

23<sup>rd</sup> Aug 2009-08

Ms. Virginia Hawkins  
Clerk to the Sustainability Committee  
National Assembly for Wales  
Cardiff Bay  
CARDIFF CF99 1NA

Dear Ms. Hawkins

Access into Inland Waters

I attach the submission I would like to put forward to the Committee in connection with the Inquiry it is holding into the possibility of facilitating recreational access to inland waters in Wales.

I have structured my response around the questions set out in the Committee's request. The subject is, however, very wide and I would appreciate an opportunity to present my views in person if this could be arranged.

I am sending a copy of my submission to Rhodri Glyn Thomas who is my Assembly Member, and whose constituency includes the area where members of my family have fishing and riparian farming interests.

Yours sincerely,

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

B.P.M.Rooney

## Sustainability Committee's inquiry into access to inland waters in Wales

Q.1 What is your interest in the issue of access to inland waterways?

- Family members farm and own riparian land, and own fishing rights
- I own and use fishing rights
- Health of the rural economy

Q.2 Are you a member of an organisation related to your use of water?

- Country Land and Business Association
- Carmarthenshire Fishermens Federation
- Wye Salmon Fishery Owners Association

Q.3 Which stretches of water do you own/manage/use?

- I have access to fishing on the Rivers Towy and Mynis, and assist with river and habitat maintenance. The Towy is considered one of the best sewin (seatrout) rivers in Europe; both it and the Mynis are important salmonid spawning rivers.
- I belong to a syndicate with fishing rights on the River Wye which also assists with river and habitat maintenance
- In the past I have fished the Rivers Halladale, Spey, and Alness in Scotland, and the Hodder and Ribble in northern England

Q.4 Questions relating to legal rights

- There is no uncertainty over the relevant rights, which are clearly laid down in documents of title and in property law.
- Relevant legislation is set out in statute and case law. There is no case for change in the rights which are long-established, clear and well-understood
- There is a wide range of legislation in other countries, including Scotland. There are also variations within certain countries such as the USA. It is not clear that any of these arrangements offer any advantage over those which exist here

#### Q. 5 Questions relating to voluntary agreements

- There is a voluntary access arrangement for non-motorised water craft on a length of the River Wye at certain times of the year and in certain water conditions. There is a reasonable (though not universal) level of satisfaction with the arrangement, but it would be advisable to gain more experience before seeking to replicate it elsewhere, especially in view of the damaging effects on the river fishing economy in Scotland following the new access arrangements .
- There is voluntary access for fishing on most Welsh inland waters
- A “one-size-fits-all” approach to access to inland waters across Wales would be unworkable because each river is distinct - in size, ecology, flow patterns, terrain, geology, water quality, uses of riparian land, legal, regulatory and ownership arrangements, etc - so that practices which may be appropriate in one place will not necessarily be so elsewhere. This can apply even along different stretches of one river, let alone between rivers or, a fortiori, between countries. Local arrangements tailored to particular situations are most likely to be effective.

#### Q. 6 Key issues and opportunities for recreational access to Welsh inland waters

Any development must conform to the statutory and regulatory framework applying to the relevant waters. Many Welsh rivers are, totally or in part, Special Areas of Conservation under EU law or Sites of Special Scientific Interest under UK law, and all are subject to the Salmon and Freshwater Fisheries Act 1975. There are, therefore, statutory requirements to be observed – in certain cases under criminal sanction as, for example, for disturbing spawning. Restrictions would accordingly have to be imposed and enforced to ensure the conformity of any new recreational development, as is already the case with fishing. Such restrictions would also need to be applied equitably as between possibly-overlapping activities. Fishing interests point out, for example, that they contribute substantially to river maintenance, that their activity is highly regulated and that it requires considerable expenditure for licences and access, so that it would be unreasonable if they were to be disadvantaged (and their contribution to the economy possibly jeopardised) if corresponding conditions were not to apply to other activities on the same waters.

Another consideration is that, while some Welsh riparian land is owned by public bodies, much of it is in private ownership, and permission would be needed to enter or use it. This raises the further question of providing appropriate insurance cover against the possibility of accident or damage to persons or property. This is already an obligation for those owning riparian land and for existing users of inland waters, and it would be inequitable if their costs and obligations were to be increased as a result of wider access arrangements.

Subject to these constraints, however, there is undoubtedly scope for development. Fishing must be a prime target for attention; it is already the most important and extensive recreational use of these waters and there is scope for further increase.

The Committee will be aware of figures from the Assembly and the Environment Agency showing that recreational fisheries make a very substantial direct contribution (in the order of £140 million annually) to our economy and are an important factor in influencing some 400,000 visitors in their choice of Wales as a holiday destination. Members will also be aware of the Assembly's Fisheries Strategy and planned programmes by the EA, CCW, Rivers Trusts and private fisheries' interests to enhance the quality and tourism appeal of Welsh fishing.

While possibilities other than fishing should obviously be considered, it would be contradictory and wasteful to undermine existing arrangements and improvement programmes by ill-thought-out actions. New recreational possibilities should, therefore, be examined carefully for any potentially deleterious impact on fishing, especially bearing in mind the damaging consequences which inadequately-considered actions are already having in Scotland.

Notwithstanding these cautionary observations, however, there are real opportunities to increase usage and enjoyment of our inland waters in many different ways. The Carmarthenshire Rivers Trust, for example, has provided instructional programmes for schools and others in the characteristics of river basin ecosystems; this has proved both educational and highly enjoyable, and could well be extended both in scope and locality. Fishing courses for young people have proved popular, too. And the Carmarthenshire County Council is also arranging similar programmes

A second possibility could be a programme of guided walks along especially interesting stretches of rivers. These might have an instructional character, or simply be to draw attention to the character and charm of the area. Such activities are frequently provided in overseas holiday destinations and the practice could be adopted here. There is already a substantial network of Public Rights of Way and further opportunities could be opened up by encouraging establishment and extension of permissive footpaths.

Thirdly, there are opportunities for canoeing activities, provided that due care is taken not to disturb fisheries and other ecosystems, and to respect relevant legislation and the interests of other river users including riparian and fishery owners. In this connection it should be noted that navigation rights exist on tidal waters both in estuaries and rivers, and that these may be extensive.

In conclusion, if there is to be wider access to our inland waters, it will need to be subject to appropriate restrictions to take account of all legitimate interests. This is the principle which applies to existing access arrangements, and there are no obvious grounds for changing it.