

Project Update Report November 2023

Codes of Conduct for Paddlesport on the River Wye at Glasbury and Hay

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Introduction

This report describes progress made with a project to define Codes of Conduct for Paddlesport on the River Wye at Glasbury and Hay (since the issue of our *Project Definition Interim Report* in August 2022); and indicates the work that is still required to complete the project. It will be refreshed and further reports issued periodically as the project progresses.

Background

The River Wye between Glasbury and Hay has been used extensively for many decades by paddlesport operators including Outdoor Education Centres, outdoor activity businesses, craft hire companies, paddlesport clubs, voluntary organisations and military units – as well as members of the public. However, ongoing conflicts with fishery owners have led to considerable friction on this section of river over recent years, especially regarding the potential disruption to fisheries caused by increasing paddlesport activity. Most recently it has become the subject of a Voluntary Access Arrangement (VAA) published by the Wye & Usk Foundation (WUF) on behalf of riparian owners (without endorsement by any representative paddlesport bodies). This VAA purports to impose severe restrictions on paddlesport operations, which have not been tested due to other restrictions imposed first by the Covid-19 pandemic then by the measures described below.

The River Wye is a protected environment, being both a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC) and as such is a “European site” protected by the Conservation of Habitats and Species Regulations 2017. In recent years, landowners on this stretch of the river have been required periodically to conduct a Habitats Regulation Assessment (HRA) and put in place protective measures to demonstrate that the launching of craft from their land does not “significantly harm” those flora and fauna species recognised as “designated features” of the river. Prior to 2020 this requirement was achieved for all recognised launch sites by Natural Resources Wales (NRW) conducting the HRA and issuing to the landowner a “Consent [to launch craft] under section 28E of the Wildlife and Countryside Act 1981”, generally restricted to a 5-year period and containing restrictions on operations deemed necessary to protect the riverine environment. This practice has continued for privately-owned launch sites, but in 2020 NRW recognised that the ‘competent authority’ for conducting a HRA for a publicly-owned site was in fact the public authority owning the site, rather than NRW.

Glas-y-Bont Common at Glasbury-on-Wye is the principal launch site for this section of river, used by most operators and the public under a permissive arrangement from the landowner since the 1920s. Previously owned by the de Winton family of Maesllwch Castle, ownership of the common passed in recent years to Powys County Council (Powys CC), who in 2017 instituted a “Code of conduct for commercial operators launching canoes from Upper Glas-y-Bont common” in response to conditions imposed by NRW in their launch consent issued to the Council. However, when the Council applied to NRW to renew this consent in September 2020, they were informed that they were now required to conduct their own HRA – albeit with advice being offered from NRW. This was during a period of national lock-downs imposed by the Covid-19 pandemic so it actually took until 1 April 2021 for the Council to respond to this by suspending the launching of craft at Glas-y-Bont Common pending the completion of the HRA.

As a representative body that counts most local paddlesport operators among its Members, South Wales Outdoor Activity Providers Group (SWOAPG) has an interest in operations at Glas-y-Bont Common being re-instated as quickly as possible. SWOAPG has extensive experience of operating a Concordat with NRW and Bannau Brycheiniog National Park Authority (BBNPA) for groups undertaking gorge-walking in Waterfall Country (as well as experience of developing and supporting the Brecon Beacons Reservoir Passport Scheme with BBNPA and Dŵr Cymru Welsh Water). The gorge-walking arrangement comprises rules and advice addressing the positive behaviour required to protect the waterway environment and to respect local communities and other users; publication of information to engage users, including leaflets, websites, online training courses and onsite signage; ongoing management of the scheme including liaison and communication with users and stakeholders; and support with enforcement action undertaken when required (rarely) by the landowners – and seemed to offer a useful template for a similar arrangement on the River Wye. This concept was proposed and endorsed at a meeting in January 2021 with Powys CC, local paddlesport providers, Canoe Wales and representatives of local communities and fisheries. SWOAPG then obtained the agreement of its Members and other local operators to “work with Powys CC (in consultation with providers and in liaison with other stakeholders) to develop, implement and manage a Concordat on behalf of paddlesport providers for launching paddle-craft at Glas-y-Bont Common in Glasbury-on-Wye”. In August 2022 SWOAPG received confirmation of grant funding from both Powys CC and The Canoe Foundation (the charitable arm of British Canoeing, the sport’s UK National Governing Body) to support this work.

Meanwhile, the suspension of launching at Glas-y-Bont Common in Spring 2021 led many operators to move downstream, launching instead at the public launch site at The Gliss in Hay-on-Wye – owned by Hay Town Council (HTC). This caused congestion at this small site and complaints from residents, which led to arrangements being agreed between SWOAPG and HTC for some restrictions on operations as well as physical improvements to the site. In early 2022, HTC intended to ask operators to sign a formal Code of Conduct for use of the site, but this was put on hold when HTC was advised by NRW that they too needed to complete a HRA to allow continued use of the site for launching craft (although in this case launching did not need to be suspended while this was conducted). Operations have since continued at The Gliss under the arrangements agreed in 2021.

Current HRA Position

The HRA for Glas-y-Bont Common has not yet been completed and **the suspension remains in place after some 32 months**. Although it was originally expected to be completed early in 2022 (NRW having provided formal advice to Powys CC in April 2022), a study commissioned to inform the HRA did not report until July 2023¹. The study concluded that “following the implementation of mitigation measures, the public canoe operation is unlikely to result in an adverse effect on the integrity of the River Wye SAC”. The mitigation measures recommended were:

- a) that “the existing voluntary code of conduct² is fully implemented and disseminated to all users”, which “limits use of the Common for canoe launching to between 10am and 4pm, and requires that users are off the river by 5pm;...includes locations of the permitted landing sites and the restrictions on launching and landing within the reach; [requires] operators...to advise their clients to minimise disturbance to the bank and bed of the river and to restrict launching and landing to permitted locations; [and]...requires users to adopt basic biosecurity measures, namely that equipment is clean and dry before and after use;
- b) “to impose a close season for canoeing from 1st April to 30th June annually...[based on advice from NRW to Powys CC in March 2022 which] suggested that this restriction would apply to unguided hire groups only since they are considered to represent the greatest risk in terms of

¹ Thomson Environmental Consultants (July 2023) *Report to Inform a Habitat Regulations Assessment, Stage 1 and Stage 2 Assessments, Upper Glas-y-Bont Common, for Powys County Council*,

² Powys County Council (April 2018) *Code of conduct for commercial operators launching canoes from Upper Glas-y-Bont common, from 1st April 2017 – 30th March 2018 inclusive*

canoe grounding [and that] the close season restriction would not apply to groups that are led by professional, accredited guides; guided education groups; and private owner/occupiers using their personal kayaks/canoes”;

- c) that “the concordat developed by SWOAPG for groups using the Sychryd Gorge provides a potential model for the enforcement of management measures [where]...groups wishing to use the Gorge must become members of SWOAPG and opt in to the terms of the Concordat including its code of conduct and rules [and] groups which repeatedly break the rules can be excluded from the Concordat and prevented from accessing the site”;
- d) that “clarity around enforcement mechanisms to support a concordat management scheme is crucial to ensuring that environmental mitigation is observed and to maintaining stakeholder confidence in the scheme [and that] Powys CC, working with NRW, has been able to ascertain that this can be enforced through civil action [while] an alternative route is available under the [Wildlife & Countryside Act 1981] where it is a criminal offence for any third party to intentionally or recklessly destroy; damage; or disturb the notified features of the SSSI”;
- e) that “to provide additional protection for the shallowing site at Lower Glas-y-Bont where shad eggs have been recorded, there should be co-ordination of canoe groups entering that section by the various canoe operators in Glasbury...to prevent bunching of canoes and users grounding out as they take avoiding action;
- f) that “data from [shad egg surveys and lamprey electrofishing surveys] should continue to be collated annually to determine presence of the species within the study reach,...to provide further information on the use of the shallowing sites by key fish species in the longer term;
- g) that “Check Clean Dry procedures should be highlighted through verbal briefings to users by commercial canoe operating companies”; and
- h) that “in accordance with NRW advice signage should be erected at the entrance to the site advising users on the sensitivity of the site and the downstream river environment; restrictions on landing; and the Check Clean Dry procedures”.

Powys CC has invited comments from other stakeholders (initially by end August, later extended to end October 2023) and is in the process of reviewing these before officers can make a final determination on the HRA.

It is our understanding that, although Hay Town Council was also provided with advice by NRW in early 2022 regarding a HRA for paddlesport operations between Hay-on-Wye and Whitney-on-Wye, no further action has been taken on this by the Town Council, while they await the outcome of the Powys CC assessment.

Project Aim

The aim of this project is to put in place a Code of Conduct supported by a Concordat arrangement between SWOAPG (on behalf of paddlesport operators) and Powys CC (and possibly another with HTC) that will provide the necessary assurances to the Council(s) and other local stakeholders to enable sustainable paddlesport to continue on the River Wye from Glasbury (and Hay); with the following specific outcomes:

1. Re-opening of paddlesport operations from Glas-y-Bont Common, Glasbury-on-Wye as early as possible; and continued operation of paddlesport operations from The Gliss, Hay-on-Wye – benefitting the general public as well as local outdoor education centres and businesses, paddlesport providers, clubs, military groups and canoe hire companies – potentially thousands of paddlers on this popular stretch of waterway who could otherwise be denied access.
2. Promoting positive behaviour by paddlers using the River Wye from Glasbury and Hay-on-Wye, particularly in relation to protecting habitats and respecting local communities and other river users – through information / training provided to paddlesport providers and NGB-affiliated clubs, publicly-accessible online messaging and onsite signage.

It was originally intended that this arrangement would be in place by Summer 2022, but delays in completion of the HRA by Powys CC mean that **this now seems unlikely before early 2024**.

Project Funding

The Canoe Foundation has approved a grant of £10,000 to support the project including its first year of operation; and has already released £3,000 to SWOAPG for the development of Concordat arrangements – of which £2,500 had been spent or committed at mid-November 2023. The remaining funds will be released following the approval of more detailed project plans; and need not be spent until 31 December 2024 (extended from 15 January 2024).

Powys CC has been allocated £6,000 in capital funding via a Welsh Government Access Improvement Grant for ‘generating information assets’ associated with this project – to include the development of content (e.g. the agreement of terms in a Code of Conduct) as well as production of downloadable documents, signage and online training materials. Some £4,300 of this had been claimed or committed by SWOAPG at mid-November 2023.

We understand that any Concordat arrangements must be self-funding after the initial grant-funded introductory period (potentially as soon as April 2024) and to this end the SWOAPG Steering Group is considering how best this might be achieved within a membership or ‘passport’ fee structure (or a combination of the two) which we expect will in due course be presented to SWOAPG Members for their consideration.

Project Governance

The project is expected to evolve into a formal partnership arrangement between SWOAPG and Powys CC, with SWOAPG operating, via a Memorandum of Understanding (MoU), as a ‘delivery partner’ on behalf of the Council. SWOAPG submitted to Powys CC in December 2022 a draft Concordat document (based on our Waterfall Country gorge-walking Concordat with NRW) and the Council countered in October 2023 with a template MoU document (based on partnership projects previously undertaken by the Council) to which SWOAPG has offered alternative clauses relating specifically to this project; and which is currently under discussion between the two parties.

It is still not known whether HTC wishes to be involved formally but, given the time that has elapsed and progress that has already been made with Powys CC, operations at The Gliss would now need to be considered under a separate arrangement to those at Glas-y-Bont Common (whereas we had hoped originally that they might be covered under a single arrangement).

Project management is being undertaken by the SWOAPG Coordinator, Steve Rayner, in liaison with the Powys CC Professional Lead for Countryside Access and Recreation, Sian Barnes; with SWOAPG Directors and other Council Officers being engaged as required. While it was envisaged that a ‘Project Oversight Group’ might be established (with representatives from SWOAPG, Powys CC, HTC and other key stakeholders including NRW, the Environment Agency – the navigation authority for the Wye downstream of Hay, Canoe Wales and the Association of Heads of Outdoor Centres – AHOEC) this has not proved necessary.

Within SWOAPG, however, the existing SWOAPG Steering Group oversees the project and fulfils the requirement of the Canoe Foundation that SWOAPG “maintain a properly constituted management committee or equivalent [which] must meet regularly and ensure that minutes are available for inspection as applicable to the project”. Additionally, SWOAPG has established a ‘River Wye Paddlesport Advisory Group’ comprising a wide range of paddlesport operators, whose role is to advise its Steering Group and Directors “on matters affecting paddlesport operations by Outdoor Activity Providers (including craft hire businesses) on the River Wye in Wales, including the terms and conditions of any Concordat arrangements and Codes of Conduct proposed for paddlesport operations at Glasbury-on-Wye and Hay-on-Wye”³.

³ SWOAPG (Sep 2022) *SWOAPG River Wye Paddlesport Advisory Group – Terms of Reference (unpublished draft)*

Financial or resourcing decisions will be made by the SWOAPG Board of Directors and the SWOAPG Membership will be consulted on matters of significance including the terms of the Code of Conduct arising from the project.

The relationship with external stakeholders such as local communities, riparian owners and fishery interests will be the responsibility of the Council(s) but SWOAPG will, as the Council's delivery partner for paddlesport operations on the river, be represented where appropriate in consultations with such stakeholders and will aim to take their views into account in delivering the project – subject to the Council having the final say in how their views should be interpreted or implemented. We understand that the Council intends to establish a local *Stakeholder Consultative Group* to facilitate this activity.

Project Outputs

We propose to develop the following information assets (funded by Powys CC):

- Downloadable resources that inform paddlesport operators, guides and group leaders of the conditions that apply to their use of Glas-y-Bont Common and the behaviours expected of them when using the river (including any formal Concordat and Code of Conduct that may be agreed with the Council).
- Online training course(s) to ensure that paddlesport operators, guides and group leaders understand the conditions that apply to their use of Glas-y-Bont Common and the behaviours expected of them when using the river.
- Downloadable resources that inform paddlesport end-users (hire clients, group members, independent paddlers, etc.) of the behaviours expected of them when using the river.
- Content to be displayed on signs at e.g. Glas-y-Bont Common and The Gliss at Hay-on-Wye to inform all users of the conditions that apply on this stretch of river and the behaviours expected of them when using the river.

NB: we propose to develop only the essential content and 'simple' designs for these assets, in the English language. We expect the Council to carry out any translation and graphic design work that may be required – and to procure and install any physical signage – but will support the Council in proof-reading final products and making them available to users.

Other outputs (to be confirmed – and funded by The Canoe Foundation) could include:

- Formal Concordat documentation.
- Project plans, schedules and reports.
- Minutes of stakeholder meetings.
- Terms of reference for ongoing stakeholder engagement.
- Proposals / agreements for ongoing funding beyond the duration of the project.
- Similar information assets to those listed above, but in relation to The Gliss.
- Physical signage if required and not funded by Powys CC.
- Regular communication with users.

Project Assumptions

SWOAPG's role as a delivery partner in this project is subject to the following assumptions and conditions:

- SWOAPG shall only proceed to conclude a Concordat whose terms are agreed by a majority of SWOAPG Members and a significant proportion (to be confirmed) of Members who declare themselves to be regular or frequent users of the river.
- Any Concordat arrangement agreed between SWOAPG and the Council shall apply only to those parties who are willing to sign-up to it. SWOAPG will use best endeavours to include as many relevant parties as possible but reserve the right to confine ourselves to SWOAPG Members only if we are unable to gain agreement from other parties.

- SWOAPG's role extends only to the production of the information assets (funded by Powys CC) defined above and such activity as The Canoe Foundation agrees to fund. Any additional work by SWOAPG will need to be funded separately.
- The project currently addresses only the use of the river by people launching or landing paddlesport craft at Glas-y-Bont Common. If the Council or other parties wish SWOAPG to also consider the implications for other launching or landing sites (including The Gliss at Hay-on-Wye), funding for this will need to be agreed by The Canoe Foundation or other sources.
- SWOAPG's costs and indicative schedule are based on our Coordinator being available and able to conduct the majority of the work to be carried out by us, supported by voluntary effort from our Members and other users; and on information being provided in a timely manner by other stakeholders.
- SWOAPG's cost estimates are based on the best information available at this time. If information subsequently becomes available which significantly alters the estimation of the work required, SWOAPG will need to review its costings.
- Payment to SWOAPG shall be made monthly based on time and costs accrued to date (subject to satisfactory progress being agreed by the Council and The Canoe Foundation).

SWOAPG reserves the right to revise its offer or withdraw from the work if these assumptions or conditions are not met – at which point SWOAPG would expect to be paid for all work accrued to that point.

Concordat & Code of Conduct Arrangements

Our starting-point for the Concordat – which is essentially a top-level agreement that defines the responsibilities of each party – was the Waterfall Country Activity Access Concordat between SWOAPG and NRW, adapted as appropriate to the paddlesport and River Wye environment. We identified that the following points needed to be addressed in the Concordat:

- It shall apply only to those agreeing to sign-up to it via SWOAPG.
- It shall relate only to users launching [and perhaps landing?] at Glas-y-Bont [and perhaps the Gliss] – although we anticipate NRW seeking to apply similar terms in future to other launch sites – and is neither purporting to be a Voluntary Access Arrangement by riparian owners for navigation on the river itself, nor to confirm or deny any rights of navigation that may exist now or in future on this stretch of river.
- Definitions of who is 'eligible' (or 'required') to sign-up to it (Powys has indicated that this should include commercial operators, not-for-profit groups and clubs – and that these should all meet some quality assurance requirements); and how they do so.
- Enforcement shall be the sole responsibility of Powys CC albeit with an onus on SWOAPG and operators to 'self-police' as far as reasonably practicable.
- It shall refer to the Rules and Code of Conduct being developed under this project as if they were an embedded part of the Concordat but shall allow for these to be amended readily with the agreement of all parties.

As described earlier, a draft MoU is currently under discussion between the two parties which, when agreed, will cover most of these points. SWOAPG has engaged the services of a paddlesport technical consultant to assist in defining quality assurance requirements for paddlesport operators and has drafted proposals that all groups wishing to operate under the Concordat arrangements should either:

- a) hold an accreditation/assurance from an existing, recognised scheme (e.g. an Adventure Activities Licensing Authority (AALA) licence);
- b) comply with an assurance scheme agreed between SWOAPG and an 'umbrella' membership organisation (we have initiated discussions with British Canoeing, Canoe Wales, ScoutsCymru and UK Military Units regarding the potential for including their members under a single 'umbrella')

- sign-up to the concordat arrangements – although none of these has yet progressed beyond an exploratory stage);
- c) submit to SWOAPG for approval (for which an administrative fee may be charged) a self-assessment checklist accompanied by a report from a Technical Consultant who has assessed the operator's policies and procedures and witnessed their safe delivery (for which an administrative fee might be charged);
 - d) submit for verification by a SWOAPG-nominated Technical Consultant a suite of documentation providing evidence of appropriate policies and procedures for safe delivery (for which a fee would be charged); or
 - e) for operators offering unguided craft hire, submit to SWOAPG for approval evidence of compliance with appropriate Hire Company Standards and Guidelines (for which an administrative fee might be charged).

Our starting point for the Rules and Code of Conduct – which will contain details of restrictions and obligations imposed on users – has been Powys CC's 2017 "Code of conduct for commercial operators launching canoes from Upper Glas-y-Bont common" and the emerging results of its HRA – including the requirement as proposed by NRW that launching should be prohibited for non-guided hire traffic during May and June each year. We have prepared initial draft *Rules and Code of Conduct for Paddlesport Operations at 'The Bont', Glasbury-on-Wye* – including the proposed requirements for assurance of operator competence described above, as well as a draft *Paddlers Code* offering advice to all paddlers (not just those for whom operators are responsible) relating specifically to protection of wildlife and the environment and respect for landowners and other river users on this section of river (supported by an annotated map). Consultation with SWOAPG Members is now required to determine whether they are prepared to move forward with an agreement that includes these restrictions.

See overleaf for Summary of Achievements and Further Work...

Summary of Achievements and Further Work

The table below summarises what has been achieved and what still needs to be done.

Project Element	Achieved to date (Nov 2023)	Still to do
Glas-y-Bont Common Concordat agreement	MoU drafted and under discussion between SWOAPG and Powys CC	Agree text with Powys CC Obtain agreement from SWOAPG Steering Group / Directors / Members
Glas-y-Bont Rules & Code of Conduct	Draft prepared, endorsed by SWOAPG Wye Paddlesport Advisory Group and submitted for consideration to Powys CC	Amend draft in response to Powys CC HRA consultation (e.g. changes in permitted landing sites anticipated from NRW) Obtain agreement from SWOAPG Steering Group / Directors / Members Publish finalised 'Rules & Code of Conduct'
Glas-y-Bont Paddlesport Operator Quality Assurance Requirements	Draft prepared, endorsed by SWOAPG Wye Paddlesport Advisory Group and submitted for consideration to Powys CC Discussions initiated with potential 'umbrella' organisation members British Canoeing, Canoe Wales, ScoutsCymru, UK Military Units	Amend draft in response to comments from Powys CC Update in response to industry changes (e.g. Water Skills Academy liquidation; WATO hire guidance; etc.) Continue discussions with potential 'umbrella' organisations Obtain agreement from SWOAPG Steering Group / Directors / Members Publish formal Assurance Requirements (as part of Rules & Code of Conduct) Procurement process to engage Technical Consultant to support ongoing SWOAPG assurance processes Create and maintain operator compliance database
Stakeholder engagement	Direct engagement with Powys CC and NRW	Participate in Powys CC's Stakeholder Consultative Group
Glas-y-Bont Information and Training Materials	Draft 'River Map' and 'Paddlers Code' generated as part of Rules & Code of Conduct	Finalise, publish and disseminate map, paddlers' code, signage content and other supporting information Generate, publish and deliver online training course material and records for river guides and other users
Hay Gliss arrangements	No progress since 2021 informal arrangements	Engage with HTC in formal process if required in due course
Financial arrangements	Grant funding obtained from Welsh Government (via Powys CC) and The Canoe Foundation Proposals for future membership and/or 'passport' fee structure drafted for consideration by SWOAPG Steering Group	Monitor grant expenditure Obtain agreement to future funding structure from SWOAPG Steering Group / Directors / Members