

Letter to Mick Bates, Chairman, Sustainability Committee, WAG

Enquiry into access to inland water in Wales

Dear Mr Bates,

I am writing in reply to your invitation to express our views on this matter:

My interest in the issue is fishing.

My organisation is Llandysul Angling Association.

We manage 30 miles of fishing on the River Teifi.

Legal rights

We are happy that our legal rights regarding angling are well defined, but not those regarding canoeing. Our understanding is that we have purchased or leased the right to fish in the stretches of water under our control, accompanied by a negotiated right of access and a parking area if possible.

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

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

Voluntary Agreements:

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

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

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

Key Issues:

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

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

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

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

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

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

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

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

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

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

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

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

We are financially independent and don’t see why our canoeing colleagues should receive such huge largesse at the taxpayer’s expense. If an equivalent amount of

money were given to Rivers Trusts, we could really set about some, serious conservation work and at least someone would be attempting to invest in the sustainability of our environment rather than continuing its exploitation to the point of exhaustion.

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

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

Angling clubs are well established organisations with a long history of trouble-free sport. We are accessible to anyone, we carry I.D cards and we police ourselves. We also work in partnership with other organisations such as CCW and the Environment Agency on many projects which benefit both the environment and community and wish to continue to be able to do so.

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

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

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

Solutions:

We wish to regain control of our own property.

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

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

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

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

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

ENCLOSURES

A copy of a recent complaint from a club member, which encapsulates our position.

Email Tony Bostock to Helen Johnston as an example of the current level of twitter on the internet and to confirm the relevant quotations from the Salmon and Freshwater Fisheries Act.



DR.I.M.THOMAS
CHAIRMAN LLANDYSUL ANGLING ASSOCIATION.

Elaine Thomas

From: "Pat O'Reilly"
To: "Ian Thomas" "Tonias Evans"
Sent: 28 July 2009 14:02
Subject: From the Teme catchment

[Pat O'Reilly] (From Tony Bostock to Helen Johnston, Pembs Rivers Trust)

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

31/07/2009

Elaine Thomas

From: "Pat O'Reilly"
To: "'Ian Thomas' "Tonlas Evans"
Sent: 28 July 2009 14:00
Subject: FW: canoeists a letter from a club member

May I leave the official reply to this club member to you?

I'll forward a letter received from the Teme catchment; it might be useful.

Regards

Pat

From: clare price [mailto:
Sent: 28 July 2009 10:13
To: laa-enquiries@fishing-in-wales.com
Subject: FW: canoeists

From:
To: laa-enquiries@fishinginwales.com
Subject: canoeists
Date: Tue, 28 Jul 2009 09:11:53 +0000

Hi,
We were fishing below Dancoed yesterday evening and half way through 2 inflatables and a canoe went past us. We noticed that there was a mini bus and and trailer parked on alltcafán bridge before we started fishing.

Please can you tell us what Ila plan on doing about this as it obviously wasn't worth fishing afterwards despite trying. I will find it hard to justify paying membership next year if nothing is planned to stop the incursion and trespass on to our waters. If I were leasing a house I would not expect to have someone walking through it uninvited and I expect the same of fishing a stretch that the club leases/owns !
Clare

With Windows Live, you can organise, edit, and share your photos.

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

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

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

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

During the Brighton University consultation process in 2003 there was overwhelming opposition to allowing canoeing on the rivers Teme, Onny and Clun etc, by all parties, other than the canoeists of course. The 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 Government's stance has always been to promote voluntary access agreements and my MP, none other than leader of the opposition (for now) David Cameron is also in agreement. In fact I can not see why any Government or political party would want to consider wasting vast amounts of taxpayers' funds on legislation in favour of a tiny minority group and at the same time having to restrict the existing rights and provide a massive amount of compensation for riparian owners and injured parties. Although having said that, I can not imagine the canoeists giving up either.

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

Best regards, Tony.

Tony Bostock

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