



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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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, Gwyrfa, 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.

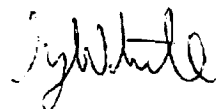
The existing law provides for the WCA and other organisations reaching a negotiated agreement for access to rivers at times when this will not interfere with other users or impact on the environment at sensitive times and we would be happy to participate in this, however this has to be achieved against 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)