






Voluntary Access Agreements on the Wye and Usk

Evidence and assessment

spate  [speɪt]  [Show IPA](#) ,

 Use **spate** in a Sentence

-noun

1. a sudden, almost overwhelming, outpouring: *a spate of angry words.*
2. *British.*
 - a. a flood or inundation.
 - b. a river flooding its banks.
 - c. a sudden or heavy rainstorm.



Introduction

- During the National Assembly Committee Inquiry “Access to Inland Waterways”, many parties have claimed that the best way forward for access remains the use of voluntary agreements. This view has been expressed many times in written evidence and in oral submissions
- In most cases, the Wye and Usk voluntary access agreements have been put forward as exemplars of how voluntary access agreements work well in practice
- Supporters propose that the agreements already provide the following:
 - **‘fair shared access’** for paddlers throughout the year in suitable conditions
 - **‘significant compromise’** by landowners and anglers to share the river
- This paper provides evidence that the current agreements fail completely in both of these areas. This evidence shows that the Wye and Usk agreements are, in fact, clear examples of how poorly voluntary arrangements serve non-angling users
- Appendix I provides further evidence of the **‘inappropriate level set for the summer spate clause’** and the dangers that river users face when paddling at the agreed levels
- Appendix II highlights the unintended consequence of relying on voluntary agreements without clarifying the law, ie **‘the failure of Wales to promote its rivers and to derive the associated economic benefit’**



Executive Summary...

The evidence provided by the Wye and Usk agreements clearly demonstrates that agreements are being used to restrict access as far possible whilst maintaining a thin veneer of compromise. Combined with the lack of a suitable legal framework, this is damaging Wales economically and culturally.

Assessment	Impact	Evidence
<p>The Wye and Usk Agreements negotiated for over twenty years excludes non-angling users for nearly 100% of the period from March to October</p> <p>The one-sided nature of the agreements has resulted in spurious additional restrictions with no justification.</p>	<ul style="list-style-type: none"> *There is an effective total exclusion of swimmers from March to October. Only a small number of extreme wild swimmers would choose to use the river outside this time. *Based on the experience of 2009, paddlers had access to the Usk for 6 hours on only four occasions at short notice, ie effective 95+% exclusion of paddlers from March to October *When access is allowed, the conditions are high risk and only suitable for experienced paddlers, ie effective 100% exclusion of novice and developing paddlers from March to October *Access is totally excluded to an important stretch of the Usk when shooting occurs on the Glanusk estate two days a week in season. This is an unjustified exclusions to suit individual land owners *The spate clause is in force all year round on the upper reaches of the Wye with no justification resulting in 95+% exclusion all year round from 23km of high quality paddling on the Wye. Novice and developing paddlers are effectively excluded all year round. 	<p>page 5</p>
<p>Landowners, anglers or other bodies have not made any significant compromise or notable investment in the current voluntary agreements</p>	<ul style="list-style-type: none"> *On the 71 km of the Upper Wye only 8 access points have been given to a river that has extensive footpaths and public land along its length. The total private land crossed for all these access points is no more than 100m. Access has been limited to a tiny number of points on Wales' largest river an average of 10km apart *There has been no notable investment at these points beyond the signs erected to restrict access. Public funding such as Splash funding intended to increase access has been used to restrict it without justification 	<p>page 6</p>

Continued →



....Executive Summary

Assessment	Impact	Evidence
The spate clause in the agreements has no environmental justification and there are no environmental elements in the agreement	<ul style="list-style-type: none">*The agreement does not contribute in any way to environmental protection (other than some limited statements on responsible paddling)*The height specified in the spate clause excludes inexperienced paddlers from March to October and forces paddlers to paddle in high risk conditions	pages 8-9
Reliance on voluntary agreements without clarifying the law has resulted in officers of WAG and other bodies being unable to support or promote non-angling activities on wild rivers.	<ul style="list-style-type: none">*There is no promotion of non-angling activities on Welsh rivers to the people of Wales or potential tourists because of the entangled law of access,*Wales has three major countryside crown jewels: mountains, coast and rivers. Mountains and Coast are heavily invested. to provide significant benefit Being unable to promote its rivers and invest in non-angling activities, Wales is incurring a significant economic dis-benefit (not measured here) and is degrading its own culture as well as undervaluing its potential as a country that people want to come to.	pages 11-12



Fair Shared Access?



- ❖ The Wye and Usk agreements do allow unrestricted paddling for six months of the year between dates in October and March when the river is not used by anglers (although some significant stretches are restricted by the 'spate clause' all year round with no published grounds)
- ❖ In the other six months of the year paddling is allowed only when the river reaches a given height on certain gauges maintained by the WyeUsk foundation (the spate clause)
- ❖ Based on a personal estimate for this summer the conditions for paddling on the Usk were reached on four occasions for about six daylight hours each time. The river was therefore **only available, at short notice**, to paddle for 24 hours out of 2,190 daylight hours ie **1.1% of the time**. The Wye fares a little better as it maintains it's level longer.
- ❖ Appendix I demonstrates the behaviour of the Usk on a flood day and highlights the realities of paddling in extreme conditions based on events on 1 November 2009

Assessment: “The current voluntary agreements, if observed, would exclude paddlers for very nearly 100% of the six month fishing season”



Significant Compromise?



The Builth Wells access point is simply a sign in a public park that the river Wye happens to run through.

- ❖ The compromise of sharing the river in the fishing season has already been shown to be illusory
- ❖ The compromise of allowing access across land to the river is in fact minimal. Taking the 71 km of the Wye from Langurig to Glasbury as an example, there are only 8 agreed access points:
 - ❖ 3 points (Builth, Glasbury, Rhayader) are on a public park/land, or in the case of Rhayader could easily be.
 - ❖ 1 point (Marteg) involves simply stepping from a public footpath to gain access
 - ❖ 2 points (Newbridge, Boughrood) are through small pieces of unused land directly by bridges
 - ❖ 1 point involves crossing a gate and a 15m section of private land directly by a road bridge
 - ❖ 1 point (Bechaway Brook) involves 50m across a field (only necessary because a more convenient access stream has been blocked by water gates)
- ❖ The only notable additional infrastructure or investment at any of these points are the signs explaining the access agreement
- ❖ The bodies involved in defining the agreement have received public funding including Splash funding

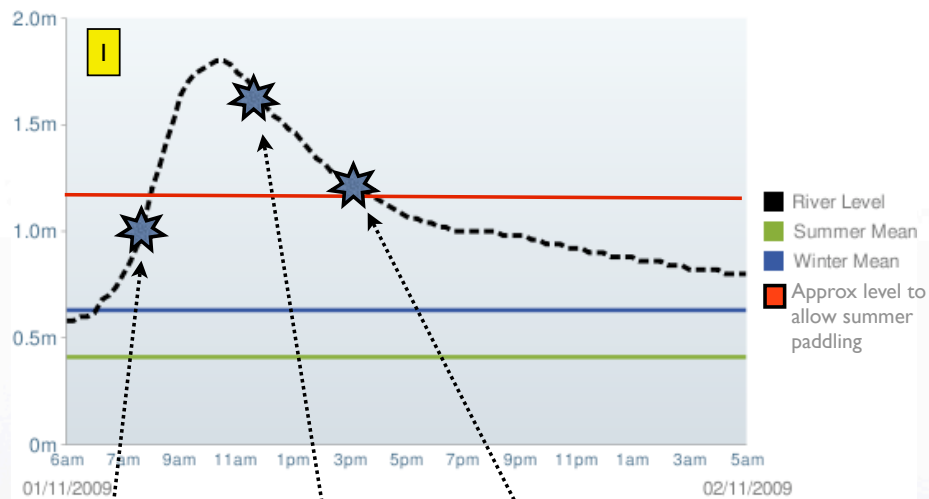
Assessment: “Landowners, anglers or other bodies have not made a significant compromise or notable investment in the current voluntary agreements”



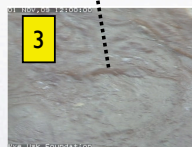
Appendix I



The Usk in spate



08:00am 01/11/2009



12:00pm 01/11/2009



16:00pm 01/11/2009

Readings from the Usk gauge. Red indicates the level set in the agreement for summer paddling

Sources: WyeUsk foundation webcam at Brecon (www.wyeuskfoundation.org)
Fishing Visit Wales river level charts for the USk at Brecon (www.fishing.visitwales.com)

- ❖ On 1 November 2009, after a weather warning and overnight rain, the Usk went through a very large spate event
- ❖ The river level (1) records the level of the river through the day. As is typical for the Usk, the level rose and fell very quickly and returned to close to its previous level within 24 hours
- ❖ The sight gauge (2,3 and 4) is shown captured at 8am, 12pm and 4pm. In the summer, paddling can only take place when the red line is crossed.
- ❖ The agreement red line appears to be at about 1.2m. This is **twice the average winter level** and could **only be achieved rarely and in extreme conditions**. Even in extreme conditions similar to 1 November, the spate clause is only triggered **for a short period**.
- ❖ Paddlers on the river that day reported extreme conditions
 - ❖ the river was bank full and in the trees for most of its length and was in the fields above Talybont
 - ❖ the river conditions were challenging even for very competent paddlers
 - ❖ significant amounts of debris, up to and including whole trees were in the water and lodged in river features and bridges
 - ❖ there were multiple incidents of long difficult swims and rescues after capsizes
 - ❖ boats and equipment proved difficult to rescue. One club had three boats which went 12 miles from Sennybridge to Talybont. Equipment, including at least one large Canadian canoe was not recovered.



The Usk in spate



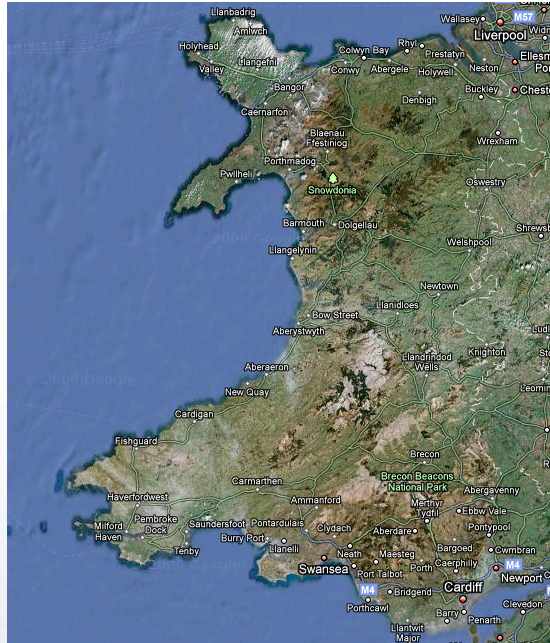
Assessment “Paddling in the spate conditions mandated by the spate clause in the voluntary agreement is highly unpredictable and high risk”



Appendix II



Under promotion of Welsh rivers

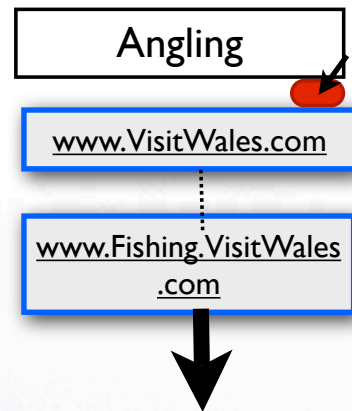


- ❖ Wales is a country defined by its rivers. Every Welsh town has its river and its bridge. Rivers carve the mountains of North and Mid-wales, give South Wales its valleys, create the fertile border country and support valuable estuarine habitats. The paddling available in Wales is some of the best in Europe outside the major mountain ranges. Wild swimming in Wales is a growing sport in stunning surroundings. Angling has a long history and all types of sport are available in challenging and beautiful locations.
- ❖ An outside observer would expect Wales to promote all its rivers and river activities with the same vigour as its mountains and coast. Every visitor to Wales should be made fully aware of the amenity of the rivers of Wales, as they would be for the mountains and coast
- ❖ The primary portal for promoting Wales and attracting visitors is Visit Wales. An investigation of WAGs “Visit Wales” portal and underlying sites reveals that there is effectively no direct promotion of any river sports in Wales apart from Angling (see next page for analysis) This contrasts with the content and function rich website for anglers provided to promote the river Wales at www.fishing.visitwales.com
- ❖ This stark imbalance has the following effects:
 - ❖ the general public receive almost no direct online information from WAG on how they can use their rivers. The significant potential tourist spend has been left on the table by WAG.
 - ❖ the general public are given the impression that Angling is the primary activity on Welsh rivers and would be forgiven for believing that Angling has precedence over any other potential enjoyment.
 - ❖ The underlying cause for this under-promotion is most likely to be the mismatch between the current law and actual practice. In the current climate, it would be very difficult for officers to promote an activity that does not have absolute legal clarity. Continuing to rely on voluntary agreements is only likely to extend this problem.

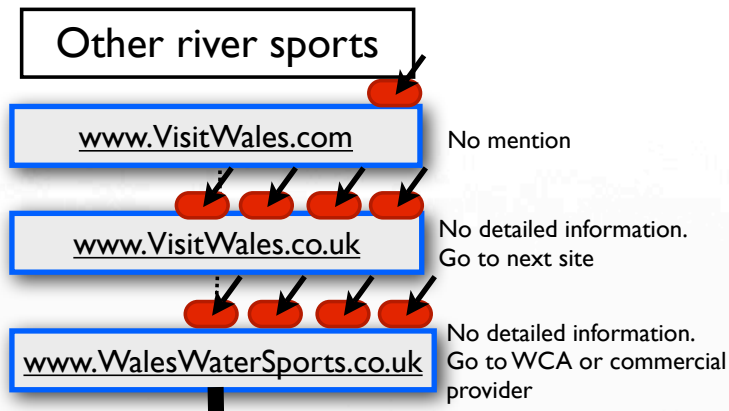
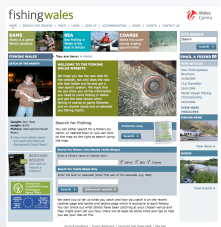
Assessment “Wales is under-promoting its rivers for activities other than angling and is failing to secure the potential economic benefit available from these national crown jewels”



On-line promotion: fishing vs other river sports



Dedicated fishing website:



Single and only reference to paddling on one page:

Wale's rivers can be restful or rushed. Rivers like the leafy Wye, Usk Teifi and Conwy have conditions that suit everyone.

The Welsh Canoe Association offers guidance on access to rivers and coastal waters for canoeing, along with codes of conducts - a summary of which can be found below, visit their website www.welsh-canoeing.org.uk for more information.

“This page contrasts the routes a user must take to uncover information on their sports and the widely differing quality of information available”

Sport	Clicks to reach	Summary of content
Angling	1	❖ Promoted on the front page of Visitwales.com. Links to a dedicated site including membership and rich content
Wild swimming	N/A	❖ No mention of the sport.
Canoeing/kayaking	9	❖ A single page dominated by sea kayaking. One paragraph mentioning river paddling.
Whitewater rafting	9	❖ No description of the sport. Content limited to a list of commercial providers



= clicks/searches to find