well above the tidal stretch and the river is very well defined. There are areas where a footpath runs adjacent to the river but does not go to the river so anyone entering the river will be trespassing. It does not matter how carefully canoeists pass down a river. they will disturb fishermen. who have paid money for the right to have a peaceful day, and also disturb salmon which is the main reason why the Welsh Dee was made an SSSI. Canoeist will undoubtedly want to canoe down the upper stretches of the Dee which is the spawning ground for salmon and this will lead to lowering of successful spawning which will eventually reduce the salmon in the river. Not only will it disturb fishermen and salmon but also wildlife which will lead to a lowering of numbers on the river.

The Anglers on the river have just paid huge amounts of money to remove the nets off the estuary so that salmon are not caught and more have a chance to get into the river system. This good work will be lost should the spawning grounds be disturbed during the wrong time of year. Have the canoeist ever contributed anything towards improving the ecology of the river? The anglers also pay a subscription every year and part of this will be for the benefit of the river. Does the Canoeist pay anything?

In the past, the Dee Fishery Association have agreed informal access for the fishermen at Llangollen so they can be on the river at certain times of the year. However. recently they have taken a stance that they have the right to do what they wish and will not even bother to discuss the matter. As a result, all talks have broken down which ultimately is to their detriment.

The act of having voluntary access on certain parts of the Dee at certain times of the year i.e. November to April is the way forward since it has worked in the past and benefits the river. the landowners and the Canoeists.

Another reason why I am not keen on canoeist is that there is a weir on the stretch of the river and this is likely to cause injury to a canoeist. Should an accident happen, they will no doubt wish to sue the owner of the river for something, which they undertook without permission? Apart from putting up a warning sign, it is impossible to fence off such a dangerous hazard and therefore premiums for Landowners will no doubt be increased. Why should landowners be financially penalized for the illegal actions of others?

Should this law be passed, I believe the Nos of salmon will reduce dramatically and the local economy in this part of Wales will suffer as a result. It will be nothing short of a right to roam bill which will destroy any associated commercial enterprise on the river and contravene European legislation of SSSI' s.

162. Ross-on-Wye Angling Club

As Secretary of the Ross-On-Wye Angling club representing 320 members, many of them from Wales, we have a rented (at substantial expense) approximately 5 miles of the River Wye around Ross-on-Wye, we would like to comment on the current canoeist situation and changes to the law being discussed.

We currently feel our legal rights are clear and well defined on this stretch of water and feel that no changes to our legal rights need to be made. There is a voluntary access point for canoeists on our water, unfortunately many other canoeists just seem to feel that they can launch and have access at any other points they wish.

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

Anglers don't pay to be able to take fish, (we are primarily a coarse fishing club returning fish caught to the water, but have to pay significantly for this privilege.

The anglers, associated angling bodies and riparian owners are the people who have put and are putting in constant effort to keep our rivers as they should be in their natural state and with good water quality and habitat. What do or have canoeists done to preserve enhance or maintain this?

163. Alan Francis Sanders

For the past 15 years I have been a member of the Management Committee of the North Wales Branch of The Country Land and Business Association. For six years up to October 2008 I served as branch Vice Chairman, Chairman and President. I have also served as Chairman of the Dee Fishery Association and I formed the original River Dee Trust Charitable Trust. In addition I also served on the LF AG for the Rivers Dee and Clwyd.

In 1990 the statement that there was a shortage of access to the Rivers of Wales for canoeists would, with a few exceptions, have been true. In 2009 that statement is only true because of the manipulation by those who are responsible for management of the canoeing organisations within Wales. Access to the major Rivers in Wales is on offer by way of voluntary agreements. An agreement needs two parties and sadly Canoe Wales refuses to enter into any form of agreement and where agreements have existed the canoe interests have either terminated those agreements or refused to re-new them when they have come up for re-negotiation.

The premise behind this strategy is to promote a belief that access to the Rivers of Wales is being refused and that opening the floodgate of unrestricted access to every inch of every River in the Principality is only way to balance the perceived injustice.

Access to every inch of flowing water also means that there must be a corresponding right to cross any piece of land (whether it be a field of grain, silage or other private property) to reach that water.

I respectfully submit that the members of the Sustainability Committee should follow the advice of the Environment Agency and CCW and encourage the canoe interests to accept the access agreements on offer throughout Wales. Further consideration of the Petition should be deferred for a reasonable period so that the access made available by agreement can be properly assessed.

164. Ribble Fisheries Consultative Association

I write in support of Mr W.G.Davies brilliant letter to you dated 1st Aug 2009 reference the above. The points he makes are well thought out and backed by fact. The Merthyr Tydfil Angling Association has worked for many years in a far sighted way to rescue the River Taff and in the process make available to large numbers of people the availability of fishing. This they have done using a great deal of hard work and a lot of their own money. This scenario can be multiplied throughout Wales. He makes the point "where were the canoeists in all this", off illegally canoeing down some other river no doubt! Fishing clubs look after the environment because they know that if they do not then no one else will. They also have a strong sense of history and wish to leave an environment fit for future generations. Hence anglers can be found taking part in all types of habitat work. Canoeists have no track record of being involved in such work or being in the slightest bit interested in the environment. Indeed they boast that canoeing is a benign activity in terms of the environment. There is no such thing as a benign activity when it comes to the environment which is why anglers make such efforts to protect it. Who I wonder would be liable if canoeists introduced parasites into the watercourse and destroyed salmon stocks?

Anglers do not just look after the environment, they are the only group to pay towards its upkeep. All anglers pay a national licence which goes towards the Environment Agency and then pay permit fees to fish a particular stretch. Many angling clubs own their waters while others rent or lease. These are legal rights established over many years. On the vast majority of waters there is no navigable right of way above the tidal stretch. Are you going to ignore these legal rights and simply hand them over for free to canoeists who pay nothing?

In the evidence presented to the Committee at the Royal Welsh the situation in Scotland was mentioned. Consider for one second the fact that the population in Scotland is markedly less than can be found in England and Wales. Many of the Scottish rivers are much longer than their Welsh equivalents and this does make a difference. Even in Scotland there is much dismay at the way things are working out and some beats no longer have tenants because people are not prepared to travel long distances and pay money and be unable to fish because of hordes of canoes making a nuisance of themselves. Tourism is a major income for Wales and if anglers stop coming this would have some dire effects. There are far more anglers than canoes.

Voluntary agreements were mentioned by Mr Davies and in the evidence presented at the Royal Welsh. The trouble here is that the canoe groups do not want such agreements but complete access 365 days a year. It must be pointed out that anglers who pay for access; do not have 365 days access a year for a variety of reasons, mostly environmental. As Mr Davies rightly points out canoe unions have broken just about every agreement they have made in favour of direct action and political pressure. They then claim how little access they have. It is the same policy in England in terms of such agreements. The other problem is that canoe groups/unions seem incapable or unwilling to exercise any control over their members. Canoeists want everything and are prepared to give nothing. Given this attitude why should anglers voluntarily give away their legal rights for free?

One way forward would be for canoeists to be on the same footing as anglers. They would pay a national licence which would go to the Environment Agency, perhaps helping to defray some of the expenses of putting the Water Framework Directive into operation, not that they would know anything about WFD or even care. They could band into recognised associations with rules and regulations and negotiate with landowners and riparian owners for access and permission to canoe on that stretch of the river. Anglers do not have the right of access throughout a river unless they pay

for it. They would have to accept that certain parts of a river could not be canoed on at certain times of year and at certain water heights. I could go on but believe the point is made. Perhaps if canoeists paid for the privilege they would respect the environment more and do something to look after it?

165. Adrian Cooper

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

Recreational canoeist, Chairman of Marlow Canoe Club

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

- British Canoe Union
- Canoe England
- Marlow canoe Club

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

- River Dee
- River Tryweryn
- River Severn (all sections)
- River Wye (all sections)
- River Usk
- River Tanat
- River Clyweddog
- River Vyrnwy
- River Teifi
- River Twymyn
- Lake Bala/Llyn Tegid

Legal rights

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

No

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

The law is unclear as to whether the general public may navigate all rivers. Magna Carta was clearly drafted on the understanding that rivers were available as navigations but this law has been gradually repealed but not replaced with any clear statutory clarification.

Many people understand that legally one can paddle some 4% of rivers in Wales, whilst it is highly unlikely, I run the risk of being taken sued 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.

165.6. 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.

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

Yes, Scotland - the Scottish Land Reform Bill provides a sensible balance of rights and responsibilities although Wales (and England) are the only countries where the law is interpreted against navigation.

Voluntary agreements

165.8. 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.

The difficulty with agreements is that they only apply in law between the parties to them, they cannot be imposed on third parties and particularly on those who are not members of organisations negotiating them. For canoeing, 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. The 'Brighton Report' should be ignored for its conclusion that the negotiations resulted in improved access whereas actually they resulted in less access agreed.

The executive summary of this report was profoundly flawed.

165.9. 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 example when a championship fly fishing event or other watersports competition is taking place. This would be to temporarily restrict the general right of access.

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

Yes, in Scotland, these temporary agreements have worked well for the likes of angling competitions.

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 where adjoining land is 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.

166. Paul Fernee

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

I am a canoeist and former angler but looking forwards to angling again in my retirement.

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

No

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

I generally use the River Dee, currently between Holt / Farndon and Chester for canoeing as we are limited by the lack of access. Some of this part of the river borders England and Wales. It seems strange that such an important Welsh river can only be enjoyed by all during a small fraction of its life, and only when it is in England.

Legal rights

I am always uncertain over legal rights for canoeing and that puts me off canoeing in new places

I understand that I can canoe between Holt / Farndon and Chester without any permissions

I would love to be able to canoe on the River Dee above Holt / Farndon as it would provide longer journeys and provide more variation.

I was brought up in N Wales and spent my youth fishing some beautiful parts of N Wales, now in my forties I would love to revisit them in my open canoe.

I understand that Scotland would be a good model for the rest of the UK.

Voluntary agreements

I do not have any experience of voluntary agreements as they seem very complex and immediately off-putting. I doubt that they would be well understood by any other parties either, other than the individuals that draw them up.

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 that the current situation is not tenable due to the lack of transparency and equity.

Without clear legislation, uncertainties over access leads to resentment and ill feeling by all parties and ultimately, conflict. Anglers seem to resent the existence of canoeists because they believe that canoeists should not be there, rather than any real proven impact on their sport. The argument that anglers pay money to fish while canoeists don't is spurious. Examples of bad behaviour by a minority of canoeist is used as a reason to ban all access to all canoeist. Where there is a legal right to use a river for recreation, such as between Holt / Farndon and Chester everyone has to co-exist; swimmers, anglers, rowers, dog walkers, motorboats and larger pleasure craft. While I am sure that many would wish to have the exclusive use of the river so that they could undertake their hobby without compromise, the UK is a small island and we have to share its resources.

I would like to see a 'right to float' for individual canoeists, possibly licensed access for commercial groups. All users should be subject to codes of conduct, with anti-social behaviour by any party not being tolerated. There must be some middle ground for all parties to enjoy the beautiful rivers of Wales. Hopefully, you can set an example to England.

167. Michael Stirk

I write representing my club The Midland Fly Fishers as their Salmon Committee Chairman. The Club was formed in 1935 and has owned nearly four miles of water on the Welsh Dee for fifty three years situated between Glyndyfrdwy and Llangollen. It keeps the salmon fishing to its members but allows day and season tickets to be sold locally for the trout and grayling fishing to locals and visitors to N.Wales. The club also rents, on a long lease, a stretch of about 3 miles above Glasbury on the river Wye for game fishing where it also allows Coarse Fishing Clubs from S. Wales to fish by arrangement out of the salmon season.

As Vice Chairman of the Wesh Dee Fishery Association, a few years ago, I was deeply involved in talks with the Welsh Canoe Association in an effort to allow them restricted access by arrangement to canoe in an organized manner through our water and on down into Llangollen on defined days through the winter months. The negotiation eventually foundered particularly when their then chief executive Richard Lee went abroad to pursue a new career. After that as time went on and despite further dialogue and talks brokered via the Environment Agency the attitude by WCA became very uncooperative and in fact became increasingly hostile and encouraged open trespass on the river on its website.

Thus the MFF Club decided that it would not allow any further access to any clubs until the WCA would come to the table and discuss it reasonably with all the relevant fishing clubs in the area. Despite great efforts by a few of the club executives in the Llangollen area negotiations have not progressed and the blame, regrettably, lies mainly with the WCA -now Canoe Wales-who now openly encourage all localised agreements to be cancelled and encourage people in canoes to practice what is open trespass at all times of the year,

The situation has become increasingly unpleasant and when challenged by our members, many canoeists, but not all I may add, are extremely abusive and have no manners or respect for other people who have the legal right to be on that part of the river. If the open trespass continues and increases it will become an ecological disaster as the threatened and dwindling stocks of salmon in both the Dee and Wye will be too disturbed by a constant cavalcade of canoeists going down over the shallow areas at the critical spawning stages for these fish.

You and your committee should also consider the policy statements of both the Environment Agency and the Countryside Council for Wales particularly in relation to the Dee where they state that they are only agreeable to canoeing taking place at prearranged times with the riparian owners with clearly defined access and egress points and only when the water levels are above certain critical heights so as not to interfere with salmon and trout spawning. I have no doubt you are aware of the Wesh Dee being an SSSI and a SAC which clearly demonstrates the sensitive habitat issues at stake with canoe disturbance.

In conclusion I would state that the Midland Flyfishers are prepared, together and in conjunction with other neighbouring clubs and riparian owners, to negotiate local agreements for access at predetermined times and river heights with a responsible and well organized body of local canoeists who are willing to negotiate reasonably with ourselves, the Dee Fishery and Upper Dee Associations.

If this move fails and you are coerced into open access by the Canoe Unions we would fiercely oppose this through the law courts and would also be seeking a very substantial compensation for devaluing our fishery.

168.Sam Wort

I'm regular user of inland waterways, in order to participate in white water kayaking and I'm member of the British Canoe Union. The main stretches of water I've used in Wales for kayaking have been the River Wye and the River Tryweryn.

Obversely there are no access problems on the Trywern, However on the upper stretches of the Wye the state of access is not clear at all. On a recent visit to Wales with a group of juniors, we felt unable to paddle the upper Wye as there is no clear guidance on access to that stretch of water. This is generally speaking the situation throughout Wales.

In the past there have been voluntary access agreements for very small number of rivers, however these are often drawn up by those who want to limit kayakers and canoeists rights. So are therefore very restrictive. This also means that if a particular party doesn't want us using a certain stretch of water they often refuse to even talk about an agreement. As we have no clear guidelines on access, this has led to myself and others kayaking were we want; providing there is enough water to do so and that it doesn't unnecessarily affect others or damage there property.

The only forward from this 'unclear' and 'joke' of a situation is for sensible legalisation to be put in place. This would need to ensure that everyone has a right to access inland waterways. In addition to this there would have to be a set of guidelines, which we the water users would have to follow.

These guidelines would be used to protect the environment from damage by all water users and would need to be able to take into account specific local issues for each stretch of waterway. I would strongly urge the Welsh assembly to look at Scotland and other European countries to see how effective legalisation can be put in place.

I hope the situation is cleared up soon as things are starting to get worse between opposing groups.

169. Dr Alan Edwards

I wish to express my extreme concern regarding proposed changes to the law regarding canoeing and other craft access and use of Welsh rivers.

As a fisherman who fishes on several Welsh rivers including the Usk, Teifi and the Ystwyth and also a sailor, I consider it absurd to contemplate free access to all waterways by all corners. Those of us who fish pay a significant fee to the environment agency for the privilege and also fees to the legal owners of the river banks and fishing rights.

If free access was granted to craft users then this right would logically be extended to others including fishermen, depriving the owners of the fishing rights of revenue. This would result in neglect of the riverbanks as there would be no income to fund such work, inevitably this would result in deterioration in the fishery with the knock on effects to tourism and the local economy.

I feel I should bring your attention to the fact that Welsh sea trout (sewin) fishing attracts fishermen from all over the world and can only be equalled outside Europe.

Such a facility should not be endangered lightly particularly if no alternative asset to the local economy is being considered.

I am not anti watercraft user; I just believe that they should be regulated and contribute to the facility they use in the same way as the rest of the population

170.R J Foulkes

I wish to reply to your letter of the 11th August inviting us to express our views on this matter,

My interest is fishing and I am a member of Llandysul Angling Association which rent and own 30 miles on the River Teifi,

Our rights as anglers are well defined, but those such as canoeing are not. Stretches of river have been purchased or leased, and we have the right to fish the water under our control together with negotiated right of access and parking area if possible.

The situation as regards canoeing should be clarified. Why having paid a large amount to purchase fishing and large rents to farmers we are then powerless to prevent canoeists and rafters from using our waters at will and thus spoiling the fishing for hours.

You would not allow people to enter your garden or property to canoe on your private pond or lake.

I am aware some rivers in Scotland have access, but these are far larger than any we have in Wales and the problem is not so damaging.

As fishermen we look after the rivers, monitor and report any pollution and carry out habitat restoration work. There is potential for damage to the environment with possible spread of parasites and disturbance of the spawning grounds.

I understood the National Assembly function was to promote Wales and Tourism, then why are you doing your utmost to kill the tourist trade in Wales, if our rivers are spoilt no fishermen will come here to fish thus affecting the local hotels, pubs, B& B, cafes and also the farmers etc will lose their rents.

It seems in Llandysul the canoeists have their own bunkhouse, shop and soon cafe (paid for by us through assembly grants) and will not be supporting the local area in any form,

The fishermen have to pay license fees and the club rates, once the fishing goes, so will these fees whilst the canoeists pay no fees whatsoever.

171.Owain Rowley – Conwy

I am writing to you concerning the proposal to give canoeist access to all rivers in Wales at all times of the year.

I am a riparian owner on the River Clwyd between St Asaph and Rhuddlan in Denbighshire, in some parts on both banks of the river. Anglers regularly fish the river principally for sea trout but there are some salmon as well. Some of these anglers are local but a good proportion are tourists, many from the caravan camps in this area.

The current situation is that there is no right of navigation upstream of Rhuddlan bridge. Downstream of the bridge are some three miles of river available to canoeists navigable by canoes at all stages of the tide. This has been the situation for generations - possibly centuries - and is well understood by all. Any canoe further upstream in non tidal water is trespassing because it is passing over the riparian owners property. The situation is clearly defined and I see no reason to change it.

I am concerned that allowing access further upstream would affect anglers ability to carry out their hobby, for which they have paid not only ourselves but the Government in the fonn of their annual rod license - currently £68 for migratory fish. I believe it would also be detrimental to the life cycle of the fish themselves, which are, incidentally. themselves protected under the Salmon and Freshwater Fisheries Act.

There are many excellent voluntary agreements on Welsh rivers. On the River Dee there is one which is also supported by the water companies who arrange releases of water from the reservoirs that create white water conditions of the highest international standards. It seems to me that much of the difficulty is caused by the Welsh Canoe Association itself in that they refuse any constraint on their activities at all and seem to encourage canoeing clubs to adopt the same intransigent attitude - to the point where some perfectly workable and existing compromises are refused purely because they are not entirely without restriction. Having rejected such practical arrangements they then complain they have no access to that river - a rather extraordinary standpoint.

As stated above anglers are required to pay for an annual licence and with riparian owners and angling clubs carry out a considerable amount of work on the rivers. What contribution can we expect from the canoeing fraternity? Presumably they too will have to purchase some form of license from the Environment Agency in order to help the Agency protect the riverine environment - although this will be difficult to enforce - but can we expect them to join in the work required to help preserve the rivers in good order? I somehow doubt it.

I am concerned that in their enthusiasm to sway your opinion the canoeists draw parallels with the Scottish experience which do no bear close examination. Scotland is not Wales and its rivers are generally larger and more remote from urban centres of population. However that is not true of all of them and to blithely assert that no problems have been caused by the extension of the right to paddle is simply untrue and I would ask you not to be misled by such nonsense.

As a political act - which as Clerk to the Committee I appreciate does not affect you personally - I would regard extending the right to paddle in the way suggested would be (as Sir Humphrey would put it) "most courageous". There are a lot more anglers than there are canoeists, however vociferous the latter body may be, and one would be able to do ones own electoral calculations quite simply.

Finally there would be the matter of compensation to consider. Angling interests would naturally seek considerable sums for the degradation of their sport and I could see a real bean feast developing for

the lawyers with claims, counter claims and, who knows, judicial reviews and suchlike. To suggest to the practitioners of the largest participator sport in the UK that their opinions can be run over roughshod at a time when the Government is less popular than I can remember in my life - and I was around to see the end of John Major - could lead to some quite exercising situations.

172. Dr Richard M Lucas

I understand that the Sustainability Committee has opened an enquiry to consider Lt submission by the Welsh Canoeing Association to grant paddlers free and unfettered access to all rivers in Wales at all times of the year.

I am a retired general practitioner, having lived and worked in North Wales for the past 30 years. I supplement my pension by renting out a cottage adjacent to my house as CI weekly holiday let. I am aware from guests that one of the main reasons for them holidaying in north Wales is the availability of high quality game fishing. I am also one of the co-owners of the Lower Penylan beat on the Welsh Dec. I also rent a salmon (da) rod on Bryn-y-Pys Fishings-a water which also allows access to trout and coarse fishers as well as day tickets to visitors. I am a member of the Salmon and Trout Association and a Trustee of the Welsh Del'.

As a keen angler, I have travelled to Patagonia, fishing for trout and sea trout, including from a raft floating down a river for several days at a time. I also have enjoyed white water rafting in rivers in British Columbia, so I understand the enjoyment that is obtained from having access to rivers by paddlers. The guides in Argentina and raft captains in Canada are trained, licensed and controlled, as their respective governments recognise the need to balance the needs of various river users, particularly bearing in mind the value of angling to the tourist sector of their economies.

In Wales, the legal rights regarding access to rivers above the tide is currently clear cut-it is trespass to go 011 a river above the tide without permission of the owner. Previously, access for paddlers depended on local agreements between canoeists, landowners, fishing clubs and riparian owners. Such agreements aimed to consider the needs of the various groups, but most importantly had regard for the welfare of the river and the fish. The topography of rivers in Wales varies from large rivers such as the Wye and Severn to very small tumbling streams in Snowdonia-a variance akin to comparing motorways with footpaths. The rules of access must take into account consideration of the local environment and hence must vary for each type of river section.

Where I fish on the Welsh Dee, the traffic from canoes and rafts is very light and easily tolerated by the river, fish and anglers. I usually experience courtesy and understanding from paddlers, who ask on which side (if I am wading mid-river) I would like them to pass. They do not linger in the middle of pools, either parking on the shore or making steady continuous progress downstream-any disturbance to me and the fish is minimal and acceptable. Sadly this is not the case even on different stretches of the same river. I used to be a member of Llangollen Angling Association and the fast white water in that area seemed to have a particular attraction to paddlers-they wish to shoot the fast sections again and again and linger in the pools below, chatting and regrouping with their fellow paddlers. Angling in such situations is impossible. Canoeists also seem to collect in Chester and "play" in the fish pass on Chester Weir-a clear breach of the salmon and migratory fish act. Upstream, the degree of access must vary according to water levels and the time of year. A canoe paddle dug into spawning beds in gravel can do untold damage to salmon reds- this cannot be allowed to happen in a river that is not reaching its conservation limit for this indicator species. I am aware that the EA W hold this view and are against unrestricted access on these grounds.

Many of the smaller rivers in North Wales hold less salmon and more seatrout. These seatrout occasionally grow to a large size and become a prize eagerly sought by home and visiting anglers. Such fish are very wary and easily disturbed by paddlers so such rivers require tightly controlled access agreements. If the fishing in this type of river is ruined, then more anglers will travel to other

destinations such as Argentina. Where angling is recognised as a major contributor to their rural economy. being tightly controlled along with river access for paddlers.

I am aware that paddlers have unrestricted access to Scottish Rivers. This produces less of a problem because there are more rivers. which are generally larger and because they are not as near such large population centre. the „ traffic" is less. Nevertheless. there are problem areas-e.g. the upper reaches of the Tay.

I urge the committee to take heed of the above points and reject the request for completely free and unfettered access to all rivers in Wales. I feel the canoeists should be controlled by a licensing system similar to that for anglers. and then access to individual river sections should be subject to local access agreements worked out between paddlers. Owners. angling clubs and the EA W.

Agreeing to unrestricted access for paddlers on Welsh Rivers would be worse than applying the right to roam to golf courses-not only would other people have their sport and investment ruined, but most importantly there would be no legal protection for the environment and the fish.

173. Hugh, Priscilla, Ben and Joanna Llewelyn

Following the Welsh Canoeing Association's (WCA) efforts to persuade the Assembly to change the law to allow paddlers completely free and unfettered access to all rivers in Wales at all times of the year, I feel compelled to write with my thoughts opposing this campaign.

I mainly enjoy fishing on the River Usk and other Welsh rivers such as the Dee and Towey. I enjoy fishing for both coarse and game fish.

As an angler and a citizen I understand and respect my legal rights when obtaining access to beats on these (and all other) rivers. Indeed, I know that unless you have the owner's permission, it is a trespass to go on a river above the tide which is in private ownership. Since this is the law, I abide by it 100% and feel strongly that this legal position should be upheld.

My fishing has regularly been disturbed by canoeists on the Usk. Where they have permission and respect for the fisherman, by avoiding the areas that are sensitive, I do not have a problem with sharing the water, especially where courtesy is displayed. Too often there is none of the latter, rather rudeness and what appears deliberate disturbance of areas which hold fish. This not only significantly reduces the chances of catching fish, but also ruins the day's experience.

There are a number of other points of which I am aware:

- The Salmon and Freshwater Fisheries Act (1975) protects spawning fish and in particular the redds of migratory fish, from disturbance. This is law, is respected by anglers and should be by all others including canoeists.
- If canoeists are suggesting that they have little or no access to water in Wales, then they should note that there is free navigation on all tidal stretches of rivers and Wales has the second highest tidal reach in the world! The tidal stretches of some rivers can easily amount to a quarter of their whole length.
- I am also told that the WCA has withdrawn from some perfectly good access agreements to try to show the Assembly that they don't have enough water, whilst still continuing to give ingress and egress points on maps in their website, so inciting trespass. How can that be acceptable?
- If the WCA will not accept any restrictions to their paddling (which apparently is their stance) then it can't be surprising that they do not have more water within which to canoe. Unfortunately the WCA have pressurised local canoeing clubs to adopt the same intransigent attitude. A possible solution is that canoeing takes place in the winter months avoiding the spawning grounds, when fishing is more limited.
- Riparian owners and angling clubs have to endure almost constant trespass by canoeists who seem to think that they should be rewarded for their unlawful behaviour by the law being changed in their favour. This is not how a democracy should work and a key tenet of our way of life should be upheld on this point.
- Anglers and riparian owners put a significant amount of time, work, care and finance into Welsh rivers to improve the habitat and water quality. This seems to go unnoticed. It is certainly unappreciated by the vast majority of people. Anglers pay twice in order to fish: once to the EA (£68 per annum for a migratory fish rod licence) and again in club fees or whatever to be able to fish a certain river or stretch of river. From my understanding, canoeists do not put anything positive back in to rivers.
- Anglers do not pay to be able to take fish (which canoeists constantly maintain); they pay for the enjoyment of using someone else's asset. This is proved by the fact that coarse fishing

clubs who return 100% of their catch usually pay an annual rental to the riparian owner. I know of only one instance where coarse fishing clubs fish for free and that is due to the generosity of the owner and the fact that the clubs show the utmost respect to the river and river bank.

- If open access is to be granted in Wales, then proper, considered research should be conducted in Wales itself. Reliance should not be on Scottish precedence, because the situations are different. In any case, I understand that the Scottish system is not the success it professes to be, at least not amongst those who lose out – inevitably the fishermen.

I am not suggesting that anglers should have exclusive rights to rivers to the detriment of canoeists. The corollary is that canoeists should not therefore have free, unfettered access to all Welsh rivers. The WCA's approach is therefore unacceptable and it will be a very sad reflection of today's government if the angling community's concerns are not listened to and more importantly accommodated.

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

I would also be grateful if you could let me know under what powers the Assembly would be permitted to change this property law.

174.Llandysul Angling Association

My interest in the issue is fishing.

My organisation is Llandysul Angling Association.

We manage 30 miles of fishing on the River Teifi.

Legal rights

We are happy that our legal rights regarding angling are well defined, but not those

regarding canoeing. Our understanding is that we have purchased or leased the right to fish in the stretches of water under our control, accompanied by a negotiated right of access and a parking area if possible.

Yes, we would like changes to our legal rights. We would like to see the situation regarding canoeing and rafting on our water clarified as the current situation is not working for anybody at present. It would appear that we are currently powerless to prevent canoeists and rafters from using our waters at will. As we are the property owners, and having paid handsomely for the privilege we feel that our rights are being abused and we are seeking workable legal redress.

We are not aware of any legislation that exists in other countries that could be used in Wales.

Voluntary Agreements:

We do have experience of voluntary agreements for access to our water as we granted Llandysul Paddlers a 25 year lease on one of our stretches of river. This situation was fine for a few years, but since the Paddlers have developed higher aspirations they have not stuck to their agreement and seem to think that they have already gained the freedom of the river which they are currently seeking.

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

We are not aware of voluntary arrangements in other Countries which could be useful here as these agreements do not seem to work anywhere else. As the campaign is for open access to all Welsh waters the discussion has moved beyond this point -the Welsh Canoe Union is advising its members not to enter into any more agreements because they are attempting to achieve a greater outcome.

Key Issues:

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

As property owners, we do not have adequate legal protection with regard to trespass over our property.

We have the current delicate ecological state of the river to deal with and are endeavouring to do so via our rivers trust. We are the people who genuinely have the welfare of the river at heart and are undertaking educational, surveillance and habitat restoration work which will go a long way towards satisfying the European Water

Framework Directive.

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

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

There is potential for a reduction in membership of Llandysul A.A. and in the economic benefits for the rural Welsh economy from reduced angling tourism.

Canoeing is already illegal under the Salmon and Freshwater Fisheries Act 1975, Part 1, section 2, sub section 4 and part 2, section 12, sub section 3.

Does the farming community know that they could soon be the recipients of a whole new group of uninvited guests?

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

Fishermen are largely adapting a no-kill policy on the river and are metamorphosing into conservationists rather than blood sport enthusiasts.

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

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

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

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

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

Angling clubs are well established organisations with a long history of trouble-free sport. We are accessible to anyone, we carry I.D cards and we police ourselves. We also work in partnership with

other organisations such as CCW and the Environment Agency on many projects which benefit both the environment and community and wish to continue to be able to do so.

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

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

Angling is currently worth approximately £130 million to the rural Welsh economy. (Environment Agency figures, not mine). It is also the largest participant sport in the UK, with 6 million active fishermen nationwide. Canoeing is worth far less, both in economic terms and potential votes for politicians.

Solutions:

We wish to regain control of our own property.

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

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

They can canoe outside the fishing season from 18th October until 1 st April the following year on an open-access basis as long as they avoid environmentally sensitive areas such as head waters and tributaries.

They then have to negotiate with land owners and fishing owners for canoeing during the fishing season with instant redress for transgression. Their complaint will be that this is not enough to satisfy their demands but we do not see that it is the business of Llandysul, or any other angling club to sustain the activities of other people who are nothing but a nuisance to us. How canoeists procure their canoeing is a problem for them, not us.

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

175. Ron Miers

I understand from various sources that Canoeists are seeking access to all Welsh Waters, rivers and lakes in Wales, without any let or hiderance, 365 days a year and for 24 hours a day!

As a member of the Seiont, Llyfni and Gwyrfai Angling Soviety I would like to raise the following concerns.

1. Access for anglers is limited by a fishing season normally from March to September/October. The reason we are not allowed to fish from November to February is that Brown Trout, Sea Trout (Sewin) and Salmon spawn during this period and access at this time has to be denied to prevent damage to spawning redds which would be irreparably damaged should canoeists use the water during this time.
2. As a member of an Angling Association we are required to pay membership fees so that our Society can buy, lease or rent the right to access the rivers to fish. Also to enable our club or society to preserve bank side habitat, maintain access and parking areas and also produce from our own hatchery juvenile fish (parr) with which to help maintain the stocks of our increasingly dwindling stocks of salmon and sea trout. The current fees for our Association vary but range from £220 - £290 for the season which is not a full year and on top of this we pay £75.00 for our Environment Agency licence making a total of between £295 - £365.00
3. If canoeists are allowed access 24 hours a day, and 365 days a year irreparable damage could be caused to our rivers and fishing and they want this access free! Some of our fishing incorporates SSSI's
4. Certainly it might be possible to allow access at certain point and times and by agreement with owners, but this would have to be licensed by the Environment Agency and a fee paid as anglers do at present.
5. As well as the EA fee the canoeists should also be required to pay water access fees in the same way that anglers do, so that access points can be determined and maintained and rents paid to riparian owners for this access.
6. Unlimited access by canoes would be a disaster for the Welsh economy as revenue produced from fishing is considerable and far exceeds any benefit that would be derived from allowing canoeists unrestricted access.

There are many other reasons to deny the canoeists requests and I trust the brief summary above will help the consultation come to a realistic and sensible conclusion.

176.Prysor Angling Association

The following is the submission to the inquiry into Access to Inland Water in Wales on behalf of the Prysor Angling Association we make our submission representing 200 Welsh anglers and 1,500 visiting anglers annually to our waters.

We are over a 100 years old and fairly large Fishing club in North Wales that provides fishing to all walks of life whether they are Otters, Ospreys, humans, local, visiting, young or old and disabled, we welcome all. To explain how our organisation works will be as follows:↴

We lease the fishing rights for the lake on a long term basis but PAY annually for the lease, the lease money is paid into a local community organisation which they use to improve the community where necessary by match funding etc.so as you can see our money goes further than people expect!

Also we lease the fishing rights from the local farmers to our 3 rivers, 'Afon Prysor, Afon Eden and Afon Cain', not only this but we improve the river habitats and look after these waters for the spawning of fish and other invertebrates for future generations. It should be pointed out to other water users that there are closed seasons for the spawning season and this should be respected, no fishing is done during these periods.

Other points that should be considered is that the angler pays to fish the rivers i.e. a permit is bought for fishing the club waters and as explained this money is being used to improve the water and facilities of the angling club.

A fishing rod license is obtained from the Environment Agency for a day, weekly or a season some of this money is being put back into the aquaculture industry.

If the angling clubs are to continue with this good house keeping of their waters for future generations, the angling clubs must have some control to the say of what the future use of these waters are for.

177. Dolgellau Angling Association

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

Fishing

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

Dolgellau Angling Association

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

Use of Rivers Mawddach and Wnion

Use of Llyn Gynnoch

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

We have clearly defined legal title deeds detailing extent and rights of fishing access

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

We have clearly defined legal title deeds detailing extent and rights of fishing access

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

No

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

No

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

No

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

No

177.10. 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.

Our Angling Association has clearly defined legal title deeds to all our waters. These detail the extent and rights of fishing and access to the waters we own or lease.

No recreational activity should have adverse effects on the environment, wildlife or an amenity important to other users.

Tourism is the biggest contributor to the economy of our area. Walking, cycling and climbing are significant attractors to our area but one of the biggest attractions is the fishing in our rivers, lakes

and in the sea. These are the mainstay of income for hotels, guesthouses and caravan sites. Locally there are at least two caravan sites where many of the static caravans are owned by anglers, who have season fishing permits and licences and spend much of the season here with friends and families.

Anglers actively contribute to the maintenance of rivers bank-side vegetation and habitat, fencing, bridges and stiles, sometimes bearing the costs or sharing them with the Environment Agency. It is important to anglers that they also have good relationships with farmers and other landowners who often have agreements to allow access over their land.

It must be seen that to have two activities, which are as incompatible as angling and canoeing, competing for the same water, can only lead to confrontation, as past experiences have shown. Anglers will "vote with their feet" and will find somewhere else to practice their hobby in peace.

Sometimes angling (particularly game angling) is regarded as an elitist sport for the wealthy but this is far from the truth. Game anglers come from all walks of life but even those on very modest incomes are prepared to spend considerable amounts of money on the permits and rod licences, which they must have to enjoy their sport.

It is doubtful whether canoeists would be happy to buy licences and permits but even if they were the conflict would still arise. The biggest loser would be the local economy and the loss would not be made up by the relatively small numbers of canoeists who tend to turn up with a canoe on a roof rack and disappear at tea-time.

178.Hoylake Fisheries

As the Secretary of 'Hoylake Fly Fishers' I have been asked by the committee and membership (80+ members) to send this letter in response to the WCA campaign to gain free access to Welsh rivers.

Our opinion is that there should be designated areas for canoeists, and permission obtained, not a free to roam right and impact on the activities of other river users, who do these people think they are?

If anglers pay to access stretches of water why should canoeists get access for free?

Stretches of rivers which we have an interest in.

We have particular interests in the following stretches of river, the fishing rights of which are controlled by our associated clubs, and/or rented by ourselves from these clubs or riparian owner act. as indicated:

Welsh Dee (Bangor on Dee Salmon Angling Association) -(Bala and District AA) -(Rhewl-Private ownership) Trywern, Llanfar, Lliw -(Bala District AA) Elwy, Clwyd (Rhyl + St Asaph) Mawdach + Winion (Dolgellau AA)

We at HFF are happy that our current legal rights are clear and well defined on these stretches of water.

We do not want to see any changes to our current legal rights.

Other key issues:

- a. Allowing paddlers unlimited access to Welsh rivers is likely to be unlawful with respect to the Salmon and Freshwater Fisheries Act (1975) which protects spawning fish and, in the case of salmon & sea trout their redds, from disturbance.
- b. Canoeists give the entirely false impression -backed up by some ludicrous statistics -that they have little or no access to running water in Wales. To start with there is a free navigation on all tidal stretches of rivers and Wales has the second highest tidal reach in the world. The tidal stretches of some Welsh rivers can easily amount to a quarter of their whole length!
- c. We object to the deceitful way in which the WCA has withdrawn from some perfectly good access agreements to try to show the Assembly that they don't have enough water, whilst still continuing to give ingress and egress points on maps in their website, so inciting trespass.
- d. The main reason why canoeists don't have more water to paddle in the upper reaches of rivers is that the WCA will not accept any restrictions to their paddling -for instance they will not accept that paddling should just take place in the six winter/early spring months when little fishing occurs. Unfortunately the WCA have pressurised local canoeing clubs to adopt the same intransigent attitude.
- e. Riparian owners and angling clubs have to endure almost constant trespass by canoeists who seem to think that they should be rewarded for their unlawful behaviour by the law being changed in their favour.
- f. Welsh anglers put a significant amount of both work and finance into Welsh rivers to improve the habitat and water quality which seems to have gone almost unnoticed. Anglers pay twice in order to fish: once to the EA (£68 per annum for a migratory fish rod licence) and again in club fees or whatever to be able to fish a certain river or stretch of river.
- g. Anglers don't pay to be able to take fish (which canoeists constantly maintain); they pay for the enjoyment of using someone else's asset. This is proved by the fact that coarse fishing clubs

who return 100% of their catch still pay an annual rental to the riparian owner. Their members would think it very strange if they were given this water for free.

- h. The canoeists and now the Petitions Committee point to Scotland where the Scottish Land Reform Act (2003) gave open access to rivers and say that this would work in Wales. We believe it would not work and that it would be quite wrong to impose something similar here for the following reasons:
 - Scottish rivers are on the whole much bigger than Welsh ones, so a group of maybe ten rafts going down a river say 3m wide is bound to have a much greater ecological effect than in the river is 10m wide;
 - The numbers of major conurbations (Liverpool, Manchester & Birmingham) a couple of hours away from north & mid Wales is much greater than similar sized urban areas to the Scottish Highlands, so far more canoeists/kayakers/rafters/gorge walkers would access smaller rivers;
 - The main game fish in Scotland, the salmon is much less wary than sea trout, which are so important to Wales both economically and culturally. Anglers from England and mainland Europe will not come to Wales and support local economies if big sea trout have been distressed by canoeists above them and therefore become uncatchable.
 - The amount of trouble there has been on Scottish rivers since the Land Reform Act was passed has been grossly downplayed. We hear from one correspondent that the upper Tay is "nothing but a war zone" with commercial rafting companies making angling virtually impossible.
- i. to change the law to allow unrestricted access on Welsh rivers would be a dreadful parallel to allowing the 'right to roam' on golf courses. These areas were specifically excluded from the CroW Act they are commercial enterprises -but so are rivers.
- j. If the law was altered as canoeists wish, riparian owners and angling clubs would quite rightly require very large amounts in compensation from the assembly for the reduction in value of their assets and the derogation of their leases respectively.

179.B.P.M. Rooney

Access into Inland Waters I attach the submission I would like to put forward to the Committee in connection with the Inquiry it is holding into the possibility of facilitating recreational access to inland waters in Wales.

I have structured my response around the questions set out in the Committee's request. The subject is, however, very wide and I would appreciate an opportunity to present my views in person if this could be arranged.

I am sending a copy of my submission to Rhodri Glyn Thomas who is my Assembly Member, and whose constituency includes the area where members of my family have fishing and riparian farming interests.

180.Rhayader & Elan Valley Angling Association

I am writing on behalf of the Rhayader and Elan Valley Angling Association, concerning Angling and the question of free access for canoeing on waters such as ours.

Our Association leases (at a considerable cost) the Elan Valley reservoirs. This covers an area of 850 acres, and comprises waters which are very deep, very cold, and where there is no protection against going over the top of the dams. It would be very unwise to grant access for inexperienced canoeists to use these waters and it would be against the present ban on canoeists (or any other boating) imposed by the Welsh Water Authority on these reservoirs. Who would be responsible for the health and safety aspects of use of these waters? If this bill does not cover lakes, then with rivers running into lakes and reservoirs -where would the boundary be? Rest assured, canoeists would not take any notice whatsoever of a non physical boundary between a river and a lake.

We also own a 16-acre natural spring fed lake near Rhayader which is far too small for anglers and canoeists to share. After spending thousands of pounds buying and developing this lake over the last 30 years, what right have canoeists got to take over the use of the water -not to mention the toilet, shelter, private roadway, and car park facilities which have cost us so much in time and money over the years.

Also, our Association owns/leases 2 miles of the river Elan, 3 miles of the river Marteg, and approximately 5 miles of the river Wye. After 50 years of dedication by local anglers -all the work being on a voluntary basis -we have managed to purchase the fishing rights of most of this water at a considerable cost, and with zero help from canoeists. The Canoe Unions cannot be bothered to go to the trouble that our members have gone to to provide waters for their members, and they have many more members than our association. We have recognised access points for our anglers to use over private ground, negotiated when the fishing rights were purchased. These owners of private land cannot believe that this group of people could be free to take their canoes, dinghies, rafts and whatever else over their land, and through their gardens to the river.

Over many years we have had talks with the canoe unions, and have not been able to get anywhere. We have tried charging by the day, an agreement for access at certain points, and at certain times of the year, and also an outright ban. None of these situations worked -partly because there are so many canoeists who do not belong to any union or club.

Our members and other anglers who pay to use our waters have had much abuse from canoeists in the past, resulting in pitched battles being fought on the river, and the churchgoers in Rhayader are not happy when the canoeists are stripping off and changing clothes in the car park in front of the church gates on a Sunday morning !!

Giving canoeists free access to waters will not solve any of the problems but will only make matters worse, and increase the antagonism between anglers and canoeists.

Anglers have to pay for a licence to fish even their own waters, and then have to purchase permits to fish a particular water. They are bailiffed by the Environment Agency, and prosecuted if they are caught without a licence. What do the canoeists pay for their sport? Absolutely nothing. And what do they do to help conservation of the environment? Absolutely nothing. Again, the question of canoeists disturbing spawning fish, especially salmon, is a serious threat to the survival of salmon in our rivers.

Personally, I cannot believe that the Welsh Assembly is even considering granting completely free access to all waters for canoeists. What the Assembly should be doing is putting the canoeists' house in order by banning them from private waters, and, where they are allowed to canoe, they should be made to purchase a licence, and then a permit to use a particular stretch -and when rules are broken, then they should be prosecuted in the same way as anglers are.

181.Maelor Angling Limited

The following is the submission to the inquiry into access to inland Waters in Wales on behalf of Maelor Angling Limited, we make our submission representing 186 Welsh members.

We control 6.5 miles of the river Dee in North East Wales, the club was formed in 1876, we have fished these beats since then, the Maelor own 3.4 miles the rest is on lease, we have a very strong youth section a disable section and a OAP section, we have 9 coaches who work with the youth and the disadvantage of the area, we work with the Cunliffe disabled centre who have access to our waters with no charge, we have access agreements with farmers to cross their land that have been in place for many years.

We are very concerned of the amount of illegal trespass by the canoeist on the river Dee, the river has a S.S.S.I. and a S.AC, to protect the very fragile biodiversity ecosystem, we have great fears the river Dee will go into a steep decline if unlimited access was granted to the canoeist, the river will not sustain the number of paddlers who will converge mainly from the big English cities.

Riparian owners and angling clubs have a responsibility to improve the habitat at a very considerable cost to ensure the wellbeing of our river systems for our future generations.

182.Salmon & Trout Association

The following is the submission to the inquiry into Access to Inland water in Wales on behalf of **The Salmon and Trout Association Wales**. We make our submission representing 242 individual members 27 clubs (Approx 10,000 members) and 10 trade members in Wales.

Q1.

I represent a great number ,as above ,of Welsh angling members. I represent Wales on the management Council of the Salmon and Trout Association in Fishmongers Hall London. I chair fisheries for the Local West Wales Fisheries Group for the Environment Agency I was secretary of Nevern anglers for 16 years I am Chairman of Rosebush fly fishing society. Am a member of Llandyssul , Lllys y fran and Nevern Angling clubs and sit on WST AA 's executive. With another hat on I am President of Newport Boat club. All the clubs I belong to provide day tickets available to the general public.

Q2.

Apart from the above I am a Federation of Welsh Angler's level 2 coach and teach all methods of fishing. I am a founder of WLAD (Welsh Ladies Angling Development) we concentrate on teaching women and children. I am on the staff of Casting For Recovery, teaching fly fishing to women who have or have had breast cancer. We run 3 day retreats all over England Scotland Ireland and Wales .I also fish and have done for 20years in the Ladies Welsh fly fishing team. I am president of the Newport Boat Club and have taught canoeing !! In fact my children and grandchildren complain I am never home!!!

Q3.

Whilst secretary of Nevern Anglers we purchased two very good stretches of water. one private negotiation and the latter through an agent .. We lease from farmers other stretches with the right of access.

Q4. - Legal rights.

I am married to a lawyer so that we have secured our leases and purchases with in the law and our access and egresses are well defined. Over the years we have erected groins and created pools for migrating fish to rest in low water conditions We have stopped all fishing in these conditions so as to avoid exploitation The Nevern is a small spate river and considerable damage can be done to stock and the environment Certainly canoeing and rafting would be harmful at certain times.

Q5 - Voluntary agreements.

Whilst Secretary of Nevern Anglers I was also Commodore of the local boat club. It was therefore easy to broker conditions between canoes and anglers. Only recently the WCU visited the club and we offered them all our facilities, namely shower and changing rooms. Bar, limited food, and rooms to have meetings and run courses in Canoeing We have safety boats available too. It was pointed out that the area of river would be restricted as so many of our members were anglers. I am sure given a little time for discussions then we could negotiate further agreement for river access. This is the only way forward.

Further comments.

Thank you for reading this far I am sure that you are inundated with volatile correspondence on the subject. I fear for the future if free access is given to canoeists. There will undoubtedly be conflict. This

can be avoided with common sense prevailing. Others will have covered the topics of insurance, licences etc I look forward to a united approach as someone with a foot in both camps. If I can assist in any way I would be delighted to do so. I enclose: a list of member clubs and trade names also The Salmon and Trout Association's policy on Canoeing. I have not included the 242 individual members. We have many other members who do not reside in Wales but fish here contributing considerably to the rural economy.

Incidentally I was honoured this year with the MBE for services to angling and the environment .-no mention of canoeing!!

183. Ian G Harmond

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

We have owned a house for 35 years some 15 metres from the Usk River and own about 1 kilometre of river bank directly below it. The land runs upstream from Llangynidr Bridge on the right hand bank. I fish and as a family we exercise a keen interest in the river habitat and take our responsibilities as the owners of a section of the river, which is an SSSI, very seriously.

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

I have been a member of the United Usk Fishing Association (UUFA) for many years, and work permitting, attend its meetings regularly. I am also a member of the Usk Valley Casting Club.

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

I fish and admire the Usk River from Llyangynidr Bridge to the Llanddetty EA operated gauging station. I maintain the bank along the stretch of the river which we own. I also fish the Tywi River near Llangadod. My wife and daughters take great delight in the river and do what they can to maintain its habitat .

Legal rights

I am not totally sure what my legal rights are other than we own to the centre of the river, the bank and land for about 50 metres over a distance of about 1 kilometre. In terms of trespass, the Brecon Beacons National Park (BBNP) have erected signs showing that there is no right of way across our land and the few footpaths shown on OS maps are not public. The title includes limited access for people fishing the stretch of water below our house. I have known the riparian owner for many years and maintain the riverbank and as far as possible protect his interests.

As to access by canoeists this is an issue of great contention and I can divide this into three general categories as follows:

- Long term users of the river who act responsibly and are a credit to their sport – over the years we have spoken to many of them, rang the emergency services when in trouble, patched up their wounds (literally) and provided them with sustenance;
- Undisciplined and unskilled canoeists who are a menace to other river users, do not respect the access agreements (i.e. specific fishing periods) and a danger to themselves ; and,
- Commercial operators who sell 'adventure' to (mainly) city people who wish to exploit the thrill of the countryside.

We have every sympathy with the first, and with education the second can be catered for, but the third are a serious problem as demonstrated when a section of wall near the boundary of our land where they disembark and drag their boats was broken down on two separate occasions (see picture below). The stonemason when carrying out the last repair was threatened by the leader of the group. They have made a nuisance of themselves in Llangynidr and environs by parking their boat trailer on private grass and breaking down stonewalling along the roads. An agreement with the Glenusk Estate managed by the Wye and Usk Foundation whereby access would be carried out down stream of the Llygynidir bridge seems to have broken down due to a clash of interest between the BBNP and the Estate.

The idea that commercial canoeing interests might secure a legal right of access to rivers in Wales, including the Usk fills us with dread. How the interests and RIGHTS of genuine canoeists can be protected while at the same time maintaining the harmony that has existed for many years on the river is a huge challenge. As to our legal rights, I assume we can stop canoeists from trespassing on our land but apart from using the bank as a toilet and generally asking for help when in trouble they are no problem. This state of affairs could continue provided they keep to the voluntary agreements regarding access and respect the rules of the river and the riparian/land owners.

I don't believe legislation is the answer and Government alone can't resolve social issues of this nature. This is being promoted by some as a 'them and us' issue with class undertones. The only way forward is through voluntary agreements negotiated between responsible representatives of the community with an interest in the rivers. That doesn't necessarily mean the Welsh Canoe Federation or the Wye and Usk Foundation. Indeed the serious challenge will be to find stakeholders who can negotiate their case fairly and responsibly.

I know that free access to rivers is a menace in many countries and Australia is a prime example. Here damage is caused by people who have a legal right of access and use the rivers for recreation, and in some case for profit. As a consequence damage is done to property and livestock, the wrong sort of people are admitted (thieves), and the ever-present risk of bush fires is increased. Farmers and riparian owners look after their land and fishery assets with great care and most see no problem in sharing them with the general community but effective ground rules need to be established to ensure harmony. Passing new laws and legislation is not the answer.

Voluntary agreements

I understand that for many years there has been a voluntary agreement between the UUFA and the representatives of the Welsh canoeing fraternity. For our stretch of the river Usk this has defined an access point upstream of Llyangyidr bridge, and it seems to have worked very well. Unfortunately a bridge refurbishment scheme carried out a couple of years ago saw the wall increased in height which has resulted in the damage to the wall described above. The heightening is shown left of the doorway in the picture below.

I believe voluntary agreements are the way forward and these traditional links should be strengthened to form a much more inclusive 'access contract' that can (somehow) be enforced. I don't believe anyone wants to see police patrolling and arresting miscreants nor the EA being given responsibility for enforcing river access agreements. And certainly no quasi organisation that purports to represent the interests of the community, like the Wye and Usk Foundation, or the Welsh Canoeing Federation should be given this task.

I spend a lot of time overseas working on rivers (large and small) in many countries and know a little about the tensions caused when competing interests are not addressed fairly and with rigour. The one theme that always emerges is that people centred issues can only be addressed by representatives of the people (i.e. bottom up and not top down). Resorting to the law only results in the more energetic and vocal (or commercial) interests holding sway which is very dangerous for democracy and in the case of rivers the environment.

For your information, I suggest you refer to the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin, 5th April 1995. While this was designed for countries it nevertheless provides a useful insight into how NOT to secure sustainable river development. These days it's viewed as being far too prescriptive being drawn up by lawyers with little technical knowledge of the key issues. As it stands it's virtually unenforceable, fails to protect the interests of the

disadvantaged, and has not succeeded in quelling border tensions (i.e. Thailand and Cambodia). There are many similar river usage agreements in Africa, Australia and the Far East which could provide working example of best (and bad) practice.

To reiterate, legislation is not the answer and voluntary agreement is the way forward. Most importantly, do not let the issue of 'class' - like it has with the ban on hunting which is similarly unenforceable - drive the agenda.

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.

Universal access to the rivers of Wales is a national right but it must be exercised responsibly and governed by enforceable rules and procedures. If not the lowest common denominator will dominate events and we will see a steady and inextricable decline in the rivers and their habitats. Genuine representatives of those with an interest (commercial and recreational) must be marshalled and a voluntary agreement hammered out that is fair and equitable.

The long-term efforts of the fishing community to protect and manage the rivers in Wales which has been hugely successfully should not be rewarded by 'selling them out' to the short-term commercial or recreational interests of a minority. Canoeing is a popular and favourite sport now but then so was squash in the 60's and 70's and this is no longer the case. Alienate the riparian and river land -owners at your peril.

184. Brian Moore

I wish to submit evidence to the Sustainability Committee and have answered the draft questions published and then, as requested, added additional comments and observations.

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

I have been an enthusiastic angler for more than 55 years and have also canoed for some 15 years.

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

I am currently a member of the Rhyl and St. Asaph Angling Association and Clwyd and Denbigh Angling Club. I am a committee member of the latter.

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

I regularly fish on various stretches of the Clwyd and Elwy and from time to time on other Welsh rivers.

Legal Rights?

I am happy that both my legal rights and those of other water users are currently sufficiently clear and well defined?

Like any other angler, I pay a membership subscription to a fishing club or a fee direct to the owners of the fishing rights for the right to access the river and to fish in the river in question. This payment ensures that I am legally entitled to fish that river, within the fishing rules set out by the EA or landowner. However, I also have to pay for an Environment Agency rod licence for migratory fish, which gives me the legal right to fish for salmon and sea trout with rod and line.

I do not wish to see any changes in my legal rights. Nor do I want to see increased access for other water users without the full agreement of landowners and riparian owners. Many canoeists claim that the law is unclear yet at the same time claim that they have access to less than 4% of inland water in England or Wales. The current campaign by canoeists is an attempt to legalise trespass fuelled by a campaign of civil disobedience.

Voluntary Agreements?

None of the rivers on which I regularly fish have any current voluntary agreements. I am not aware of any discussions to develop any voluntary access agreements on these 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?

Anglers pay significant sums, typically in the range of £50 to £750 per annum to gain access to rivers through clubs. (The costs can be significantly greater if they pay direct to the riparian owner or join a syndicate.) Most canoeists currently pay nothing and intend for this to continue but with unfettered access to Welsh rivers. Already fishing beats on heavily, though legally, paddled rivers such as the Wye are losing anglers and the value of riparian rights are dropping dramatically. Many Welsh farmers, who are usually the riparian owners, receive a significant contribution from anglers. The “free access” demanded by canoeist will dramatically erode this income stream and threaten the viability of these farms.

The value of fishing rights would fall substantially if free access was granted to Welsh rivers to legislate for “free access” could lead to compensation claims from thousands of riparian owners whose asset values have been wilfully reduced by legalising “free access.” It would indeed be reckless to enact

legislation that rewards militancy with a high potential cost and could not in any way be described as responsible government.

Further Comments

Wales is famous for its sea trout fishing. One of the attractions of fishing for these sea trout is their "wildness." They are not farmed, not stocked and are truly wild fish. They are also shy and easily frightened. Canoeing, rafting, careless wading by anglers, swimming etc can all ruin a days/nights fishing. (Being wild creatures native to the local river they are much less susceptible to what they will perceive as natural events, wading cattle, sheep or even herons and otters.) Widespread rafting and canoeing would destroy angling on many sea trout rivers. Though less timid than sea trout, salmon are also susceptible to disturbance.

Canoeists regularly quote an Environment Agency, (EA,) Research and Development Report W226 in support for their demand for "free access." No research or factual evidence was presented to or by the authors of the report. The conclusions are based entirely on opinion. In section 7. Conclusions, this report does state;-

The general conclusion from this study is that canoeing is not harmful to fish populations.

This conclusion is somewhat perversely in the light of evidence presented in section 3.2 where the authors of the report also state;- The majority of the respondents believed that canoeing could impact upon fish stock by disturbing spawning gravel/redds.

Moreover another conclusion contained in section 7 of W266 is;-

The suggested way forward to improve access for canoeists whilst reducing conflict with anglers is via further developments of voluntary access agreements but within the framework of the Fisheries Action Plans proposed by the Review Group.

Canoeists quoting W266 conveniently ignore this reference to voluntary access agreements. I agree with the W266 conclusion that this is the way forward. It would be possible to negotiate voluntary access agreements, as was previously the case, for example, on the Conwy, with riparian owners. However, all the official bodies for canoeists have rejected this approach and pulled out of most, possibly all, voluntary access agreements. Instead they have adopted a campaign that amounts to civil disobedience and a total disregard for existing legislation. I believe that voluntary agreements are the only workable way forward. For voluntary agreements to work canoeists have to recognise that anglers pay considerable sums for access to rivers, clubs have purchased fishing rights that have been paid for by the membership. They may also have to pay for access and must accept regulations along the lines of those applied to anglers.

I strongly object to any move to reward law breaking by a Government legislating to give the lawbreakers what they are seeking and in my view to do so makes that Government guilty by association.

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

185. Chris Beckley

My interest in the Welsh river system is as an angler, currently living in England. I usually travel to Wales once or twice a year specifically to fish, last visit was to Llandeilo (Towy) Mid August 2009.

I am a member of Birmingham Anglers Association, have fished Teifi Trout Association Water on weekly permits as well as fishing day ticket and privately owned stretches of Severn, Wye, Teifi and Towy.

I believe that as far as the law is concerned access to non tidal rivers is a level playing field open to all. One simply has to secure rights from the owner of the waterway to use it for their activity, this normally means payment for use.

My understanding is that to legally fish I have to have (i) A rod licence suitable for target species (ii) Permission to fish and access the river from the riparian owner (normally a club or private estate) (iii) Adhere to all local and national laws regarding to baits, tackle, close seasons etc.

I have no personal experience with voluntary agreements. Voluntary agreements in this context seem to follow a common theme - paddlers agree not to use water (they have no right to be on) at certain times in exchange for free use at other times.

The reason for me feeling the need to send this email is the movement to change access rights to Welsh waterways. I strongly believe removing the rights of the private owner and providing 'free access' is the wrong decision for the following reasons.

- 01.** Currently the system is fair, the owner of the water can decide who uses it and for what purpose. The current system has also worked for a long time.
- 02.** Angling and paddling is often incompatible. Thus by granting a right of access to paddlers you effectively massively detriment\totally ruin that stretch for angling. It would mean that there were no rivers whatsoever that you could guarantee would be undisturbed. It is worth pointing out that paddlers can easily cover 10miles or more of water in a given day, so a group of a dozen paddlers making a disturbance can ruin the fishing on a very big stretch that affects many more than a dozen anglers. A lot of Welsh fishing is done at night so when paddlers claim 'paddled for X miles and didn't even see an angler' it does not mean they have not disturbed that nights sport.
- 03.** Removing the rights of the landowners from (in some cases very profitable) rivers would inevitably (and certainly should) necessitate large sums of compensation - these would be tax payer funded and it is a total waste of our money.
- 04.** If it wasn't for the quiet work of so many thoughtful individuals and angling clubs the rivers would not be in the healthy state they are now. If the fisherman are driven out there will be no-one at the ground level that cares about the eco-system and the fish\animals that live in and around the river. Would anyone seriously suggest Salmon and Sea Trout stocks would be anything like the numbers we have now if it wasnt for work and campaigning of Anglers, and their huge financial contribution to the EA via rod licences?
- 05.** Thoughtless and ignorant access particularly across small tributaries can do a great deal of damage to the redd's of Salmon and Sea Trout.

- 06.** There is a misconception that the angler is singled out as a special case and it is only them that have access. This is nonsense, there are currently massive opportunities for paddling within Wales. Next year I am going white water rafting at the National WhiteWater Centre - I am not 'anti paddler'. Anglers have no special laws giving them access - paddlers dont need them either.
- 07.** On the Wye where paddlers do have a right of navigation it causes immense problems, it is unthinkable that every river in Wales could become like this.
- 08.** I would hate to see the damage to the rural economies in Wales when the anglers stop coming.

186. Andrew Darby

I am frequent user of water for recreation in Wales, both angling and canoeing. I have paddled and fished rivers such as the Dee, Dovey, Llugwy, Trewern, Wye, Lugg, Usk, Severn, Conwy. the list goes on. However canoeing has always been harder than fishing, and in recent years due to the actions and attitudes of landowners and other anglers in central Wales, I and many of other English paddlers no longer go to Wales to paddle. Oddly enough, as there is now open access in Scotland, we go there instead, despite it being further away. As such the Scottish economy benefits from our visits in terms of accommodation, food, drink, petrol etc.

I am a member of British Canoe Union, but not of a relating angling body in Wales.

In relation to the current legal rights, I am deeply unhappy about the lack of clarity in the legal rights regarding canoeing.

The legal rights regarding angling are easy to understand, namely you purchase the pre-requisite licence from the Environment Agency for the species of fish to intend to catch and the length of time required, then you either pay for day-ticket or join the local angling club as necessary (basically getting the permission of the landowner/controller to fish), then you go fishing.

For canoeing, the situation is far more complicated. On certain rivers, (namely the Severn and Wye) there is a long standing right of navigation for certain sections, and access agreements to other sections. On the Trywern about Bala, and the Dee at Llangollen, the landowners actively encourage canoeing. Elsewhere on other rivers, I have no idea whether or not canoeing is legally allowed or not.

On some rivers (Llugwy) canoeing takes place, on others (e.g. Banwy) you are likely to receive abuse, both verbal and physical. There is a large body of evidence of paddlers cars being damaged, and even incidents of canoeists being shot at in central Wales.

I am unaware of any law that actually prohibits canoeing, or presumably someone would have been prosecuted by now. However, that does change the general lack of welcome for paddlers on most Welsh rivers. "No canoeing" signs festoon river banks, but what weight do these actually carry. Most paddlers are responsible, and do not want to cause problems, but also want to do the sport that they love. The current access situation makes this very hard to do.

I would like to see a change in the system to give people the legal right to paddle rivers. This would not give the right to get out of the river on to private land, or access the water via private land. However, where access and egress can be made from land with public access, this should allow access to enter the river as well.

The Land Reform (Scotland) Act 2003 gives the public a statutory right to access the vast majority of inland water in Scotland, and the The Scottish Outdoor Access Code sets out criteria that should be followed when enjoying this access.

I both paddle and fish in Scotland, and from my personal experience the situation works brilliantly. Fisherman and paddlers get on well, exchange pleasant greetings, and everyone enjoys their sport. It has not led to a mass invasion of boats on to rivers and lochs, it has simply set out what the rules are. As all rivers and lochs are now accessible, the impact of paddling is spread out.

In Wales however, some (but definitely not all) anglers and landowners are offensive, obstructive, and sometimes provocative (and less often, violent) towards paddlers.

In relation to voluntary agreements, these seldom work. They are enormously difficult to set up, and all Riparian right owners need to be in agreement. Given that a river can have tens, hundreds, or more Riparian owners, it is almost impossible to achieve consensus. I have looked into an access agreement on my local river in Yorkshire, but when faced with the 50+ landowners, and the attitude of one angling club, the project was a non-starter.

When a voluntary access agreement is achieved, they are often heavily weighted towards fishing interests. One river in Yorkshire I know of allows a "generous" 10 days of paddling per annum. Another in Cumbria requires that paddlers give three to four weeks notice of their intention to paddle.....in writing! Given that paddling is dependent of water levels (and paddlers are often rightly criticised for paddling in low water), this particular agreement is ridiculous.

As such, I would not encourage the use of voluntary access agreements. The law needs to be changed to be clear, and preferably to give the public the right to access rivers.

Anglers often point out that paddlers do not pay to paddle. Perhaps an annual "boat licence" could be required from the environment agency, maybe at the same cost as an fishing licence? Just an idea.

I would point out that this is NOT an angling vs canoeing debate. I happily fish and paddle, and see no reason why both sports cannot exist harmoniously. I have never been bothered when a canoe passes me when I fish, nor does it ever seem to affect the fishing. World famous rivers such as the Spey, Tweed and Tay in Scotland have both paddling and fishing, with no problems. However, some anglers want to preserve rivers for their sole use, at the exclusion of ALL others (rowers, canoeists, people who want to go for a paddle (of the rolled up trouser variety)).

I feel that Wales is missing out on a trick in making paddling so difficult. England and Wales are, to my knowledge, the only countries in Europe where river access is not public right. Across Europe, and North America and further afield in countries in Asia and New Zealand, people can access rivers for swimming and canoeing freely. Why not the case in Wales?

There is world class canoeing available in Wales, at all levels. From top end extreme white water kayaking to gentle canoe touring for the family. The weather, especially the rainfall over the mountains of the west and north also often means that paddling conditions are ideal.

I believe that the recreational canoeing industry was indirectly worth approximately 100 million Euros in Europe in 2003. Wales misses out on its share of this revenue, and in the principality where tourism is such an important part of the economy, the benefits of allowing river access are clear. Scotland has realised this, so should Wales.

Rivers should be for all, and not for few. Many of the responses from anglers state that they "do want canoes on OUR river". This attitude is the issue. The river should not be the sole preserve of one person or organisation. They are a natural resource, that should be open for all, anglers, paddlers and others alike.

187.Ffynnon Taf Angling Club

I represent Ffynnon Taf Angling Club (FTAC) and would like to submit this contribution to your inquiry into Access to Inland Waters in Wales. I belong to the Projects Group of the South East Wales Rivers Trust which undertakes environmental improvements on the rivers of South East Wales, I design and administer the web site for the trust and represent FTAC on the local Fisheries Group which liaises with the Environment Agency.

Our club has over ninety members who fish the River Taff between Upper Boat and Morganstown. Our aim is to provide affordable fishing to local people on low incomes and we have succeeded in that aim. We allow children to fish for free when accompanied by adults and issue day tickets to share our angling with visitors. It is a popular club and a valuable asset to the local community who enjoy the leisure it affords.

In this letter I refer to canoes for convenience but the points made apply to all watercraft including boats and rafts.

We lease our water or are granted access to our waters by the riparian owners of the river. We regard the river as property and lease it in the way we would lease a field to farm. By leasing the fishing rights we expect to be able to fish that water in an uninterrupted manner without intrusions and disruption by third parties. We are happy with this arrangement as anglers have been for centuries and have no desire to change the laws which have worked well for many years. In the past canoeists recognised that navigation rights did not exist on non tidal lengths of river and respected the law leaving the rivers of Wales to the quiet enjoyment of anglers.

It is only over the last four or five years that our club has begun to experience canoeists regularly trespassing on our waters. Some are from commercial organisations which are charging their clients to enjoy the waters that we rent at the expense of our sport. None of them have taken steps to contact FTAC to seek permission to navigate the river we manage.

My club view the fishing rights which we lease as an exclusive entitlement to access the river. Members are becoming increasingly frustrated by having their fishing spoiled by groups of canoeists who seem to believe that we are being unreasonable in this assertion. Please take the time to consider why canoes have an adverse effect on fishing.

Fly fishing for trout and grayling, the main quarry for club members, requires the fish to be feeding confidently. Fish can be seen rising to the water's surface at regular intervals feeding on the aquatic invertebrates which ascend to the surface of the river in order to breed. Fish rise to feed from the surface at differing rates depending on the abundance of the hatch of flies and sometimes the period between the rises can extend to several minutes. Anglers take a great deal of time tying imitations of the natural flies and a great deal of time learning how to present their imitations of these flies in as natural a way as possible to fool the fish. Finding a rising fish can be difficult at the best of times and approaching the fish to get within reach of a cast takes a great deal of care. A cast to a rising fish is the culmination of a significant investment of the angler's time. Apart from this investment in time we also pay for the right to cast to these fish.

It is because of all these factors that canoeists and anglers do not coexist happily on a river. Having finally discovered an undisturbed fish feeding confidently nothing is more upsetting to our club members than the illegal intrusion of a canoe or group of canoes which invariably scare the fish away. Following the disturbance from the canoes it can take a considerable time for the fish to come back

on the feed again. As a consequence of the canoeists unauthorised intrusion all of the anglers guile and stealth can go to waste and the hours which they have found time to spend fishing have their much anticipated pleasure diminished.

Over the last four or five years it has become apparent there is a strong possibility that another group of canoes could come down the river at any time and spoil the fishing once more, a situation the club regards as unacceptable.

Our club fish for trout from spring through to the autumn. We fish for grayling from the autumn through to spring and are blessed with a river ecology that produces hatches of flies in every month of the year. The only time our members do not fish is when the river is in high flood. We would consider allowing canoes to have access at these times but we do not want canoeists on our waters when we fish it.

We pay for the privilege to fish the water twice, once when we buy our fishing licences from the government and again when we pay a fee to fish a particular place on a chosen river. Anglers can be identified by fishing licences and club permits, and are obliged to carry valid licences and identification by law. Our sport is being spoiled by unidentifiable groups, individuals and commercial organisations that are trespassing on the water which we pay for. We can only prevent their intrusion by force but have no wish to embark on that course of action which leaves us in an unenviable position of being unable to challenge trespass which is being exploited by the canoeists and their representative organisations.

Our club believes that we could accommodate canoeists in times of flood throughout the year, however we feel that canoeists should buy a licence to access inland waterways and pay to access particular places on the rivers and lakes of Wales as anglers do. We would like canoes to be compelled by law to display a registration number that is easily identifiable and for individuals to be prosecuted for illegally accessing non navigable water as anglers are if they fish illegally. We also feel that canoeists are well catered for in the Cardiff area, there is a vast area of water accessible to canoeists in Cardiff Bay and the local tidal waters of neighbouring rivers are all open to navigation - our waters are not.

I hope the sustainability committee will give the above points due consideration and take steps to preserve an ancient sport which is coming under pressure from a modern fad which has none of the innate affinity with water or the instinctive environmental custodianship which rests deeply seated in the souls of Welsh anglers.

188. Deb Barnes

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

I am a recreational user who is looking to purchase land in the future, my recreation is varied and includes canoing, kayaking, coastering, and gorge scrambling etc.

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

I work as an individual and for organisations in a work capacity in / on the water environment, these are usually small private companies with small staff teams. I also use the waterways as a recreational user and am a member of the BCU.

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

Legal rights

I'm completely confused by the whole access situation. No I don't think that access is clearly defined on / near inland water, so I wouldn't like to try and outline the rights clearly.

I would like to see a review of the current arrangements and would suggest that the current access situation that is in use in Scotland could be a potential model for this, as it is clear, respectful of ALL users and from my experiences there appears to be working on the ground.

Voluntary agreements

Yes, these work to a point, But, if too restrictive or pedantic, then people just ignore them, it's not particularly helpful to only paddle access from x-y on the second weekend in the month and at no point between April and September - what happens is crowding that exacerbates the issues with parking hassles and loads of people in a short time span that is not how it would usually occur, this then makes local people get fed up and fuels any fires that are ongoing with access in the area, as this is how it would be if we let you here all the 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.

Old attitudes to access and landownership that do not reflect current and contemporary land useage, monetary issues and actual impact of users on land. This could change but is a long term issue that needs a complete turnaround and support through the initial stages as the parties are at odds with each other, certainly it feels like the landowner and fishing parties are not keen on giving anything, although it will only be solved by movement.

189.J A Mellis

I was surprised to receive a letter from my Fishing Landlord last week broadly advising me that a Committee had been set up to consider a petition from the Welsh Canoeing Association for unrestricted access to all rivers in Wales at all times of the year. I understand that the Committee is taking written evidence from all interested parties until mid September. I am surprised not to have been advised of this matter earlier by the Welsh Assembly as it would have been particularly easy to contact all Anglers who would be affected by these proposals by using the Fishing Licence database which would have been available from the Environment Agency. Nonetheless, I take this opportunity to make a number of points which I have outlined below.

I fish on the River Dee near Overton, Wrexham on the Bryn-y-Pys Estate. At present, and over the last 15 years or so which I have been fishing in this stretch of river, the laws of access/trespass appear clear and well defined on this stretch of river in that it is clearly trespass to go on the river above the tide which is in private ownership -without the owners' prior permission. Furthermore I see no reason to change the law of trespass apart from imposing stronger penalties.

In short, I think it will be extremely undesirable to allow yet further access to canoeists into non-tidal stretches of rivers for the following reasons:

- 01.** Damage and disturbance to salmon spawning grounds.
- 02.** Any increase in canoeing areas should be dealt with by negotiation with land owners with land and riparian owners --as would be the norm.
- 03.** Significant subscription fees and rod licence revenues all go to improve habitat and water quality on Welsh Rivers for the benefit of those who use the river legally.
- 04.** Having also fished in Scotland and seen the uneasy relationship between canoeists and riparian owners on some of the larger rivers north of the boarder, e.g. The Tay, Spey, etc, it would be unwise for canoeists to try to navigate smaller Welsh rivers famed for their Sea Trout Fishing, and would give course for concern both in terms of the potential damage to the environment and to fishing revenues so important to the rural economy.
- 05.** If unrestricted access to canoeists was granted, very substantial capital sums would be required to compensate riparian owners, local businesses, etc, who rely on the river for their income (much in the same way as will be required if the coastal footpath scheme ever comes to fruition).

190. Seiont Gwyrfai and Llyfni Anglers Society

The following is the submission to the inquiry to Inland Water in Wales on behalf of the Seiont Gwyrfai and Llyfni Anglers Society, which is a club with 250 local members and based in the Caernarfon area of North Wales.

- 01.** Our society own outright some 40 miles of fishing rights on the rivers Seiont, Gwyrfai and Llyfni together with rights on lakes Padarn, Cwellyn, Dywarchen, Nantlle and Cwm Silyn. We also own some 30 acres of land bordering the above waters.
- 02.** The society was established in 1908 to provide affordable fishing opportunities to local anglers. There is no restriction on membership and the club has diversified to not only providing some of the finest fishing opportunities in Wales but also offers first class self-catering accommodation. We as a club also run a very successful hatchery, which is operated to provide supplementary, stocking for our waters. There are also shooting rights available on some 2,000 acres of moorland to members and visitors alike.
- 03.** Being a successful operation members are always keen to enhance opportunities for others to share our amenities, to this end we permit free unrestricted use of our waters on Llyn Padarn, Llanberis for canoeing, sailing, surfboarding and kayaking. We have also attempted since 1986 to set up a reasonable access agreement for the use of certain parts of the River Seiont for canoeing. Our initial idea was to set up a canoe club running in tandem with our fishing interests, with canoeists paying a membership fee similar to angling members.
- 04.** The society has moved this development forward in that we have already obtained planning permission for an Angling/Canoeing Centre on land which the club own on the banks of the Seiont at Llanrug. Detailed drawings and costing are also to hand as a result of funding from Gwynedd Council. Unfortunately we have been unable to move towards building the centre because of lack of support from the Sports Council for Wales and the Welsh Canoe Union. Without this support no funding will be forthcoming from the Splash Fund set up by the Assembly Government and run by the Environment Agency.
- 05.** Mr. Alun Ffred Iones, Assembly member for Arfon has met with the Environment Agency recently to try and move this development forward, the reply received was that the Agency will not consider supporting any canoe access plan without there being an agreement in place. This places us in a position where we cannot move forward without an existing access agreement, the Wales Canoe Union will not negotiate and we cannot get support from the Sports Council, so in this climate it is not possible to arrange any access agreement. This is indeed farcical and leads to the assumption that there is a deliberate policy of non-cooperation to try and force through unrestricted access. It seems that bodies, which in fact are heavily funded by the Assembly Government, are pursuing this course of action.
- 06.** How would unrestricted access affect our society, our rivers are small in comparison to Scottish rivers, we are also near to large centres of populations. River users from these areas would simply make use of our waters at any time to without any considerations to anglers rights and the well being of the river habitat which includes main river spawning beds which are numerous in our rivers.
- 07.** If comparison is to be made with Scottish waters, then one must take into consideration that here in Wales anglers pay a national licence fee to the Environment Agency, there is no such charge levied in Scotland.

- 08.** There is little doubt that anglers would simply not renew their club and Environment Agency licences, without this income mortgages and rents would become unaffordable with the likely consequence that opportunities available to both local and visiting anglers would cease to exist leaving the waters for the sole use of water sports. This will bring little by way of economic benefit to our area as the majority of paddlers come from outside the locality on a day visit basis.
- 09.** Presently all our income is used to pay our mortgage for fishing/land purchases in addition to purchasing goods and materials from local suppliers. The society supports 6 part time workers and numerous active volunteers who help maintain and keep our waters in good order. All this will be in severe jeopardy should unrestricted access be allowed.
- 10.** In conclusion I would urge that the Sustainability Committee supports the model, which we are trying to achieve as set out in paras. 3 -4 above. This would give all parties access to our waters and being part of the same club would no doubt encourage ~md foster good working relations for future generations.

191. Islwyn & District Anglers

The following is the submission to the inquiry into Access to Inland Water in Wales on behalf of Islwyn & District Anglers, we make our submission representing 200 Welsh anglers.

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

We own I lease game fishing on approximately 20 miles of the Rivers Ebbw & Sirhowy in South Wales as well as two still waters, Penyfan Pond & Pant-yr-eos Reservoir.

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

I am the Secretary of the club, which operates via an Executive Committee that meets on a monthly basis; the club was formed in the 70's and has established itself as one of the leading angling clubs in South Wales.

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

We have purchased numerous plots of land on the River Sirhowy so that our fishing is guaranteed for the future of the club. We also have obtained leases via local companies and local landowners, and the local Council for additional fishing rites on both the Sirhowy and Ebbw

Legal Rights

We are happy with our legal rights regarding access and fully understand what we can and cannot do with regard to access. We are unhappy with the level of unlawful access (Trespass) but due to the laxness of the law find it difficult to bring this under control. This unlawful access is causing nuisance to our members and is causing disruption to our enjoyment of the environment in which we fish.

Voluntary Agreements

We have agreements with farmers, estates and the local Council for access to our rivers for fishing. These have been obtained through consultation and negotiation over many years and incur rental fees.

Further Comments

We as a club are extremely concerned that unlawful access will have a detrimental effect on both the club and the environment. We have worked tirelessly to obtain access to waters that were at the time totally devoid of any fish. The club actively pursued the cleaning up of the rivers Ebbw and Sirhowy and is now reaping the benefits with 1st class fishing available for our members and visitors.

192. Ian Kitson

I am sending this mail to inform you of my views on the petition from canoeing organisations to allow open access to Welsh rivers.

Firstly, let me state that I have been an angler for over 40 years, including a club bailiff and a river authority (Before the Environment Agency was set up) Honorary Bailiff. In this time I have witnessed many incidents when anglers pleasure has been spoiled by canoes and other craft travelling through a stretch of river (illegally at present) already occupied by anglers. This often brings confrontation.

At other times I have watched Salmon being disturbed during spawning (also illegal, see Salmon & Freshwater Fisheries Act(1975)) which protects spawning fish and, in the case of salmon & sea trout their redds (spawning grounds), from disturbance. by canoes and the like.

You will probably understand from what I have said, that I am against any form of open access for boating, except where it is already designated.

You may ask, why is someone based in Lancashire commenting on a Welsh matter, however, I belong to a large angling club (Prince Albert of Macclesfield) which has extensive fishing rights (purchased) in Wales, and I often fish in North Wales, obviously bringing money into the area.

The above club, either rents, or owns significant amounts of water in Wales on the Wye, Severn, Teifi, Dovey, Dee to mention just a few, and, I for one, would be unwilling to travel the distances I do, to fish, knowing it is likely to be spoiled by boating traffic passing by.

At the moment, the law is perfectly clear on the rights of canoeists etc. and I can see no reason for changing this. If canoeists and rafters want access, they can do what angling clubs have done for years, that is, approach the riparian owners and request access. This will normally involve a fee but several million course anglers pay for the pleasure of fishing (they return all of the fish that they catch.

To add to the above, the River Ribble (my local river) clubs negotiated with canoeing organisations so that they had access at set times. This however, is never honored by canoeing organisations. Having said that, I would be perfectly happy with voluntary agreements involving canoeists, Riparian Owners and angling clubs, providing these were enforced by the organisations involved.

I would also like to say, that canoeists have extensive areas of access, for instance, coastal water, tidal stretches of rivers etc. and Welsh rivers have the second highest tidal reach in the World.

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

Welsh anglers put a significant amount of both work and finance into Welsh rivers to improve the habitat and water quality which seems to have gone almost unnoticed. Anglers pay twice in order to fish: once to the EA (£68 per annum for a migratory fish rod licence) and again in club fees or whatever to be able to fish a certain river or stretch of river (my club fees come to over five hundred pounds a year)

Anglers don't pay to be able to take fish (which canoeists constantly maintain); they pay for the enjoyment of using someone else's asset. This is proved by the fact that coarse fishing clubs who return 100% of their catch still pay an annual rental to the riparian owner.

Their members would think it very strange if they were given this water for free (now there is an idea, would you support that?).

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

1. Scottish rivers are on the whole much bigger than Welsh ones, so a group of maybe ten rafts going down a river say 3m wide is bound to have a much greater ecological effect than if the river is 10m wide:-
2. The numbers of major conurbations (L'pool, Manchester & Birmingham) a couple of hours away from north & mid Wales is much greater than similar sized urban areas to the Scottish Highlands, so far more canoeists/kayakers/rafters/gorge walkers would access smaller rivers.
3. The main game fish in Scotland, the salmon, is much less wary than sewin, which are so important to Wales both economically and culturally. Anglers from England and mainland Europe will not come to Wales and support local economies if big sea trout have been scared by canoeists above them and are therefore uncatchable.
4. I understand that the amount of confrontation between anglers and canoeists that there has been on Scottish rivers since the Land Reform Act was passed has been grossly downplayed. We hear from one correspondent that the upper Tay is "nothing but a war zone" with commercial rafting companies making angling virtually impossible.

To change the law to allow unrestricted access on Welsh rivers would be a direct parallel to allowing the 'right to roam' on a shoot or a golf course.

These areas were specifically excluded from the CRoW Act as they are commercial enterprises - but so are rivers.

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

I hope that you take these points into serious consideration when deciding upon this issue and do not bow down to those who shout loudest.

Angling participation in the UK is around 4 million and, although a quite majority, their views should be seriously considered..

193. Open Canoe Association

I am writing on behalf of the Open Canoe Association in response to your consultation on Access for inland waters in Wales. We are a nationwide group with over 300 members in England, Wales and Scotland whose aim is to promote the recreational use of the Open (Canadian) Canoe.

The majority of our membership are families and older paddlers (50+years old) interested in enjoying paddling on rivers of grade 1-3 though some of our membership do also venture onto harder grades of water.

The Association organises events on rivers throughout Wales but primarily on the Dee, Upper Severn Wye and Usk. Our members also make use of many other rivers such as the Tywi, Teifi, Banwy and Tanat for their individual paddling trips.

When organising trips we look to use rivers where there is an undisputed right of access as we do not feel that when joining OCA trips our members should be subjected to the uncertainty regarding their legal status or the verbal abuse sometimes handed out by fishermen.

Our understanding is that currently, except where a legal right of navigation exists the right to "navigate" a section of river has been determined by case law as belonging to the property rights holder and that to navigate without their permission would be a civil offence. We also understand that the case law upon which the current position may be based is potentially flawed as it may have ignored earlier laws allowing a right of navigation.

We would wish to see a presumed right of access during daylight hours on all waterways with a bed width greater than 5m and subject to locally agreed rules enabling temporal and spatial zoning to protect the environment and allowing anglers quiet periods on the water.

The access allowed on the Usk and Wye is seen as relatively progressive and the provision of marked access points with improved car parking is to be welcomed. Experience of paddling the rivers under this system has however shown a number of problems.

- Some of the access points are physically difficult to use- steep banks, distance from parking which can make things difficult to use with groups.
- The levels of gauges when access is allowed are seen as arbitrary and imposed rather than agreed making it less likely for some paddlers to abide by the agreement.

There are good examples of legislation across Europe and the USA that may be useful examples of what is needed in Wales. In the Belgian Ardennes there is a system of access restrictions allied with detailed level information and river maps designed to protect the rivers despite very heavy recreational pressure. In most rivers across France, Belgium and I believe Germany; paddlers are asked to only launch after 9 or 10 in the morning and to leave the water by 5 or 6 depending on the season. In the USA permits are issued for the most popular stretches and sections of some rivers are closed to ALL use at the most sensitive times of the year.

The current access situation is deterring some paddlers from visiting much of Wales for a large proportion of the year. Although there is agreed access to whitewater at a few limited locations (Llangollen, Tryweryn) it is already overcrowded and much of it has very limited use for families and more casual paddlers who are interested in getting a taste of the sport. With very few opportunities for river access many paddlers are forced to travel great distances to enjoy their sport through the

year. It also means that many people end up paddling rivers with too little water as the access period is so limited that they may only get one opportunity to visit a river during the year.

194. Claire Rosselli

I am writing to express my views to the Welsh Assembly which are against the Welsh Canoeing Association's campaign for the right to roam on all rivers in Wales at all times of the year.

My husband is a riparian owner of part of the River Dee near Wrexham and I know first hand the hard work that goes into maintaining the water both for the welfare of the ecosystem and the anglers who fish there.

This year a lot of time, money and effort has gone into fencing to maintain the river banks.

There is also a fund raising drive to finance a net buyout at the mouth of the River Dee to stop the netting of salmon trying to return to breed. Part of this has been achieved and is already having a beneficial effect on fish stocks.

At a time when the countryside is at its most beleaguered and has suffered a succession of major setbacks, here we see another group trying to chip away at rural pastimes and incomes. Who is going to want to pay to fish in tranquil surroundings when they can be invaded by hosts of canoeists? What are they going to contribute to the welfare of the surroundings? All too often the attitude is 'what am I entitled to?' not 'What can I do in return?'

Allowing canoeists rights to roam would be against the Salmon and Freshwater Fisheries Act (1975) which protects spawning fish from disturbance. Canoeists already have the right to free navigation on all tidal stretches of rivers and Wales has the second highest tidal reach in the world! The tidal stretches of some rivers can easily amount to a quarter of their whole length.

Indeed the WCA has withdrawn from some perfectly good access agreements to try to show the Assembly that they are in need of more water.

I strongly urge the Welsh Assembly not to allow this unfettered access which would be an infringement of property rights as well as being detrimental to the wildlife this country professes to love.

195. Petronella Matson

I write to ask the committee not to go ahead with the proposal for canoeists to have the "right to roam" on all Welsh Rivers regardless of the wishes and rights of the riparian owners.

I am the wife of a semi retired farmer and my most treasured occupation of my leisure time is fishing on the River Dee. I am fortunate enough to be able to rent one beat (two rods) of the Bryn-y-Pys water. I head up a small syndicate, each member of which enjoys many hours on the river attempting to catch a salmon. Sadly they are few and far between at present but if caught the majority are put back.

The syndicate consists of mainly retired people: we have a retired academic from Liverpool, a self employed freelance gardener, a semi retired builder/maintenance man. a relief milker, another retired gentleman and myself. Our legal rights are quite clear and do not need changing. The status quo is working well. We know that our annual rent goes mainly towards the maintenance of the river banks. We occasionally have canoeists come down the river; they are as far as I am aware local people and they silently pass by with little disturbance to the river or those fishing. However any extension of the numbers would become an interference, especially if they had no knowledge~ of that particular stretch of river.

If canoeing became widespread there would be damage to spawning fish. Canoeists would contribute nothing to river maintenance.

196.D A Morgan

With reference to the National Assembly's Sustainability Committee's enquiry into free access to inland waterways regarding access to canoeists, I wish to register my concerns, being an active angler and conservationist. not only of fish but of wildlife in general.

The canoeist lobby is obviously well organized and has some important people supporting them. One in particular is Griff Rees Jones who recently made a statement on his television series, encouraging canoeists and rafters to break the law and trespass where necessary to carry out their sporting activity. If this is the mindset of this organisation, there are obviously going to be serious legal problems ahead.

Their argument with regard to the sharing of an amenity does, at first glance. seem to be a fair case. With this in mind, I must point out that sharing an amenity means responsible sharing of costs, in general, of not only the upkeep of the said amenity, but the cost to the environment by irresponsible actions.

Anglers in general belong to Associations that meet with farmers and landowners to enable members to gain access to their land and follow an acceptable code of conduct. Any member found not to be behaving in an acceptable manner, is likely to be expelled for not adhering to club rules.

Most angling clubs have arrangements with landowners to create parking areas so that responsible parking does not intrude on the day to day business of the farming and local communities, particularly on narrow country lanes.

The sustainability committee must also take into account the revenue received from the angling community, as I feel that the long term damage to the fragile waterway system could result in lower fish stocks. This will ultimately result in less people fishing which will ultimately affect tourism. At this point I must remind the committee that that there are salmon, sea trout and trout in our rivers because of the monetary- contributions from individuals, not only- from licence fees but through clubs ~ themselves. i.e., re-stocking. (C.F.F. contributed £120,000 towards restocking programme last year alone).

Angling associations do not only promote angling as a sport, we are also responsible for the upkeep of the habitat, the preservation and non disturbance of spawning beds and truly understand the fragility of nature.

It should be obvious that we anglers are members of a responsible body and concerns are feel that the damage that could occur by allowing free access, as is being proposed, could result in irresponsible actions due to ignorance of a fragile system perpetrated by a body of people that are not answerable to anyone.

In summation, I think that the main points the committee need to consider. Not necessarily in order of importance, I list below:

1. Conservation and damage to fish stocks and spawning programme.
2. How do canoeists propose to gain access or leave private land (are the committee prepared to sanction trespass).
3. What public liability insurance will they be legally expected to possess to indemnify themselves against damage or injury to third parties (anglers do wade in water).
4. Will canoeists be legally expected to possess permits as anglers are legally required to do?

5. Anglers are obliged to work within rules and guidelines. These are strictly observed by both river board and club bailiffs. Who will police the actions of canoeists?
6. Game anglers can only fish rivers. Canoeists are already well catered for with unlimited access to the sea and tidal waters and some controlled river stretches. Canoeists have been careful in giving the impression with ludicrous statistics, that they have little access to rivers. Wales has the second highest tidal reach in the world, giving canoeists up to 25% of the length of some rivers. The WCA are not prepared to negotiate an agreement that could possibly give them access to rivers, say, between November and April, which should suit all parties.
7. At a recent meeting called to discuss the WCA petition, it was revealed that last December, a petition of 10000 names was submitted to the assembly calling for the law to be changed. This petition was a concerted and well organized campaign signed by people from throughout the UK. It is worth bearing in mind that the National Assembly is not there to be used as a pawn for the WCA, but there to represent the interest of all the people of Wales.
8. The Land Reform act in Scotland that has previously been described as a success has found to be a gross misrepresentation of the truth. Several angling correspondents report that the Upper Tay is nothing short of a war zone.
9. There is no "right to roam" on golf courses as these have been specifically excluded from the CROW Act, as they are defined as commercial enterprises (as are rivers). Does this indicate that there are more golfers on respective decision making bodies, than anglers?

The angling fraternity in Wales have been complacent and rather slow off the mark on this issue, but bear in mind that every Welsh angler is also a Welsh voter.

I must draw attention to the many angling associations and riparian owners that have invested large capital sums purchasing waters on various rivers throughout Wales. If

197.J A Mellis

I was surprised to receive a letter from my Fishing Landlord last week broadly advising me that a Committee had been set up to consider a petition from the Welsh Canoeing Association for unrestricted access to all rivers in Wales at all times of the year. I understand that the Committee is taking written evidence from all interested parties until mid September. I am surprised not to have been advised of this matter earlier by the Welsh Assembly as it would have been particularly easy to contact all Anglers who would be affected by these proposals by using the Fishing Licence database which would have been available from the Environment Agency. Nonetheless, I take this opportunity to make a number of points which I have outlined below.

I fish on the River Dee near Overton, Wrexham on the Bryn-y-Pys Estate. At present, and over the last 15 years or so which I have been fishing in this stretch of river, the laws of access/trespass appear clear and well defined on this stretch of river in that it is clearly trespass to go on the river above the tide which is in private ownership - without the owners' prior permission. Furthermore I see no reason to change the law of trespass apart from imposing stronger penalties.

In short, I think it will be extremely undesirable to allow yet further access to canoeists into nontidal stretches of rivers for the following reasons:-

1. Damage and disturbance to salmon spawning grounds.
2. Any increase in canoeing areas should be dealt with by negotiation with land owners with land and riparian owners - as would be the norm.
3. Significant subscription fees and rod licence revenues all go to improve habitat and water quality on Welsh Rivers for the benefit of those who use the river legally.
4. Having also fished in Scotland and seen the uneasy relationship between canoeists and riparian owners on some of the larger rivers north of the boarder, e.g. The Tay, Spey, etc, it would be unwise for canoeists to try to navigate smaller Welsh rivers famed for their Sea Trout Fishing, and would give course for concern both in terms of the potential damage to the environment and to fishing revenues so important to the rural economy.
5. If unrestricted access to canoeists was granted, very substantial capital sums would be required to compensate riparian owners, local businesses, etc, who rely on the river for their income (much in the same way as will be required if the coastal footpath scheme ever comes to fruition).

198. The National Trust Wales

198.1. Introduction

The National Trust owns and manages a wide range of properties and sites in Wales, from coastline and countryside to houses and gardens. The Trust is the UK's largest non-government landowner with over 50,000ha land in Wales. It is also the UK's largest conservation charity providing access to the countryside for over 100 million visits every year. The National Trust is the largest tourism business in Wales welcoming over 750,000 visitors to its paying properties.

The National Trust's foundation is rooted in safeguarding open space for public enjoyment. Provision of access to the land and water in our care is guided by our Guiding Principles for Recreational Access. These are governed by our Conservation Principles, in particular the principle governing the promotion of sustainable access: We will conserve natural and cultural heritage for the benefit of society, promoting sustainable access, learning, understanding, enjoyment and involvement in our work to inspire the widest range of people.

The Principles for Access governing the National Trust's management of access in the countryside are:

- The duty and primary purpose of the National Trust in the countryside is to promote permanent preservation for the benefit of the nation. It will regard access as a fundamental way of providing this benefit and as a principal purpose.
- The National Trust Acts establish its responsibilities for conservation. If serious conflict arises, conservation will take precedence over access.
- The National Trust will ensure that the countryside retains characteristics which afford the widest range of experiences and will enable people to enjoy access to its properties.

We welcome the opportunity to contribute to this inquiry. We do so as a landowner with a duty to provide recreational access to the public. The National Trust seeks to demonstrate good practice in promoting access and recreation.

198.2. National Trust and access to inland water

The National Trust owns and manages sections of river in Wales including parts of the Conwy, Machno, Irfon, Cothi, Glaslyn and Alun Rivers. A number of smaller rivers and tributaries also run through our land, and we own some small lakes.

At present varied water based recreation takes place on the inland waters in our care. This is managed in accordance with the principles outlined above. We also have guidance on specific activities – including canoeing, fishing and diving- to help site managers to meet legal requirements and follow good practice.

We are aware that there may be potential to increase provision for water based recreation on waters we own and manage. We believe that a small number of the priority sites identified by the University of Brighton¹ include National Trust ownership. We would welcome further investigation of these opportunities and would be happy to work with others to develop access arrangements.

198.3. Canoeing

The amount of available inland water in National Trust ownership and control in Wales is not great. Where canoeing does take place it is low key. At present, we are aware that there is regular canoeing

on our waters including Glaslyn and the Conwy at Ysbyty Ifan with less frequent canoeing on other rivers.

More could be done to investigate whether suitable National Trust waters could be made more accessible for canoeists, especially those with a disability, whilst at the same time acknowledging the interests of fishermen and conservation. The activity has few damaging impacts and, provided potential impacts are controlled by permit, licence or agreement, it could take place on more rivers.

Our guiding principles for canoeing are:

- Canoeists are welcome to pursue a range of paddling opportunities on our inland waters that are compatible with conservation and other water based recreational interests.
- We will identify new opportunities for canoeing on our waters.
- We favour a partnership approach to the management of access on our inland waters. This will require close liaison with all associated users, neighbouring owners and other interested parties such as the Environment Agency.
- We recognise the value of codes of practice and other information produced by canoeing organisations that assist in managing access to, along and from our inland waters and will promote them widely.

The National Trust encourages the use of arrangements and partnerships with canoeists and other users of inland waters that reflect recognised codes of conduct.

198.4. Fishing

The National Trust recognises that the management of fishing can benefit the environment. At present there is fishing at various sites including on the rivers Conwy, Usk and Glaslyn, at Bosherton Ponds and on Cregennan Lakes. Information on where fishing is possible and the necessary permits is available on our website². In some cases the National Trust manages its waters itself, in others they are managed by local clubs or lessees. The type and extent of publicly available fishing can depend on management constraints such as the carrying capacity of the water and surrounding environment, and on historic lease agreements.

Our guiding principles for fishing are:

- Fishing, for both game and coarse species, is welcome on our properties where it already takes place
- Where fishing does not already take place, a strategic assessment of its likely impacts should be undertaken and a fishery management plan should be prepared.
- We advocate the concept of sustainable fishery management - the development of fish communities which are appropriate to individual water bodies and can sustain themselves sufficiently to maintain the fishery without artificial stocking.
- We favour a partnership approach to the management of its inland waters, which requires close liaison with all users of its waters, neighbouring owners and other interested parties such as the Environment Agency.

The National Trust's guidance on freshwater fisheries³ aims to ensure that fishing does not damage nature conservation and other forms of access.

198.5. Other water based recreation

The Trust also provides for other water based recreation including subaqua diving and sailing, although we have experienced very limited takeup of these activities on inland waters in Wales. We follow a similar approach to managing all recreational activities, namely seeking to balance the needs of different users and to avoid negative environmental impacts.

Legal Rights

The National Trust has the benefit of a team of legal experts who are able to advise on rights and responsibilities in relation to access. They receive numerous inquiries on these issues as staff on the ground are unclear on the current legal situation or have difficulty understanding what is a highly complex area of law. In our experience, the general public are not aware of their legal rights, and many people assume a right to access inland waters which does not exist.

The situation regarding rights and permissions for fishing is generally better understood than that for other recreational activities. This may be because there is long standing system for managing fishing rights, and a strong network of clubs which communicate key information.

At present it is difficult to police recreational access and water use due to the nature of the activities and a lack of resources within the relevant authorities.

We would welcome clear communication of the current legal arrangements for access to inland waters to help landowners and the general public understand their rights and responsibilities.

Voluntary Arrangements

The National Trust has been involved in negotiating voluntary access arrangements at various locations in England and Wales. We see this as a beneficial approach which has been successful in improving use of these stretches of water. Voluntary arrangements take significant time and effort to develop.

A key part of these arrangements is to make information available – including remotely- so users can make informed decisions about accessing the water. In our experience, a majority of water users act responsibly, respecting voluntary arrangements and codes of conduct.

Providing accurate information on access provision helps to encourage responsible behaviour.

The ability to secure a voluntary arrangement is dependent on the cooperation of land owners. We have experience of access arrangements where access provision has been limited by the wishes of neighbouring land owners. It is not clear the extent to which landowners resist increased access due to misconceptions about what this will entail, or based on previous bad experiences. We see merit in investigating this further.

We recognise that the enforcement of voluntary agreements can be problematic. Not all users are members of or influenced by a recognised body, and agreements secured with Welsh bodies may not influence users coming from outside Wales.

The Trust has been active in trying to resolve access issues on the River Conwy around Ysbyty village, near Betws-y-Coed. Canoeists use various stretches of the river but this is not supported by all land-owners, partly because of their concern to protect angling interests. The lack of access points for canoeists to enter the river has resulted in disputes with landholders who's land is regularly crossed to gain access to the river. The lack of facilities for canoeists in Ysbyty village—toilets, parking, changing rooms- also creates difficulties and has led to complaints from local residents about anti-social

behaviour. The perception locally is that canoeists have a detrimental impact on the village and offer no economic benefits in return. An access agreement for the river was in place in the past but has lapsed. A particular problem was that it was not supported by a code of conduct for water users.

198.6. Glaslyn River Corridor

The National Trust led one of the exemplar access to water projects which received funding from WAG for 2007/8. The project aimed to improve access to River Glaslyn and Llyn Dinas for water based recreation activities. It also sought to minimise conflicts between water users, in response to concern from anglers and canoeists.

The purpose of the project was to promote understanding and agreement between anglers and canoeists and to allow as much access to the river for all users as possible. The main users were the canoeists and anglers.

A series of stakeholder meetings was arranged. This led to an agreement for access to the Glaslyn River from Llyn Gwynant to Pont Aberglaslyn. This allows for canoeing for 12 months of the year over most of the river. The agreement requires water to be at a certain level. There is a restriction on use during the fishing season (18 Oct to 19 March) in a short stretch of the Aberglaslyn gorge.

Providing information and interpretation was a key part of the project. Access and egress points were identified, and at these points interpretation signs and water level meters were installed. Information for water users and a code of conduct was distributed in leaflets and online. Easily visible information signs educate users of the need to respect the river and all those who are using it, whatever the activity. We believe that this information reduces the likelihood of conflicts.

There were also some infrastructure improvements to allow easier access to the river. At Bethania, a fence and ladder stile were removed, and replaced with sweet chestnut steps down to the river.

CCW's evaluation of the project⁴ reported that: "Most project stakeholders felt that the approach was very successful and new practical access was secured to the length of the Glaslyn from Llyn Gwynant to the Aberglaslyn gorge (approx. 9km). Opportunities for canoeing, sailing and angling were enhanced. It was felt that by formalising arrangements for use by activities other than angling there is less likelihood of confrontation which users would welcome."

Trust staff invested considerable time and effort in liaising with stakeholders and seeking an amicable arrangement. The discussion process and project activities helped improve clarity amongst water users as to what is appropriate. It also improved understanding between different users of the river which has helped reduce conflicts. We are not aware that there have been any significant problems since the arrangements have been in place.

This approach was made easier by the fact that the Trust is the only landowner involved, and as the Trust also holds the sporting rights for the river. This situation may not be very usual in Wales.

Although the project has officially ended there are some ongoing requirements to manage access to the river, including maintaining and updating the interpretation materials, access and egress points. It will also be important not to neglect the arrangement to ensure that it does not lapse.

198.7. Nature Conservation

Whilst encouraging access to land and water, the National Trust is always careful to manage potentially harmful impacts on nature conservation. The access principles outlined above are applied on a site-by-site basis to allow for the particular conservation needs and significant features. We have

prepared detailed guidance⁵ to help manage the impacts of angling on the water and riverbank environment.

Information we have gathered confirms that dogs can cause significant damage to waterbodies. Severe bankside erosion, disturbance of the substrate and chronic turbidity result from dogs. In rivers, trout spawning habitat is threatened. In soft-bottomed ponds and lakes, once turbid, aquatic plants cannot establish or survive, thus depriving the waterbody of a crucial habitat and control on water quality. Silts are stirred up, which can mobilise phosphate and accentuate pollution. To combat erosion, bankside revetments are sometimes installed, with the secondary impacts of modifying natural profiles and processes. There are conflicts between dog owners and anglers over both disturbance and erosion. Analysis of ponds on Hampstead Heath found that dog faeces and urine are the most significant cause of poor water quality.

These impacts should be further investigated so appropriate mitigation measures can be applied to access provision and any increase in recreational access to inland waters⁶. Impacts can be mitigated in heavily used sites by providing explanatory information, using natural barriers or providing dedicated ponds for dog swimming to reduce the pressure on more sensitive areas. The Trust has used a variety of approaches to reduce the impacts of dogs on river banks and has prepared guidance on dog walking.

We are not clear whether this Committee inquiry is considering caving, however, it is important to note that caving and access to underground waters has potential to damage these sensitive environments. The National Trust welcomes caving and mine exploration at sites where locally agreed access agreements and permissions are negotiated and put in place. We may apply limits on access where large numbers could or are actively damaging sites and their long term protection is at risk.

We recommend that efforts to increase the provision of access to Wales' inland waters give careful consideration to the potential impacts on nature conservation. Public information and codes of conduct should include details of how to avoid damaging wildlife and special sites.

198.8. Key issues

The National Trust recognises the need for greater clarity with regard to access for water-based recreation. Misunderstanding and misinformation can lead to conflicts and deter new users from taking up activities. We would like to see better provision of information on where access is already possible and well promoted guidance on responsible water use. This should include accurate guidance for landowners on the implications of access provision, including liability e.g. for personal injury.

The desire for greater access to inland waters is highly emotive. A history of tensions has resulted in a climate of conflict –both perceived and actual- and prejudices. If not carefully managed, consideration of a new right for recreational access could exacerbate this. A particular challenge is the potential impact on the existing system of riparian rights which have considerable commercial value.

The water recreation exemplar projects demonstrated the value of bringing together different water users and opening a dialogue. We suggest that an arrangement such as local and national access forums could be used to establish such discussions.

We see considerable potential for greater use of voluntary arrangements for access. At present there is no authority charged with seeking to secure these or to promote this approach. We recommend that CCW and EA are well placed to develop this initiative, and would welcome their leadership to

develop access arrangements for more waters. This should start with the significant sites for potential new access identified by the University of Brighton.

In addition to voluntary arrangements, we see merit in developing access plans for Wales' main rivers. These would identify areas suitable for different recreational activities. This is an approach which has been successfully developed in relation to the coast by Pembrokeshire Coastal Forum. A similar approach could help accommodate multiple uses and conservation interests on inland waters.

We regard codes of conduct for different water users as a vital component of securing and increasing recreational access for a range of users. Issues like those on the River Conwy could be eased if users adhered to a shared behaviour code.

Where canoeing is permitted it is important to address the need for points of access and egress. Lack of suitable access points is source of potential conflict and can result in damage- a perception which seems to cause particular concern amongst land owners. A small grant fund to support provision of access points and facilities to support recreational use may be required. Such a scheme could enable local communities to develop facilities which generate income from recreational users.

The Water Framework Directive includes reference to recreation which means that there is potential for actions relating to access and recreation to be included in Wales' implementation plans. In our experience there has been very little involvement of recreational bodies and access user groups in the various stakeholder groups related to the WFD, and the draft plans contain little on the promotion of access. We believe that this is a missed opportunity to engage the public in this important legislation. For example, an initiative to make all Wales' rivers clean enough to swim in would be good for the water environment and people's well-being.

199. Campaign for the Protection of Welsh Fisheries

The Campaign for the Protection of Welsh Fisheries has the support of 20,000 individual anglers and angling organisation. It is a single issue Campaign seeking to highlight the current rape of Welsh fisheries as a consequence of lack of funding for enforcement and general fisheries protection. However the Campaign is of the opinion that the granting of unrestricted access to Welsh river systems will add further stress to the salmon stocks in Wales. Salmon are an endangered species and as such, require appropriate protection unless this Welsh treasure is to be lost from our waters.

As anglers, we enjoy the pleasure of Welsh Rivers as much for the beauty of the surroundings in which we practice our sport as for the fish we hope to catch. With this in mind therefore, it seems unreasonable that we deny others the opportunity to experience the pleasure of our rivers and the beautiful Welsh countryside. However as anglers are subject to governing rules and regulation as well as limited in the extent to which they can participate in their chosen sport, so to should others. Not because they may or may not detract from the right of the angler to enjoy his sport, but because we are obliged to protect the salmon whose rivers we share

We are conscious that the views of those both for and against the proposals to allow greater access are being submitted with the bias that one must expect from vested interest, we however wish to make the case on behalf of the salmon.

We believe the following risks are associated with increased access by water sports enthusiasts.

1. It will facilitate greater illegal fisheries activity.
2. Increase mortality of fish during and prior to spawning
3. Disturb and damage spawning areas.
4. Potentially have an adverse effect on the Welsh economy.

Facilitate greater illegal fisheries activity:

We believe that current salmonoid fish stocks are being seriously reduced by illegal fisheries activities such as poisoning, netting gaffing and so on. These illegal practices are pursued with little risk of apprehension by determined criminals who make a great deal of money from the rape of our fisheries.

If canoe or kayak is unrestricted and ungoverned then it is highly likely that criminal elements will use this access as an aid to their illegal activity. It will assist

1. Illegal netting, gaffing, snaring and the like
2. Facilitate access to vulnerable poisoning positions on the rivers.
3. Make the collection of poisoned or stunned fish so much easier
4. Provide a ready means of transporting poached fish from the scene of the crime.

Illegal netting:

Modern mono filament or nylon nets are cheap to purchase, easy to conceal and deploy as well as deadly to fish making their annual spawning runs up to the headwaters of the rivers in which they spawn. A kayak or canoe is a perfect means of transporting not only the light and easily concealed nets but also for placing them across the full width of the river, thus potentially taking and killing a whole run of fish running the river. Access by water will provide opportunity for villains to otherwise inaccessible waters which because of their isolation make them ideal poaching points.

Access to vulnerable poisoning locations:

There are positions on our rivers where the addition of “Cymag” a cyanide derivative or other poisons, liquids such as bleach, liquid soaps and the like. Swiftly flowing water running into a deep still pool would be an ideal position to pour these toxic liquids into the fast water, so that as they enter the pool, with all the oxygen removed by the chemical reaction of the poison, they essentially suffocate the fish, which then float to the surface for the waiting boat to collect them and hide them in the body of the canoe or kayak. The less toxic of these poisons will be sufficient to kill the majority of the fish in a pool whilst being dispersed into the water below, thus leaving no tell tale trail of dead and dying fish. Fish taken by these illegal methods, especially using the more toxic Cyanide derivatives are usually sold on with the head of the fish removed as the gills retain traces of the poison.

Facilitating the collection of dead and dying fish:

The benefit of a canoe or kayak to the above must be clear and obvious to any reasonable and right thinking person. Unrestricted access will provide a licence to assist those bent on the theft of fish and illegal fisheries activity.

Increase mortality of fish during and prior to spawning:

The salmon leave the river of their birth and head for the open ocean travelling, we believe, to the food rich waters around Iceland, where they feed avidly and rapidly put on weight and fat reserves prior to making the long journey back to the river of their birth. They return not only to the same river, but to the same part of the river from which they hatched. Whilst in the river they cease feeding and fast until they have spawned. They may enter the river early in the year and certainly many will be in our rivers by March they spawn around Christmas. This means many have gone without food for a period of up to ten months, although, of course, many will enter the rivers later and have only been in the river for a couple of months. They then fight their way up river to the spawning grounds where they mate, the hen fish immediately attempting to return to the sea whilst the male or cock fish stays to protect the eggs or redd. By the time they have reached the spawning grounds the salmon have paired up with their proposed mate and both are near to death. At this vulnerable stage the fish need to be left to mate undisturbed. Fright will cause them to flee, to run down river and away from the spawning grounds. If the fear is constant, the fish may be literally frightened to death from exhaustion from the exertion required to flee. Paddles from canoeists at this stage will produce this flight and would the canoe themselves where the water low. The effects of George runners, who actually run through the redds, it also disturb not only the fish but the newly laid eggs which they release from their gravel bed homes by stamping on or kicking the gravel.

At this time the spawning grounds must be protected from invasion by humans, they have enough to cope with from their “natural” predators. Currently anglers are banned from fishing for these fish during this period. The redds must be protected from access by humans. Poachers are known to carry fish from these spawning areas, leaving a trail of eggs from the fish they steal as evidence of their evil deeds. Allowing access to canoeists will make access for poachers easier and their presence less easy to spot. This must not be allowed to happen.

Disturb and Damage Spawning Areas:

For salmon to spawn, they need very specific river bed conditions: gravel of the right size and consistency, combined with good quality and fast flowing water. Without these conditions the fish cannot deposit their eggs for fertilisation. These conditions often go to make the fast water to which the canoes and kayaks are so attracted. It may be, but it is by no means certain, that during flood

conditions, when the water is running very high, that the passage of a “boat” over these redds does no damage at all, however in lower water, when boats can navigate the redds, there is a real possibility of disturbance as described above. However, even after the fish have laid their eggs, the redds are still vulnerable to disturbance and indeed suffocation. People running over the gravel crush or dislodge the eggs setting them free to be eaten by the various predators. Now the canoeists and kayak riders will claim that they travel harmlessly over these areas and that may, for the most part be true. However when these boats capsize, collide or simply run aground the gravel bed is most certainly disturbed. The vulnerability of these areas has been recognised and acknowledged by legislation protecting them from disturbance. To disturb these areas is a criminal offence. These areas may also be suffocated by fine particulates carried on the current by persons disturbing mud or silt areas of river bed above the spawning areas, these fine particles then enter the gravel beds and essentially suffocate the eggs by blocking the flow of water that provides the oxygen that sustains them.

Potentially have a damaging effect on the Welsh economy:

Angling generates over 100 million pound in revenue to the Welsh economy each year, much of this from anglers who come to Wales in search of its famous sewin and salmon fishing. Many of the hotels that were, in years gone, fully booked throughout the season by anglers, are currently suffering as a consequence of the lack of salmon in Welsh rivers to attract the paying guests. Much work is being done by the Welsh Assembly Government and the Environment Agency Wales to assist the revitalisation and regeneration of our salmon rivers as well as to encourage anglers to visit Wales. Some fishing methods require an angler to stand perhaps over waste deep in flowing water in order to cast a line to a known fish lie on a certain part of the river. This means that in effect to enjoy his sport the angler requires unfettered access to the whole river width. Clearly this is not possible if parties of canoeists are passing down the water he wishes to fish. Having said that to ban such “boaters” would seem both unfair and unreasonable. It would therefore seem sensible to restrict access to such water for the limited periods when fishing of this type takes place.

The value of a fishery is usually based upon the number of salmon caught in a year multiplied by the agreed value of each fish. Many years ago this figure was £1,500 per fish per year. This meant that if anglers on a given stretch of river, or beat, caught 100 fish in an average year the value of the fishery would be 100 times £1,500 or £150,000 and that may be the value of one bank of the river for a length of perhaps half a mile. We are advised the value of fisheries on the Wye have reduced by one half due to the current canoe access arrangements.

There are real fears that non native aquatic species and serious diseases are being transferred to our rivers: the mitten crab and American Crayfish to name but two of the aquatic species. Canoes and Kayaks may move from one river to another in a single day or from a continental river to a Welsh river within a day or so. This represents a real threat in that water transported within the body of the boat or the protective covers over the seat and occupant or the ropes and ties attached to the boat.

These issues cannot be adequately addressed by voluntary codes of conduct. They would certainly be exacerbated by unrestricted access. If access to our rivers is to be provided to those that wish to canoe or kayak, then it must be done by legislation:

- a. To ensure the protection of our salmon stock, an endangered species demanding protection.
- b. Ensuring the protection and the interests of other river users.
- c. The legislation must be enforceable.

- d. There must be sufficient enforcement staff to police it. The current numbers of enforcement officers are not adequate to protect our fisheries so a large increase in numbers would be essential if effective policing and monitoring is to be put in place.
- e. Canoes and kayaks should be identifiable, with registration numbers clearly displayed as is the case with boats licensed to travel over the waters of the Lake District National Park.
- f. There must be rules of the river as there are rules of the road, to incorporate good manners and means whereby the boats are made aware of the action to be taken when encountering other river users. Which side of the river to travel and when.
- g. Means for agreeing how large numbers of organised boats will travel down a river. For example, one at a time with ten minute intervals or all together keeping in a reasonably tight group

The Waters of Wales are one of the jewels of the national, to allow their unrestricted and un policed destruction by neglect would be a national disgrace.

The Campaign for the Protection of Welsh Fisheries opposes free and unrestricted access to the rivers of Wales and urges that this folly not be supported.