

Sustainability Committee's inquiry into access to inland water in Wales Response by Garth Roberts

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Conserving Carmarthenshire Rivers



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Sustainability Committee's inquiry into access to inland water in Wales

Response by Garth Roberts

- 1. My present interests** are in fisheries and general river management. I own fishing rights and I am Secretary/Trustee to The Carmarthenshire Rivers Trust.
- 2. I own fishing rights** along two meadows of the lower river Towy. I have considerable experience associated with fishing, fisheries and river management, initially on the rivers Wye and Dovey, subsequently mainly along inland waters in West Wales but also regionally and in the coastal waters of Wales (and Libya).
- 3. Present and past organisational memberships include,**
 - 1950 -53. Builth Wells Fishing Association.
 - 1957 – 91. Teifi Trout Association.
(Committee Member & Membership Secretary 1966 -68: 1981 – 1989).
 - 1968 -70. The Tobruk Lampouka Sea Angling Club.
 - 1981 to date. The Salmon & Trout Association.
(Water Resources Officer Dyfed branch 1981 - to date).
 - 1982 -2008. Carmarthenshire Fishermens Federation (CFF). Honorary Secretary.
 - 1984 to date. Atlantic Salmon Federation (ASF of Canada). Life Member.
 - 1985 – 89. Welsh Water Authority (WWA). Honorary Bailiff 1985 – 89.
(West Wales Local Consumers Advisory Committee (LCAC) 1985 – 89.
Regional Fisheries Advisory Committee (RFAC) West Wales 1985 -89.
 - 1986 to date. South West Wales Wildlife Trust. Member.
 - 1986 -96. National Rivers Authority (NRA).
Regional Fisheries Advisory Committee (RFAC) 1989 -94.
Local Fisheries Group (West Wales) – Chairman 1989 -94.
 - 1996 -2008. Environment Agency Wales (EAW) 1996 – 2008
Local Fisheries Group (West Wales) – Honorary Secretary 1996 -2008.
 - 2007 to date. The Carmarthenshire Rivers Trust 2007 – to date. Trustee & Secretary.
I have a scientific background, with early retirement through disablement.

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3.1. As CFF's Honorary Secretary, I led a number of successful projects maintaining and bettering local rivers, their ecologies and fisheries, including,

- 1986 Litigation against a polluter,
- 1986 – 91 Working with WWA and NRA on fish radio-tracking schemes;
- 1992 and 96 Carmarthen Eastern Bypass - Direct involvement in river planning.
- 1992/4 Facilitated Llynfan Hatchery.
- 1994 Forced abandonment of proposed landfill site.
- 1998 - 99 Towy valley aerial surveys.
- 1999 CFF donated £10,000 and raised £27,000 towards EAW fish tracking equipment.
- 2001 The Towy rod-fishery closed voluntarily during the FMD Outbreak.
- 2004 - 08 Collaboration with EAW's upper Towy liming experiments.
- 2007/08 CFF raised £88,000 'in-house' to buy out 6 of 9 Towy Estuarial Seine net Licences.
- 2007 Created the independent Carmarthenshire Rivers Trust (CRT), now a Charity also working for local rivers, already with a number of successful projects completed.

3.1.1. The CFF represents the interests of angling clubs, associations, syndicates, fishery owners and concerned individuals, owning or leasing fishing rights along 90% of the Towy and on some larger tributaries, on the rivers Taf, Teifi, Eastern Cleddau, Usk, and elsewhere in Wales and England. In excess of 11,000 anglers.

4. Legislation

I am content that my legal rights are clear and well defined. My understanding of the Law is as follows:

4.1. Common Law - Riparian Rights

4.1.1. Carty & Payne (1998) describe the word 'riparian' as a adjective used to describe the owner of land bordering a river or lake. He enjoys riparian rights as a result of his ownership of such land. Riparian ownership is a fundamental tenet of English and Welsh law. The judgment of Lord Wensleydale in *Chasemore v Richards* (1859) provides a concise definition of riparian rights.

"It has been settled that the right of enjoyment of a natural stream or water on the surface ex jure naturae belongs to the proprietor of the adjoining land as a natural incident to the right of the soil itself; and that he is entitled to the benefit of it ... He has the right to have it come to him in its natural state in flow, quantity and quality, and to go from him without obstruction"

4.1.2. Gregory M. (1967) states,

Riparian Rights. Land on the banks of a river, or other water, is known as riparian land, and its owner a riparian owner. Rivers very commonly form boundaries between properties in different ownerships, and because of the legal presumptions in favour of riparian owners fishing rights are most usually owned through the proprietorship of land adjacent to the river. In addition to fishing rights, the riparian owner has certain other rights which derive entirely from his ownership of riparian land, for example rights of access to, and use of, the water.

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4.1.2. Gregory M. (1967 cont)

The owners of fishing and riparian owners must exercise their rights with reasonable consideration for each other. The riparian rights are presumed at law to go with the riparian land whether or not the landowner also owns the soil of the neighbouring water, or the fishing ('Lyon v. Fishmongers Co. 1876).

The basic right of the riparian owners is to receive the water flowing through his land undiminished in quantity or quality, and to take and use it for any purpose not inconsistent with the similar rights of other riparian owners (Mason v. Hill 1833).

If an Act of Parliament authorises any interference with riparian rights, this may be done only to the extent that is necessary for a reasonable exercise of the statutory powers (Edinburgh Water Trustees v. Sommerville & Son 1906).

His references to anglers apply equally to canoeists.

"Highways by waters. If a public right of way adjoins a river bank, may anglers fish from it? The answer is, no. All public rights of way are highways, and although every member of the public is entitled to use a highway, he may only use it for the purpose of passage—or—as the lawyer loves to put it, "for the purpose of passing and re-passing". The Highways Act, 1835, defined "highways" to be "all roads, bridges (not being county bridges), carriageways, cartways, horseways, bridleways, footways, causeways, churchways and pavements" (s. 5). Angling is permissible from none of them. The fact that a public right of way leads to a water does not give the public the right to fish if they have not the fishing rights in the water. The public may only use a highway in a reasonable manner, and a member of the public may not take advantage of his right to use a public way in order to interfere with anglers who are lawfully fishing. In this respect it should be noted that although the public have the right to use a highway, the soil remains in the ownership of the landowner. The same presumption arises in respect of highways as it does regarding the ownership of the soil of rivers¹—namely, that the owners of land adjoining each side of a highway own the soil to the centre line of it, and if a landowner owns the land on both sides of the highway, he owns the entire highway, subject to the public's right of passage. The soil of a highway, though, does not necessarily belong to a private owner,

because the Ministry of Transport or the highway authority may have purchased the land outright. Where the highway is privately owned—which will usually be so in the case of footpaths and bridleways—an unreasonable use of it by a member of the public will be a trespass against the occupier of the land."

4.1.3. Bedell (2006) provides a brief layman's guide stating,

"Under English law all land, including the bed of a river or lake, belongs to someone e.g. private individual, local authority. It is usually necessary to obtain permission for access to such land or water for fishing or canoeing. If this has not been obtained, access constitutes a legal trespass, whether or not the owner actively enforces his rights.

There is no ownership of the flowing water and all may reasonably use it, provided that they have both a right of access to it and a right to use it for their permitted purpose. Where such rights do not exist, the water may be used for angling, canoeing, swimming, and so on, only with the consent of the owner e.g. fishing licence or an access agreement for canoeing.

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4.1.3. Bedell (cont 2006)

In the case of England and Wales the Crown owns the bed of a river up to the limit of the tidal reach. Beyond this point the bed of a river is in private hands, sometimes as a separate legal tract (say where it is owned by a fishing club) but more usually by the adjoining landowners each owning to mid-stream. Those landowners are free to decide to what use to put their part of a river unless there exists a public right of navigation created by immemorial user, an express grant or statutory authority such as a Navigation Act.

*There is clear legal authority in support of this approach culminating in the ruling of the House of Lords in *The Attorney-General ex rel Yorkshire Trust v Brotherton* [1991]. Whether or not there has been mis-interpretation of ancient authorities that is where the law currently stands on the matter”.*

4.2. The Common Law relating to watercourses is becoming increasingly intertwined with the criminal legislation as pressure mounts for greater use of waterways. The laws of trespass are reinforced by various criminal legislation including the Anti-Social Behaviour Act 2003 which builds on measures already available in the Criminal Justice and Public Order Act 1994, including anti-social behaviour orders in the Crime and Disorder Act 1998, and the Criminal Justice & Police Act 2001. For instance, offences against Section 5 of the Public Order Act 1986 can be committed even when swearing and are punishable by a Level 3 fine in the magistrates' court.

4.3. Sport is managed in Britain by UK Sport, the overseeing body that operates in accordance with the Council of Europe's European Sports Charter 1993, reaffirmed by the Third Summit of Heads of State and Government of the Council of Europe (*Warsaw, 16-17 May 2005*).

4.3.1. The Sports Council of Wales (SCW), is required in its Royal Charter, paragraph 2 (j) specifically to :

to encourage and support the adoption of the highest ethical standards among persons or teams from Wales participating in sport and physical recreation.

4.4. Anglers, as well as being required to meet those standards of ethics, in practice they are also strictly regulated by current legislation and observance of the common laws of riparian ownership. Angling takes place on tidal and inland waters in England and Wales under the provisions and byelaws of the Salmon and Freshwaters Fisheries Act 1975, through a **licensing system**, regardless of whether or not those waters are publicly navigable. For instance, most tidal waters are navigable as are the lower (English) reaches of the river Wye, but there are no other navigable inland waters in Wales.

4.5. Environment Agency Fishing licences in 2009 cost, according to quarry and period, day, week or season, from £3.50 up to £70.00 for a season's salmon, sea-trout etc.. Many riparian rights are now owned or controlled, especially in Wales by angling clubs who have acquired their rights from large private estates, sometimes at considerable expense. Prices range from around £12 - £20/day to £200+/season. Those fisheries still under private control offer more exclusive facilities. All fisheries generate substantial revenues especially to local economies.

4.6. There is no licensing system for individual canoeists but there are some facilities. For instance, Tryweryn National Whitewater Centre offers 8 km of controlled flows for canoes, kayaks at prices ranging from £7/day to £160/season, with rafts from £28 for 40 minutes. Llandysul Paddlers Canoe Centre (LPCC) charges £25/day with club membership for £20/season. Canoe Wales (CW) and LPCC are each Registered Companies Limited by Guarantee; both are in receipt of substantial public funding from SCW, EAW and from Local Authorities. A £12 million Olympic canoe slalom course is under construction in Cardiff Bay.

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5. Changes in my legal rights are not necessary but if any access agreement, made nationally or locally is to be successful, there must be some intervention and encouragement by WAG for better enforcement of the laws of trespass and use of the Anti-Social Behaviour Act 2003 which builds on measures already available, the Criminal Justice and Public Order Act 1994, including anti-social behaviour orders in the Crime and Disorder Act 1998, and the Criminal Justice & Police Act 2001. For instance, offences against Section 5 of the Public Order Act 1986 can be committed even when swearing and are punishable by a Level 3 fine in the magistrates' court.

5.1. If changes to the legislation, allowing access for navigation, are considered necessary, it is essential that some form of identification is made mandatory, together with clear disciplinary procedures.

5.2. I am not aware of any existing legislation elsewhere, immediately suitable for adoption in Wales. In my lay-opinion, that created in Scotland was ill-conceived in concept, rushed through incomplete with little consideration of its overall impact. The resulting legislation provides no solution to the problem of undisciplined canoeists, in fact apparently makes it much worse. Reports suggest a significant harmful effect on fisheries and associated interests on some Scottish rivers.

6.. Voluntary Agreements for canoe access to private property.

6.1. Government has stated categorically that access for canoeing must be arranged by local agreement. Persistent deliberate trespass by some canoeists, perceived by many to be incited by the CW, magnifies fears of nuisance and is a major contributory factor of why few agreements have been achieved.

6.2. The following posting by a canoeist on an internet Angling Forum discussion typifies their attitudes towards voluntary agreements.

“.....Already we have de facto opened up shared access to the resources that we seek as there is next to nothing anyone can legally do to stop us accessing waterways. Are you going to take out an injunction against us for trespass? I really don't think so. Call the police? They have no power in civil trespass. Threaten us with the law and we will ignore you. Threaten us with violence and we will call the police and they have a duty to take action.... You can forget about us paying to use the river in the same way that you do, we're not going to..... We cause far less damage than a hill walker, take nothing (apart from your solitude), need nothing, and so, to reiterate, will not pay. That you are in a fee paying situation is irrelevant.”

6.3. Canoe Wales (CW previously WCA)

It seems that in the years since CW received public funding to appoint an 'Access Development' Officer, no new access agreements have been made while those on the Usk and upper Wye have actually been torn up by CW. News that Wye & Usk fisheries interests were discussing agreements with other canoe parties were greeted with contempt by users of the canoeists' "Rivers Guidebook" website forum.

6.3.1. The Letter from Pam Bell, access officer for the then WELSH CANOEING ASSOCIATION (WCA) – now Canoe Wales (CW), regarding access to a Welsh river

As I stated in my reply, would not be able to re-sign the agreement in its present form.

WCA policy is that canoeing should be enabled where the activity would be environmentally benign and should not take place where there is a valid and demonstrable reason for restricting it on environmental grounds. These grounds will vary in time and place, to be determined by scientific criteria.

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6.3.1. The Letter from Pam Bell (cont)

For this reason, we no longer enter into agreements which restrict canoeing purely on the basis of dates. You ask in your letter about the sanctions WCA has in case of a breach of our environmental policy by members or others.

Paddlesport is enjoyed by a wide range of people, and cannot be considered, as an activity undertaken only by members of the governing body or clubs. It is not appropriate or feasible for the WCA to attempt to control the recreational paddling public by means of sanctions, any more than organisations such as the Ramblers' Association or British Cycling could control the actions of the public who walk or ride bikes for recreation. WCA believes that our role is to provide technical expertise and advice, along with education.

For this season WCA considers the way forward to be clear legislation which enshrines everyone's rights and responsibilities in all areas of countryside access. Action against those who infringe environmental legislation is a matter for the law. I hope this clarifies WCA's position, and look forward to hearing from you.

(Signed Pam Bell)

*Regional Access Officer, Usk and Wye Catchment; Director, WCA.
cc Ashley Charwood, WCA National Access Development Officer*

6.4. In November 2006, the CFF was authorised by its members to investigate the viability of setting up **a canoe club for the Towy**. When we visited the local community in the upper Tywi valley seeking support for our proposed canoe club, all we received were complaints about trespass, bad behaviour, foul language, vandal damage - and discourses on 'flying canoes' at Llyn Brianne reservoir.

6.4.1. Llyn Brianne.

The highly dangerous practice of kayaking down the steep (1:3.6m) 270m overflow ramp involved kayakers travelling at speeds of over 45 mph, hitting 'stopper' waves at the bottom, sending them spinning and cart-wheeling out of control. Several injuries have been caused when the fragile craft smashed into the side walls. Warning signs have repeatedly been vandalised or torn down.

My 2007 letter to Minister Jane Davidson on CFF's, and Dwr Cymru's behalf, seeking her support was rebuffed in her reply, best described as *unsympathetic*.

Two years later, DwrCymru are still seeking additional Byelaws to prevent such irresponsible behaviour. The attached photographs were downloaded from the internet.





7. Other Examples of Trespass –

Many instances of trespass by canoeists are reported, locally and elsewhere, especially on the Internet. My attempts to reason 'on line' with canoe interests, inviting agreements, have been in vane, ending largely with invitations, translated to mean "Go away!". Only recently, after working together with local canoe interests, pressurising local and government departments, my access suggestions were refused - by the very person I had some years ago recommended taking his canoe to the river Wye.

7.1. River Towy at Dolauhirion 7th January 2007. The attached photograph demonstrates the vulnerability of inexperienced canoeists in such incidents which of course occur on privately owned property. Three out of a total of six unsupervised canoeists are depicted in difficulties, in what is described as a 'starter' grade stretch of the upper Towy(Grade 2 – 3).

7.1.1. CFF's then Chairman Gethyn Thomas who took the photograph below described what happened next:

"The first batch of six canoeists soon came down stream and they landed just below the bridge, but not before getting into trouble in the rapids just above the bridge, suggesting inexperience - as indicated in photographs taken at the time. I approached them with courtesy, trying to make polite conversation. I explained that we are considering setting up some sort of canoe club with help from other bodies such as EAW and WAG. They told me to, quote, "Fxxk off!" because they knew through the WCA exactly where and when they could 'put in and pull out'. The group was not affiliated to any canoe organisation although they used the WCA websites for their access information. I then politely pointed out to them that the river did not have any navigation rights and they were trespassing. They again told me to "Fxxk off!" and soon departed after loading their canoes on their van.



Novice canoeists R Tywi at Dolauhirion (Grade 3) 7 January 2007.

7.2. A typical Canoe Related Incident occurred on the River Teifi at Cenarth 28th July 2007.

7.2.1. Abstract from my full 2007 report.

Canoeists* in a canoe and kayak flotilla travelled down the Teifi from Llandysul to Cenarth, on 28th July 2007, after receiving advice from the Welsh Canoe Association's Local Access Officer. They caused disturbance to anglers en route and argued with others at Cenarth. The incident typifies the situation across the Principality where some canoeists are perceived to be testing the common law while seemingly indifferent to the rights of others in the countryside. There were insurance and duty of care issues involved. The canoeists later complained about their treatment to CCW, and reported the incident on their Rivers Guidebook website. During the resulting forum discussion, there was considerable criticism of the angling/fisheries interests involved – and generally of those not involved. The TTA members were variously described as “drunk” and “*threatening, inebriated local inbreds*” and likened to the “BNP”.

7.3. The Teifi and Towy are “Special Areas of Conservation” (SAC) protected under the articles of the EU Habitats Directive, with salmon an included Teifi designated species. Sea-trout are a Biodiversity Priority Species. Operations carried out within, or adjacent to SACs are subject to conditions specified for each Area (CCW 1998). It has not been my experience that on the Towy, CCW has much enforcement inclination. Cenarth Falls are defined as ‘obstructions’ under the Salmon and Freshwater Fisheries Act (1975) Pt II Para 12.

7.4. April 2008. Towy Near Halfway. Unidentified trespassing canoeists were photographed while they were deliberately ‘baiting’ local anglers.



Trespassing canoeists (1) on the Towy at Halfway. April 2008. (CFF).

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Trespassing canoeists 2) on the Towy at Halfway. April 2008. (CFF).



Trespassing canoeists (3) on the Towy at Halfway. April 2008. (CFF).

8. Governance of Sport

8.1. Sport is managed in Britain by UK Sport, the overseeing body that operates in accordance with the Council of Europe's European Sports Charter 1993, reaffirmed by the Third Summit of Heads of State and Government of the Council of Europe (*Warsaw, 16-17 May 2005*).

8.2. The Charter defines sport as

"Sport means all forms of physical activity which, through casual or organised participation aim at expressing or improving physical fitness and mental well-being forming social relationships or obtaining results in competition at all levels."

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8.3. The European Convention on Spectator Violence and Misbehaviour at Sports Events and the Anti-Doping Convention have been signed by the UK Government.

8.4. The [Code of Sports Ethics](#) acts as a complement to the Charter. It is based on the principle that

“ethical considerations leading to fair play are integral, and not optional elements, of all sports activity, sports policy and management, and apply to all levels of ability and commitment, including recreational as well as competitive sport”.

8.5. Fair play is defined as much more than playing with the rules. It incorporates the concepts of friendship, respect for others and always playing within the right spirit. Fair play is defined as a way of thinking, not just a way of behaving. It incorporates issues concerned with the elimination of cheating, gamesmanship, doping, violence (both physical and verbal), the sexual harassment and abuse of children, young people and women, exploitation, unequal opportunities, excessive commercialisation and corruption.

8.6.. Under the terms of their devolved powers in the UK, the Sports Councils are required to observe common guidelines and collaborate when recognising particular sports and their particular governing bodies. Each recognised body being required to meet standards. A body can be challenged for supremacy, or should it be perceived to be failing to meet an acceptable standard, it can be subject to review or even replacement (Appendix D. UK Sport Guidelines).

8.7. The Board of UK Sport recently reviewed its policy on sanctions (UK Sport Board Minutes 20/06/07/Para 12.1).

Introducing paper UKS 40 2007, PS advised that Board endorsement was sought for an enhancement of the collaborative approach across UK Sport in its relationship with NGBs, by moving to an alignment of sanctions policies in the event that an NGB remained in breach of its obligations.

8.8. The Sports Council of Wales (SCW), is required in its Royal Charter, paragraph 2 (j) specifically to :

to encourage and support the adoption of the highest ethical standards among persons or teams from Wales participating in sport and physical recreation.

8.9. The CFF's earlier complaints to the Sports Council of Wales (SCW) regarding the activities of CW's publicly funded Access Development Officer were also rebuffed and CFF invited to refer their complaints to the Public Service Ombudsman - the SCW's Chief Executive denying all responsibility.

8.9.1. SCW's stance is contrary to UK Sport Guidelines, and fails to meet the requirements of its Royal Charter, paragraph 2. in particular,

(j) *to encourage and support the adoption of the highest ethical standards among persons or teams from Wales participating in sport and physical recreation.*

9. Other Effects

9.1. The general impacts of disturbing wildlife and fisheries are well documented, particularly with reference to the spawning areas of salmon, sea trout and trout. The importance is not widely appreciated, however, of the possible variation in their actual extent in differing catchments and of disturbance in limited stream areas, or for different reasons.

9.1.1. For instance, on the Towy, spawning salmon and sea trout are recorded in large numbers using the main river at least as far downstream as Llandeilo (Todd 2002). It seems that winter duck shooting is practised in places along the entire main river. The tributaries of rivers in West Wales and their respective wild life remain undisturbed by anglers throughout the year, with the possible exception of some larger lower reaches. It is important that the status is maintained.

9.2. Olfaction

Spawning fish are nearing exhaustion, even terminally so particularly in salmon – (>90% single spawners). Olfactory disturbance can exert significant effects on such fish. Olfaction may be the most important sense controlling many aspects of the life cycle of the Atlantic salmon. Pheromones detected through its olfactory system are important in controlling both behaviour and physiological processes and they also play a role in synchronising reproduction and social interactions (Potter & Dare 2003). Human interference in fish passage has been shown to have significant effects on the olfactory senses. Ferguson & Williams (2004) investigating methods of improving fish ladder passage in the Columbia River Dam, observed that,

“...any human odour in collection facilities can cause fish to delay. For example, a worker’s hand in the ladder for a few minutes can stop adult migrations in the ladder for hours”.

While a lone canoeist may have no impact, a group or successive groups in a river channel could well be cause for concern.

9.3. Diseases and Alien Species

Where ever anglers or canoeists have access to rivers, there is a minute but ever present danger from the introduction of diseases and alien species. Trespassing canoeists are not regulated. During the last FMD outbreak, rivers across West Wales were closed for fishing voluntarily by angling organisations.

9.3.1. Gyrodactylus Salaris – a tiny leech-like parasite that can survive out of water for several days. In Norway, catastrophic losses of Atlantic salmon were seen following the introduction of *G. salaris* to the country in the 1970s. (Fisheries Research Service 2007). Anglers and canoeists are travelling, particularly to Norway in ever increasing numbers. Fishing tackle must be disinfected before-hand or on the spot at the cost of about £15 and cannot be taken from one river to another. Canoeists are flying plastic kayaks back and fore by EasyJet. Although there is some disinfection on entering Norway, there is nothing on return to UK. There is no restriction on where they are going to, or coming from. Unlike anglers, canoeists whilst ignored by the authorities visit rivers across UK. Rivers such as the Teifi and Tywi supplying potable water cannot be treated by Rotenone or aluminium sulphate (Rotenone is now banned by EU).

An Outbreak of GS on any river supporting a potable water supply would enforce an immediate closure of its fishery. There is at present, even in Scotland, no mechanism for controlling canoeists or anyone else – except anglers, to prevent use of rivers. There is no method of identifying anyone in the countryside - except anglers.

9.3.2. Didymo – “Rock Snot” (*Didymosphenia geminata*) a rampantly growing fungus, said to be endemic in many countries, but is now spreading rapidly in other countries, especially New Zealand and North America. Most Didymo blooms reported occur either in lake-fed rivers or in regulated rivers (below dams), ie., generally stable flows.

Once a colony is established, fast currents are likely to enhance growth by promoting transfer of nutrients to the cells at the mat surface. It can flourish and choke riverbeds, gravels and abstraction intakes. It is said to be spread by anything wet or damp, particularly by anglers’ felt sole waders and unless completely dry for 2 days, survives out of water for up to one month - unless disinfected – using similar methods to that for GS (Kilroy 2004).

10. Points of Concern and Recommendations.

The hostility of potential beneficiaries of access associated with the CW suggests that anyone seeking canoeing partners should do so among those with allegiances elsewhere than the CW. To have any hope of success, an access agreement will depend on the active support of all the statutory agencies

10.1. A Board of Inquiry could be convened in accordance with UK Sport Guidelines to investigate the propriety of CW with specific reference to their relationships and attitudes towards other recognised sports; their guidance to members and the public.

10.2. The Welsh Assembly Government (WAG), UK Sport and SCW, together with the BCU should address with urgency the problems associated with the CW that are clearly obstructing attempts to improve relationships between the two sporting disciplines.

10.3. Consideration could be given by SCW to the creation of a suitable replacement for CW.

10.4. Our present legislation is built on the Common law - Case Law – the traditions of the countryside, and is accepted as such – otherwise leads to anarchy. The principles of land/property ownership and its uses are fully established and recognised by nearly all. In sport, all the different disciplines own or rent their respective venues, either collectively or individually - and respect those ethical boundaries – with the exception of some potential navigators by water (and off-road).

10.4.1. Our inland rivers are land corridors that happen in most cases to be open, but can and are sometimes fenced off, particularly in tributaries. Their usage is clearly defined in the common Law. The rivers of Wales support valuable fisheries. Over the years, the rights to those most fishings have been acquired from the old feudal landowners and are now owned or leased by angling associations and clubs – of ordinary people. Moneys are raised by subscription and donations. Substantial funds are often involved. One Towy Club was created by members giving up their redundancy payouts. The CFF buyout of nets in 2008 was only made possible by funds donated by virtually all concerned including the larger land owners.

There is a sense of belonging.

It can truthfully expressed that it is our river - water ownership issues are recognised and are irrelevant. If canoeists wish to use our property, they too must also be made to 'belong'. There are parts of every river where access by canoe could be agreed - for known members.



Trespassing canoeists on the Lower Towy (Roberts 1992)
(Note bow-wave disturbance from just two small craft)

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