

Notes from Members' Meeting held on 23 August 2021 to consider SWOAPG's role with Glasbury-Hay Canoeing Access

The meeting was held online using Microsoft Teams.

Attendance:

Steve Bird, LoadedUK (SWOAPG Director)
Justin Bradley, Trewern Outdoor Centre
Mick Collins, Outdoors@Hay
Simon Fenton, Gower Adventures
Rhys Green, Independent
Richard Hill, Independent
Roger Lee, Independent (SWOAPG Director)

Ant Morgan, Independent
Steve Rayner, Independent (SWOAPG Coordinator)
Mike Smith, Parkwood Outdoors Dolygaer
Mark Soanes, Call of the Wild (SWOAPG Director)

Apologies had been received from David Hassard, Maes y Lade Centre; Jethro Moore, Adventure Beyond; and Fred Wright, Interactivities.

Carl Durham, Black Mountain Activities; Rob Finley, Ultimate Consortium; and Chris Pierce, Woodlands OEC had also been invited individually but were unable to attend.

Introduction

Steve Rayner welcomed everyone to the meeting and explained that it was not formally an Extraordinary General Meeting (since we hadn't provided 28 days' notice) so couldn't pass any resolutions that would bind the Directors – but since all 3 Directors and more than 10 Members were present, it could make recommendations for the Directors to take forward.

1. Setting the Scene / Establishing Facts

Steve Rayner summarised his current understanding of the four separate – but interlinked – issues affecting Paddlesport from Glasbury-Hay and invited Members to offer additional information:

a) Suspension of launching at Glasbury Bont

Powys County Council (PCC) – as a Local Authority and owner of Glasbury Bont – is required by law to conduct a Habitat Regulations Assessment (HRA) before it may permit launching of boats from its land. This had previously been covered by a 'consent' issued to PCC from Natural Resources Wales (NRW), but this expired in September 2020, at which point NRW realised that PCC was a 'competent authority' responsible for conducting the HRA itself.

PCC responded by suspending all boat launching from 1 April 2021 until it has completed the HRA – a process that it has said was likely to take months. The Council has asked Providers to offer evidence / suggestions that might enable sustainable paddling to resume – including details of the SWOAPG Concordat for gorge-walking in Waterfall Country as a possible template for future paddlesport operations from Glasbury-Hay.

SWOAPG hasn't had any recent updates from PCC, but Richard Hill had seen an e-mail from the Council dated 9 July which confirmed that the HRA is underway. Steve Rayner agreed to seek a further update.

NRW is still responsible for issuing consent to private landowners and one of NRW's own HRAs says that paddling from Glasbury-Hay is "either not likely to have a significant effect on, or will not adversely affect the [river environment]", subject to the following conditions:

- "only a few specific launch sites" being approved ("not...at known spawning sites");
- no "early morning and evening launching"; and
- "suspending launching at periods of low water when boats are likely to ground more frequently".

However, NRW has also advised PCC under separate environmental legislation that they should:

- “limit the total number of boats launched from the Bont each day...by commercial companies and groups”;
- “impose a minimum water level below which boats may not be launched”;
- and ensure that “commercial companies and groups...agree to abide with...appropriate information on [and restrictions for] sustainable paddling”.

We might therefore reasonably expect the results of the Powys HRA to reflect these conditions and advice.

b) Arrangements at The Gliss in Hay

Some Members had asked SWOAPG to help resolve issues with congestion at “The Gliss” caused by over-parking & the effects of the Glasbury suspension. SWOAPG had therefore met with Hay Town Council (HTC) who agreed to make some infrastructure improvements by cordoning-off the launch area and restricting parking at the entrance – but asked Providers in turn to help ease congestion and reduce complaints by residents by complying with the following arrangements:

- Treat local residents, other users and the site with the respect they deserve
- Do not arrive on site before 8.30am
- Don’t leave vehicles in the ‘launch area’ (trailers without wheel-clamps are fine, since they can be manoeuvred manually out of the way by other users if necessary – maximum one trailer per Provider, but not attached to a vehicle)
- Park as few vehicles as possible on site – take your own vehicles away whenever you can; and ask your clients to park elsewhere (e.g. shuttle them or use the town’s main car park)
- Providers do not have permission to ‘carry on business’ from the site (i.e. use it only for drop-off and pick-up, not as a venue from which to operate hire business)

Mick Collins confirmed that HTC is still planning to cordon-off a substantial area for launching, possibly with a code-access barrier or gate (and unrestricted pedestrian access) but is awaiting “a lull” in canoeing activity before working on this. However, he also suggested that there may be objections from some residents who have questioned HTC’s ownership rights of this land.

HTC has also recently asked that paddlers only launch from the ‘official’ ramp and not the privately-owned land just downstream of The Gliss (past the waterworks and across Dulas Brook). Mick understood that the Council had received complaints from residents of houses overlooking this land about groups launching here, although the landowners themselves had not complained. This doesn’t affect the use of this land as a ‘lunch stop’ for paddlers travelling from upstream.

c) The “Voluntary Access Arrangement”

After several previous attempts by fishery owners to limit canoeing, we understand that they suggested to PCC in 2019 that the Council may be in breach of a covenant in the land’s title deed by allowing launching at Glasbury Bont “to interfere with fishing downstream”. In response, PCC launched – but never concluded – a consultation exercise on the management of canoeing from Glasbury. In the meantime, in 2020 the Wye & Usk Foundation (WUF) published (with additions in 2021) a “Voluntary Access Arrangement” (VAA) on behalf of owners, which ‘permits’ canoeing only:

- when the river level exceeds 0.67m on Glasbury gauge;
- to pass 150m downstream of Glasbury Bridge between 10.30am and 1.30pm;
- to depart Hay by 3.30pm; and
- [added in 2021] between Easter Friday and Michaelmas (29 September) – although “especially educational or charitable groups” may ‘apply’ for use between 30 September and Easter.

SWOAPG, AHOEC and Canoe Wales weren’t properly consulted on this VAA; and have therefore declined to ‘endorse’ it – but Providers operating outside its terms can expect to be challenged. Roger noted that, following the death of Stephen Marsh-Smith, WUF has not sought to engage directly with paddlers.

One fishery owner also launched earlier this year a judicial review of the NRW consent issued to Wye Valley Canoes for launching at their own site – quoting breaches of the VAA as well as procedural mistakes by NRW. This was rejected initially but is now the subject of an appeal.

Although not directly linked, we can reasonably expect PCC to be mindful of this situation in considering its own HRA.

d) The “Wye Alliance”

Aubrey Fry of ‘Want to Canoe’ has proposed a ‘Wye Alliance’ of “canoe hire operators, outdoor education facilities, fishery owners and landowners alike...to hopefully bring this deadlock to a close and kick start a positive route forward”, saying that “the time has come to form a group of ‘responsible river users’ that all take ownership of their actions” – “an action group – with “meetings for [paid] members only, not voyeurs”. A first meeting of this group is anticipated in September.

Richard Hill added that he believed the intent was for the ‘main’ commercial operators to attempt collectively to move things forward with other stakeholders. While SWOAPG, AHOEC and Canoe Wales are being kept ‘in-the-loop’, it’s not currently clear whether we will be invited to meetings.

2. Discussion of Options

Steve Rayner reminded attendees that SWOAPG exists “to promote & develop sustainable outdoor activity provision in South Wales” and already represents a wide range of (but not all) Glasbury-Hay operators, including most public, private & charitable OECs; some hire companies; several independent providers / coaches; and military units – and is connected with other providers and clubs through close links with AHOEC and Canoe Wales. He posed some ‘rhetorical questions’ for the meeting to consider, including:

- Would SWOAPG be doing its job if it wasn’t involved in Glasbury-Hay?
- What other organisation(s) could / should take a lead if SWOAPG didn’t?
- Do we have the resources to get involved properly (is Coordinator time + volunteer effort enough)?

We then discussed whether SWOAPG should be actively involved in trying to secure sustainable canoeing access from Glasbury-Hay; or play a role more as ‘observers’ while letting others attempt to sort things out – and agreed that an ideal situation might be for the “Wye Alliance” to take the lead, with SWOAPG representing the broad views of our Members within the Alliance. However, this would depend on how the Alliance evolves and what role SWOAPG might have within it, so we should be prepared to stand-alone if necessary. Richard Hill agreed to discuss with Aubrey SWOAPG’s possible role within the Alliance.

We also discussed whether SWOAPG should pursue with PCC a Concordat-type arrangement for launching at Glasbury Bont. We agreed that it was important to have a single arrangement that would incorporate reasonable conditions enabling as many people as possible to access the river in a sustainable way; that SWOAPG should have a role in representing the interests of our Members; and should be prepared to take a lead on agreeing arrangements between our Members and/or with PCC if necessary – but acknowledged that this could also be something that the Wye Alliance might take forward.

We agreed that SWOAPG should continue to engage with Hay Town Council as required, if only to keep abreast of developments at the Gliss and communicate with our membership (particularly as things are likely to quieten down as the end of summer approaches) – but could leave the local operators to liaise directly with HTC around the car park improvements.

We also agreed that it would be helpful to establish a ‘working group’ that could take forward SWOAPG’s interests as things continue to evolve. Even if there is no immediate action for the group, it would be good to have people ‘waiting in the wings’ to assist and advise the Coordinator and Directors with decisions and to take specific actions as required. As a starting point, all the meeting attendees should be invited and other SWOAPG Members given the opportunity to join.

3. Decisions / Recommendations

Summary of actions agreed at the meeting:

- Steve Rayner to seek an update from PCC on the Habitat Regulations Assessment and the Council’s intentions regarding possible Concordat-type arrangements.
- Richard Hill to discuss with Aubrey Fry SWOAPG’s possible role within the Alliance [Post-Meeting Note: Aubrey has advised Richard that the Alliance would try and meet in September and that SWOAPG could be there to share their interest/knowledge and put forward Members’ thoughts].
- Steve Rayner to encourage HTC to liaise direct with local operators about practical matters but to contact SWOAPG if/when they need to communicate or discuss issues of wider interest.
- Steve Rayner to invite Members to join a ‘River Wye Working Group’.