



WRPS c/o Gwydyr Hotel  
Holyhead Road  
Betws-y-Coed LL24 0AB

*as below*

Ms Virginia Hawkins  
Clerk of the Committee  
Sustainability Committee  
Welsh Assembly  
Cardiff Bay  
Cardiff CF99 1 NA

14<sup>th</sup> August 2009

Dear Ms Hawkins

**Access to Inland Water in Wales**

I enclose a copy of a detailed email which Mr Tony Bostock has sent to Ms Helen Johnston of Afonydd Cymru. Mr Bostock has agreed that his email should be passed on to you.

Although Mr Bostock is Chairman of the Midlands Region Fisheries & Angling Consultative Council, Chairman of the Teme Catchment Fisheries Association and a director of the Severn Rivers Trust, much of which is to do with water in England, almost all of the upper parts of these rivers – such as the Severn and Teme – start in Wales. Furthermore, many of the tributaries of these rivers are wholly or mostly in Wales, such as the Vyrnwy, the Banwy, the Tanat, the Hirnant, the Iwrch and so on.

This means that Mr Bostock's views are directly relevant to the considerations of the Sustainability Committee and I would be grateful therefore if you could pass them on.

I will shortly be writing, under the auspices of the Welsh Rivers Preservation Society giving comprehensive written evidence to the committee.

Yours sincerely

Max Coventry

Glasfryn Hall, Caerwys, nr Mold, Flintshire CH7 5AF

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

Dear Helen,

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

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

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

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

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

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

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

Not only are canoeist trespassing but under part 1, section 2, subsection 4, of the 1975 Salmon and Freshwater Fisheries Act, any person "Who wilfully disturbs any spawn or spawning fish, or any bed, bank or shallow on which any spawning fish maybe", is guilty of an offence. Therefore as the spawning season stretches from the 8<sup>th</sup> October to the following 15<sup>th</sup> June, (this includes Salmonids and coarse fish within the Severn catchment), there is only a short period in the year when canoeists on the river would not be committing a criminal act. Therefore to support canoeing at these times is

in direct contravention of the law and totally unacceptable.

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

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

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

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

1. Serious conservation concerns, (particularly on the River Clun).
2. Degradation of sensitive habitats.
3. Increases in riverbank erosion.
4. Additional disturbance to wildlife.
5. Potential damage to property.
6. Reduction in the rights of existing users, (walkers, bird watchers, riparian owners & anglers).
7. Reduction in the asset value of fisheries and of riparian incomes.
8. Insurmountable problems involving policing and licensing canoeists.
9. Canoeing would be in direct contravention of at least two sections of the Salmon and Freshwater fisheries act 1975.
10. Not able to ensure the safety of canoeists.
11. Additional unacceptable liabilities on riparian owners, in terms of health and safety and insurance etc.

Even though the opposition was overwhelming Brighton still continued to press ahead with a voluntary access agreement to be regulated by Ludlow Town Council, which in the end angling interests accepted along with "some" riparian owners, but then as previously stated the canoeists turned their backs and through their paddles out of the pram.

No doubt this issue will continue to roll on for many moons and cause much controversy. The Governments stance has always been to promote voluntary access agreements and my MP, none other than leader of the opposition (for now) David Cameron is also in agreement. If fact I can not see why any Government or political party would want to consider wasting vast amounts of tax-payers funds on legislation in favour of a tiny minority group and at the same time having to restrict the existing rights and provide a massive amount of compensation for riparian owners and injured parties. Although having said that, I can not imagine the canoeists giving up either.

I must stress that the above comments are those of the Teme Catchment Fisheries Association and

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

Best regards, Tony.

Tony Bostock  
**Chairman – Midlands Region Fisheries & Angling Consultative Council,  
And Teme Catchment Fisheries Association.**