

IN PARLIAMENT

HOUSE OF LORDS

SESSION 1984 - 1985

SWANSEA CITY COUNCIL (TAWE BARRAGE) BILL

PETITION AGAINST THE BILL - ON MERITS - PRAYING TO BE HEARD IN PERSON UNTO
THE RIGHT HONOURABLE THE LORDS SPIRITUAL AND TEMPORAL OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND IN THE PARLIAMENT ASSEMBLED

THE HUMBLE PETITION OF

THE PONTARDAWE AND SWANSEA ANGLING SOCIETY

THE INCO EUROPE ANGLING SECTION - CLYDACH REFINERY

THE TAWE AND TRIBUTARIES ANGLING ASSOCIATION

SHEWETH AS FOLLOWS:

1. A Bill (hereinafter referred to as "The Bill") has been introduced and is now pending in Your Right Honourable House entitled "A Bill to authorise the Swansea City Council to construct a barrage and lock across the river Tawe in the City of Swansea and other works, and to acquire lands; to provide for the control and development of part of the river for recreational navigation; to confer further powers on the Council; and for other purposes."
2. The Preamble to the Bill claims that it is expedient that the Swansea City Council (hereinafter referred to as "The Council") should be empowered to construct in and about the tidal section of the river Tawe a barrage and lock and other works, and to acquire lands therefor, so as to secure the development and the improvement both of the amenities of a section of the river and of the lands adjacent thereto.
3. The Preamble to the Bill further claims that it is expedient that provision should be made for the control and development of part of the river for recreational navigation.

4. Clauses 4 and 5 of the Bill empower the Council to construct certain main and subsidiary works in accordance with deposited plans and sections, including inter alia:
 - a) A barrage across the river Tawe, incorporating a lock and lock gates, a fish pass, overflow weirs and spillways;
 - b) Pipes and pumping machinery incident thereto to connect with existing outfalls above the proposed barrage and to convey their effluent to a point downstream of the barrage;
 - c) Such other works (walls, banks, culverts, sluices, etc) as may be required.
5. Clause 7 of the Bill provides that the Council may dredge, scour and cleanse the banks and bed of part of the river upstream of the proposed barrage.
6. Clause 8 of the Bill allows the Council, in constructing certain of the main works, to deviate from the levels shown in the deposited sections (by as much as one metre in the case of the fish pass and overflow weirs).
7. Clause 22 of the Bill empowers the Council to operate the lock gates, sluices and other works to control the level of the river Tawe upstream of the proposed barrage, to test the gates, sluices or other works, to alter the regime of the river for any purpose or otherwise, in such manner and for such periods as they think fit.
8. Clause 52 of the Bill empowers the Council to make byelaws for various purposes.

9. Various clauses in the bill make provision for the Council to compensate certain persons in certain circumstances and other clauses allow the Council to avoid compensating persons in other circumstances.
10. Your Petitioners, "The Pontardawe and Swansea Angling Society", "The Inco Europe Angling Section - Clydach Refinery" and "The Tawe and Tributaries Angling Association" are well established fishing clubs whose members fish the River Tawe. Between them they own, control or enjoy the fishing over almost the whole of the river Tawe from its upper reaches to the tidal section (over 20 miles). Between them they have over one thousand members, many of whom are juniors or pensioners. They make their fishing available to any member of the public at very modest cost (no more than one pound per week over a season, and much less for juniors, pensioners and the disabled) and provide an important recreational amenity.
11. The fishing in the river Tawe is for brown trout, sea trout and salmon. Unlike the days when a river Tawe barrage was first mooted (20 years ago) the river now supports a good (and still improving) sea trout and salmon fishery. According to Welsh Water Authority catch returns over the 5 year period 1978 to 1982 the river was ranked 10th in quality in terms of sea trout, 19th in terms of salmon and 16th overall out of the many rivers in Wales with runs of such fish. For the river to have reached this position so quickly after the gross pollution of earlier years is remarkable and testifies to its potential.
12. Sea trout and salmon are migratory fish, spending the early part of their life in fresh water before migrating to sea. After a period of rich feeding, during which time they grow considerably, they return as highly desirable adult fish to spawn in fresh water (normally in the river of their birth). They enter the river from the late spring / early summer months onwards and are fished for by anglers throughout

the river until October when the angling season ends, prior to the fish spawning in the winter. Both the young fish ("smolts") migrating to sea and the adult fish returning to the river Tawe to spawn have to pass the place at the mouth of the river at which the Council seeks the power in the Bill to build a barrage

13. Your Petitioners allege that, contrary to the Preamble to the Bill, it is not expedient that the Council should be empowered to construct a barrage in the tidal section of the river Tawe so as to secure the development and improvement both of the amenities of that section of the river Tawe and of the lands adjacent thereto. Your petitioners submit firstly that such development and improvement could be achieved in other ways, and secondly that, for the reasons hereinafter appearing, such a barrage could adversely affect the property, rights and interests of your Petitioners
14. Your Petitioners further allege that, contrary to the Preamble to the Bill, it is not expedient that provision should be made for the part of the river upstream of the barrage which is not presently used for recreational navigation to be so developed. Your Petitioners submit that such development could, for the reasons hereinafter appearing, adversely affect the property, rights and interests of Your Petitioners.
15. Your Petitioners submit that a barrage and other works built and operated in accordance with the abovementioned provisions of the Bill could have the following adverse effects:
 - a) The barrage would interfere with the natural migration of fish (both of adult fish returning to the river and of smolts leaving the river). Not only would it be a physical obstruction, but by completely changing the regime of the river it could confuse and disorientate fish

- b) The barrage and the body of water above it would cause fish to congregate in places where they would be vulnerable to poaching, which is already a problem in and outside the river Tawe estuary. Matters would inevitably become worse, particularly if recreational navigation were facilitated further up the river than at present (as referred to in the Preamble to the Bill).
- c) Parts of the tidal section where fishing is currently enjoyed could be rendered unfishable by the effect of the barrage on the depth and flow of the river, particularly if the Council were to invoke the power in Clause 8 of the Bill (to deviate from the levels shown on the deposited Sections).
- d) Reduced tidal flushing of the estuary could cause water quality problems for fish, as also could the provisions in Clauses 4, 7 and 22 of the Bill (relating to a new outfall downstream of the barrage, to the dredging, scouring and cleansing of the banks and bed of the river, and to the operation of the lock gates, etc, to alter the level of the river, etc, as the Council think fit),
- e) Any or all of these effects and possibly others unforeseen could seriously reduce the numbers of sea trout and salmon returning to the River Tawe with consequential detrimental effect on the quality of the fishing in the river and damage to the property rights and interests of Your Petitioners.

Your Petitioners would wish to be more precise in these matters but would ask Your Right Honourable House to appreciate the difficulties in predicting such effects with precision.

16. Your Petitioners submit that the Bill as it now stands does not contain adequate measures for their protection and for the protection of their fishery and they submit that the Bill should not be allowed to pass into law without the inclusion of protective measures relating to the following:

- a) Minimum flow of water over the fish pass.
- b) The opening of the lock gates (allowing the river to flow through them without restriction) whenever and for as long as the Welsh Water Authority consider it to be necessary for the protection of the fishery.
- c) The control or prohibition of fishing, navigation or other recreational activities in areas where migrating fish will be vulnerable.
- d) Access by your Petitioners to any part of the works (during and after construction) or any part of the river affected by the works in order to monitor the effects upon the fishery.
- e) Compensation for Your Petitioners and remedial measures in the event of damage caused to the fishery.

YOUR PETITIONERS therefore humbly pray Your Right Honourable House that the Bill may not pass into law and that they may be heard by themselves or their Agent(s) against the Preamble of the Bill and, if the same do pass, against all the clauses and provisions thereof which relate to or affect their property rights and interests and in support of other clauses and provisions for the protection and benefit of Your Petitioners and their property rights and interests and that they may have such other relief as

to Your Right Honourable House may seem meet.

AND Your Petitioners will ever pray, etc.

.....
3rd February 1985.

Raymond Haydn Lockyer,
Secretary of The Pontardawe and
Swansea Angling Society, of
8 Bwllfa Road
Ynystawe
SWANSEA.

.....
3rd February 1985.

Raymond Lewis Giles,
Secretary of The Inco Europe Angling
Section - Clydach Refinery, of
12 Carlton Road
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Tributaries

.....
3rd February 1985.

Kenneth Jones,
Secretary of The Tawe and
Angling Association, of
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SWANSEA.

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AGAINST,

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