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Dear AM,

The attachment to this e-mail is a photo of a father and son in a coracle he is an ex-coracle licence holder

who once held one of the four licences taken by the 2007 Tywi NLO authorised by Jane Davidson his son asks what has daddy done to have his licence taken away? So what has he done? Been poaching? Convicted of a criminal offence? Over sixty? No this man's 'crime' was that he couldn't afford the £500 + duty because of hard times and under current legislation his licence can be taken off him for good.

When you consider the four licensees were not allowed a defence, compensation or a local enquiry and the Minister refused to meet them (even though she met with the angling lobby prior to making her decision.)

you realise how unjust and callous the present procedures are.

Following these cruel acts the eight remaining tywi licensees have seen their licence duty rise to £539 double the price of a teifi licence even though the catches are on par and the introduction of a restrictive

by-law that makes netmen tag all fish while anglers are exempt (another concession)

While I know that many of you are proud of your record on human rights, equality, social justice and are

vociferous in international condemnation of countries that do not comply so why do you sit idly by

when these basic rights are denied to welsh fishermen and canoeists? How can you support a system

that allows so much power and influence to one group of river users and deny other users equality? We

have seen canoeists collect a 10,000 signed petition in order to get their case heard and we will have to follow suit but who will be next bird watchers, ramblers, cyclists and children who just want to paddle in a stream your advisory system stinks of selective self interest and bias and should be reformed.

You claim to represent the interests of all so stop this domination by one particular group and embrace

the needs of all on the grounds of equality.

We as welsh coracle fishermen beg you to protect 'our way of life' and not destroy it by stealth we beg

you to recognise our human rights and we implore you to revisit and review present legislation but most

of all we plead with you to allow us a defence.

Many thanks.

Mike Elias sec. Carmarthen Coracles.

Ian Jones

Pennaeth Hamdden a Chwaraeon

Ty'r Nant, Parc Busnes Trostre, Llanelli,
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Gofynner am • Please ask for :

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Dyddiad • Date : 18th March 2009

Dear Mrs Phipps

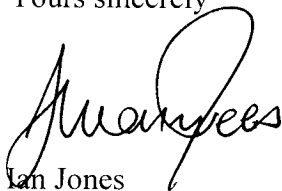
Thank you very much for allowing Carmarthenshire County Council the opportunity to participate in the discussion regarding access to inland waterways at Llandysul Canoe Centre on 9th February 2009, we very much welcome this review by the Welsh Assembly. It was requested that the Local Authority confirm our position with regards to this issue.

Currently, there is a debate locally between different interest groups regarding whether canoeing on rivers where fishing rights exist, is contravening current legislation. Clearly, the local authority would appreciate more clarification and some national steer on this issue, however, our current position is that we insist on any CCC sponsored activity on inland waterways requiring the permission of the landowner.

I would add that the Local Authority have produced a 'Leisure Vision' for the period 2007 – 2012 which supports the Welsh Assembly Government Climbing Higher Strategy in looking to maximise the use of the natural environment in increasing both the opportunity to participate in physical activity and sport and also by increasing the number of people who are physically active. As a Local Authority, we are committed to this aim and, whilst ensuring that all users and interested parties rights are safeguarded. We are therefore grateful that the Welsh Assembly Government are considering allowing open access to rivers to help address this important issue.

If you require any further information, then please do not hesitate to contact me.

Yours sincerely



Ian Jones

Head of Leisure and Sport

COUNTRY LAND & BUSINESS ASSOCIATION LTD

Petitions Committee
Welsh Assembly Government,
Cardiff Bay,
Cardiff,
CF99 1NA

Dear Member

Ref Canoeing.

The CLA has some 38,000 members who between them own and manage over half the rural land in England and Wales. It is the only body that exists to represent the interests of rural land occupiers and many, if not the majority, of our members own or occupy land as their principal business. Many also own or manage land crossed by public rights of way or offer permissive access. As a result the CLA has a long history of advising on the law relating to public rights of way and on the management of access and rights of property. In the context of canoeing many of our members are riparian owners who either lease out or manage the associated fishery, or may have sold the rights.

As a result we have an on-going interest in the debate over canoeing on both sides of the Border and have been involved with DEFRA and WAG in discussing these matters. We have noticed the interest shown by the Petitions Committee and the forthcoming investigative tour being undertaken. We attach for your interest a briefing note on Canoeing as well as a comparative analysis of Access rights and responsibilities between England, Wales and Scotland which you may find useful.

We would be more than happy to discuss any of the issues raised with your Committee at your convenience in the interest of balance, should you find it helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'F.J.E. Salmon', is written on a white background. A vertical red line is positioned to the right of the signature.

F.J.E. Salmon
Director, CLA Wales.

COUNTRY LAND & BUSINESS ASSOCIATION LTD

Access rights and responsibilities – Differences Between England and Wales, and Scotland

Scotland

The Land Reform (Scotland) Act 2003 establishes statutory rights of access to land and inland water for outdoor recreation. The Statutory right of responsible access commenced on 9 February 2005.

The Scottish Outdoor Access Code provides guidance on the responsible use of the access rights.

The new access rights enable people to access land, whether simply to cross it, or for the purposes of carrying out a recreational, educational or other activity. Those activities might include:

- picnicking, photography, sightseeing
- active pursuits, including walking, cycling, riding, canoeing, wild camping
- taking part in recreational and educational events
- travelling from one place to another.

The rights specifically exclude:

- any kind of motorised activity (unless for disabled access)
- hunting, shooting, fishing.

The rights apply over all of Scotland – from urban areas, to the hills, and include, farmland, forests, beaches, lochs and rivers.

However, the rights of access do not apply within buildings, structures or their immediate surroundings, to houses & gardens, and to land which is growing crops. Note that grass is not deemed to be a crop unless it is grown for hay/silage and is at such a late stage of growth that access would damage it. Access is also permitted to the margins of fields.

The right of access may be exercised subject to the responsibilities which are set out in the Scottish Outdoor Access Code. Therefore users must:

- take responsibility for their own actions
- respect people's privacy and peace of mind (for example by keeping a reasonable distance from houses and private gardens, especially at night)
- help farmers, landowners and others to work safely and effectively, including:
 - keeping a safe distance from any work
 - taking note of signs about dangerous activities such as tree felling or crop spraying
 - leaving gates as found
 - not blocking entrances or tracks
 - looking for alternative routes before entering a field with animals
 - not feeding animals
 - using local advice to take account of shooting & stalking
 - not damaging fences or walls
 - avoiding damage to crops by following paths, tracks, the margins of the field or going over ground that hasn't been planted

- care for the environment by:
 - following advice & information
 - taking litter home
 - treating places with care and leaving them as found
 - not recklessly damaging or disturbing wildlife or historic places
- keep dogs under control
- take extra care if running a business or organising a group.

Responsibilities are also placed on owners and managers. They must:

- respect access rights and not unnecessarily obstruct them (e.g. by locking gates or fencing)
- act reasonably when asking people to avoid a particular area (for example by explaining clearly why a route can't be used, keeping safety measures to a minimum, and removing information that is not up to date)
- work with local authorities and other bodies to help integrate access and land management.

Comment

The emphasis on responsible use will require considerable education – authorities estimate that it will be many years before the rights and responsibilities are fully understood and complied with. Authorities have had particular problems in lochside areas where fires are lit by campers and not dealt with properly. Litter is also an issue in such areas. On rivers, the right of access does not generally give rise to conflict, except in certain hotspot locations. These conflicts have been particularly aggravated by commercial users (e.g. rafting companies) utilising rivers and coming into conflict with fishermen. Local solutions are being sought – for instance to restrict rafting/boat use to certain times/days – but these agreements are necessarily voluntary (because there is a right of access), require “buy-in” from all parties, and can offer only temporary solutions if they are agreed at all.

The fishing organisations are particularly resentful in these hotspot areas that their legitimate, paid interests are being damaged by the commercial activities of bodies which have been granted free right of access under the code.

In terms of rivers, the conflicts tend to arise in areas where the river is confined. Many Scottish rivers are very wide which means that dual uses can be successfully accommodated. The scale of use is also critical.

Why Can't England and Wales follow the Scottish Access Solution?

Population

Population levels between the various countries are very different.

The population of Scotland at 5.06 million¹ works out at 160 head/square mile (based on an estimated size of 31510 sq miles).

¹ 2001 census

In contrast, Wales, at 8015 sq miles with a population of 2.9 million² works out at 351 head/square mile, and in England, the density is even higher, with 49.13 million³ crammed into 50,352 sq miles making a staggering density of 975 head/sq mile.

These population densities go a long way to explaining the enormous pressure on the countryside, and why access requires considerably more management within the more densely populated countries of England and Wales, than in the less dense areas such as Scotland.

Sweden – frequently quoted as offering unrestricted open access - is 173,731 sq miles which with a population of 9 million⁴ (estimated July 2007), gives an average of just 5 head/sq mile. It is not even comparable to the England and Wales situation.

Land Type

In Scotland, Scottish Natural Heritage estimates that 28% is grassland, less than 25% mire, 15% heather moorland, 11% arable, 14% woodland, 3% water (of which half would be lochs), 4% built or bare land and 3% bracken or scrub.

In England the land use is rather different⁵. 37% is grass, approximately 8% moorland, heathland or down, 30% arable, 5% in set aside or used for farm buildings and tracks, 9% woodland, less than 1% water and 10% built or bare land.

In Wales, a significant 72% is grassland, 3% arable, 14% woodland, less than 1% water and 10% built or bare land, including moorland.

Although the sources used are different, and therefore the figures may be differently calculated, it is clear that in Scotland, there is a considerably greater area of what may be termed mountain, moor and heath (approximately 43%) compared to 8% in England and less than 10% in Wales.

Essentially, a greater proportion of land in England and Wales has a more intensive economic use than in Scotland. This is not to say that the moors of Scotland do not carry economic uses; but they are different from the farmed landscapes of England and Wales.

Water

Scottish inland waters are characterised by wide rivers and deep lochs. In contrast the rivers of England and Wales tend not to be wide, and areas of inland water may be as much about use of reservoirs as natural bodies of water.

In terms of access, it is the rivers, with their fishing interests, which have greatest potential for conflict. Riparian ownership and fishing rights may be separately owned.

² 2001 census

³ 2001 census

⁴ Statistics Sweden

⁵ Defra

Many rivers have riparian owners associations as well as fishing associations, formed to aid the management of the river.

The Scottish Land Reform Act opened up rivers and inland waters to many types of recreational use. Fishing, however, continues to enjoy its historic protection and is only available where duly paid for. Scottish rivers are wide, and careful use by fishermen and other users can avoid conflict. However, conflict has not been entirely avoided, and the rights granted under the Scottish Act make these types of conflict hard to resolve⁶. Conflicts occur in certain hotspot areas where fishermen – who have paid to use stretches of river – suffer disturbance from rafting, canoeing and other users (who of course, are exercising their rights under the new act)⁷. These conflicts are magnified where the recreational users are gaining commercial benefit from their free access to the river.

It is clear that in such circumstances the Outdoor Access Code is of little benefit, as it fails to protect the legitimate interests of those who have paid to fish the river. It is possible that it was intended thus – that fishing interests should not be able to deny access to other users.

There is very real disruption to fishing from this type of conflict, and little that authorities – desperate to achieve agreement – can do to ensure that this type of situation is resolved. It could be answered that what is needed is a strengthening in the access code.

However, what is clear is that access, in the Scottish sense, relies on a fundamental understanding of what is reasonable behaviour. Where such behaviour does not occur – whether in terms of conflicts on rivers, or the inappropriate use of fires and dropping of litter around lochs – there is very little that either the land manager or an access authority can do about it.

Responsible Behaviour

This difficulty of enforcing responsible behaviour is a key concern of Scottish access authorities. There has been significant publicity and education is ongoing to attempt to reinforce this.

Scottish access authorities believe it will take many years before sufficient numbers of people are aware of the need for responsible behaviour in the countryside. There is a strong need for ongoing education of the public, a resource implication perhaps not fully appreciated when the Act was conceived.

The introduction of CROW in England and Wales has provided an indication of how responsible the public is. That responsibility (or lack of it) may well be due to lack of education and awareness. Figures so far suggest that there is plenty of work to do in this area. Evidence shows that restrictions on dogs on CROW land, for example, are frequently ignored – with consequent impact on livestock as well as wildlife.

⁶ Personal contact – Perth & Kinross Council

⁷ Salmon & Trout Association, Gamefisher, Autumn 2006

Arguments that increased access is about responsible use, and that increases in vandalism and crime are not reasons to not increase access provision are disingenuous. In other areas of public life – for example, when planning new housing estates – it is a pre-requisite that safe and secure areas are created and that opportunities for crime and anti-social behaviour are not created or increased. It is unclear why this same principle does not apply to rural access.

Legislative Differences

Rights of way legislation has progressed differently in Scotland than in England and Wales. In England the requirement for a Definitive Map and Statement, and the need to keep that under review, means that there is a clear record of public rights of way which provide a network of access. In addition, although it is contentious, the principle “once a highway, always a highway” means that routes can be added to the map if use as a highway can be shown. (This is, of course, subject to current legislation which has proposed a cut-off date of 2026 for adding these routes to the Definitive Map).

In contrast, in Scotland, that same principle does not apply. This means that after a period of disuse, old routes cannot suddenly be reclaimed. Scotland therefore has a significantly lower network of access than in England and Wales.

Indeed, Scotland has a substantially lower amount of paths than England or Wales⁸. The total length of routes amounts to some 15,000km, compared with over 160,000km in England and 38,500km in Wales. The density of paths also differs significantly. In Scotland there is a density of just 0.19paths/sq km. In contrast, England has a density of 1.3/sq km and Wales is even higher at 1.8/sq km.

The lower network of paths, combined with Scotland’s low population density and less intensive land use means that the access rights created under the Scottish Land Reform Act are not directly transferable to other countries which have markedly different existing access, population density and land use.

The Scottish Experiment – unproven

It is clear that the case for greater access is unproven. The new rights created in England and Wales under CROW are not widely used, and government’s own statistics show declining numbers visiting the countryside.

The Scottish experiment - undertaken in a country where the pressures on land are much less, and the population density lower – shows that issues of conflict and responsible behaviour cannot be resolved by the simple creation of a code; that increased rights do not mean increased responsibility; and that, as land managers have known for centuries, to maintain the land in stewardship for the future requires long term vision; the management, and if necessary, the denial, of conflicting interests; and the economic resources with which to undertake this management.

Access is not “free” – it is paid for by someone. It may be that several bodies contribute to the costs of access – the owner, whose fishing income reduces; the ghillie, who attempts to manage the river and nurture his beat, whilst suffering disturbance from

⁸ McCraw & Davison, Scottish Natural Heritage

other uses; government bodies, who fund educational resources about rights and responsibilities; and access authorities, who attempt to resolve conflict and difficulty without the back up of clear rights and responsibilities, powers of enforcement or dispute resolution.

Nor is access a "right". It is a privilege, and one to be used responsibly, with due regard for those who make their living from the land, and the environment around. Free, unfettered access devalues this privilege and makes its responsible use harder to enforce.

Sarah Slade
National Access Adviser
Country Land and Business Association
17th September 2007

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LAF BRIEFING NOTE: RIVER ACCESS - CANOEISTS

THE ISSUE

A key concern of CLA members, in particular those with fishing interests is the BCU campaign for a 'Right to Row' for canoeists and other non motorised craft on rivers in England and Wales. In both England and Wales primary legislation is required to increase navigation rights, as there is currently no ability to extend a CROW type approach to inland waters or the bank sides.

THE LEGAL CONTEXT

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.

Recently the Rev.d Caffyn has been promoting (along with the BCU) his view that there is a right of navigation on

rivers, this would include motorised boats, through his paper "*The Right of Navigation on Non-tidal Rivers and the Common Law*". The CLA legal department has examined the paper in detail and commented as follows:

"The Rev. Caffyn, whilst having made a painstaking review of the historical legal texts and judgments on the issue of whether there is a public right of navigation on non-tidal rivers, has produced a work with a very distinct slant to it. It is as if he has decided on his conclusion first, and then worked back from that point to find any material he can muster to support that conclusion. In doing that he has tended to either ignore or brush over any evidence which is not helpful to his case.

*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”.

THE BACKGROUND TO THE DEBATE

Access for canoeists was left out of the Countryside and Rights of Way Act 2000, but in order to establish the facts various government agencies paid the University of Brighton to research and publish “Water- Based Sport and Recreation the facts” (Brighton 1) which established

“Water-based sport and recreation activities are undertaken by a small minority of the population. However many of these activities are, or have the potential to be, socially inclusive and, with a latent demand for these activities is currently low. However, if information about the activities were made more accessible, and a more comprehensive and inclusive approach taken to facility development and management, the demand for some activities, particularly sports where national participation appears to be growing (e.g. canoeing and rowing), could be stimulated. Furthermore, good quality water spaces have an amenity value for non-participants in water-based sport and recreation.”

The BCU (British Canoeing Union) is leading a campaign for access to all non navigable rivers in England and Wales. The BCU headline campaign facts are:

- that 98% of rivers are excluded from the public;
- 2 million people canoe regularly;
- Access agreements have so far increased 812 km of canoeing only.
- Canoeing is a physical active sport which has no impact on the environment.

As a result of a letter writing campaign by BCU member’s Alun Michael wrote (01/09/2004) to the Local Access Forums and stated:

“I am also aware from the many letters that I have received from Members of Parliament on behalf of

canoeists that access to water is an issue, and we need to give further consideration to the role of forums in advising on wider forms of access, including access to water. Some of you may already have dealt with this issue in your area and I would welcome specific views and experience on this issue.”

The supply of inland water spaces for paddling according to government research is:

- 7% of the enclosed waters in England and Wales of 1 hectare or more in size.
- Paddling occurs on 4,400km of canals and inland rivers subject to public rights of navigation or to which access is permitted by licence (generally canals).
- Elsewhere formal access agreements cover 686km of the major rivers in England without a public right of navigation.
- In total this equates to 34% of the major river and canal network. In addition it must also be remembered that the canoeists already have access to 4,400 kilometres of coast line in England and Wales.

After the publication of Brighton 1 report The Countryside Agency who were leading on this issue, commissioned a Brighton 2 report, “Improving Access for Canoeing on Inland Waters: A Study of the Feasibility of Access Agreements” which was the first part of 3 year investigation into the feasibility of increasing access to water for canoeists by voluntary agreement.

Phase 1 of the investigation showed that it is possible to provide some additional access for canoeing by voluntary agreement. However, for this to happen there needs to be, a strategic framework; a motivated access champion; a source of funding for both capital works and revenue costs; and a source of technical support to advise all the stakeholders on reaching a potential agreement.

The Brighton 2 report estimated that about 100,000 people in England canoe regularly, with another 1 to 2 million

doing so occasionally. There is a similar level of occasional participation in angling, although with about 1 million rod licences sold per year, regular participation is considerably higher than for canoeing.

The Countryside Agency recommended to the Minister that the study should proceed to phase 2 (identifying funds and completing the access agreements in each of the study areas), subject to cost benefit analysis on the Mersey where the capital costs for essential works are high. The Countryside Agency recommended that the work on voluntary access for canoeists is undertaken by the Environment Agency who has technical expertise in the practical aspects of the agreements.

The Environment Agency was therefore asked in 2004 by the Minister to seek to secure access agreements on four rivers in England. The project was taken forward by Brighton University who were asked to:

- Test and demonstrate the processes involved in negotiating voluntary agreements for access to new lengths of water on all four pilot rivers:
- Develop a 'toolkit' to support the negotiation of more agreements in the future.
- Determine the reasons in cases when negotiation is difficult or fails, and whether there are ways of overcoming these issues in the future.

Subsequent to the instigation of the four pilot projects, Defra and the EA announced that they would like to see a strategic approach to the development of canoeing whereby, the assessment of need of the canoeists in an area are balanced against the other competing interests on a watercourse, fishing, conservation etc.

This has been highlighted by the launch at the Outdoor Show end of March 2006 of the Environment Agency's 'A Better Place To Play' – their strategy for water related sport and recreation (2006-2011) which

advocates a strategic approach to the provision of recreation rather than a blanket statutory approach clearly stating:

'we will promote increased access where it does not adversely impact upon existing use and users, or the economic and conservation value of the site and associated area. We will encourage access where managed solutions can be found to remove adverse impacts, resource allowing.'

On the 14th November 2005 when addressing a Local Access Forum Jim Knight was asked the following question:

How far does the Government wish to go with opening access to woodland and waterways?

Both Woodland and waterways can provide additional and attractive access opportunities. However, when the statutory right of access was introduced under the CROW Act, we decided that this was not a sensible way to extend access to woodland and waterways. I am keen to see access extended to both types of land in other ways.

In particular, section 16 of the CROW Act enables landowners to voluntarily dedicate land for public access. This land then becomes access land and the same rules apply as for mapped access. A dedication cannot be revoked – the land remains access land in perpetuity or, where applicable, for the duration of a long lease.

It is still early days but dedication is already making a difference. For example the FC has dedicated 129,000 hectares of woodland and a private landowner has followed suite with three woods in Shropshire (totalling 68 hectares). The EA is also using dedication as a way to improve access to water: on the River Mersey they have helped 4 golf clubs to dedicate 6.5 km of river for use by canoeists.

CURRENT SITUATION

On the 3rd October 2006, the Environment Agency presented the report 'Putting Voluntary Canoe Access Agreements in Place' to Richard Caborn Minister of Sport, and Barry Gardiner Defra Minister at Bungay Suffolk.

HEADLINE POINTS

- 99% of land or riparian owners are willing to consider canoe access.
- 100% success in securing voluntary canoeing arrangements on section of the four pilot projects Mersey, Teme, Waverney and Wear.
- 70km of canoeing achieved on the four pilot rivers.
- A national approach for achieving canoe access agreements needs to be combined with successful negotiations at a local level.- the success of this project shows that voluntary access can be delivered on a scale not previously considered.

KEY FINDINGS

1. Voluntary agreements work
2. Many previous attempts to negotiate agreements have floundered through a lack of clear processes, resources, strategic support and guidance.
3. Riparian owners have the opportunity to tailor agreements to their individual requirements and concerns. Together with local stakeholders, they can also develop specific terms and conditions to ensure that access is sustainable and compatible with other uses.
4. Canoeists hold the key to developing and sustaining agreements.
5. Anglers are concerned about equality as much as exclusivity
6. Canoe agreements can be negotiated but require local approaches informed by an appropriate 'toolkit' of resources

7. Local, regional and national government bodies and agencies have an important role to play in supporting the development and implementation of canoe access agreements
8. Dedication of access land under the Countryside and Rights of Way Act 2000 offers a new opportunity to provide canoe access.
9. Voluntary approaches cannot secure access in all circumstances.

ENVIRONMENT AGENCY CONCLUSION

"As well as guiding the actions of the voluntary groups and local stakeholders seeking access, the research has demonstrated the need to support these efforts locally, regionally and nationally. This can be done by developing;

- *A 'toolkit' of techniques for negotiating and securing access;*
- *Suitable supplementary planning guidance;*
- *Grant support;*
- *Other strategic initiatives*

The wider application and development of voluntary arrangements is the most appropriate way forward to secure greater opportunities for sustainable and responsible access to inland waters. However more positive involvement and activity on the part of many different organizations is needed, including the canoeists themselves. We also need greater incentives and more justification for a wider group of organizations to help support the provision of new access arrangements.

The strategic planning of water-related sport and recreation at a regional level should make it easier to identify;

- *the opportunities and priorities for developing access;*
- *Possible funding opportunities to assist in providing and managing voluntary agreements.*

NEXT STEPS

Based upon the experiences across the pilot rivers the Environment Agency has produced a toolkit giving advice and information on voluntary access agreements, including: -

- Basic access rights as they now stand;
- What sort of voluntary agreements can be put in place with landowners;
- How to find out who owns the land and water;
- How to approach different owners;
- Codes of conduct;
- Risk assessments;
- Details of other organisations which can help

The on-line Voluntary Canoe Access Agreements Toolkit which includes details of funding opportunities, plus data on social and economic benefits of canoeing is available on the Environment Agency web site.

The Environment Agency proposes to take the project forward through the strategic planning process in their South West and Anglian Regions, the aim of which will be to create a plan that shows where new opportunities can be created and identify the social and economic benefits these can bring and negotiate any additional access through voluntary arrangements.

The issue is also being considered in Wales and the CLA current understanding is that there will be a similar approach taken.

CLA POSITION

Increase access for canoeists (non motorised craft) needs to be assessed in the light of the competing demands on the watercourse resource. Therefore a strategic approach needs to be taken, where the impact of the competing interests can be assessed and adequate provision made for canoeists based on actual need at a local level.

Any additional access should be undertaken through voluntary agreement

with payment to the riparian owner either through the voluntary agreement. Future revision of the HLS scheme should consider the potential to fund access to and on water for non motorised boats.

Whilst local authorities have no statutory duty or powers to increase access for canoeists, LAFs and local authorities have role to play in engaging and supporting the Environment Agency voluntary initiative e.g. the ROWIP could examine whether there is adequate public rights of way provision to areas where canoeing is allowed.

CLA COMMENT

The CLA supports the Environment Agency's (EA) announcement (3rd Oct 2006) of voluntary access agreements as the way forward for providing access for canoeing,

"Partnerships between local people, landowners and organizations will achieve the kind of access that everyone wants and needs. The pilot project for voluntary canoe access on the River Mersey, Teme, Waverney and Wear has delivered 70km of access, which shows just what can be achieved when different interests work together," says David Fursdon CLA President. "We are delighted that the EA has concluded that voluntary access to rivers is the best way forward. The results from the pilot study also show that a blanket approach to access is unnecessary."

"Many different interests have to be considered if, as the Environment Agency plans, rivers can be used for the social and economic well-being of all. We want to encourage everyone to get out and enjoy the countryside, but obviously the rights of riparian owners have also to be considered."

"We are keen to see how the voluntary agreements will work in practice as we're hopeful that an approach like this could be used for other access initiatives instead of legislation. This is the first step to successful, usable access across the country and we will of course be promoting this to our members to show our support."

MAIN DOCUMENTS

Research Published on Impact of Canoeing on Angling & Fishing Stocks
W226 Environment Agency November 2000

Agreeing Access to Water for Canoeing
Environment Agency – July 1999

Water-Based Sport and Recreation the facts – University of Brighton (Brighton 1)
DEFRA, British Waterways, Countryside Agency, Countryside Council for Wales, Environment Agency and Sport England.
<http://www.defra.gov.uk/wildlife-countryside/resprog/findings/watersport.pdf#search=%22water%20based%20sport%20and%20recreation%20the%20facts%22>

Improving Access for Canoeing on Inland Waters: A Study of the Feasibility of Access Agreements (Brighton 2)
Countryside Agency – March 2004

DEFRA Letter from Alun Michael to LAF dated 1st September 2004

The Countryside in around towns Groundwork, Countryside Agency – Jan 2005
http://www.countryside.gov.uk/Images/CAT_tcm2-22089.pdf

Our Strategy for Water-Related Sport and Recreation (2006-2011)
Environment Agency
http://www.environment-agency.gov.uk/commondata/acrobat/final_english_strat_1325406.pdf#search=%22water%20related%20sport%20and%20recreation%22

Putting Pilot Voluntary Canoe Access Agreements in Place – Summary Report
Environment Agency

Summary
http://www.environment-agency.gov.uk/commondata/acrobat/final_artwork_1484219.pdf

Full report
<http://www.brighton.ac.uk/chelsea/newsevents/canoereport.pdf>

USEFUL WEB SITES

CLA Website
http://www.cla.org.uk/Hot_Topics/River_Access_for_Canoeists/?InkCk=ART_CONT ENT_1&statID=588043

Environment Agency Website
<http://www.environment-agency.gov.uk/subjects/recreation/345720/1467794/>

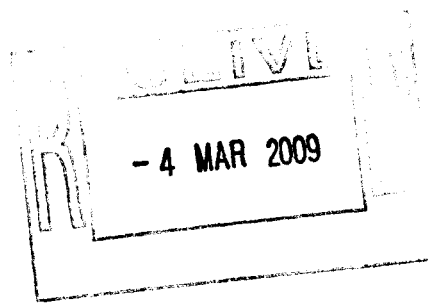
BCU Access campaign Web Site
<http://www.riversaccess.org/>

BCU Wales Web Site:
http://www.welsh-canoeing.org.uk/access/rights_and_agreements.htm

Caroline Bedell
CLA National Access Adviser
October 2006
Version 1

COUNTRYSIDE ALLIANCE

Love the countryside



Val Lloyd AM
Chair
Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

VAL LLOYD AM
CHAIR
PETITIONS COMMITTEE
NATIONAL ASSEMBLY FOR WALES
CARDIFF BAY
CARDIFF CF99 1NA

ADZ

2 March 2009

Dear Mrs Lloyd.

I am writing to you as the Wales Director of the Countryside Alliance to highlight the concerns of a growing number of our members about calls by the Welsh Canoeing Association (WCA) for unrestricted "access along inland water." As your Committee undertakes its inquiry into this important issue, I thought it might be helpful for me to outline some of the concerns of our members, a great number of whom are anglers.

The "petition" that prompted the Committee's inquiry calls for a Bill which "must provide and permit access to and along non-tidal water in the face of the massive lack of legal clarity and restrictions that exist at present, which act as a barrier to sport and recreation". Contrary to the perception presented by the WCA, this "non-tidal water" already provides "sport and recreation" for tens of thousands of anglers who are actively engaged in the management and conservation of Wales's 240 salmon and trout fishing rivers, several hundred natural lake fisheries, more than 20 large reservoirs and over 200 small stocked still-water fisheries.

While access to, and enjoyment of, Wales's natural resources must not be monopolised by one group at the expense of another, the Alliance is concerned that the number of people taking part in fishing, and contributing to the management of the water environment, through the rod licence and their own conservation efforts, has been underplayed by the WCA.

In the evidence heard by the Petitions Committee on 4 December 2008, the WCA claimed that of the 71,122 rod licences sold in Wales in 2007 only 6,982 permitted game fishing and that "restrictions imposed on canoeing by fishing clubs" were to protect these few fishermen. The 6,982 who the WCA said represent game fishermen is actually the figure for licences sold in Wales for salmon and sewin fishing alone. It does not include the tens of thousands of Welsh anglers who target game fish like trout and grayling, or the many species of coarse fish in our rivers. It also does not include the thousands of



Welsh anglers under the age of 12 who do not have to buy a rod licence or the thousands of anglers from England who come, with rod licences valid on both sides of the border, to fish in our rivers and support our rural economy.

In fact, the 2003 *Strategy for the Recreational Fisheries of Wales* stated that:

“Each year the recreational fisheries of Wales provide leisure opportunities for some 100,000 anglers living in Wales, with a further 60,000 anglers visiting solely for a fishing holiday and more than 400,000 visitors making fishing in Wales part of their package of holiday activities.”

It is against this background that angling is worth many millions to Wales’s rural economy. The last major economic survey in 2000 put the value of angling at £75 million and since then the Welsh Assembly Government has measured an additional £36 million of income generated, in part at least, by the ‘Fishing Wales’ initiative. These are significant sums of money supporting livelihoods across rural Wales and must be factored into any report that the Committee submits to the Minister.

The Welsh Assembly Government’s own *Wales Fisheries Strategy 2008* has highlighted the economic importance of visiting anglers to Wales, stating that:

“A huge number of visits are made to Wales by anglers from elsewhere each year, with in excess of 700,000 angling visits in 2004-05 alone. These visiting anglers provided a benefit to the wider economy not just angling based businesses (bait and equipment shops) but also pubs, restaurants and local amenities.”

Anglers also contribute hugely towards the conservation of rivers and lakes, not just through the £1.2 million of rod licence revenue ring fenced for environmental work, but also through practical river management, the value of which is immeasurable.

The WCA’s evidence also relied heavily on the example of Scotland and the rights afforded to canoeists there. It did not, however, mention that in Scotland there is no rod licence and the fact that Scottish anglers operate in a very different legislative environment to those in Wales.

There is, however, no reason that angling and canoeing cannot co-exist and there are numerous examples where both groups are using stretches of river amicably and sensibly. What we cannot have, however, is a situation where fishermen are taking responsibility for the conservation of rivers and paying to fish both through the statutory rod licence and club membership or day tickets, whilst canoeists are given such access with no commensurate contribution, financial or environmental. It is noticeable that the WCA petitioners have not presented the Committee with a middle way of a licensing scheme for canoeists or, indeed, other ways in which they can make a contribution to the conservation of our important inland waterway habitats.

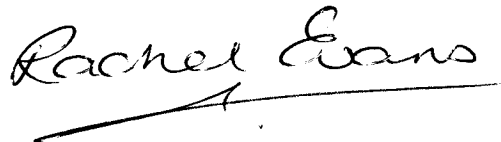
Therefore, we do not feel it appropriate that access should be granted in such a blanket way as is being sought by the petition before the Committee. Access must be tailored to local situations and respond to specific considerations of use, geography and habitat. *The Salmon and Freshwater Fisheries Review* advised, in Recommendation 192 of its Report, that:

“The Government should not legislate for unrestricted public access to land along water courses or onto the water itself. If Government decides that there are circumstances in which it might wish to improve public access to such land and water, this should be considered locally on a case by case basis and there should be full consultation with all those who have legal rights.”

While the Alliance acknowledges the frustration of some canoeists at the often slow process of negotiating voluntary access agreements on Welsh rivers, the proposal for unqualified access is neither sensible nor responsible. We would, on behalf of the tens of thousands of Welsh anglers, and the significant contribution they make to the economy and environment of Wales, ask the Committee to consider carefully the access needs and contributions of all groups before agreeing a report for submission to the Minister. To avoid a feeling of injustice, and possible associated tensions, between anglers and canoeists, it is vital that the extension of access for canoeists should not be granted without canoeists having to accept similar responsibilities to those that anglers have long taken on board and acted upon.

I have, for their information, circulated this letter to the other members of the Petitions Committee and the Ministers for Rural Affairs and Environment, Sustainability and Housing. If you require any further information, please do not hesitate to contact me. I look forward to your response.

Yours sincerely,

A handwritten signature in black ink that reads "Rachel Evans". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Rachel Evans

Wales Director / Cyfarwyddwraig dros Gymru
Countryside Alliance / Cyngrair Cefn Gwlad
Gosen

Current CCW Position in relation to petition P-03-118 - Welsh Canoeing Association

The Petition

P-03-118 - Welsh Canoeing Association

Petition Received: 10 April 2008

Lead Petitioner: Ashley Charlwood

Number of Petitioners: 9,893

Petition Wording:

'The Welsh Assembly Government is urged to consider and implement a Bill to benefit Wales that would enshrine access rights and responsibilities for the public to and along natural resources in the same way that the Scottish Land Reform Act encourages co-operative use of the outdoors for healthy, low impact recreation.

This bill must provide and permit access to and along non-tidal water in the face of the massive lack of legal clarity and restrictions that exist at present, which act as a barrier to sport and recreation and the promotion of Wales as a place to visit for Adventure Tourism.'

CCW Position

The issue of securing opportunities to enjoy waterspace for a range of recreational purposes is one that has been evident for some time. In summary, the activity of CCW to date suggests the following key points in relation to our own position and what has been requested of us by WAG:

1. We've not been asked by WAG about statutory access to water since 1999, and then it was as a possible add-on to the 'open country' access that formed the main area of advice.
2. A review of international approaches suggests that all countries studied have some form of 'right of access', supplemented with management approaches to reduce inter/intra user conflict and to safeguard the environment.
3. We have responded to WAG requests to support strategic planning for water related recreation and to deliver 'exemplar' projects. These have explicitly been "within the context of current legislation" and by "non-statutory means".
4. Our approach in relation to features of conservation interest is on a case by case basis, acknowledging that it is dependant on a number of factors including nature and intensity of activity as well as the type of habitat and particular local circumstances.

Background in support of the statements

1 Advice in relation to CRoW Act 2000 (1999) and Access to the Coast (2006)

In 1999, as part of the consultation and drafting period of the CROW Act 2000, CCW at the request of Government confirmed its advice about ways forward for securing increased access to 'other types of open country'. Watersides and waterspace were amongst the 'other types of open country' considered. The proposals made by Government for increasing access opportunities in open countryside had moved forward on the basis of provision for pedestrians, so much of CCW's advice at the time was governed by this consideration. This meant that the recommendations were primarily focussed on pedestrians at the waterside rather than other users of waterspace.

Within the constraints of the advice sought and the timetable for providing the advice CCW was cautious in its recommendations, and concluded that access to water space and waterside should not be conferred as a statutory right at that time but that "...Highway Authorities and Environment Agency in partnership with CCW and working through local access forums should confirm the apparent gaps in access provision for pedestrians along water courses and water space for other recreational users - canoeists in particular."

In relation to securing access on foot to mountain, moor, heath, down, and common land, CCW concluded that a statutory approach was required to meet the five tests laid down by government of sufficient quality, extent, permanency, clarity and certainty.

Since 1999 CCW has not been asked by the Welsh Assembly Government for any specific advice on statutory rights of access to water, and therefore we have not up-dated our recommendation with regard to current knowledge on recreation demand. It is therefore our position that this advice is historical rather than current.

The Welsh Assembly Government instructed CCW to "scope work on extending public access to the coast with recommendations on possible implementation options being submitted to the Assembly Government by February 2006."

Based on our investigations, we advised that the greatest benefits would come from improving access at localities: creating circular walks and enhancing standards and facilities so that more people can enjoy the coast. The principles applied when drafting Part 1 of the CROW Act also apply to coastal access. Thus, quality, clarity, certainty and permanency all have a huge bearing on the usefulness of access on the ground. The total extent of access on the coast is less significant. The ability to navigate through and across this narrow corridor has emerged as far more important to out-door recreation on the coast. Therefore, clear, permanent routes and access points are very important.

2 Review of International Approaches

We conducted research (April 2007) into international approaches to securing access for water-based recreation and its subsequent management. The research reviewed a wide range of countries, encompassing most of Europe (including Wales, England, Scotland and Northern Ireland), along with the USA and New Zealand. For most countries there was a difference between how access was 'secured' and how subsequent use was then managed. Under these two different areas, a wide variety of approaches were found, and the research conducted a series of interviews with key stakeholders in order to understand their potential applicability to Wales.

The review of other countries found that the 'voluntary' approach only existed on a countrywide level in England and Wales. The usual approach of seeking temporary permission for use of the water from the landowner and / or the holder of the riparian rights has also now been supplemented by the first example of voluntary dedication under CRoW on the River Mersey, achieved through the work of the Environment Agency. Overall, it was felt that this type of approach had the potential to help protect environmentally sensitive sites (as it relies on permission being granted), and could be used to control numbers of users. However, the short-term nature of voluntary agreements and the ability for permission to be withdrawn at any time leads to a relatively unstable access situation, although this is overcome through dedication. The need to gain voluntary permission can also make it difficult to provide access in the places where it is most needed.

How applicable a 'right of access' might be in Wales resulted in a wide range of different responses from the stakeholders, with some supporting this approach and others considering that it would not be appropriate. On the positive side, it was felt that granting informal recreation users a right of access would provide clarity in relation to where people could go, and that in turn could have potential benefits for increasing participation. However, strong concerns were also raised as to potential conflict between different users and the possibility of activities damaging sensitive environmental sites.

It would appear that other countries that have a right of access have addressed these potentially negative impacts through applying one or more of the following 'management' approaches, usually to specific areas as and when required:

- Codes of Conduct
- Time Zoning
- Area Zoning
- Management Plans
- Canoe Trails
- Permits, Fees and Licences

The research commissioned by the Countryside Council for Wales was not intended to provide the definitive answer to what single approach should be used to provide access to water for recreation in Wales. Instead, it has provided an extensive review of a wide range of possible approaches, particularly in relation to how recreational use could be managed where required. Most importantly, with the inclusion of numerous case studies from around the world, it provides practical, real-life examples of how such approaches can be successfully employed to address specific recreation management issues.

3a A Strategic Plan for Water Related Recreation in Wales

At the request of WAG, CCW was a member of the steering group that supported the Environment Agency Wales on the development of the strategic plan for water-based recreation in Wales, published in 2008. The purpose of the Strategic Plan was to identify clear and succinct priorities for the protection and development of water related recreation in Wales, within the context of the current legislation.

3b Water 'Exemplar' Projects

Running concurrently with the development of the strategic plan, our remit letter from WAG for 2007/08 charged us to initiate pilot projects to facilitate potential new opportunities for recreational access to water. In a letter from WAG it was made clear to CCW that: "Ministers are very keen to secure greater public access

to rivers and lakes in Wales for recreational use. They wish to see this facilitated by non statutory means so far as possible”.

In partnership with Forestry Commission Wales we supported 5 such projects delivered by Forestry Commission Wales, British Waterways, National Trust, Wye and Usk Foundation, and Pembrokeshire National Park Authority. We are shortly to receive an evaluation report of how the projects met the four tests laid down by WAG:

- A. securing a geographical spread of projects across Wales (and reasonably near main centres of population if possible) and which have potential to help secure new practical water access;
- B. covering different types of water (fast flowing rivers; estuaries; lakes/reservoirs; main rivers)
- C. with potential for replication elsewhere;
- D. supporting a range of recreational uses (not just fishing and canoeing) with key stakeholders appropriately engaged.

4 Impacts on features of special conservation interest

As regards the regulation of canoeing activity (or other recreational activity) in relation to conservation features, the legal situation is complex and the means available are governed by local circumstances.

Where rivers lie within Sites of Special Scientific Interest (SSSI) which are designated for habitats and species sensitive to the potential impacts of canoeing, landowners wishing to carry out, or permit canoeing would need to obtain CCW's consent. Such consent can be withheld or issued subject to conditions (such as to control the timing of the activity, access points and so on). In some areas, recreational activities such as angling and canoeing are managed on a non-statutory basis through agreements between riparian landowners and sporting clubs and associations. Where canoeing activity takes place without the agreement of landowners, CCW's consenting powers under the SSSI provisions do not apply.

In some rivers where a licensing authority exercises its powers, for instance for rights of navigation, it is required to have regard to the implications of the activity upon any SSSI's, or 'Natura 2000' (SAC or SPA) sites designated for their wildlife under EU directives. This applies even if the area where activities are to be permitted lie outside the designated conservation areas. In general, before permitting any potentially damaging activities, the authority must consult with CCW and take account of our advice in deciding whether, and under what conditions, to permit the activity.

To our knowledge, the impacts of canoeing on, for example, fish populations have not been studied in great detail. However, the majority of fish spawning occurs at night and outside of the main canoeing periods. The most likely disturbance from canoeing during spawning periods would be when water levels are low and risk of physical disturbance to the riverbed is higher.

Whilst research has shown that trampling by people (which may include anglers and canoeists embarking or disembarking) and livestock, of gravel beds where fish spawning occurs, can significantly reduce the survival rate of fish eggs, we are not aware of any study that shows canoeing activity to directly affect fish spawning.

In conclusion, it is CCW's view that any need to manage canoeing or any other activity on waterways to protect features of special conservation interest would be dependant on a number of factors including nature and intensity of activity as well as the type of habitat and particular local circumstances.

John Watkins
Recreation Policy
Countryside Council for Wales

04 February 2009

Miss Kirsty Williams A.M.
National Assembly For Wales
Cardiff Bay
Cardiff
CF99 1NA

Our Ref: PEB/Ch/canoes/01/09.
Tuesday, 6th January, 2009.

Dear Miss Williams,

I write on behalf of the Crickhowell & District Angling Society which owns / rents / leases approximately 9 miles of the River Usk and its tributaries. Most of our members are resident in your constituency.

We have read the minutes of the meeting of the WAG Petitions Committee on 4th December 2008, which gave the Petitioners, Welsh Canoeing Association, a full hearing. We are aware that the task of the Petitions Committee is to listen to petitions and not to make any judgement as a court, enquiry or tribunal would do. For this reason we, and others, feel that it is high time that our strongly-held opposing views are put to you, and the Petitioners evidence tested. This is not the first time the Petitioners have appeared before your Committee.

We realise that, regardless of the rights and wrongs of this issue, it is a political issue. This is why we are writing to you. The Petitioners have clearly decided that neither the well-established and relatively simple existing laws of the land, nor the voluntary access agreements, are sufficient for their purposes and no doubt their decision must be an ideological one. This is why they seek to rubbish the existing law and the existing voluntary agreements.

Without dealing in detail with the Petitioners statement (which in places is incomprehensible) we would like to comment on the various general themes raised by them as follows:

- 1) 'Governing Body'. The Petitioners claim to be the 'National Governing Body' of their sport. The term usually denotes a body given powers to control its business or profession e.g. The Governing Body of the Church in Wales, The British Medical Association, The Welsh Rugby Union, The Football Association, The MCC, The Bar Council, The Law Society etc. The term is

not appropriate for a simple voluntary association whose only sanction is to expel members and who cannot bind a dissentient minority. The Petitioners have arrogated the phrase to their Association presumably to give a false impression of authority. We trust that WAG is not taken in by the use of this phrase.

- 2) 'Lack of Clarity' of existing law. The existing law, which the Petitioners find so obscure and burdensome, is not intended to work in the interests of trespassers. The concept of trespass is quite simple, quite natural, and easy to understand. Most householders understand it instinctively without the benefit of any legal advice. There are specific crimes connected with trespass in special circumstances e.g. armed trespass, trespass on dams and weirs and theft but no-one is claiming that canoe trespass on ordinary inland waters is a crime. It is surprising therefore that all the complaints about the existing law are coming from the wrongdoers and not the injured parties who, on the whole, and because of the cost of going to law and the specific nature of the remedies provided by the law, do not complain. In the Derwent case of 1991 the House of Lords did clarify the law relating to the acquisition of rights of navigation stating that a waterway is not a highway as generally understood. The problem of trespass and a multiplicity of riparian and rights owners can be solved with a bit of goodwill (and no ideology) on both sides as has been, and still is being, demonstrated on several Welsh rivers. On the Upper Usk for example the access agreement originally entered into with the Petitioners in 1984 worked well for the Petitioners. Not once were canoe clubs or individuals refused conditional but free permission for 22 years during the fishing close season, all for the cost of a postage stamp. The quoted responses of EAW and Wye Navigation Authority to this problem on the Afon Glaslyn and Upper Wye are, as would be expected, an accurate statement of the present law in so far as they are quoted.
- 3) History. Most of most Welsh rivers are too tumbling and rough to have allowed any form of navigation other than for private fisheries with nets (now an illegal means of fishing except by special license). Boats were simply not strong enough. The history of canoeing / kayaking on Welsh rivers really starts with the invention and development of strong fibreglass and plastics after the 1960s. This, combined with the great increase in leisure time, car ownership, and the fashion for personal health and outdoor pursuits to give us the present situation. Isaak Walton in the Compleat Angler written in the 17th century recorded the beginning of the leisured pursuit of fishing as opposed to commercial fishing. The evidence of the trouble and expense undertaken in the construction of canals parallel to many (mostly but not all east flowing) Welsh rivers demonstrates that there was no navigation or right of navigation on those rivers in the 18th century for the reason that navigation was not then feasible on those rivers. Navigation was even less feasible on all other Welsh rivers. We doubt if those who drafted the Magna Carta or Llewellyn the Great envisaged the coming of canoes or kayaks, or indeed unlimited leisure time.
- 4) Statistics. It is enough to say that we are sceptical of the figures given. No references are given. In the case of game-fishing licences, we have noticed that with the reduction in numbers of Environment Agency Enforcement Officers (river bailiffs) in recent years that the number of people who laugh in your face if you ask them for their game-fishing licence has greatly increased. We do not doubt that an accurate figure for issue can be given but this figure is

just the tip of the iceberg. As far as the canoe / kayak numbers given are concerned we wonder how these have been collected except on the Treweryn. Even where access agreements are in force, it is impossible to calculate the numbers actually canoeing as there is no central record. Even if there were, there would still be an appreciable number of canoeists who enjoy, and are determined on, beating the system anyway. It would be wrong to assume that all who canoe / kayak, do so completely voluntarily. There are large numbers of groups of school age children and service recruits who pass down the river under instruction and under some sort of order of their teachers or officers. Certainly the shouting of these 'leaders' is quite a noticeable and disturbing feature of their passage.

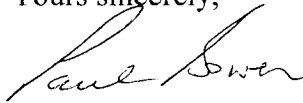
- 5) 'Polarised view against access for canoeists'. This is the same view as the view of the mugged viewing the mugger and is inevitable when one person seeks to take away (even by 'stealth' as is boasted) from another something that he treasures and has paid for. It is wrong to think that all anglers are on the river to kill fish and for no other reason. In the hectic modern world where even the countryside is intensively farmed the river is a ribbon of peace and soothing by itself for the anglers and the majority of tourists who come to rural Wales for passive enjoyment. How much the tourists appreciate the sight of *pristine rivers and lakes is difficult to say but this view of Wales is certainly one fostered by the Welsh Tourist Board and many individual tourism businesses.* 'Get away from it all' doesn't ring true when confronted by a river full of less than quiet canoeists / kayakers and their brightly coloured craft and their accompanying cars and buses blocking narrow country roads. This peacefulness is something that tourists and anglers in Wales actually expect to see in Wild Wales and to pay for directly or indirectly. Conservationists have not yet said much in this debate but anyone who knows the rivers of Wales will have seen the formations of water birds flushed from long stretches of river valleys by groups of canoeists coming downstream over many miles. Birds are the most obvious symptom of the disturbance but, of course, everything from human residents to wild animals and river life are disturbed. It is another example of the noisier form of life ever driving out the quieter as no quiet place is left unvisited.

We also wonder whether Welsh farmers are yet aware of the fact the Petitioners seek a right of access to and over all inland waters in Wales. Even though this must seriously be a negotiating position, nevertheless, we intend to alert the farming unions to the Petition. Every Welsh farm is likely to contain some form of 'inland water' either within or on their boundary. As Wales is predominantly a stock rearing area many of these inland waters are fenced across to prevent straying. Even the CROW Act 2000 (Schedule 2) bans interfering with fences to enclose livestock without reasonable excuse. Is canoeing to be a reasonable excuse?

To conclude, we would say that although the right to roam under the CROW Act 2000 – the exemplar put forward- is generally reckoned to have been a success, this is because it enshrined in the law the de facto access that had been enjoyed over common land at least for many years previously, and because it affected only land extensively farmed. There is no doubt though that the CROW Act did take away from the farming community generally, and without compensation, something of actual

value, namely the ability to refuse access to CROW Act land. The farming community were the losers on that occasion but we are all the losers when what belongs to everybody belongs to nobody. Isaak Walton quoted a 'wise' friend who said 'that which is everybody's business is nobody's business'. It appears from the Petition that statutory access is sought on behalf of all water-based sports, and indeed the public generally. Add to these the possible arrival of beavers and their camp-followers and the use of the rivers as a convenient rubbish tip and we have the prospect of a multiplicity of competing interests incompatible with each other. The water environment is simply too fragile and constrained to sustain them all without anarchy. It is a feature of the current interest in the rural environment that ownership or occupation of it is ignored and scarcely mentioned, yet it is the owners or occupiers who bear the restrictions imposed by designations such as SSSI or SAC. It seems that this omission is deliberate in pursuit of an end, where the countryside and its owners and occupiers are collectivised in pursuit of a Brave New World. Nobody has told the angry Snowdonia farmer who, like any countryman, has been brought up to respect his neighbours' boundaries instinctively, that the canoeists, gorge walkers etc are part of that Brave New World and which his government are promoting and funding in the interests of the urban population and their so-called Breathing Spaces. Their Breathing Space is our fishing rights and land, and their activities greatly affect all our members.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Paul E. Bowen'.

Paul E. Bowen.

Chairman.

On behalf of Crickhowell & District Angling Society.

To: Val Lloyd AM
Chairman
National Assembly for Wales Petition Committee

Ref: Petition P-03-118 WCA

Dear Ms Lloyd.

I have been made aware of a petition by the WCA regarding their desire to get a change in legislation regarding access to rivers for the purpose of canoeing. This is a very complex issue and should encompass all relevant agencies and organisations in full and proper debate before any decisions are made. The current situation whereby there is perceived to be a "de facto" right to access rivers by crossing private land is in need of proper debate. Also there has been reference made to public footpaths as shown (or not) on definitive maps is another aspect which needs proper clarification.

I speak as a Brecon St Mary's Ward Councillor who is a member of the Brecon Town Council Fishing Committee. In our case we have fishing rights which we administer along the Usk to the SE of the town. The Committee oversees the running of the facility along with our Bailiffs and take pride in our stewardship of the environment and the facilities we provide. This has an obvious cost implication and we rely totally on revenue from anglers to fund the operation. Any involvement by an organisation who wants to share the facilities must be by mutual consent and not by dogmatic insistence on an ideology. Can you ascertain what financial support the WCA provides in respect of maintaining the river banks and access points. As far as I'm aware we on BTC have had no formal dealings with the WCA on shared access to the Usk river and not indications as to when access is required and what effect this will have on fishing that stretch of river.

The issue is further exacerbated by canoeists who wish to access rivers where there are no public access points and this is one area where an idealistic attitude tends to manifest itself by those who want unrestricted access across private land.

In an ideal world we would all be equally involved in the maintenance and stewardship of leisure facilities, both financially and physically. This situation sadly does not exist with a number of people who want to avail themselves of the facilities but in an unrestrained and selfish manner (off roaders are one such group). This unregulated use of the Brecon Beacons National Park is having a serious impact on soil erosion, damage to gates etc. and loss of amenity value.

There has been some anecdotal reference to the historic use of the river by coracles, canoes and other craft. This is irrelevant to the situation as exists today. Such use in the past was part of a lifestyle long since consigned to the history books. Then, due entirely to the numbers involved, more regard was given to preserving the ecology and environment as part of the economy of river based trades. Today, the large increase in the numbers of those wanting to use the rivers as a leisure facility is putting a greater strain on preserving the ecology, habitat and environment. I hope the Committee will also be aware of the SSSI status of many stretches of both the Usk and Wye rivers and the need to preserve the infrastructure. If increased and UNREGULATED access is allowed to happen then there will be serious implications for the landowners and public bodies who have a duty and expense to maintain and properly manage these SSSI's. The cost implications of supervising access, ensuring proper use and its maintenance should be another consideration when reaching a decision. I have referred earlier to the fact Brecon Town Council do not receive and

contributions from The WCA for their use of the Usk despite our responsibilities for maintaining some of the access points.

We in Mid Wales are becoming more dependant on tourism as part of the diversifying rural economy BUT growth must be controlled and in sympathy with the environment. There must be an equal responsibility by all who wish to benefit for the upkeep and preservation of the countryside.

Without protracting my personal feelings on the subject I would ask the you and your colleagues seek a more fully involved discussion by all relevant consultees and agencies so that there is awareness by all involved on the issues of "the freedom to roam" and its implications for those whose task and financial obligation it is to maintain the environment.

I sincerely hope these comments will assist the committee in their deliberation. I look forward to your reply

Regards

Michael H Gittins

Dear Petitions Committee Members and AMs

I am an executive of the Wye and Usk Foundation a registered charity which is concerned with the environmental management of these two great Welsh rivers.

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

The essential tenet of the scheme is that rivers of the size in question (Wye is the 2nd and Usk 4th largest in Wales) are seldom in ideal condition for both canoeing or angling for 365 days of the year and the ideal conditions for each sport seldom conflict. It was on this basis that we sought agreement from riparian owners to allow canoeing on these otherwise non navigable sections to allow use in what is the best canoeing circumstances. In addition, we organised access and egress points across private land.

The whole scheme can be viewed at

<http://www.wyeuskfoundation.org/navigation/index.php> . A key feature are the height gauges, an original idea of the foundation, which inform both canoeists and anglers of prevailing water heights. There are fully downloadable maps showing where to park , access and egress points and we have installed a series of signs advising where and where not to go. The height gauges may be found as below and we even had a canoeist writing in with a short set of instructions of how to include these on a mobile phone!

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

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

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

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

We have plans to extend the scheme to include the section above Llanwrthwl and plans are in hand to way- mark and fit more gauges to this section. The Wye will then be canoeable from Llangurig, near its source to Chepstow some 150 miles. I have been asked to present the scheme to several rivers in England, including the River Eden in Cumbria.

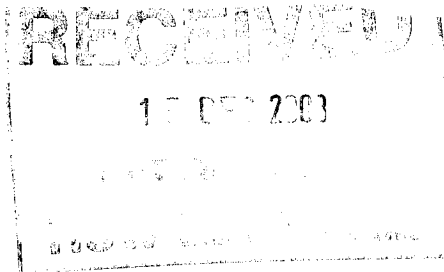
The purpose in writing to you is that we noticed you are planning to visit Scotland and West Wales in the course of your deliberations. It's just possible that Canoe Wales has not told you about what can be done with a low cost agreement such as ours perhaps because they were opted not to be involved and have other aspirations.

We would be delighted to explain or demonstrate what we have done should the website not make it clear. The Foundation has also developed a novel means of getting anglers into

what were formerly unavailable places to fish with what we have called the “Wye and Usk Passport” The seventh edition comes out in late February and this year we are expecting that this alone will contribute over £1million to the rural economy of just these two catchments (on top of existing contributions) It is clear to us that it is possible to manage the two sports in a way that is mutually compatible and beneficial to the community at large.

With best wishes

Dr Stephen Marsh - Smith
Chairman of Angling Trust
Executive Director Wye and Usk Foundation



8/12/2008

Huw Lewis AM

Ref: Canoe petition

Dear Huw

I have forwarded to you the copy of a petition submitted to the Petitions Committee of the Welsh Assembly Government. Once again it is patently obvious that the writer has taken the liberty of highlighting only those parts of different reports and facts and figures that place his case in bright lights. He is also claiming that no agreements have been forthcoming, this from a body that proclaims they were wrong to have even contemplated agreements in the past. They also appear to be to be saying to the Welsh Assembly Government that agreements even those that Wag has supported are not workable.

Whilst I will not try to compete with the paid representative of the Welsh Canoe Union in arguments about Magna Carta etc or to make issue of the number of paddlers using Welsh rivers illegally I will point out that there are a number of agreements already in being which have been helped into place by WAG. The Wye & Usk Foundation have made agreement with WCU to use those rivers under their "jurisdiction".

I will make note of the numbers of anglers using a small stretch of the river Usk (some 3 miles single bank) which my Association has purchased at some considerable expense. This past season 1700 visits were made and considering that we only allow on this stretch 30 anglers per day I think we operate in a good manner on behalf of the bio diversity of the river . This is apart from the Taff and tributaries and lakes which we control by ownership or lease.

I notice that the union (canoe) have magnanimously taken off all charges to individuals on the Tryweryn Water Centre. This is puzzling as they have to pay a substantial sum to the water company to release water for their activities, so, the question asked is "who is picking up this bill" As you know the angling world pays its own way. Of course we know that this facility is used for team building by Middle Eastern gentlemen so perhaps they are paying the bill. This would help the canoeists to carry on with their free access ideas on all rivers in Wales. Of course if the idea of FREE access is condoned / favoured by WAG the issue of the rod licence would need

to be considered for the public who peacefully go fishing at some expense to the family purse.

We also note on the WCA web site for their site at Tryweryn that they recommend no canoeing below a certain level. This is a controlled site continually manned. How will they ensure that all canoeists will comply with such rules as well as others if open access were to come.

The question of game licences (migratory) @ £70 per licence is a quite considerable part of revenue to the Environment Agency deriving from the Welsh community (public) of course it does not take into account the number of our English cousins who visit Welsh fisheries every day of the week throughout the season.

I would draw your attention to the Salmon & Fresh Water Fisheries act of 1975 which states that any person disturbing any river bed which could hold fish spawn will be liable to prosecution between the months of November through to March of the year following. (I have not written act per se)

I believe that a minister (WAG) has mooted that there would be a request indeed instruction to local councils to open up their waters to the paddlers. What will be the situation when half the river width is owned by a fishing club like ourselves. **Please refer to our portfolio of assets, land and fishing rights attached.**

We would like to expand and point out that in prior submissions the Angling fraternity has been depicted as feudal. This is far from the truth as the purchase of fishing rights by local Associations has in fact allowed people from all sections of society and backgrounds as well as from diverse ethnic backgrounds to take up angling. If we go back further Fishing and water rights were jealously guarded by the Crown and the Lords of the Manor and you encroached on their rights at your peril.

In fact Angling has been a forerunner in opening up the countryside **(by way of purchase)** as many fishing rights necessitate a walk in the country to reach. Angling and its concern for the environment has also been a major factor in making the rivers in Wales cleaner, and by default, more desirable for people who now wish to disregard the legal ownership of rights that have cost in total across Wales millions of pounds.

I am sure that rights which have been purchased and upheld by the Land Registry Wales outweigh any fairy tale written some 1000 years ago, not decrying Magna Carta circa 1080 AD but today's date is 2008 AD

I Remain,

Yours Faithfully,

W G Davies (Gary)
Chairman MTAA

Val Lloyd AM/AC
Chairwoman
Petitions Committee
National Assembly for Wales
Cardiff Bay
CARDIFF CF99 1NA

- 9 MAR 2009

Mar 2nd 2009

Dear Madam,

Canoeists' Petition

I am not sure whether your Committee is taking submissions on this matter from private individuals, but in the hope that you are, may I offer some observations. I am also copying this letter for information to Rhodri Glyn Thomas in whose constituency I live.

I should explain that members of my family own and farm land along the River Towy, on which they also have fishing rights. In addition, though I am writing in a personal capacity, I am the (non-executive) President of the Carmarthenshire Fishermen's Federation (the CFF).

The CFF has some 11,000 members, either in their own right or through affiliated clubs to which they belong. Collectively they have fishing rights on most of the Towy, its tributaries and other rivers in the area, and they do a substantial amount of voluntary unpaid work in maintaining the fishery in good condition - and have been doing so for many years. They also support a private hatchery which, advised by the Environment Agency, provides young fish to maintain stock levels in the river and elsewhere.

So much being said, one can have some sympathy for the canoeists, many, if not most, of whom are not local, do not understand either the local situation or fishing in general, and who see apparently little-used waters on which they might follow their sport. And one must acknowledge that canoeing can be a delightful activity which I, my children and grandchildren have often enjoyed (though only on waters where navigation rights exist!).

But such considerations do not constitute a reason for permitting access to canoeists wherever and whenever they might wish. As with any other activity, due account must be taken of the interests of others who might be affected.

In this case three groups of interest should be considered. Firstly, there is the general public: many Welsh rivers, including the Towy, are Sites of Special Scientific Interest or Special Areas of Conservation, enjoying statutory protection for the benefit of threatened creatures. The habitats and environmental conditions in which these creatures can survive would undoubtedly be disrupted, possibly destroyed, by the passage of water craft in any numbers, with serious loss to biodiversity.

Secondly, there are those who farm or own the land through or over which rivers flow. There is no general right of access to farmland, and farmers are entitled to conduct their operations without disturbance. There is also the question of liability for accident or injury to anyone on private land without permission, especially where disturbance to livestock may be concerned.

Thirdly, there are those with fishing rights. These are valuable assets and a substantial annual fee must be paid to exercise them. It would be unjust for them to be damaged or their value diminished through the actions of those who have no ownership interest in, or responsibility for, them.

Despite these concerns, I believe most fishermen and landowners would be willing to enter into voluntary agreements with canoeists, which made suitable provision for protecting their rights and interests. I believe that this is the Minister's preferred approach, but it seems that canoeists are not prepared to accept it. Where agreements have existed, they are refusing to renew them, and are refusing to enter into new ones elsewhere.

One can only speculate as to why they are taking this intransigent line. It may be a tactical move while they are pursuing unrestricted access. Or it might be that agreements will need to include restrictions on timing or location, and the representative bodies realise that they have no powers to ensure that these are observed – moreover, because canoeists are not licensed or registered, there is no way of establishing how many belong to a representative body in the first place. Restrictions are, however, necessary to preserve habitats and environmental conditions – there have been far too many cases of unsuitable behaviour, ranging from dumping rubbish on river banks to violence – and some form of supervision, with appropriate sanctions, will be essential.

I hope these thoughts will be helpful, and do please come back to me if you would like to discuss the matter further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B.P.M. Rooney', written in a cursive style.

B.P.M.Rooney

TEIFI TROUT ASSOCIATION – CANOEISTS / RAFTERS DISPUTE

TTA Background, etc.

The Teifi Trout Association (TTA) was established in 1925, and for the last 84 years our Association has been providing angling facilities for local and visiting anglers.

Until the 1990s the bulk of the fishing utilised by the TTA was rented, but during the following decade our Association was forced to purchase a significant number of beats in order to retain the fishing for local and visiting anglers and also to prevent the waters being snapped up by private syndicates.

At one period our Club was borrowing in excess of £440k and many sceptics were convinced that the large burden of indebtedness would threaten the existence of our Association, but its dedicated members were up for the challenge and they worked tirelessly to raise the required funding to repay the debt within a short space of time,

The TTA is now on a firm footing and owns some 18 miles of prime salmon ^{sea trout} and trout fishing on the lower reaches of the Teifi, and a further 6 miles is rented.

Up to a 1,000 anglers fish TTA waters during the fishing season with some two-thirds being visiting anglers from other UK destinations and Europe.

These anglers invariably bring their families with them and businesses in the Teifi catchment are now reliant upon angling-related tourism income for survival.

The TTA is mirrored by another two major angling clubs on the Teifi, i.e Llandysul and Tregaron.

The importance of angling to the very structure of the Teifi hinterland cannot be overstated,

Local and visiting TTA members pay an annual subscription, and casual anglers can purchase day and weekly tickets.

All anglers fishing TTA waters must purchase an Environment Agency (EA) licence and this contributes substantially to the EA funding pot. This enables the EA to fund the cost of tackling major issues, such as water pollution, and to carry out other essential work to improve and maintain the ecology of our waterways.

Again in similar fashion the TTA utilises a great deal of subscription income, etc. to maintain and enhance the quality of fishing by effecting habitat improvement, removal of obstructions from the river, tackle bank erosion and maintain good river access, etc.

The TTA has a very well established River Maintenance team which has been fully equipped with the necessary machinery to undertake the work.

In recent years our Club has embarked on an annual juvenile salmon stocking policy in order to ensure that fish stocks are maintained at a level which will continue to attract local and visiting anglers.

The TTA also has a robust scheme in place to encourage juniors to take up the sport of angling.

There is a very active junior section that gives angling tuition to children throughout the year and is run by experienced coaches. A good proportion of the juniors has qualified to fish for Junior Welsh International teams and subsequently at senior level.

Again children from local schools are frequently invited to attend fishing taster days which has proved very successful with a good number eventually taking up the sport.

Furthermore, special facilities are in place to cater for disabled anglers with disabled platforms and suitable parking areas constructed along the river.

Our Association, like most other game angling clubs in Wales, is a member of the Welsh Salmon and Trout Angling Association (WSTAA), which is the national body for salmon and trout fishing in Wales.

We are aware that a deputation from WSTAA recently visited WAG to discuss some of the problems facing Welsh Angling Clubs, such as sheep dip pollution and unlawful and unregulated canoeing and rafting on Welsh rivers.

Although an excellent response has materialised in respect of the sheep dip problem, it is very disappointing to note that the illegal canoeing problem appears to have fallen on “deaf ears”. Again, our worries have been compounded in this direction following publication of the *Brighton University Report*.

There has, of course, been clear evidence that WAG is very much in favour of increasing craft-related water sports activity in Welsh waterways. To add to our concerns, there has been no indication that due consideration has been given to the potential damage that this increased activity could inflict on the fish population, etc., and water quality in our rivers.

Angling/Canoeists Conflict

Turning to the ongoing problems involving anglers on a number of Welsh rivers, may we at the outset state that the TTA is not anti-canoeing and rafting, and the majority of its members would, no doubt, readily agree that the foregoing sporting activities are healthy outdoor pursuits that could easily be pursued without coming to conflict with angling interests.

In our opinion this could materialise if canoeists could accept that they must respect the law, agree that their sport must be properly regulated, and accept that they must contribute toward the upkeep of the river which they are traversing. It is understood that only some 2% of canoeists are members of the Welsh Canoeing Union.

Should acceptance of the foregoing points come to fruition, canoeing would not, as in the eyes of many, be viewed as a sport living on the edge of the law, and would be brought in line with other regulated outdoor pursuits, such as game angling.

Without appearing to cover “old ground”, as the law stands at present, canoeists are legally entitled to canoe without permission on navigable waters, and if we take the river Teifi as an example, the navigable section is from the estuary up to the tidal limit which is the bridge at Llechryd (some 4 miles from Cardigan).

In the freshwater phase of the Teifi, from Llechryd bridge up to its source at Teifi Pools, permission must be sought from the owner of each stretch of river that the canoeists wish to traverse beforehand.

Land and river owners have legal rights associated with their ownership, and any interference or trespass of those rights will cause conflict and could lead to civil court action.

We are aware that canoeists on the Teifi have permission to traverse the white water section below the bridge at Llandysul, extending to some 700 metres.

Again, we are aware that canoeists have access permission only on a stretch of TTA water near the Rugby Ground at Newcastle Emlyn, but although canoeists habitually use this water during the fishing season, which often results in conflict with anglers, no approach has been made to the TTA by canoeists to paddle on this water.

In past years the TTA has conducted a series of meetings with canoeists and, generally speaking, common ground was reached with our Organisation agreeing to the canoeists having an end-of-season run over our waters, subject to them contacting us beforehand for permission.

During that period the odd canoeist was seen from time to time on our waters during high water conditions etc. but our Association members invariably turned a “blind eye”.

Unfortunately, however, the whole ethos as far as canoeists and rafters are concerned appears to have changed dramatically, whereby we are now witnessing large numbers of canoeists and rafters illegally utilising TTA waters throughout the year, without giving any consideration to summer drought conditions, etc. and without seeking permission from land and fishing rights owners beforehand.

We have also experienced direct confrontation between anglers and canoeists during the peak fishing season when canoeists have shown complete disregard for anglers fishing the river and paddled through their fishing lines, and on a couple of occasions matters became very heated, and the police were summoned to rescue the situation.

It has become evident to our Association that the canoeists and rafters have on many occasions during recent months deliberately tested the resolve of anglers, and it is clear that if matters continue in this fashion it can only be a matter of time before there is a real danger of someone experiencing physical harm.

Again, if canoeists and rafters continue to intimidate anglers by descending on the river in large numbers during the fishing season, the quality of fishing will rapidly deteriorate and there is a real danger of visiting anglers being driven away from the Teifi.

Our Association recently decided that “enough was enough” and that it was high time to take legal advice to establish whether there was any mileage in attempting to secure, through the courts, an injunction against the main protagonists on the Teifi, namely the Llandysul Paddlers, run by Gareth Bryant under the auspices of Carmarthen County Council, and Jethro Moore, whose principal occupation is running a rafting business on the Teifi, and often frequents TTA water without permission.

Prior to finally going down this road, however, the TTA decided to try and arrange a final meeting with Mr Bryant and Mr Moore to establish whether there was any hope of a local agreement being reached at the eleventh hour. Prior to the meeting a great deal of correspondence had already passed between the TTA solicitors and Bryant’s/Carms. County Council solicitors.

The meeting was arranged and the TTA suggested that the canoeists and rafters could have access to TTA waters outside the fishing season which runs from 1st April to 17th October subject to the arrangements being properly monitored and policed with craft being numbered for identification purposes and a payment for each run being made to the TTA.

Furthermore, any runs during the fishing season would be at the TTA’s discretion only and application for permission to float would have to be made beforehand.

Both Mr Bryant and Mr Moore advised us, however, that they were only interested in unrestricted access to the TTA water throughout the year. This, therefore, left our Association with no alternative but to set the wheels in motion for legal action to be taken in due course.

It is recognised that the Teifi is only a small river as compared with the Wye and Welsh Dee, etc. Apart from a couple of stretches, it is not considered big enough to accommodate unrestricted canoe and rafting activities without unacceptable disturbance to anglers and stocks of salmon, sewin and trout. Our Association, therefore, trusts that WAG will give priority to formulating a policy which will protect angling and fish stocks on the Teifi and other Welsh rivers from the damage being inflicted by canoeists and rafters at certain critical periods of the year.

Conclusion

It is appreciated that angling is not yet an Olympic sport like canoeing, and may not attract as much media attention, but nevertheless, it is the largest participant sport in the UK and an unified angling lobby obviously commands a great deal of political clout.

Furthermore, in our opinion it is high time that angling is given the recognition that it deserves for the invaluable contribution that it makes to the Welsh economy (£120m).

Anglers also give up their time voluntarily without payment to constantly maintain and improve the ecology of our rivers and lakes which are constantly under threat from acid rain, sheep dip pollution, seepage of toxic waste from old mine workings, predation and damage by water craft, etc.

The TTA is at present also organising a petition against the irresponsible and unlawful approach now being adopted by canoeists and rafters in relation to traversing Welsh waterways.

A new organisation is being established for this purpose known as the Welsh Rivers Conservation and Angling Federation which will be an amalgam of the majority of Welsh Game Angling Clubs.

We would finally mention that the initiatives now being taken by the TTA to attempt to resolve the angling versus canoeist/rafters issue is fully supported by its governing body, WSTAA, and the Federation of Welsh Anglers (which represents Game, Coarse and Sea Angling in Wales) to which the TTA is also affiliated.

Dear Minister / Assembly Member

We the TTA: (Teifi trout Association) would, in the light of the recent petition presented by WCA (Welsh Canoe Association) inform you that, A group representing:

Angling clubs in Wales and their members: WRH&AF.
Fishery owners
Riparian owners

Request a meeting with the WAG to present the case for refusal of the Petition being promoted by WCA.

The granting of the freedom to use all Welsh rivers, lakes, still waters etc, by Canoe's, rafts and other craft, swimmers and ramblers, other than when they have consent from the land / Riparian owners or associations, clubs, other parties or licences that permit them to do so would be a massive injustice. The people and organisations that purchase, own, lease, rent, look after and protect these habitats spend a great deal of money and devote a great deal of time to keep these resources as an asset for Wales.

Fishing tourism in Wales is worth over £100 Million to the Welsh economy. There are [71228](#) fishing licences issued by the EA per year in the Principality. Revenue to the E.A [£1.27 million](#)
A total 1.268 Million licences for the UK (including Wales) ([many licences issued in England are used to fish Welsh rivers](#)) revenue to E.A. [£202.6 Million](#)

The Angling club's and fishery owner's have spent millions of pounds purchasing the land and or fishing rights, they spend many thousands of pounds each year maintaining the fisheries / rivers, providing access for the their members, the disabled, and visiting anglers. Canoeing, rafting etc contribute very little to the welsh economy.

Many landowners / farmers receive rent for fishing rights that they own which form's part of their income. The people that participate in the sport are members of fishing clubs / associations that have membership fees. They also have to purchase a licence from the E.A, and pay for permits (if they are not members of clubs or associations) to access the rivers number millions. These people are of all ages; disabled, the retired, male and female those eligible to vote will punish any candidate or political party that permits this kind of bill. Fishing is the largest participation in sport in Wales and the UK. In Wales the E.A is promoting a `Fishing Wales` program to encourage fishing tourism, the angling clubs will support the plan in order to support their local communities and the Welsh tourism industry. All of this effort would be destroyed if open access for the kind of water sport activities proposed by WCA, at what cost to Wales????

The clubs, associations and fishery owner's that we represent do not wish to stop totally the use by others of the river's, lakes and other water ways in Wales they simply want legislation to licence other users and to prohibit the use of said waters without the consent of the owner/leaseholders, in the same way that angler's netsmen and others have by law to be licensed, pay, and have permission to use land to pursue their sport / hobby in line with other activities.

To allow the proposal by WCA, who have no control over the irresponsible element in their membership, without some kind of licensing or identification, would mean that their members cannot be held responsible for their actions, and will to a large extent destroy fishing and the revenue from angling tourism in Wales (worth over £100 Million) and as a consequence the livelihoods of many businesses in the areas concerned.

We would like an appointment at the soonest convenience to meet with the Minister's involved.

Yours Sincerely
D Griffiths
Conservation Officer
Teifi Trout Association



Cymdeithas Gwarchodaeth Afonydd Cymru
 "Ymrwymwyd at ddiogelu ecoleg ac heddwch unigryw afonydd Cymru"
THE WELSH RIVERS PRESERVATION SOCIETY
 Dedicated to preserving the unique ecology and tranquillity of Welsh rivers



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Ms Val Lloyd AM
 97 Pleasant Street,
 Morriston,
 Swansea,
 SA6 6HJ

17 January 2009

Re: Welsh Canoe Association (WCA) petition to Welsh Assembly Government

Cymdeithas Gwarchodaeth Afonydd Cymru (WRPS) wishes to respond to the recent petition by the Welsh Canoe Association (WCA) regarding access/navigation rights to Welsh Rivers. The adverse environmental impact caused by excessive human activity on rivers resulting from uncontrolled access would have long term harmful effects to the ecology of the rivers and adjacent environs as evidenced by the present low level 'adventure activity' in sensitive habitats.

With regard to the petition we would make the following points:

- If the WCA believe that there are existing legal rights to access and/or navigation to Welsh Rivers above tidal limits they are free to pursue this in the courts. We would object to any use of the public purse to fund any such action.
- Riparian owners have a legal right to enter into commercial agreements, for use of their facilities, with whoever they wish, including with canoeists. The WCA seem to believe there is some form of illegal discrimination against canoeists; this is patently not the case.
- If on the other hand the WCA are requesting new legislation to increase access to rivers for canoeing and other water sports we would object to this on the grounds that it has insufficient regard for the established rights of riparian owners and existing lawful water users and in some circumstances may also be unlawful with respect to the provisions of the Salmon and Freshwater Fisheries Act (SAFFA).
- WRPS and other organisations in England and Wales believe that there is no confusion, lack of clarity or ambiguity over these issues and that the terms on which canoeists or other water users can gain legal access to the waterways are clearly laid down and understood.
- The canoeists have clearly failed to negotiate sufficient legal access and failed to make a case for existing rights using the appropriate routes and are now using political lobbying and civil disobedience in order to try to persuade others to either finance a legal test case or promote new laws granting freedom of access, or alternatively force the issue by ignoring laws relating to access and environmental protection. [This latter point was clearly demonstrated by recent illegal canoeing activities on the outflow of Llyn Brienne].
- There is no recognition of the environmental impact of uncontrolled access by large numbers of paddlers on the enclosed ecosystems which make up most of these relatively small Welsh rivers. There also seems to be no understanding of the damage which can be done to spawning beds, particularly of threatened migratory fish, by canoeists through disturbance by paddles/hulls when traversing pools and when entering and exiting the river. The Salmon and Freshwater Fisheries Act makes it unlawful to wilfully disturb the spawning beds of any fish but no regard has been paid to this.

*Mae aelodaeth y Gymdeithas hon yn cynrychioli'r afonydd â ganlyn:
 The following rivers are represented by the membership of this society:
 Cleddau (East & West), Clwyd & Elwy, Conwy, Dee, Glaslyn, Gwyrfaï, Llyfni, Mawddach & Wnion, Nevein,
 Seiont, Taff, Tawe, Towy, Usk.*

- It is quite misleading to compare the much larger rivers of Scotland and Scandinavia with the smaller spate rivers of Wales. The fauna and flora of relatively small rivers comes under proportionately greater pressure from similar sized groups of paddle sport enthusiasts. It is also unappreciated that, whereas anglers tend to travel to Scotland to fish for salmon, many anglers come from all over the UK and even further afield to fish for sewin (sea trout). It is well known that sewin are amongst the most wary fish in UK waters and if these fish are constantly scared by groups of canoeists [a section 17 offence under SAFFA] they will not take an angler's fly. This might result in, those anglers consequently choosing not to come to Wales to spend their money here on fishing holidays. Perhaps more importantly fish cannot gather in shallow areas to spawn due to this 'disturbance'.
- Canoeists give the entirely false impression that they have little or no access to running water in Wales where they can pursue their sport. Actually, apart from the fact that all tidal stretches are open to navigation up to the tidal limit (and with the very large tidal reach in Wales this can be a significant proportion of the river) some local agreements are in place to allow canoeing on the upper parts of rivers. The reason why there are not more of these agreements, so as to allow more 'up-river' paddling, is simply because the WCA will not accept conditions (aside from the most obvious environmental ones) to their access. Not only does this refusal to compromise stop other agreements from being reached, it means that the WCA have withdrawn from existing ones (such as that which was in place on the Usk) which were working perfectly well, for over twenty years in some cases.
- For the most part the legal use of rivers of Wales is by anglers who gain deep satisfaction from being 'on the water' but they put back a great deal both financially and in time and effort to improve the welfare of these rivers. There is little appreciation of the substantial amounts of money which anglers pay to be able to fish for sewin or salmon in Wales. At least two payments are required each year: one to the Environment Agency for a rod licence (currently £68) and another to a club, riparian owner or hotel for a permit, this payment is normally more than the rod licence (e.g. the season permit issued by the New Dovey Fishery Association is over £600). The EA use some of the licence revenue to try to improve the ecology of the river as a whole, whilst angling clubs in Wales have a long history of trying to stop pollution and improve the habitat and water quality along the stretches that they own or rent, they act as unpaid river keepers maintaining the health and diversity of rivers.
- To change the law to allow canoeists unrestricted access would be similar to allowing the "right to roam" on golf courses but with environmental impact. Golf courses and racecourses are excluded from the CRoW Act as they are commercial ventures: as are rivers which provide employment in rural areas of Wales.

We are certainly not against the lawful recreational use of water by others; however, consideration must be given to the environmental impact of such activity. We object to any water user flouting or disregarding the law in any way but particularly in relation to access, navigation and the protection of salmonoids, fresh water fish, molluscs and other wildlife.

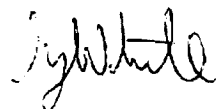
The existing law provides for the WCA and other organisations reaching a negotiated agreement for access to rivers at times when this will not interfere with other users or impact on the environment at sensitive times and we would be happy to participate in this, however this has to be achieved against an underlying acceptance by all parties that they recognise and abide by the existing law.

We would respectfully request a meeting with WAG in order to fully present our case.

Yours sincerely



Max Coventry



Chris White

On behalf of Cymdeithas Gwarchodaeth Afonydd Cymru (WRPS)