



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

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Virginia Hawkins  
Clerk Sustainability Committee  
National Assembly for Wales  
Cardiff  
CF99 1NA

Our Ref: SCEast003  
Friday, 03 April 2009

Dear Virginia Hawkins

I enclose a copy of letters from my constituents, Mr Clive G Easton & Mr Alan Lewis regarding the Welsh Canoeing Association's Petition to the National Assembly.

I understand that the petition is to be forwarded to the Sustainability Committee. I would be grateful if Mr Easton's letter could be considered by the Committee should the Committee take on the petition.

Thank you for your assistance.

Yours sincerely

Kirsty Williams AM /AC

*Brecon and Radnorshire  
Brycheiniog a Sir Faesyfed*

Enc



# Rhayader & Elan Valley Angling Association

Dear Ms Williams,

## **Re: Welsh Canoe Association (WCA) petition to Welsh Assembly Government**

With regard to the petition submitted by the WCA (Now known as Canoe Wales) we refute the claims made to the petitions committee as follows:

- Under both English/Welsh and Scottish common law water is classified as private and riparian owners, whilst they do not own the water, have the right to utilise any water above or below their land, this includes the right of navigation. There is no confusion, lack of clarity or ambiguity over access to water or the terms on which canoeists or other water users can gain legal access, these are clearly laid down in law and understood.
- Exclusions in the Scottish Land Reform Act 2003 require agreement for access from landowners if over a 90 day period the public are admitted on payment of a fee. The rivers of Wales are, in general, available to all on payment of a fee. There is therefore no difference in the laws of England & Wales and those of Scotland with respect to water based recreation, i.e., agreement must be sought before taking part, such activity is at the riparian owner's discretion.
- The WCA have clearly failed to negotiate legal access due to their 'no compromise' intransigent stance, by doing so they make themselves victims and then complain they receive unfair treatment. The WCA have failed to make a case for access rights using the appropriate routes and are now attempting to force the issue by ignoring common law rights and encouraging civil disobedience.
- The WCA in their submission makes little reference to 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. Large numbers of canoeist have a significant impact on the ability of fish to spawn successfully. This situation would not be tolerated for nesting birds on the endangered list and yet the WCA seem to consider disturbance of spawning areas to be acceptable. 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.
- Canoeists give the entirely false impression that they have little or no access to running water in Wales. 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). The reason why there are not more agreements, so as to allow more 'up-river' paddling, is simply because the WCA will not accept conditions 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 agreements (such as that which was in place on the Usk), which were working perfectly well, for over twenty years in some cases.

We are not against the lawful recreational use of water by others; however, consideration must be given to the rights of existing users and 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 fresh water fish, molluscs, nesting birds and other wildlife.

The existing law provides for the WCA and other organisations reaching negotiated agreements 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.

Signed

*Alan Lewis*