

Questions for the access to inland waterways inquiry

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.

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.

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 habitat¹.

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 services² 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 themselves³; and,
- Commercial operators who sell 'adventure' to (mainly) city people who wish to exploit the thrill of the countryside.

¹ It's not unusual to collect a bag of rubbish off the river banks after a flood and perhaps efforts should be concentrated on installing traps on storm sewers to collect this debris before it gets into the river rather than the issue of river access

² One year this entailed air lifting one party of trapped canoeists off an island one Sunday afternoon

³ An unskilled party from Warwickshire last year abandoned their sport when the river proved too high and sought assistance from us. When questioned why they ventured onto the river they said they had come a long way and it seemed a waste to turn around and go home.

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 canoeist 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 rigour⁴. 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

⁴ I am currently working with the Mekong River Commission in Laos on a new water utilisation agreement designed to bind the Lower Riparian countries (Laos, Thailand, Vietnam and Cambodia) into the sustainable management of the river

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.

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I G Harmond