

Mr M. Bates, A.M.

Chairman of the Sustainability Committee,

Welsh Assembly Government,

Cardiff Bay,

Cardiff,

CF99 1NA

D F Roberts

Crannog,

Heol y Gilfach,

Llandysul

Ceredigion,

SA44 4HW

16 Sept. 2009

**Re: Questions for the access to inland waterways inquiry**

Dear Mr Bates,

I have recently become aware of the above- mentioned inquiry and welcome the opportunity to make some observations. I enjoy fishing in my spare time on some of the lakes and rivers of Wales and other countries. I also enjoy making use of a kayak in coastal sea areas and combine sea fishing with kayaking on the Ceredigion coastline.

**Interest in the issue of access to inland waterways**

- Fishing
- Kayaking

**Are you a member of an organisation related to your use of water?**

Yes, - I am a member of the Llandysul Angling Association which manages fishing rights on a large proportion of the River Teifi. In the past I have also been a member of other angling clubs and have been a member of one or more club(s) for over 35 years.

**Which stretch/es of water do you own/use/manage?**

I make use of up to 30 miles of the River Teifi in the Llandysul to Lampeter area. I also enjoy the use of a kayak in coastal areas.

**Legal rights**

I believe that legal rights regarding angling are well defined and most anglers are aware that permits, and rod licence (Environment Agency) are required (For a significant fee) by all persons over the age of 12 yrs to fish for game and coarse fish. I

also understand that canoeing is mostly currently prohibited on our streams, lakes and reservoirs unless such rights have been negotiated. This is a sensible approach in my view. Angling associations throughout Wales have purchased fishing rights and have also negotiated leases of fishing rights on many inland waters. Allowing open access to canoes would inevitably have a great impact on the viability of such fisheries and affect market values. Any consequent loss in value could give rise to the question of compensation for loss of amenity to anglers. Is similar consideration to be given to open / free access to fishing – without licence and permit fees? Such a move would have a potential to cause irreparable damage to existing fisheries, which are already under threat in terms of diminishing stocks of migratory and non-migratory fish. Many Angling associations and individual anglers are now adopting sensible catch restrictions, in order to protect fisheries for future generations and actively participating in schemes to monitor the quality of our streams. (E.g. River-fly project). River Trust projects are active in many areas.

It would not, in my opinion be sensible to make significant changes to existing legislation, unless the law of trespass could be strengthened in favour of land owners and other organisations that have negotiated rights over leisure activities on inland waters.

### **Voluntary agreements**

As a member of Llandysul angling association, I am aware that a stretch of white water downstream of the bridge in Llandysul has been leased to the Llandysul Paddlers for many years. The Paddlers have enjoyed a right to use the white water section throughout the year. There is, in my opinion much scope to improve angler / paddler relationships through the sensible application of voluntary agreements. Different fisheries have different seasons. In general terms most Welsh rivers the non - migratory game fish season extends from March or April to September. Migratory fish run from June to October and further into the close season beyond 17<sup>th</sup> October. Coarse fishing takes place in some areas during the winter months. There is much scope, therefore to negotiate rights to paddle outside the angling season and to use associated funding to improve the quality of inland water habitats. Such agreements would however have to be ‘designed’ to protect against damage to fish spawning grounds and other wildlife habitats.

### **Key issues for recreational access to inland water in Wales and how you would like to see them addressed.**

I believe that the key issues are as follows:

1. The countryside has for many years been regarded as a large outdoor recreational park. The right to roam has to a large degree been accepted provided individuals wishing to visit the countryside keep to public rights of way that have been clearly defined in law. The rivers and streams of Wales are generally spate-rivers that are unsuitable for canoeing on a free for all basis. In my opinion navigation over shallow riffles would not be possible under normal summer conditions, and consequently much damage could be caused to such habitats. Paddlers would be forced to find unauthorised exit routes from stream corridors. Property owners do not have adequate legal protection

- on trespass issues. Is the farming community aware of the potential impact of a large group of uninvited guests?
2. The Salmon and Freshwater Fisheries Act 1975 serves to protect spawning fish during the close season for anglers. Allowing free access to paddlers would endanger spawning habitats. The streams and rivers of Wales are generally small rivers that cannot reasonably be navigated by canoes without risk disturbance to fish and damage to salmon redds during the angling close season.
  3. Canoeists have access to tidal reaches of many rivers. Such areas are generally very accessible to canoeists. (And anglers).
  4. An increasing number of anglers recognise the value of our streams, rivers and still waters and are returning fish with minimum damage to fish stocks. I take interest in poaching activities and pollution incidents and also actively encourage others to report such incidents to the Environment Agency. I am certain that other anglers do likewise. I take the view that much of the excellent work to improve freshwater habitats is not fully recognised – and that open / free access to paddlers would inevitably result in the demise of such work.
  5. To change the law to allow unrestricted access on Welsh rivers would be a direct parallel to allowing the 'right to roam' on golf course. These areas were specifically excluded from the CRoW Act as they are commercial enterprises - but so are rivers.
  6. Local agreements between landowners, angling associations and paddling associations may offer a way forward. Although the law of trespass is reasonably clear – application of the law is not straight- forward.

Yours sincerely,



Dewi Roberts

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