



**Cyfoeth
Naturiol**
Cymru
**Natural
Resources**
Wales

Sian Barnes
Professional Lead
Countryside Access and Recreation
Countryside Services
Powys County Council

Advice Ref No: AD001144/1
15/04/2021

Dear Sian

ADVICE UNDER SECTION 28I OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

**Site of Special Scientific Interest:
River Wye (Upper Wye) / Afon Gwy (Gwy Uchaf)**

Having considered the likely impact of the operation(s) described in your notice dated 22/03/2021 on the special features of the site(s) listed above, we advise that; in carrying out your role as a section 28G authority:

You should permit the operation(s) only if the following conditions are attached:

Condition	Condition Reason
When permitting use by commercial companies and groups, the Council must put in place an appropriate scheme that limits the total number of boats launched from the Bont each day. The nature of these arrangements must be notified to NRW before any permitted launching recommences. The Council must also undertake monitoring and enforcement as necessary in order to ensure compliance with the scheme and conditions placed on permitted users.	To prevent intensive use of the launch site to the detriment of small fish, including bullheads, lampreys and bottom dwelling invertebrates in the shallow water at the launch site and downstream.

Contact Officer Details:

Ffôn /Tel: [REDACTED]

Ebost/Email [REDACTED]

www.cyfoethnaturiolcymru.gov.uk www.naturalresourceswales.gov.uk

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

<p>The Council must impose a minimum water level below which boats may not be launched. This should be defined with reference to the NRW water level gauge situated on the right-hand side of river just downstream of the bridge. The level set must be agreed with NRW before any permitted launching re-commences and the Council must post notices on the entrance gate when the launch site is closed.</p>	<p>To avoid impacts from trampling and boat dragging at the launch site, which are more likely when oxygen levels are low, and to prevent damage to the river bed downstream arising from excessive grounding and trampling, that could impact on spawning fish in May and June and cause damage to water crowfoot beds.</p>
<p>Before allowing launching by commercial companies and groups, the Council must provide them with appropriate information on sustainable paddling. In particular, such users must give an undertaking to the Council that their customers and members will be instructed to only land in permitted areas (except in emergencies) and avoid walking on shingle banks and islands. The Council may restrict use by commercial companies to guided groups only. In this circumstance, guides must receive the sustainable paddling advice and agree to abide with the landing restrictions. A suitable notice must be erected at the site entrance to advise casual users in relation to environmental sensitivities and landing restrictions. Details of advice and lists of companies and groups permitted to launch for any given year must be submitted to NRW before the main paddling season commences.</p>	<p>To protect breeding waders using the shingle from disturbance and shingle dwelling beetles, that are sensitive to trampling damage.</p>

An assessment in relation to the Habitats Regulations (HRA) must be undertaken by the Council and any necessary mitigation arising from this assessment must be implemented before permitted launching re-commences.

When making this assessment, the Council should take account of the fact that most boats launched from the Bont will travel downstream to Hay-on-Wye and also bear in mind that NRW have so issued consent to [REDACTED] to launch up to 40 Canadian canoes 20 kayaks and 5 paddle boards per day from their private site in [REDACTED]. NRW will keep the Council informed regarding details of this consent and any other launching requests received for this part of the River Wye.

Once you have received this advice, you may make your decision before the expiry of the 28 day period required under section 281(4) but you must take our advice into account in deciding whether or not to permit the proposed operations, and if you do so, in deciding what (if any) conditions you attach to that permission.

For the purposes of assessing the potential impact of this activity on any European sites, your authority is a competent authority under regulation 63 of The Conservation of Habitats and

Species Regulations 2017. You should ensure that you have fulfilled your responsibilities under these regulations before issuing any permission.

If you do not intend to follow our advice, you must give notice to us in accordance with section 28I(6) and must not grant a permission that would allow the operation to be carried out before the end of 21 days starting with the date of that notice.

Written notice is required if it is intended to alter permitted activities in any way or to permit any further activities.

Note that this advice only relates to the above legislation – other authorisations may be required.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

On behalf of Caroline Moscrop, Team Leader, South Powys Environment Team