

SUBJECT:	RIVER USK, CASTLE MEADOWS
MEETING:	STRONG COMMUNITIES SELECT
DATE:	2ND MARCH 2017
DIVISION/WARDS AFFECTED:	ALL WARDS

1. PURPOSE:

- 1.1 To advise Members and seek their views on the request to allow canoeing on the River Usk at Castle Meadows which is currently managed as a fishery.

2. RECOMMENDATIONS:

- 2.1 To seek Select Committee's views on the potential options set out in paragraph 3.12 below for wider use of the River Usk prior to consideration by Cabinet.

3. KEY ISSUES:

Background

- 3.1 There was one outstanding issue from the Bryn y Cwm Area Committee's previous consideration of the Castle Meadows Management Plan: Requests as part of the consultation process for wider access to the River Usk and for a change of policy to allow canoeing and wild swimming in that section of the river adjoining the meadows where the Council has riparian rights (the Town waters).
- 3.2 The task and finish group established to guide preparation of the Castle Meadows Management Plan took the view that further discussions between the canoeing and fishing interest would be necessary to explore if there could be agreement on wider use of the river. It was resolved that officers facilitate further discussion and bring a further report back to the Area Committee, as required.
- 3.3 This process was unfortunately rather extended but a meeting took place between Abergavenny Canoe Club and the Abergavenny Game Fishing Association, and an agreed note of the meeting was prepared (attached to this report).
- 3.4 As will be seen for the note the discussions have not reached agreement on a way forward. Consequently Area Committee resolved that a report regarding this matter should be prepared and presented to a Strong Communities Select Committee with a view to the Committee undertaking pre-decision scrutiny on this matter.

Context

- 3.5 Access to inland water has long been a contentious issue and there is no settled national view on rights to navigation on rivers in Wales. The matter has been considered by the National Assembly's Sustainability Committee (2009) which highlighted the deficit in opportunities, as well as the contested nature of rights to and on water for recreation: Welsh Government's policy is to support the establishment of voluntary access agreements.
- 3.6 Welsh Government's view, as set out in the Access & Outdoor Recreation Green Paper (2015), is that access arrangements should be drawn up by landowners and riparian owners, consulted upon, and then put in place. Access under such arrangements could be all year round, at certain times of year or depend on water levels. They could also determine what types of activities can sensibly take place on any given stretch of water at any given time of year. These arrangements should primarily be focussed on three elements:-
- i. protecting the natural environment;
 - ii. having no detrimental impact on land management; and
 - iii. having respect for the needs of other users.

Welsh Government's view is that access arrangements along these lines need not be perceived as an acknowledgment that rights do not already exist nor should they be perceived as acknowledgment that they do. They view such arrangements as not setting out the limits of use, but rather the opportunities available for responsible shared use of the water.

- 3.7 The Cabinet Secretary for Environment and Rural Affairs has very recently announced her intention to develop proposals on how current laws relating to public access for outdoor recreation can be improved but no details, timescale, or indication as to whether this will extend to access to water has been set out and so consideration of this issue will need to be under the current position.
- 3.8 On the river Usk although the Usk Fishing Association, an independent association representing riparian owners, clubs, associations, organisations interested in the preservation of fishing on the river, also supports the creation of voluntary access agreements no agreements are in place immediately north or south of Llanfoist Bridge / the Town waters.
- 3.9 Abergavenny Canoe Club are a Canoe Wales affiliated club with adults, family and junior members. They currently use the Abergavenny leisure centre pool and their request is based on a desire to allow progression from using the pool to the river at Castle Meadows. The other principle interest in this matter is the Abergavenny Game Fishing Association who have a long standing relationship with the Council to assist in the management of the fishing rights at Castle Meadows. The Chairman of Abergavenny Canoe Club and the

Chairman of Abergavenny Game Fishing Association have both been invited to present to the meeting.

- 3.10 The Castle Meadows Management Plan 2014/19 does not directly address the use of the river but the overall aims of the plan include increased community use and involvement in its management and conservation, including appropriate events and activities.
- 3.11 Finally the river is designated as a Site of Special Scientific interest (SSSI) and Special Area of Conservation (SAC) for its migratory and resident fish species, including twaite and allis shad, sea, river and brook lamprey, Atlantic salmon and bullhead. Any specific proposals to vary management arrangements will need to be fully assessed including carrying out a Habitats Regulations Assessment / consultation with Natural Resources Wales.

Options

- 3.12 It is suggested that the way forward is to set aside the wider controversy around the rights for navigation and consider the specific request from Abergavenny Canoe Club:
- Option 1: The Council may wish to maintain its current position – i.e. the “status quo” at least until such time as any wider access agreements can be secured through the Usk Fishing Association, or other means; or there is a change in the statutory position. Given the lack of progress in recent years this would seem likely to frustrate the canoe club’s aspirations for a long period of time;
 - Option 2: In theory it would be open to the Council to permit any navigational use of Town waters. However such isolated general use in advance of any wider access agreement on the surrounding parts of the river is very likely to lead to a “free for all” causing significant management problems, uncontrolled impact on the fishery and adverse nature conservation impacts and so is not recommended;
 - Option 3: To seek to secure a voluntary access agreement between the key parties along the lines of Welsh Government’s recommended approach. It is clear this would require goodwill and further compromise from all parties. It would be possible to “pilot” such an agreement if that helped allay reasonable concerns. The specifics of any such agreement would need to be subject to a Habitat Regulations Assessment.

4. REASONS:

- 4.1 To ensure the most appropriate management of the River Usk at Castle Meadows.

5. RESOURCE IMPLICATIONS:

- 5.1 Currently there is a small income from the sale of fishing licences and the revenue implications of any new proposal will need to be considered as it is developed.

6. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING)

- 6.1 Wider use of the river could extend the diversity of users of the river. If the view is that wider use should be further investigated a detailed assessment of the potential impacts on the River Usk SAC and any required management controls will be required.
- 6.2 A Future Generations Evaluation is attached. This includes Equalities and Sustainability Impact Assessments (attached as Appendix 2).

7. CONSULTEES:

- 7.1 Wide consultation as carried out as part of the preparation of the Castle Meadows Management Plan in 2014 and subsequent consultation has been carried out with Abergavenny Canoe Club, Abergavenny Game Fishing Association and the Friends of Castle Meadows.

8. BACKGROUND PAPERS:

- 8.1 Notes from meeting between Fishermen and Canoeist regarding use of the river Usk at Castle Meadows 17th November 2015 (Appendix 1)
- 8.1 Report to Bryn y Cwm Area Committee 20 April 2016

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Appendix 1

Notes from meeting between Fishermen and Canoeist regarding use of the river Usk at Castle Meadows 17th November 2015

People attending the meeting:

Mark Langley Head Warden, Monmouthshire County Council

Julia Aldous Abergavenny Canoe Club

Jason Stone Abergavenny Canoe Club

Mike Kelly Abergavenny Canoe Club

Craig Armiger Abergavenny Canoe Club

John Paxton Fisherman

Philip Starmore Fisherman

Martin Watts Fisherman

Martin Smith (Ricky) Fisherman

Main points from meeting:

Canoe Club

40 to 50 members, although only a few come out at one time

At present winters in swimming pool and summers places like Mon and Brecon Canal and Keeper's Pond

Want to share the river and work with the fishermen

They would like access throughout the year

They would access the river near the 3 benches by the rapids

They would like access on length of river where the banks are owned by Monmouthshire County Council

They would carry or use trollies to get to the river from the Byefield car park

They are affiliated to Canoe Wales and have to abide by their codes of conduct

They would monitor behaviour from outside canoeists

Report shows that canoeing does not affect the fish stock on a river

In France there are timed sessions on rivers so that canoeists have less impact on fishing

Large diversity of age and abilities within the group. Fits in with core values of County Council

The river was used for swimming and boating in the past

Fishermen

Cost of fishing £148.00 plus £72.00 per year. Numbers may drop if there was interference from canoeists and fishing experience would not be as good. Less money going to Council

Worries about health and safety. Danger to canoeists

Worries that more canoeists who are not members of the canoe club would start to use the river at Castle Meadows. These people would not be under the control of the club and may not be as responsible

Need to preserve spawning salmon and allis shad on river, which is a site of special scientific interest

Because the canoeists will only be using the short stretch of water there is more likelihood that they will interfere with the fishing as they go up and down

How will canoeists deal with low levels of water in the summer?

How could we monitor dinghies and tell them they cannot use the river if people are canoeing on the river?