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Craft Identification on the River Wye

Consultation response document
November 2010

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Executive summary

Starting in January 2010 we carried out a 12-week consultation on craft identification for the River Wye.

We asked for your comments on three options which included our preferred option for introducing a voluntary craft identification scheme. We proposed that this would be a non-charging scheme and would apply to the commercial canoe operators, rowing clubs and pleasure trip boats on the Wye. The other options were for a formal craft registration scheme or to 'do nothing', thereby carrying on without any form of craft identification or registration.

In total we received 297 responses to the consultation. The comments covered a range of issues from people with varied interests in the river.

We have considered all the comments made in the consultation. As a result, we have determined that the best way forward will be to introduce a voluntary scheme for craft identification on the River Wye. However, we have taken note of your comments and have modified the policy so that it will apply to all the Wye-based commercial canoe operators but not the rowing clubs and pleasure trip boats as originally proposed.

We believe that this modified policy will address the majority of concerns raised by the individual canoeist and the other river users (land and water based) that responded to the consultation.

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Introduction

This document is the Environment Agency's response to our consultation on proposals for craft identification on the River Wye.

We became the navigation authority for the River Wye in 2002. The Wye Navigation Advisory Committee (WNAC) assists us in developing sustainable recreation and navigation on the river. Members represent a wide range of user interests, including pleasure craft operators, canoeists, rowers, landowners, local authorities and those with wildlife and conservation interests. Committee meetings are held at least twice a year with frequent debates on registration. The members' views on registration are divided and strongly held. Consequently, we made an early commitment when we became the navigation authority, to carry out a full consultation on a craft registration scheme.

There is currently no registration or craft identification scheme for the River Wye. Following guidance from WNAC, we proposed to address the lack of craft identification by introducing a voluntary scheme with the commercial operators, rowing clubs and pleasure trip operators on the River Wye.

We asked for your views on the preferred option and two other options concerning craft identification; these were:

Option 1: a voluntary craft identification scheme (applying to the commercial canoe operators, rowing clubs and pleasure trip boats on the Wye);

Option 2: a formal craft registration scheme;

Option 3: do nothing.

For each of the above options, we outlined the likely advantages and disadvantages.

The 12-week consultation ran from 1 January to 31 March 2010. We advertised the consultation in local papers and published it on our website.

We would like to thank everyone who took the time to make a contribution to the consultation. We received many valuable comments from a wide range of river users based in England and Wales.

Summary of responses

As anticipated, the consultation attracted a range of views from people with various interests in the river. Unsurprisingly, the subject of craft identification attracted many varied comments.

In total we received 297 responses on our proposed policy. Most respondents used the questions to structure their response. However, some people did not answer all the questions or did not use the questionnaire and submitted their own comments. A few people asked for more information before responding. There was some confusion about our preferred choice of securing a voluntary craft identification – what this would entail and who it would apply to. Some of the respondents felt there was a lack of explanation for the consultation. A few questioned the extent of the 'problem' and without sufficient examples or evidence, felt unable to comment properly. When requested, further information was provided but we accept this criticism and with the benefit of hindsight it would have been useful to provide additional background information in the consultation document to help people in responding.

71 per cent of those that responded to this consultation do not believe there should be a form of craft identification for the River Wye. Some respondents commented on all three policy options but many focused their comments on a formal registration scheme. There seemed to be an assumption that either the Environment Agency was proposing to introduce a formal registration scheme or this would be the eventual outcome. We received many comments about the threat to the ancient public right of way. Many people also questioned the justification for a licensing scheme and felt it unnecessary bureaucracy. Some of the respondents that are in favour of a registration scheme make the point that the majority of canoeists they see are enjoying themselves in a responsible and reasonable way.

Many respondents felt, whether for or against craft identification, that such a scheme if it were to be implemented should only apply to the commercial hire companies and not the individual. It was

suggested that minor problems are more likely to arise from unsupervised hire groups that have little or no paddling experience or river etiquette.

A theme highlighted from the consultation concerns education. Again, this was raised by many people for and against a craft identification scheme. For some, better education and communication is seen as key to addressing many of the alleged problems and considered likely to be more effective than any craft identification scheme. Many respondents make the point that there needs to be better information and this needs to be more widely available.

We also received a number of comments that were relating to canoeing activity on the section of the River Wye above Hay-on-Wye, upstream of the public navigation that we are responsible for.

We received some criticism on how the consultation had been carried out. In particular, some respondents believed that the Environment Agency should have consulted directly with more user groups. With the wide range of river users, based near and far, it would be difficult to satisfy everyone. However, we will try to improve the scale of our targeted audience in future.

We asked:

Do you believe that there should be a form of craft identification for the River Wye?

46 responded 'yes' to this question, of these, 67.4 per cent chose the formal registration scheme as their preferred option with some suggesting this should apply to commercial craft only. We then asked them to explain their answer:

Summary of comments by those in favour of a craft identification scheme:

- **Behaviour/enforcement:** several felt that identification was required in order to investigate alleged breaches of legislation/byelaws. Examples given included illegal landing, fishing and camping; damage to private property; infringement of the Special Area of Conservation (SAC); disturbance of wildlife, littering; excessive noise; lack of etiquette; disturbance of fishery; foul and abusive language; canoeing under the influence of alcohol; canoeists not being competent whilst in charge of a canoe. Some respondents felt craft identification/licensing would aid insurance claims; improve discipline and control; encourage legal behaviour as occupants could be identified; prevent canoeing outside of access agreements (only applicable upstream of Hay on Wye).
- **Health and safety:** to ensure that craft are being used in a safe and responsible way; to limit operators hiring canoes to inexperienced customers in dangerous conditions; to ensure commercial operators hire out suitable equipment; to help rescuers identify people in trouble.
- **Numbers:** to regulate/restrict numbers because of detrimental effect on fisheries and conservation status of the river; for equity of use.
- **Management:** for better and effective management; identifying a lead body whom specific issues can be discussed with; make leisure craft operators and their customers more accountable; possible return of lost/stolen equipment; provide an opportunity to regulate where canoeing can be proven to be impinging negatively on other conservation and recreational interests; to gain confidence and goodwill of the angling community and assist in the agreement of additional access.
- **Data:** To assist with identification of users and to build a more accurate picture of river usage; to provide data on the volume of craft using the river.
- **Upper rivers:** A few people felt that some form of registration should be introduced in order to regulate canoeing outside of access agreements.
- **Type of scheme:** Compatibility with existing craft identification schemes; some felt that a voluntary scheme would not work and could not be legally enforced; a few people stated that powered craft and/or commercial canoe hire companies should have identification but not for the individual paddler.

212 people responded 'no' to this question.

Summary of comments by those opposed to a craft identification scheme:

- **Justification:** No clear objective – proposals should be backed up by clear evidence that 1) there is significant environmental damage, 2) there are significant breaches of fair and reasonable byelaws 3) there is proper justification for requiring craft to have insurance; canoeing considered to be low impact activity requiring no more additional restraint than walkers or cyclists; few complaints logged compared to the numbers that use the Wye; unclear how a registration scheme would improve access to the River Wye or protect the environment; little or no benefit to canoeists from either formal or voluntary registration.
- **Administration/effectiveness:** Difficult to administer and comply with especially for occasional visitor/tourist; very hard to police on a river that has no locks or adequate places to check licences; system open to abuse; offenders wouldn't register – whether voluntary or formally; question raised whether an identification scheme would lead to successful prosecution; felt it would be un-enforceable and enforcement wouldn't be any easier; prosecute wrong doers under existing laws; craft may not be owned by the person using it and causing alleged offence; unnecessary bureaucracy; time consuming; authorities lacking in manpower to control a scheme; it is not the craft which causes the offence, so it would be the individual that would need to be licensed, not the craft.
- **Cost:** Concerns over committing public funds in an unstable economic climate and whether this is proportionate to the likely benefits; restricting facilities to those that can afford it; too costly: cost disproportionate to problem; difficult to see how the Environment Agency can use the money for improvements and facilities for boating when they don't own any assets and have overseen a loss of access points.
- **Existing schemes:** Some boats already have some form of identification such as logo or name; **many individual canoeists are members of the British Canoe Union or Welsh Canoeing Association and have membership number;** use BCU membership – more relevant for insurance and regulatory purposes; additional scheme should not be required for BCU members; BCU and WCA members already pay annual fee; other rivers such as the Dart, have eased access requirements – lessons to be learnt; concerns that this would be a local rather than national scheme – potential for each waterway to operate a different system requiring different identification.
- **Practicalities:** Difficulty in gaining identification for the infrequent visitor; unsure of practicalities such as if an individual owned more than one boat, whether it was an annual scheme, per person, per craft; practical concerns about fixing identification to boat - not practical to display licences for a variety of different schemes on some of the smaller boats and stickers come off easily; data protection concerns especially regarding children; would it apply to swimmers as they are regarded as 'craft' under navigation law.
- **Tourism:** Negative impact on tourism and local businesses; goes against the Government's target of getting people more active.
- **Access:** Ancient right to navigate and should remain a free navigation; already too little access (unfairly restricted) to water in England and Wales without further restrictions; would limit spontaneity; restrict access; lack of access to the natural environment already a major issue for many people; would lead to erosion of extremely limited rights that canoeists have on a national basis; would prevent the public from exercising their rights of navigation – need to explain legal basis empowering Environment Agency to charge or require registration; negative impact on groups/people from deprived backgrounds.
- **Fairness:** Many felt that if a craft identification scheme was introduced, then this should apply to other users such as anglers and walkers – not accepted that it is necessary to identify people in unpowered craft any more than it is necessary to identify other bank side river users (so their alleged illegal behaviour can be similarly reported). Many who do breach a byelaw or the Order do so unwittingly due to these laws not being in common

knowledge or circulation. Will restrict access to the occasional user. May result in fewer young people participating in water activities if they have to pay.

- **Education:** Lack of information/publicity on the byelaws and legislation brings into doubt their importance – same applies to any ‘issues’; provide clear information at launch sites detailing byelaws to remind all users of their rights and responsibilities; education of all stakeholders is a better mechanism and more cost effective for addressing issues than licensing; many felt that the problems were associated with those that hire from the commercial canoe operators and not the individual paddler; inexperienced people in hire craft; if there are infringements of the law then further information about such laws should be made available – follow up problems through national governing body and invest more resources in informing and policing.
- **Politics:** Questioned the timing of consultation when Welsh Assembly Government is currently investigating the issue of Access to rivers.

Our response

Those that support the need for registration are largely concerned with regulating boating activity on the river. But there is also the opinion that river users should be treated fairly and a boat registration requirement is seen by some as a balance to the rod licence that is required by anglers. However, we have to be careful of introducing a system that could potentially create a new problem rather than solves any existing ones.

The problems that get reported are mainly concerned with the behaviour of canoeists. Typical examples include trespass (unauthorised landing, launching and picnicking) and a lack of consideration for other river users such as canoeing in fishing pools, excessive noise, verbal abuse, urinating on river banks and generally ‘messing around’ in the river. We have had the odd report of fishing from canoes and damage to the environment and wildlife such as littering, disturbing wildlife and damage to river bank. Considering the large number of canoeists that use the river each year, only a small minority are reported to us. And out of these reports, a further minority involve potential breaches of legislation. However, as the navigation authority we have a duty to protect the interests of those navigating and using the River Wye. This means that we have a role to play in managing the relationship between the various users; the river is there for all to enjoy and we have to balance the needs of river users, whatever their interest, with those of the environment in a fair and sustainable way.

The number of canoeists that use the Wye, particularly around the busier sections such as between Kerne Bridge and Monmouth is also raised as a concern. However, a formal registration or craft identification scheme would not impose restrictions on numbers.

We have considered all the comments made in the public consultation. The majority of respondents were opposed to a formal registration scheme for the reasons already mentioned.

We have determined from the comments made and the advantages and disadvantages of the options considered, that the best way forward will be to introduce a voluntary scheme for craft identification on the River Wye. We believe that this type of scheme will help us to manage navigation on the River Wye. It will help us investigate some of the alleged breaches of the Order/byelaws that so many of those in favour of a formal scheme are concerned about. Unlike a formal registration scheme, it would have the benefit of being relatively quick and easy to implement. However, we have taken note of your comments and have decided to modify the policy so that it will not apply to the rowing clubs and pleasure trip boats as originally proposed; rowing boats associated with rowing clubs already have their own unique identification as do the pleasure boats that operate on the Wye. The policy will not apply to the individual paddler, many of which stated they are already members of a national canoeing association. Instead, the modified policy would apply only to all the Wye-based commercial canoe operators. From research carried out by the Wye Valley Area of Outstanding Natural Beauty in 2009, it is estimated that 80 per cent of the canoeists on the river have hired their canoe. So in reality the modified policy will apply to the majority of canoes that use the River Wye. Furthermore, we have reason to believe that the majority of complaints that we receive involve people who have hired their canoe.

We believe that this modified policy will address the majority of concerns raised by the other river users (land and water based) and those of the individual canoeist.

We agree with the comments made about the importance of education. Currently we promote information such as the code of conduct within the canoeist guide and on our website. However, we need to make it clearer to the users what the legislation and byelaws mean to them. We also need to reach more of the users and ensure that they have a better appreciation of the local wildlife and conservation and also the needs of other river users. We believe that identification of the hire canoes will help us target education to where it is needed most and in doing so, we hope will improve navigation on the Wye for everyone.

Next steps

Over the coming months, we will work closely with the Wye-based commercial canoe operators to gain their support and commitment to this policy. It is essential that we work together and explore ways in which we can implement the new policy so that it is both practical and effective.

We will implement the policy for a 'voluntary craft identification scheme for the Wye-based commercial canoe operators' in 2012.

It is essential that common sense, mutual respect and courtesy exist for all users of the River Wye. Education plays a vital role and we will be working hard over the next five years to promote and encourage the use of the code of conduct and to raise awareness of protected species and habitats. We will look for new opportunities and ways to get this information to the thousands of visitors that come to the Wye. We will also be monitoring craft numbers and their impact.

The effectiveness of the scheme will be monitored. We will review the need to modify or change the policy if required.

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