

Ymatebion i'r Ymgynghoriad y
Pwyllgor Cynaliadwyedd ar
Ymchwiliad i Fynediad i Ddŵr
Mewndirol yng Nghymru

Consultation Responses to the
Sustainability Committee Inquiry
into Access to Inland Water in
Wales

Ymatebion a gafwyd cyn 18 Medi 2009
Paratowyd Medi 2015
Cyfrol 4 o 5

Responses recieved prior to 18 September
2009
Prepared September 2015
Volume 4 of 5

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



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Proses Ymgynghori | Consultation process

Ar 15 Gorffennaf 2009 cytunodd y Pwyllgor Cynaliadwyedd y cylch gorchwyl a ganlyn ar gyfer ei ymchwiliad i fynediad i ddŵr mewndirol yng Nghymru:

- i archwilio'r sefyllfa bresennol ar gyfer mynediad i ddŵr mewndirol yng Nghymru a gwneud argymhellion.

Cyhoeddodd y Pwyllgor alwad am dystiolaeth ysgrifenedig, a gaeodd ar 18 Medi 2009.

Derbyniwyd 491 o ymatebion yn ystod y cyfnod ymgynghori a daeth tua 100 arall i law ar ôl y dyddiad cau (ac felly na chawsant eu hystyried gan y pwyllgor).

Mae'r ddogfen hon, a baratowyd ym mis Medi 2015, yn cynnwys y 491 o ymatebion gan y cyhoedd a dderbyniwyd erbyn y dyddiad cau ar gyfer yr alwad hon am dystiolaeth ysgrifenedig. Oherwydd y nifer fawr o ymatebion maent wedi'u cyhoeddi fel cyfres o 5 llyfryn sy'n cynnwys hyd at 100 o ymatebion yr un i wella'r hygyrchedd i'r wybodaeth hon.

Mae adroddiad y Pwyllgor ac ymateb Llywodraeth Cymru i'r adroddiad hwnnw ar gael ar wefan y Cynulliad.

Mae'r holl ymatebion yn cael eu cyhoeddi yn yr iaith y cawsant eu derbyn ynddi.

At ddiben cyfeirio mae'r llyfryn cyntaf yn cynnwys rhestr o'r 491 o ymatebion

Cyfrol 1 – 001 – 099

Cyfrol 2 – 100 – 199

Cyfrol 3 – 200 – 299

Cyfrol 4 – 300 – 399

Cyfrol 5 – 400 – 491

On 15 July 2009 the Sustainability Committee agreed the following terms of reference for its inquiry into access to inland water in Wales.

- to examine the current position for access to inland water in Wales and to make recommendations.

The committee issued a call for written evidence, which closed on 18 September 2009. 491 responses were received during the consultation period and approximately a further 100 were received after the closing date had closed (and were, therefore not taken into account by the committee).

This document, prepared in September 2015, contains the 491 responses from the public that were received by the closing date of this call for written evidence. Due to the large number of responses they are published as a series of 5 booklets containing up to 100 responses each to improve the accessibility to this information.

The Committee's report and the Welsh Government response to that report can be found on the Assembly website

All responses are published in the language in which they were received.

For reference the first booklet contains a list of all 491 responses received

Volume 1 – 001 – 099

Volume 2 – 100 – 199

Volume 3 – 200 – 299

Volume 4 – 300 – 399

Volume 5 – 400 – 491

Cwestiynau i'r ymholiad i fynediad i ddyfrffyrdd mewndirol

01. Beth yw eich diddordeb yn y mater o fynediad i ddyfrffyrdd mewndirol

- Perchennog tir
- Defnyddiwr hamdden
- Pysgota
- Defnyddiwr ar gyfer hamdden ar ddŵr (ee canwio, rhwyfo ac ati)
- Arall (rhowch fanylion)

02. A ydych yn aelod o sefydliad sy'n gysylltiedig â'ch defnydd o ddŵr?

- Os ydych, pa sefydliad/au?

03. Pa ddarn/ddarnau o ddŵr yr ydych yn berchen arnynt/eu defnyddio/eu rheoli?

Hawliau cyfreithiol

04. A ydych yn fodlon bod eich hawliau cyfreithiol yn glir ac wedi'u diffinio'n dda?

05. A allwch amlinellu'n gryno eich dealltwriaeth o'ch hawliau cyfreithiol dros y darn/darnau o ddŵr yr ydych yn berchen arnynt/eu defnyddio/eu rheoli

06. A hoffech weld unrhyw newidiadau i'ch hawliau cyfreithiol?

- Os byddech, pa newidiadau yr hoffech eu gweld?

07. A ydych yn ymwybodol o unrhyw ddeddfwriaeth sy'n bodoli mewn gwledydd eraill y gellid ei defnyddio yng Nghymru?

Cytundebau gwirfoddol

08. A oes gennych unrhyw brofiad o gytundebau gwirfoddol ar gyfer mynediad i'r darn/darnau o ddŵr yr ydych yn berchen arnynt/eu defnyddio/eu rheoli

- Os oes, amlinellwch yn fyr y cytundebau sy'n bodoli a'ch profiad o sut y maent yn gweithredu.

09. A hoffech weld unrhyw newidiadau i'r cytundebau gwirfoddol?

- Os byddech, pa newidiadau yr hoffech eu gweld?

10. A ydych yn ymwybodol o unrhyw drefniadau gwirfoddol sy'n bodoli mewn gwledydd eraill y gellid eu defnyddio yng Nghymru?

A allwch chi amlinellu'n fyr yr hyn yn eich barn chi yw'r materion allweddol ar gyfer mynediad hamdden i ddŵr mewndirol yng Nghymru a sut y byddech yn hoffi eu gweld yn cael eu trin.

Questions for the access to inland waterways inquiry

01. What is your interest in the issue of access to inland waterways

- Land owner
- Recreational user:
 - Fishing
 - User for waterborne recreation (e.g. canoeing, rowing etc)
 - Other(please specify)

02. Are you a member of an organisation related to your use of water?

- If yes, which organisation/s?

03. Which stretch/es of water do you own/use/manage?

Legal rights

04. Are you happy that your legal rights are clear and well defined?

05. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

06. Would you like to see any changes to your legal rights?

If yes, what changes would you like to see?

07. Are you aware of any legislation that exists in other countries that could be used in Wales?

Voluntary agreements

08. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

- If yes, please briefly outline the agreements that exist and your experience of how they operate.

09. Would you like to see any changes to the voluntary agreements?

- If yes, what changes would you like to see?

10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

300. Narbeth Canoe Club

This response is on behalf of Narberth Canoe Club. The club has about 60 members of all ages and has been established for over 10 years.

As a club we paddle on the Haven, around the coast, and occasionally in the past we have taken small groups on local rivers. However our access to these is severely limited and our legal rights very confused so we have to travel to Bala or Llandysul or the lower reaches of the Wye to do any white water paddling.

We believe the legal rights are very confusing; but our limited understanding is that the landowner owns and controls the access to the banks of the river unless there is a public right of way. They also normally own the fishing rights which can be sold or leased separately. Individual fishermen may be charged a fee for fishing by the owner of the fishing rights. Also, as we understand it, the river itself is the responsibility of the Environment Agency to whom fishermen pay their licence fee. The job of the environment agency is also confusing. Is their job to protect the wildlife habit, prevent flooding, control the use and abuse of the water, protect the fishing, and/or to promote the local economy through recreational use and tourism? If it is all of the above what determines their priorities?

The conflict between anglers and kayakers is well documented but we feel unnecessary. We feel that it is time all users contributed financially to the maintenance of our rivers and that the protection of the quality of our rivers which face huge threats should be the paramount concern. Thus land owners, anglers, kayakers, walkers and swimmers all need to respect and protect this precious habitat.

We do not believe kayaking is environmentally damaging but we accept that Kayakers who want to use the rivers may need to contribute to the cost of their upkeep. This could be in the form of a licence fee as a part of the WCA membership and all boats could display a prominent WCA number to demonstrate they are licensed. Those Kayakers who do not want to paddle on the rivers could opt out of the scheme. In France kayaking is restricted to certain times of the day say between 10am and 3pm when the fishing is not so good and this seems to be a possible compromise. In return for this financial commitment the agency should removed and outlaw dangerous obstacles such as wire across the river, and also they could establish points were paddlers can get on and get off the river without trespassing on private land. Certain stretches of the river may be more suitable for paddling and these could be marked rather as footpaths are marked. A kayaking code should be established addressing problems such as group size and bank disturbance. Many say this cannot be policed but the same can be said of the current situation for anglers and landowners.

We do not have any direct experience of voluntary agreements. But for small clubs like ours they are no solution. There is a danger that they create confusion and division and are unlikely to ensure the long term protection of our rivers. They may be appropriate for the development of short sections for specific recreational use such as Trewern and Llandysul but what is of real concern is a framework for access to all the rivers of Wales.

301. Nathan Pearce

301.1. What is your interest in the issue of access to inland waterways

I have been Canoeing in Wales for almost 20 years. I am a member of a club of approximately 30 members. Small groups of our club regularly enjoy the Welsh rivers.

301.2. Are you a member of an organisation related to your use of water?

I am a member of the BCU.

301.3. Which stretch/es of water do you own/use/manage?

Many rivers across Wales including Conwy, Ogwyn, Glaslyn, Dee and the water sports centre on the Tryweryn.

301.4. Are you happy that your legal rights are clear and well defined

I do not believe that my legal rights to water access are clear or well defined.

301.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage?

I am aware that I have no right to cross private land without permission and that to do so may be trespass however there is no legal restriction to prevent canoeing on most rivers across Wales. Access and egress is usually made from a public access point however but in cases where private land must be crossed I believe that we can sensibly manage this without impact or confrontation. I am also aware that allowing my children to safely dip their feet into easily accessible and safe stretches of river could also be seen as trespass.

301.6. Would you like to see any changes to your legal rights?

Yes, I would like clear direction in what my rights as a kayaker, and that as a member of the public, are. I would like to know that I will not be confronted whilst enjoying the countryside. I would like to be ensured that on a hot day I can allow my children to enjoy the river environment without inviting aggravation from other users.

301.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Scottish Land reform act. I have firsthand experience kayaking in Scotland and believe it is a good and workable template for river access in Wales.

I am aware of European countries such as France, Austria and Slovenia where Angling and Canoeing co-exist whether it be by allocating timeslots for activities or concurrently.

301.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage?

Yes, however I believe that the agreements were more the result of dictated timeslots by Angling / landowner groups rather than being what I would call an agreement.

I have seen agreements as restrictive, unresponsive to local and current conditions such as high rainfall and altered to isolate particular usergroups such as canoeists.

301.9. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

I do not believe voluntary agreements work. If they had worked the situation in Wales would not be so tense as it currently is. I believe access agreements have been used as a tool to protect the status quo of the vested interests of minority groups.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed

Scotland has shown that responsible use of the river environment can be achieved. I would like to see the same law passed in Wales where responsible access is allowed to all.

There are many claims that kayakers have a negative environmental impact, pollute, disturb and degrade the environment. I believe that these claims have no basis and are used as sound bites to draw negative attention to kayakers. There is also a We pay they dont argument. I feel that as my taxes are supporting the EA and their work on the rivers, even to the point of subsidising angling that this is not the case. I am happy to pay for a waterways licence as part of my BCU membership that would allow me on these rivers, but I do not take anything from the river and do not require re-stocking of the river and effectively pass through without trace. I do not believe that kayaking and angling can be financially equated along the same terms.

I believe that everybody has the right to enjoy our rivers, just as everybody has the right to climb our mountains and to enjoy our coastline. Unfortunately rivers have been seen as the exclusive domain of the few which, in my mind, is an antiquated view that is no longer sustainable. The Scottish Land Reform act has shown that user groups can co-exist on rivers, as we do in other rural environments.

Developing a national code for responsible use, again something seen in Scotland. Navigable river levels agreed by EAW and WCA, published and easily visible at designated access points. For me being an end user this could be as simple as a red and green stick in the river. Red = Too low to paddle, Green = allowed to paddle.

The removal of misleading no canoeing signage unless it is erected with the consent of the EAW. I will happily not paddle a river if there is a real and lawful reason not to do so.

The promotion of equal and unbiased access to the river environment to everybody. At present I feel that it is an under-rated and closed resource in Wales. The unwelcome reception at a local level on rivers in Wales does nothing but damage tourism and promote bias and blinkered views of every user group on the river, whether it be Kayaker, Angler, Landowner or Swimmer.

I look forward to the day I can kayak on Welsh rivers without fear of abuse or damage to vehicles. I look forward to the day I can take my children, teach them new skills, show them the environment that all user groups rightly want to protect and enjoy but without being branded a criminal. I look forward to the day where I can co-exist in harmony and unity on the river with fellow users irrespective of the past-time we choose to partake in.

302. Dr Steven Penfield

I am a recreational water user who canoes and has fished in rivers in Wales. For canoeing I have predominantly used the Wye, which as you will know is now Wales' premier canoeing river. I think the committee should consider the strong economic case for relaxing restrictions on canoeing in Wales.

Wales has a number of rivers suitable for canoeing but it should be noted that most waterways in which canoeing access is currently allowed in Wales are tidal estuaries which can be dangerous and are not very suitable for canoeing. Current laws are restricting the economic development of canoeing in Wales resulting in lost jobs and opportunities for the community. Angler's associations regularly state figures of the estimated contribution of fishing to the local economy, but fail to understand that the full sustainable value of rivers will not be realised without the supervised development of recreational use.

Canoeing is capable of supporting a large and sustainable industry in Wales, including equipment retailers, touring/hire companies, training centres, vocational education, and the tourism industry as a whole with the ability to attract large numbers of extra visitors to Wales every year. I might visit Wales once a year to canoe the wye, but if other rivers were opened I might make 5 or 6 weekend trips per year. I will stay in hotels, visit pubs, restaurants and other shops and tourist attractions, pay for parking, during my stay. Recent experience with the relaxation of restrictions in Scotland has not shown significant financial repercussions for the fishing industry, so this added value in watersports is a win-win for the Welsh people.

In areas where canoeing is massively popular, such as southern France, there is no evidence that, with proper management, canoeing is unsustainable environmentally. Even the busiest canoeing rivers (Dordogne, Tarn, Ardeche) are shared with anglers, whilst earning millions of euros each year for the local economy. Such a contribution is possible in Wales, but the required investment will only follow the redefinition of access rights, which are ambiguous at present. In France local restrictions on canoeing outside the hours of 9am-6pm mean that anglers have the rivers to themselves during the times of the day at which fishing is most popular. I would propose the establishment of 'Canoe Trails' which publicise routes and restrictions in print and by signs on the bankside to control access and egress points. This will prevent trespass in accessing the rivers, and ensure familiarity with local restrictions. Such trails are commonplace throughout the EU, and monitored by National Park authorities in the same way as overland routes.

303. Elaine Meider

Q1 I am a user for waterborne recreation (kayaking and canoeing).

Q2 Yes, I am a member of the BCU and of the Upper Hamble Canoe Club, Hampshire

Q3 I use a range of water ways including the Llugwy, Dee, Conwy, Tryweryn, Glaslyn, Usk, Wye.

My understanding is that we may only access legally those rivers that are tidal, have ancient navigation rights, or that we have negotiated access agreements on. I would very much like to see these legal rights changed. I would like to be able to paddle and enjoy rivers as an open resource for all. I do clearly understand that if I had a river running through my land I might not want hundreds of kayakers using my land to picnic on, which is a different matter, but I don't believe that the actual waterway can belong to anybody – they are part of nature and are for all. In the same way public rights of way exist, and which land owners have to allow, I feel that access to rivers should exist too. Not carte blanche to go across peoples land, but it would definitely be a positive thing at popular access and egress points.

In my experience kayakers are very environmentally conscious, we go quietly about our enjoyment of the rivers, we leave no rubbish (in fact we do a lot to rid the rivers of rubbish we come across) and I don't feel that any land owner would have any reason to know we'd even been past their property. With numbers enjoying this sport growing I think access points should be improved. This will avoid any inadvertent damage to fences, gates etc. I think individually paddlers are careful to minimise this, but with large numbers over time I can see this happening. I know parking can become a frustration for local residents in certain areas. However, we do plan our river trips around this issue so as to minimise any impact on locals.

I think that as with all things in life, there will always be the odd one or two who act in a socially unacceptable way and ruin it for everybody else. However, I can say from experience that this is applicable for both paddlers and land owners. I have experienced some very unacceptable behaviour from land owners, who have displayed threatening and outrageous conduct. I was just passing quietly by on the river, and had they not come down to shout at our small group, we'd have been gone within a minute and we would not have impacted on them in any way. I have also had it demanded of me that I remove myself from a river. It is very difficult to know if the person talking to you has any authority to ask you to do this. Again, they were very resistant to entering in to a civil discussion and get irate before you can ascertain the facts. I also know through the grape vine of some of the problems farmers have experienced with the minority of paddlers.

With regards to voluntary access agreements I do see that these can be useful, but quite frankly don't seem to work in terms of gaining access. We have access to a very small percentage of water ways. We have an agreement on the River Dart in Devon to freely access the river for the majority of the winter and this works well so that all river users can enjoy their sport. However, this is one of the few rivers in the area and therefore easier to resolve issues such as parking, shuttle buses etc. Wales obviously has white water and is in more demand. If money was granted to land owners to mark out the way paddlers should egress or access a river this would reduce impact further. I'm thinking of situations where we perhaps egress over farmers land (with agreement). If all paddlers used the exact same route that was clear to see this may help. I'm not suggesting that farmers and land owners stick up loads of signs all over the place, but just perhaps one arrow pointing us in their preferred direction. This would minimise problems with livestock for example.

Part of my love of paddling sport is to see the wide variety of people and ages it gets to be active and involved. It is a sport that requires no power other than human, and therefore has a low environmental impact. I think it should be encouraged. We also bring tourism business to Wales, as we use accommodation, restaurants, cafes etc. Through the winter I am aware of bunk houses who rely on paddlers for their business.

304. Ian Patterson

I believe that the rivers belong to all, and with sensible activities and behaviour every one will be able to enjoy the rivers in harmony. Reasonable access is every persons rite. Education must play an important part in bringing about a shared environment. inconsiderate people do exist in all walks of life and must not be allowed to spoil the good relationship that must exist between all river users, weather they have a paddle in there hand or waders on there legs

Scotland is an excellent example of how reasonable access can and does work.

305. Bangor University Canoe Club

The primary interest of Bangor University Canoe Club in access to inland water is in our representing our recreational users; furthermore a significant number of our members are involved in degree programmes with outdoor education modules equipping them with skills in a variety of areas including kayaking and canoeing, and where appropriate related coaching techniques. Our use for waterborne recreation includes Kayaking, Rafting & Canoeing. Educational use is carried out externally of the club by subcontractors to the university and is currently limited to Kayaking and Canoeing.

Rivers which we use (either in their entirety or as sections thereof) include but are not limited to:

Afon Conwy, Afon Llugwy, Afon Ogwen, Afon Lledr, Afon Tryweryn, Afon Twrch, Afon Mawddach, Afon Gamlan, Afon Prysor, Afon Gain, Afon Colwyn, Afon Glaslyn, Afon Arddu, Nant Peris, Nantygwryd, Cwm Llan, Afon Wnion, Afon Dwyfor.

Currently we as a club are unhappy with the clarity of our legal rights; these rights as we understand them are that we are entitled to use any stretch of water, so long as we access and egress from either common land, a public right of way or private land to which the owner has consented to access; Further to this, we understand that during an emergency, we may access private land to which the owner has not consented to, solely for the purpose of preventing injury or saving life; after the incident has been resolved we must immediately leave by the quickest available method.

Whilst the club is satisfied with the rights it has under law we feel that some significant clarification of this position would be highly beneficial. If this were to come in the form of new legislation we would like to see a clearly defined right of access, rather than the current right which is based up on the exclusive nature of the law in which one has the right to do anything which is not yet prohibited or restricted in the law (and pursuant to the work of the Rev'd Douglas Caffyn we understand that there is no such legislation or statute); Integral to this we would like to see a responsible access code, which would govern all water users, which would hopefully stand to significantly decrease the amount of conflict which occurs between certain groups of users who see their interests being conflicting with and/or mutually exclusive to ours. An important part of this would be to create a neutral forum in which issues could be discussed in an adult and calm atmosphere; Furthermore, recognising that certain areas in Wales are environmentally sensitive, we would encourage the establishment of river gauges* (such as the one installed on the section of the Afon Glaslyn known as the aberglaslyn gorge.) to restrict paddling to levels which are environmentally sustainable as part of the access code.

The club would like to direct the Sustainability Committees attention to the Land Reform (Scotland) Act 2003 which we feel is of particular relevance as it shows exactly what can be achieved in an environment which has distinct legislative and cultural similarities with Wales; many of the recommendations above are based on the club and its individual members experience of this act in action.

The club has experience of operating under the terms of voluntary agreements, however currently we are aware of no access agreements relevant to the club; following Canoe Wales (Formerly: Welsh Canoe Association) withdrawing from various negotiations and agreements as unsustainable citing unreasonable and unilateral impositions by many of the other interests involved.

We are aware of the existence but not the terms of a number of private access agreements between some clubs, landowners and commercial interests.

It was our experience that when access agreements operated, they concentrated paddlers into a small number of “honeypot” rivers which placed both the river environment and the surrounding infrastructure under an undue amount of strain; furthermore with such large concentrations of people it becomes harder to effectively coach beginners something which is an essential part of the club’s commitment as part of the Athletic Union to provide access to paddlesports for all university students, staff and at the AU’s discretion members of the local community.

We would not seek to reintroduce access agreements and remain in agreement with the judgement of our national governing body, that access agreements are unsustainable, and an inappropriate long term solution. In many cases we would be surrendering a significant portion of the rights we currently have in order to gain a slight increase in convenience.

The two key issues in access to inland water as we see them are:

Conduct of persons involved; there are a staggering number of incidents in which people who have an interest in using the river environment in a particular way confront others in a manner which is frankly unacceptable to a civilised society; On occasion those confronted in this manner then respond with equal profanity, bravado and vitriol. This will only be solved by reducing the points over which users come into contact, something which would be best achieved by users coming together in a neutral environment and on an equal footing to discuss the issues they have with each other in a civil manner.

Environmental Sustainability; There has been quite a lot of inconclusive discussion of the potential environmental damage (specifically with regards to fisheries) by paddlesports water users; the last study carried out (see EA Report W266) concluded that such damage was highly unlikely, although there is continued disagreement. We feel that in order to best help allay the concerns of other interested parties the establishment of “paddle/don’t paddle” gauges to ensure a minimum amount of water is flowing for paddlesports use would be ideal. A combined consultation between suitably qualified environmental specialists and a panel of suitably informed paddlers (North Wales in particular has collected an assortment of some of the best and most highly regarded paddlesports enthusiasts and instructors worldwide as both residents and perennial visitors) to determine a minimum flow at which the river could be navigated. Upon the recommendation of this group a gauge could be calibrated for any rivers deemed sensitive and the local access forum (as suggested above) would then be able to monitor the situation, and if necessary pursue changes as appropriate.

306. Colin Chapman

I own a length of the Afon Teifi and the Afon Cych which border my fields. I fish the rivers, I'm a member of the Teifi Trout Association and I make my water available to the TTA. I'm a founder member of the Teifi Rivers Trust and I'm the coordinator for the Teifi Rivers Invertebrate Monitors – www.riverfly.co.uk. I rent out my cottage; anglers form the largest section of my customers.

I've owned a canoe for many years and thoroughly enjoy the sport, however unlike the militants I canoe legally, on tidal waters, on the sea or where access agreements are in place.

I've written to the Sustainability Committee on behalf of the members of the Ffynnon Taf Angling Club but this submission is my personal contribution to your inquiry into access to inland water in Wales.

During the purchase of my property one of my greatest concerns was that I had absolute title to the fishing rights. My fishing rights were estimated to have added a premium of £27k to the property; the rights apply to around a quarter of a mile of river. At the time of purchase I was assured that there were no established rights to navigate the Teifi unlike parts of the Wye where such rights exist. I was satisfied that I would be able to enjoy the excellent fishing which the Teifi offers without the interference or intrusion of water craft, an understanding protected in laws which have worked well for many years.

I'm aware of the changes to the laws of navigation on Scottish rivers but feel that no valid comparison can be made between these wide and remote rivers and the rivers in Wales which are far narrower and far more likely to become swamped due to their accessibility to major population centres.

Who will compensate the owners of fishing rights and related businesses if canoeists are allowed to wreck the fishing?

Why do canoeists expect to have free access to waters which they haven't bought?

I see no need to change the law which prohibits navigation on non tidal rivers of Wales but I would like to see the introduction of a registration system for water craft and licensing introduced for their owners so that the owners of illegally operated craft could be identified and prosecuted by a government agency in the same way as the owner of an unauthorised car which had been driven over the green of a golf course would be.

In the past canoeists had a voluntary agreement enabling them to use Teifi Trout Association waters in the close season - free of charge - for five and a half months between mid October to the end of March. Voluntary arrangements such as this generously gave access to the Teifi for nearly half of the year during which canoeists could enjoy their sport without ruining the sport for anglers. Recently activists have decided to ignore all previous voluntary arrangements and to confront owners and tenants of fishing rights, something which has made many local canoeists uncomfortable as it has upset the relationship between them and the local landowners. I would like to see winter access back in place but with a charge for businesses that are currently exploiting the amenity of the river without contributing to the well being of the river in any way.

Along with many of my friends I would like to see the National Assembly for Wales acting on behalf of anglers, these are the people who represent the largest sector of river users in Assembly Members' constituencies. Allowing water craft to have access to our rivers in the fishing season will destroy the nature of the river and the sport which anglers pay to quietly enjoy.

I am particularly concerned about the impact which increased access by watercraft will have both on my angling based business and the membership of fishing clubs.

As a land owner I would like to have the ability to identify the canoeists who are using my water illegally, a requirement which is not currently met by canoeists but one which is compulsory for anglers who are required to carry identity and a fishing licence. On behalf of landowners I would also like to bring the unethical activity of the commercial operators on the Teifi into the discussion. Last summer my family and I had to ask large groups of canoeists led by Llandysul Paddlers to leave our field. On the first occasion they ignored the request to leave made by my children, my wife had to leave the house to tell them to leave, on the second occasion while walking the field with friends and family I had to ask another group led by Llandysul Paddlers to leave. This business has used our land as a picnic spot for their clients without any permission being sought or any payment being offered. Behaviour like this typifies the irresponsible attitude towards property which is spoiling the amenity which landowners, tenants and anglers have paid for.

Apart from the nuisance caused by rogue businesses I've also had to put up with the rudeness from independent canoeists who, for one example, have sworn at me in front of visitors when I've asked them to leave my land. Their anonymity and ability to take to the river make resolving these incidents impossible. Increased canoeing will certainly increase this kind of problem.

Canoeists have plenty of places where they can enjoy their sport, they have free access to the tidal reaches of rivers, access to many reservoirs and lakes, free access to the sea and many voluntary agreements allowing them access to rivers in winter. Why this sudden desire to cause conflict has arisen is very difficult to understand unless it is being driven purely by commercial interests who intend to capitalise on our rivers at the expense of anglers and the character of the waters.

I hope the committee will listen to the voice of protest which is slowly rising from the anglers in Wales and beyond. Many of us look on proposals to open our inland waters to navigation throughout the year with nothing short of horror. Rivers in Wales are sacred to anglers and the prospect that members of a Welsh Assembly would allow these rivers to become the playground for crowds of people is nothing short of sacrilege. For every visitor that comes into Wales to play on a boat Wales will lose two visiting anglers but more importantly the rivers of Wales will lose that indefinable quality of wildness which is such a special aspect of our land.

307. Alan Tomsett

307.1. What is your interest in the issue of access to inland waterways?

Canoe user

307.2. Are you a member of an organisation related to your use of water?

Yes, British Canoe Union

307.3. Which stretch/es of water do you use?

No welsh rivers this year, as we have only just started canoeing. But we would hope to try some next year

307.4. Are you happy that your legal rights are clear and well defined?

No

307.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

I think that I have a legal right to paddle 4% of all English and Welsh rivers. The issue of the remaining 96% is confusing at best.

Will I be prosecuted? maybe not. Will I be challenged and verbally abused? most likely

307.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

I believe that all waterways users should have the same rights of access. Fishermen, paddlers, walkers.. If one group, in this case fisherman, are deemed responsible enough to be allowed access, why should others be denied?

307.7. Are you aware of any legislation that existis in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill

307.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

No

307.9. Would you like to see any changes to the voluntary agreements?

Yes.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

As our appreciation of our lands natural beauty grows as a nation, it seems odd to deny it enjoyment to so many people, whilst actively supporting it's use with other groups.

I believe that government must take heed of the public wishes, and clarify access rights to all, as the only fair way to proceed. The Scottish land reform bill seems to be working ok. and i believe that it will

continue to do so, as groups realise that they have no conflicts of interests, and can both happily use the resources together.

308. Geoff Hemus

I have considerable experience in fishing the river Wye for over 35 years, the last 20 of which I have owned 1.75 miles of the river between Hay & Hereford. Increasingly, over the last few years, canoe disturbance to the river has become intolerable. In only one day my Gilly counted 128 canoes coming through our fishing and we had to abandon the day.

Some Canoeists are polite, but in my experience the majority are often foul-mouthed, swearing at us on the bank, drunk on Stag Weekends or on School Trips. We have also had Canoeists urinate on the banks in front of us when there were ladies and small children in our party. Generally I have found their behaviour to be offensive.

Their rights are to pass through quickly and quietly and not disembark as dozens of them seem to do frequently. The Hire company does not inform them of their legal obligations. The Wye is an SSSI and should be managed as such. My point being that, if anything, Canoe pressure should be drastically reduced on this SSSI.

309. David Evans

What is my interest in the issue

Personal and professional. I am a keen recreational kayaker and have been for over 40 years. Professionally I have worked in the outdoors for over 30 years introducing young people and adults to a wide range of water and land based outdoor activities. Until recently I managed a local authority owned Outdoor Education centre in North Wales (for 10 years). I am now employed as an Outdoor Education Adviser for a consortium of four local authorities in South Wales.

Am I a member of an organisation related to my use of water.

I am a member of Canoe Wales (WCA), Chairman of the Outdoor Education Advisers Panel, Wales (representing every Local Authority in Wales) and a member of the Association of Heads of Outdoor Education Centres.

Which stretch/es of water do I use / legal rights

I paddle on canals, lakes, flat water and moving water rivers throughout the country, and on the tidal estuaries and open sea around Wales. I am not happy that my legal rights are clear and well defined.

My understanding is that currently, riparian owners who own the river banks and fishing rights can and do refuse access both across their land, and on the water which passes over their land.

On tidal waters I understand that I have a right to paddle unhindered.

I would like to see access for all water users with an agreed code of conduct to ensure that no one group can stop sensible access for others. In Scotland the law allows this.

In other countries there is no conflict between water users and in Europe and North America different water activities co exist without conflict. Access to water should be treated as a national resource. Right to roam legislation should be extended to water as well as to open country. The introduction of the right to roam legislation has not resulted in major problems on the hills as predicted by the landowners lobby, and I'm sure that similar legislation for access to water would be just as successful.

Voluntary agreements.

Unfortunately voluntary agreements do not work. There is little incentive on the part of riparian owners to allow access to water whilst they can generate income from angling interests.

However reasonable canoeists have been there is a long history of failed voluntary access agreements.

In reality why should one group forbid others to use one of our countries finest resources.

Why should someone own the water that flows into, through and out of their land. What happens to it once it has passed by? Its not theirs.

Key issues.

The inland waters of Wales are some of our finest national resources. They should be freely accessible for all compatible recreational use.

We live in a society where obesity and lack of exercise are leading to increasing social and medical problems. Improved access to good quality recreational activities is vital.

From an educational standpoint, adventurous activities are now a statutory part of the National curriculum. Poor or inadequate access to much of our inland water seriously restricts opportunities for young people to be introduced to activities such as canoeing and kayaking. Whilst working in North Wales I was frustrated that many otherwise ideal stretches of navigable river such as the lower Glaslyn river were forbidden to canoeists, forcing most of the outdoor centres in the area to travel long distances to Llyn Padarn, the only free and easily accessible stretch of water suitable for novice paddlers.

Unlike team games which are often not pursued after leaving school, canoeing and kayaking can and are lifelong activities which can be pursued as an individual or by small groups or families. I know recreational paddlers who are still paddling into their 70s.

This enquiry is a perfect opportunity to sweep away anachronistic legislation which restricts access to some of our countries finest natural resources to a selfish few. In other countries there is no conflict between anglers and canoeists / kayakers, and no legal bar to all legitimate use of rivers and lakes.

I hope you will take this opportunity to ensure fair access for all.

310. Chris Bolton

310.1. What is your interest in the issue of access to inland waterways

Waterborne recreation (particularly canoeing and kayaking) -but I seek fair use for all sports (including angling, even though I have objections to it as a sport).

310.2. Are you a member of an organisation related to your use of water?

Yes

If yes, which organisation/s?

British Canoe Union / Canoe England

310.3. Which stretch/es of water do you own/use/manage?

Own: None. I'm not sure that it's possible to own water, (as distinct from the right to use it for a defined purpose)

Use: Any, except where there are reasons not to, such as environmental reasons, clear legal reasons, or threats of violence and intimidation (see later discussion).

310.4. Are you happy that your legal rights are clear and well defined?

No

310.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

I believe that the Magna Carta, common law and (at least for which rivers flow through Wales and England, the Congress of Vienna) allows a right of passage along many rivers. Interpretations of the law published in the last two centuries, which may well be unfounded, have given the impression that this right may not exist. These interpretations were individual opinions, not case law, but have resulted in a belief that other rights (such as fishing rights) are de facto ownership and include the right to exclude other activity. See submission by the Rev. Douglas Caffyn.

310.6. Would you like to see any changes to your legal rights?

Yes

If yes, what changes would you like to see?

I would like to see the same rights as in Scotland

310.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

The Scottish Land Reform Act is a brilliant piece of legislation which allows fair and reasonable use of natural national heritage, while protecting the rights of individuals to the privacy of their homes, and those who earn a living from the land. It make provision for resolution of conflict between different users.

There are similar rights in Scandinavia. These are generally equivalent to "common law" but were formally include in legislation in Sweden in 1994 as the Allemansrätt.

310.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

Very limited.

If yes, please briefly outline the agreements that exist and your experience of how they operate.

Almost all the access agreements I have experience of have been extremely limited, and have served only squeeze canoes and kayaks into a few rivers on a few dates, resulting in overcrowding -such as used to occur on the Dee/Dyfrdwy at Llangollen. They have been difficult to enforce, for the reasons discussed below.

I have some experience of “de facto” agreements, such as used to exist on rivers round Manchester, when the water was too polluted for game fish. There were no formal access agreements, but there were no objections to canoeing. On the Mersey, one of the “voluntary agreements” claimed as a success by the Environment Agency has replaced such a de facto agreement, ie, there has been no net benefit to canoeists.

Agreements are equivalent to contracts. Firstly, for a valid contract, there needs to be some “consideration” or valuable quantity, which is exchanged. Given the lack of clarity regarding the right of access, the agreements attempted to date have been one sided. Secondly, a contract is only binding on those who are party to it, and there is currently no mechanism by which canoeists in general can be bound into a voluntary contract.

310.9. Would you like to see any changes to the voluntary agreements? If yes, what changes would you like to see?

If the legal situation in Scotland were replicated in Wales, there would be scope (under the Code of Conduct which is part of that legislation) for mutually beneficial agreements between different sports. This might cover, for example, an agreement not to canoe when an angling competition was in progress, in exchange for not fishing during a canoe competition.

310.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

The key issue is the current lack of clarity and the differing perception of rights. I would like to see them addressed in the same way they have been in Scotland.

The belief among some people that specific rights such as the right to fish are effectively equivalent to ownership can lead to those people using threats, intimidation and sometime actual violence to enforce what they believe to be their rights. Although only a minority of people behave in this way, I do not enjoy conflict, and having encountered such behaviour while canoeing in Wales (and England), I have tended to go elsewhere to canoe, such as Scotland, France, or on the sea.

Many canoeists have taken the view that they believe they have a right of access and will take it. I have not done so as I don't want my recreation time to be stressed by the possibility of conflict, and I think the same may apply to many youth groups and families. The genie, however, is out of the bottle, and it will be very difficult to go back to the situation 10 years ago when a majority of canoeists (although not all) accepted constraints into limited areas and times.

Before the passage of the (Scottish) Land Reform Act, the situation in Scotland was similar to that in England and Wales. It is remarkable that since the Act came into force, and the right of passage became clear, such conflict has disappeared. It is almost as if, once people realised they did not have the right to exclude other users, their presence ceased to be an annoyance.

On the other hand, canoeists have now become accustomed to attempts to restrict their access, often on spurious environmental grounds. As a result, some are unable to identify genuine environmental concerns and take the view "they can't stop me paddling". If a general right of access existed, and genuinely environmentally sensitive times/areas were identified, I believe canoeists and kayaks would respect them.

Another difficulty is the question of payment. I am happy to pay for services provided, and in fact make a point of using and paying for local facilities such as car parks. There is a view that anglers pay for the right to fish so canoeists should pay for the right to canoe. In fact, the anglers pay to support the fisheries, which is also subsidised (to a greater amount) by taxes. Most canoeists and kayakers pay tax, and are in effect paying for the fisheries -while canoeists only seek to use the natural river. Facilities such as portages for weirs are useful, but are only needed because the natural river has been changed. I would be prepared to pay for provision of access down the bank to the water where natural access is either not available or is liable to cause environmental damage.

311. Moya Neale

I am a kayaker, on rivers/lakes, a member of Aberkayakers based in Aberystwyth. I am responding as an individual who has been informed of the legal issues/rights but does not remember the detail!

I go kayaking with a group, on local rivers (Ystwyth, Rheidol), on the Teifi around Llandysul, and, occasionally, on trips a little further afield eg the Wye from Rhayader to Beulah, the Clywedog.

I believe we have always accessed a river via public land, that the club has been engaged in negotiation with landowners, but I do not know whether anything came from this.

I am aware that kayakers are frequently not welcomed by the fishing community, that some landowners do not permit access to water.

My understanding is that we can only access water where the landowner has given us permission to cross land.

I am not entirely clear who 'owns' the water.

I would like to have the right to access to water (without of course causing any damage).

I would like it to be accepted that kayakers have as much right to be on the water as other water users.

I see no reason kayakers and the fishing community cannot both enjoy the water, giving consideration to each other.

I would be happy to pay a (reasonable) licence fee for the right to use the rivers/lakes.

Key issues for me: that we all have a right to the water; that we should have a right to access across land without causing damage; that we are all responsible for maintaining the health of water/banks etc.

312. Katie Fisher

Please find attached my responses to the Access to Inland Waterways Inquiry questions. Please find attached two pieces of Course Work that I have undertaken as part of my Masters in Environmental Management for Conservation and Recreation. They focus on the River Access Debate and Visitor Management for White Water Kayaking. Aspects may be useful for the consultation.

312.1. What is your interest in the issue of access to inland waterways?

Recreational user for waterborne recreation – Kayaking, Swimming, Gorge Walking.

Masters student in Environmental Management for Conservation and Recreation, with an interest in white water kayaking management.

312.2. Are you a member of an organization related to your use of water?

WCA

312.3. Which stretch/es of water do you own/use/manage?

Predominantly use the River Ystwyth, Mid-Wales Ceredigion

312.4. Are you happy that your legal rights are clear and well defined?

No. The river is in multiple ownerships; with ownership falling between private and public bodies, such as the Forestry Commission, University of Aberystwyth through IBERS, the Crown (common land sections) and multiple farmers. Sections of the river are leased/owned by Anglers. Some sections are managed by CCW as they fall under a SSSI. The EA in conjunction with CCW and other partners are working collaboratively on the whole river to manage invasive plant species. Sections of the river are being managed by the EA in response to Metal Mine pollution. There is an ongoing community led scheme in the upper sections of the river around Cwmystwyth to investigate small scale hydro generation. This makes legal access to the river unclear as some organisation such as the EA, CCW and the Forestry and presumably the University would promote recreational use of the river, however there is no clear guidance. The tacit agreement in place could be revoked at any time.

312.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage.

No legal right to use the river above the tidal range.

312.6. Would you like to see any changes to your legal rights?

Yes

If yes, what changes would you like to see?

There should be a legal right to access all waterways for non-motorised recreation. However this should be done in a sustainable, considerate and pragmatic way. Therefore a presumption in favour of access, with access only denied as an exception rather than the rule. This would enable access agreements to be made on a level footing with existing recreational users and landowners. With legal access should come strong management plans to ensure sustainable and responsible usage of the resource. For example, if a gorge section of a river is of incredibly high natural value and would be damaged by kayaking it in low waters, a spate management plan should be sought. Or if a river is such that numerous activities would clash, whether this is due to space or incompatible experiences i.e. noise levels, then temporal and spatial zoning should be considered. If resources of equivalent

experiential value are locating in close proximity spatial zoning may be appropriate. Education through coaching frameworks would also be required.

312.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Sue Williams (CCW, 2007*) research is a comprehensive summary of access agreements I am aware of all of which have merits that are worth considering. As previously suggested a mixture of approaches is required as a blanket approach to management is unsustainable. Legal rights would enable sustainable management of access to be fully addressed. A similar system to that in Scotland would be suitable.

* Williams, S. (2007) Managing Recreation on Inland Waters in Wales: A review of Approaches. Report No. 07/04 Countryside and community Research Unit, University of Gloucester. CCW Policy Research.

312.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage. If yes, please briefly outline the agreements that exist and your experience of how they operate.

There is no voluntary access agreement. However there seems to be an unspoken agreement or perhaps ignorance agreement which allows activities to occur without issue on the Ystwyth River. Whilst kayaking the river we frequently pass anglers without issue, and many sections of the river are renowned for swimming in the summer months with the local families. Whilst swimming in the river as a teenager there were never any problems. Footpaths, cycleways and bridleways along the majority of the rivers lengths make it accessible to multiple users.

312.9. Would you like to see any changes to the voluntary agreements? If yes, what changes would you like to see?

Not Applicable

312.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

See Sue Williams paper noted above.

The traffic light system of access as used by the BMC: British Mountaineering Council* would be very useful as a way of disseminating information regarding the status of access of any particular river. This system takes into account things like natural sensitivities, land owner issues, safety concerns etc. The accessibility of this system to recreationalists means they can plan their trip prior to leaving the house, therefore reducing the likelihood of them turning up to a 'closed' site, which may have resulted in them breaching the access agreement as part of a 'well we're here now' attitude.

*BMC: British Mountaineering Council (n.d.) Regional Access Database. www.thebmc.co.uk accessed 09-02-09

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

There are multiple issues for recreational access to inland water in Wales. However the primary issues stem from the fact that there is no legal access to all waterways. Whilst there is no legal access to waterways, recreational usage will continue irrespectively. This often means that there are no measures in place to ensure that the environment and existing users and owners are considered. There are a wealth of recreational management techniques available, however whilst an activity is

deemed 'illegal' many of the techniques are nullified, because implementing them would be seen as condoning an illegal activity. For instance, if CCW wanted to erect signs asking kayakers not to hang around a particular area due to breeding birds, this could be seen as them endorsing kayaking if CCW were not the land/rights holders and no access agreement were in place.

Another major issue is the dynamic nature of activities such as kayaking, whereby a long stretch of river is required. In areas under multiple ownerships the number of stakeholders involved is beyond the remit of a local club or individual to engage and reach agreements with; would a tourist on a weekend's holiday be able to do this when the EA couldn't manage it on the River Wear in Durham? Especially, when just one stakeholder with perhaps as little as 1m bank ownership could jeopardise the entire agreement. With more static activities such as slalom courses, play waves, river swimming etc it is more feasible to reach a voluntary agreement (although only worthwhile if legally binding over the long term) or purchase the land. However this would only cater for a subsection of river users.

The uncertainty of legal rights that currently exists leads to confusion that either dissuades people for using the river or compels/allows them to use it irrespective of the consequences. The potential tourism income that could be gained by advertising Wales as a water sports haven would be massive, if all the resources were fully utilised and responsibly managed. The water ways of Wales provide an opportunity for multiple organisations to reach their objectives with respect to healthy, active lifestyles with an appreciation of the environment.

In conclusion the issue is a lack of legal access to the waterways in Wales for non-motorised recreation. This should be resolved through passing similar legislation to Scotland, with rights and responsibilities. However I feel that commercial users of the river i.e. river tours/rafting should be made to pay for the resource in some way. Whether it be that their facilities are accessible to the general public or they pay land owners a fee. It just seems unfair that other people are profiting from a resource on their land.

Further information submitted

- A) **An Appraisal of the Government's Policy Response to the Pressure for Recreational Access to Inland Waters, Notably Canoeing Access for Rivers in England and Wales.**
- B) **Visitor Management on the Afon Mawddach Catchment Study Area (AMCSA)**

313. Owen Struthers

313.1. What is your interest in the issue of access to inland waterways

- User for waterborne recreation (e.g. canoeing, rowing etc)
- Other (wild swimming)

313.2. Are you a member of an organisation related to your use of water?

Canoe Wales (Welsh Canoe Association) and local club

313.3. Which stretch/es of water do you own/use/manage?

Various stretches of water in Wales/Western England – including more regular trips on the Usk, Wye, Twyi, Tawe, Taff, Irfon, Teifi, Twrch, Rhondda, Dee, Doethie, Conwy, Ogwen, Tryweryn, Glaslyn, Llugwy, Mawddach

Legal rights

I have the right to access the sea and any tidal stretches of water and those that have a long established 'navigation' such as the wye. As a member of the WCA I also have access to canals.

As I understand the legal framework, the land either side of the river is owned by a person, upon which the riverbed is owned until the central point. Landowners may 'sell' the right of access and right to fish or carry out other activities on the land from these banks into the river. This right of access should therefore respond to the central point of land ownership.

The passage of water over the land is controlled by the water resources act, which does not establish ownership rights. Ownership of the water therefore can only occur if the water does not pass from your land. If this situation does not exist then I am committing the civil offence of trespass, rather than criminal offence, and under this we can only be asked to leave by the quickest route. This route will often be past the central line of the river, or down the river, although clubs may acquire the rights on both banks the land ownership maybe different, and unless they have the permission to act on their behalf I am unsure of their ability to enforce this action).

I require permission to cross land to access rivers at access and egress points, unless that route is a designated PROW or on various CROW Lands, and I abide by the rules of these statutes.

In this complex situation numerous examples exist of confrontation by people who have the right to fish from land proclaiming that they own the land. Argument over damaging the eco system, although the ecological argument of the report, "Effects of Canoeing on Fish Stocks and Angling' Technical Report W266" would establish that spawning beds are not damaged.

Issues over the effect and right to canoe are complex and i would wish to see clarification as to navigation rights on watercourses. From my understanding France, Scotland and Scandinavia provide examples of appropriate legislation with regard to water access.

Voluntary agreements

I have paddled on a river that has a voluntary agreement. I also worked with the establishment of voluntary agreements on land, whereby it is often appears as a 'tread carefully' approach to ensure that the agreement happens to any extent. This in the case of waterways has produced little access to the number of watercourses and to establish a complete system would be complex and overtly costly. I would example the 'Discovering Lost Ways' pilot in the use of existing legislation to re-establish

PROW, which although different highlights the potential problems without establishing new legislation.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Ecology/biodiversity

The riparian habitat has come under increasing attention as a key resource, with the Water Framework Directive providing an effective holistic scheme of protection and enhancement to the system. Indeed the common quoted Part 1, section 2, subsection 4 of the 1975 Salmon and Freshwater Fisheries Act which states that any person "who wilfully disturbs any spawn or spawning fish, or any bed bank or shallow on which spawning fish may be" is guilty of an offence.

The impact of access to waterways has shown little effect on the system to date. The need to protect the system is a key consideration in passing new legislation and the level of access provided, however data exists for the majority of watercourses, with the above mentioned framework identifying specific river requirements. In that instance opportunities exist for education to protect the system.

Riverside/bankside access

Ownership and trespass over land adjacent to rivers should remain, whereby access is gained from land adjacent to a PROW or other rights of access. In this situation the Local (and highway) authority in conjunction with other statute bodies could provide a resource for access. In consideration of the effort required, and expansion of the of Local Access Forums and the ROWIP for example could provide a means for local areas to address this area. I note Cardiff Councils recent invitation to a canoe representative to the forum.

Management

As detailed above the LAF provides a means of expressing local needs, and potentially a starting example for localised management. Although the LAF is strategic the relevant partners are present, with particular local authority officers.

Payment

The issue of payment and what fishermen pay for is often confused, with both sides failing to understand what the payment accounts to. The EA in issuing a licence receives money, the landowner often receives money, either direct or through the lease of the land to the local club. Local fishing clubs receive money to fish controlled banks, although this is often used as a payment to the landowner. I understand this situation to be correct, although the removal or catch and release of fish provides a different perspective.

The EA publishes the revenue spend of the Rod Licence, which is utilised to increase stock numbers, improve fish passes etc, these works can often be undertaken in association with local clubs who will also carry out additional works, bankside clearance, access points and fishing posts.

The EA is however also, in undertaking its duty to promote water access, to increase facilities at controlled sites, Hurley Weir for example, with other examples, such as Symonds Yat. I personally would not object to a 'fee' to be payable, with as the rod licence utilised to improve facilities.

I am not aware of the percentage cost of rod licences and the amount of work undertaken by the EA, however the works they undertake are not solely for the fishermen, with identification under the

Water Framework Directive and as a ecological enhancement. I am fully supportive of works undertaken by local clubs, who as I do respect and care for the environment.

Information

Conclusion

I am in agreement with the Petitions Committee's short inquiry into Access Along Inland Water, which has clearly highlighted the issues present and their recommendation that the Land Reform (Scotland) Act 2003 provides a useful basis from which a Welsh model of legislation could be developed and assist in the delivery of

Wales; a better Country

A Winning Wales

Achieving our Potential – The National Tourism Strategy for Wales

Wales: A Better Country

A Winning Wales – The National Economic Development Strategy

Creative Future: Cymru Greadigol – A Culture Strategy for Wales

Climbing Higher – A Strategy for Sport and Active Recreation in Wales

Catching the wave – a watersports tourism strategy for Wales

314. Gerallt Griffith.

I am an Angler and a committee member of Dolgellau Angling Association who have fishing rights on the Mawddach and its tributary the Wnion.

Have the members of the committee that put forward this enquiry not thought about the possible environmental and economic damage that could be caused by unrestricted access to Welsh rivers and lakes? Many rivers have parts that are an SSSI or marine SACs.

On the Mawddach there is a colony of freshwater mussels, canoes/kayakers use this section as an access point and nothing is done to stop them trampling the river bed; salmon and sea trout also spawn there.

Another access point is advertised on a paddling website on important spawning grounds for salmon and sea trout on the Wnion.

There is also a species of rare moss growing in the Ganllwyd area on the banks of a small tributary of the Mawddach. The tributary is only a couple of metres wide yet it has a guide on how to paddle it on the Internet!

It will not only be canoeists, kayakers and rafters on the rivers, children in rubber dingys and home made rafts will have equal rights and I dread to think how many fatalities will be caused this way.

Under the CRoW act 2000 you cannot use open access land to run a business if you do not own it, the same should apply to our lakes and rivers if access is granted.

Paddlers should be licensed and have clear means of identification.

I feel that WAG want to turn the tranquil Welsh countryside into a theme park for urban dwellers from other parts of the UK, who arrive in the morning and leave at night, not spending much, only using the facilities for free whilst others have to pay and abide by rules that are punishable if broken by fines imposed in a court of law.

It seems that anarchy and contempt for the present laws of navigation on Welsh rivers has the backing of some Assembly Members! They must remember that it was the Welsh electorate that put them in office and not the ones calling for unrestricted access from across the border.

315. E.Rimmer

Access:

Presumably, most people requiring boating access would not carry their boats from home to water- they would have to use vehicles, trailers etc. With existing fishing interests there is an existing problem with vehicular access. If someone using a boat on the river accesses at one point and then goes downstream, they would then require another vehicle to pick them up at the point where they come out of the river.

315.1. What is your interest in the issue of access to Inland waterways

- Land owner: yes and Riparian owner
- Fishing: yes

315.2. Are you a member of an organisation related to your use of water?

Yes

If yes, which organisation/s?

Llandovery Angling Association

315.3. Which stretch/es of water do you own/use/manage?

- I own a half mile stretch of the river Dulais.
- I am also a member of Llandovery Angling Association
- I am also a volunteer for the Carmarthenshire Rivers Trust

315.4. Are you happy that your legal rights are clear and well defined?

No

315.5. Can you briefly outline your understanding of your legal rights over the stretch of water/ s that you own/use/manage

I understand that permission is required from the: owners/Lessees of a river and its access points for access

315.6. Would you like to see any changes to your legal rights?

No

315.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes, Scotland where there are specific conditions for access, and rivers are wider and deeper

315.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

No

315.9. Would you like to see any changes to the voluntary agreements?

315.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Assuming that the main purpose of this consultation is to address the petition re access for boating of various kinds on Welsh rivers, key issues in my opinion would be: Fishing: Most if not all rivers and access are property owned by individuals or clubs who either pay for or manage using volunteers to establish or improve habitat for wildlife. If legislation was imposed to provide ad hoc access for boating this would seriously affect the habitat being striven for and would devalue individual and angling associations property and their income from tourism which countrywide is considerable. I am also sure that anglers would then not want to pay the Environment Agency for an annual license when other users would pay nothing and have no responsibility towards the river environment, nor would there be any means of policing any irresponsibility.(The Environment Agency employ the absolute minimum of Bailiffs because they contend that all their controls on rivers(poaching etc) are intelligence driven).This is based on the good relationship between anglers and the Agency. Any imposed legislation could damage this relationship.

316. Anthony Collins

316.1. What is your interest in the issue of access to inland waterways?

Fishing

316.2. Are you a member of an organisation related to your use of water?

I am the secretary of The Midland Flyfishers Ltd, a club comprising approximately 75 Salmon and Trout Fisherman.

316.3. Which stretch/es of water do you own/use/manage?

Three miles of fishing on the River Dee at Glyndyfrdwy, and similar mileage on the Wye at Glasbury.

Legal rights

The club owns the freehold to the fishing on the Dee and a twenty year lease to the fishing on the Wye. Legal access to both rivers has also been acquired and all rights are clearly defined and documented.

We do not wish to see any changes to the rights which have been paid for by the club.

Voluntary agreements

Voluntary agreements have been in place in the past but regrettably these have broken down and I refer you to the response by Michael Stirk who as Vice-Chairman of the Welsh Dee Fishery Association was involved in talks with Canoe Wales formerly called Welsh Canoe Association.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

The key issues are as follows;

- 1 The legal rights as to undisturbed fishing and access to the rivers have been paid for by the members
- 2 The club pays rent for the Wye fishing and maintains the access points to both rivers at its own cost.
- 3 All fisherman pay for a licence to fish in addition to their club membership.
- 4 Considerable sums of money are spend on river maintenance and stocking the rivers.
- 5 The preservation of the salmon species is closely monitored, adhered to and respected by members of the club and there are serious worries as to the use of the rivers by canoeists no matter how well intentioned which may damage the salmons environment particularly during spawning.

317. Craig Pritchard

317.1. What is your interest in the issue of access to inland waterways

I have been a recreational kayaker (Canoeist) since the age of fourteen (now 13 years in total). I also for eight years as a student worked part time at a canoe and activity centre in Monmouth and for the last three of these years held qualifications as a coach. I continue to kayak and teach others informally within my local club.

317.2. Are you a member of an organisation related to your use of water?

Yes I am a paid member of the Welsh canoe association. I have been a member of Monmouth canoe club for thirteen years, serving for a few years as a committee member and for twelve months as activities organiser. I have also been previously a member of Wyedean canoe club (Based just within England but regularly uses Welsh rivers) and have worked for Monmouth Canoe and Activity Centre- mainly land based but did do some paid on the water coaching as well.

317.3. Which stretch/es of water do you own/use/manage?

Primarily in the summer I use the river Wye up and down stream of Monmouth for general use as well as a set of Rapids at Symonds Yat for basic Whitewater training. I have also made occasional summers trips to the Tryweryn (the Welsh Canoe Associations site) and to a privately owned Slalom site on the Dee.

In the Winter months I have done trips on the Monnow, Ogmore, Rhondda, Mellte, Nedd Fechan, Tawe, Tywi, Irfon, Elan, Clywedog and the Nant Clydach. However the Usk and the upper Wye have been my most frequent winter venues and I have also Kayaked on the River Dart (south west England) on roughly a dozen occasions.

I have also Canoeed the liffy in Ireland on three separate weekend breaks.

317.4. Are you happy that your legal rights are clear and well defined?

No, not at all.

317.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

My current understanding is that as long as we are accessing/egressing water at public places or with relevant permission of the owner of these places there is nothing written in law to prevent use from canoeing stretches of river in between unless there is a specific environmental reason and relevant instruction from the environment agency not to canoe. However I also understand that the old Navigation rights that created this situation have been misunderstood and eroded and the right to canoe isn't written in law leading to the situation where some land owners and Fishermen have the strongly held belief that they now control the Navigation rights and the ability to grant or deny permission to Canoeists. In fact when I started canoeing this was the dominate side of the argument which why for several years my Canoeing was limited to a small number of rivers with either established access or access agreements (i.e Usk, Wye and Dart). Even now within my local club many members are very confused and intimidated about the situation making "club" trips limited to the very few rivers or stretches where we know we won't receive objection to our presence.

317.6. Would you like to see any changes to your legal rights?

Yes

If yes, what changes would you like to see?

I would like my Legal rights clarified to a legal recognition of the right to Canoe along Navigable Rivers when there are no environmental reasons or conditions on the day to prevent this. Canoeing in fact has very little effect which is proven by Environment Agency research in the 'Effects of Canoeing on Fish Stocks and Angling' W266 report published in 1999. However I believe this right should go hand in hand with a code of conduct to limit interference with others uses but that no user group should be barred in favour of another unless there is a temporary specific reason for this (ie organised fishing match/canoe slalom). I also believe that in a fair society other user groups should have similar rights recognised and codes of conduct in place i.e. swimmers and walkers etc. I believe bank access should also be allowed when suitable (obviously not peoples gardens or where environmental issues are present). I believe a recognised right of access along rivers would enable users to organise access/Egress points. I would also welcome more education for the Environment Agency.

317.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

I believe the Scottish land reform act formed a excellent basis for legislation in Wales.

317.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

Under access agreements I have canoed on the Usk, upper Wye, Dart (in England), Ogmore, Tawe, Nedd fehan, mellte and Clywedog. This list is the majority of rivers with white water within a two and half hours drive that have had any sort of access agreement throughout my time canoeing. These agreements worked by allowing Canoeing during (or limiting to) the closed fishing season. Two did allow flood access in the summer at levels suited for advanced canoeists only. While allowing access during the closed fishing season (five months of the winter) seems like a fair balance with the angling fraternity and while I am grateful to those who have tried to make agreements worked quite simply they haven't worked. The primary problems are protectionism and lack of proliferation of these agreements. Virtually all of these agreements implied or actually stated there continuation depended on canoeists not using much larger mileages of tributary or upper rivers within the same river group. This seemed to be based purely on protection of sole fishing use rather than environmental issues. In terms of proliferation of agreements traditional the attitude of owners on other rivers seems to be that "canoeists already have an agreement on on such and such river so don't need on ours". Overall the limited numbers of agreements have never matched with the two main elements of canoeing- exploration and fresh challenge- both under agreements were for the sport of canoeing seriously and detrimentally limited by the lack of new stretches to explore or new rapids to run. This has happened when south Wales alone has more than enough challenging and beautiful rivers to support our sport alongside other user groups.

317.9. Would you like to see any changes to the voluntary agreements?

If yes, what changes would you like to see?

It is time to accept they don't work and have never provided anywhere near enough access and with the growth of the numbers of people Canoeing won't in the future. I am aware that many fishing are now proclaiming Agreements as the way forward. I believe this is due only to the threat of legislation and would soon disappear if this inquiry removes this. In fact it is recorded in the book "British White

Water” by terry Storry 1991 that in “1982 a statement of Intent was jointly issued by the national Federation of Anglers, the Water Space Amenity Commision and the BCU” that “the broad aim should be to work actively towards and ultimately achieve a situation where canoeist can paddle all waters suitable for canoeing without challenge” then “Over four years later, in January 1987, the BCU admitted that the Anglers had not yet responded positively to the statement of intent” Quite simply it never happened twenty years later canoeist still only had about 2% limited access and without government involvement this situation will continue.

317.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Not of voluntary agreements although I believe some European countries have government enforced time time share arrangements.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Access agreements don't and won't work and have lead to a situation of there being nowhere near enough established access and confusion on the situation. There is a huge need for clarification of the law and education which can only be achieved and enabled though fresh legislation.

318. Stephen Marks

318.1. What is your interest in the issue of access to inland waterways:

Recreational user.

318.2. Are you a member of an organisation related to your use of water?

Yes, I am a member of a kayak / canoe club based in Warwickshire, England. I am also a member of the British Canoe Union / Canoe England.

318.3. Which stretch/es of water do you own/use/manage?

I have in the past used stretches of a number of rivers in Wales, including the Usk, Wye, Clywedog, Tryweryn, Llugwy, Dee and Vyrnwy.

318.4. Are you happy that your legal rights are clear and well defined?

No, I think there is a lack of clarity which poses significant problems for a wide range of river users.

318.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

I am of the opinion that I have the right to kayak over stretches of inland water subject to being able to access and egress the water via publicly accessible land or via private land with the permission of the landowner.

I understand however that this right is not as clearly expressed in law as for example in Scotland, and that other river users may have a different perception of these rights.

318.6. Would you like to see any changes to your legal rights?

If yes, what changes would you like to see?

Yes I would like to see access clarified with a clear statutory right of responsible access to land and inland waters for recreation.

I accept that this would need to include appropriate codes of behaviour in order to ensure the enjoyment of inland waters by all river users.

This should include elements similar to the Scottish Outdoor Access Code such as:

- Respecting the interests of other people
- Care for the environment
- Take responsibility for your own actions

I would expect to behave in this way in all circumstances / settings and therefore would have no problems abiding by these codes in the context of using inland waters.

318.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

I am aware of the provisions of the Land Reform (Scotland) Act 2003, which I understand provides statutory access to most land and inland waters. This of course is supported by the Scottish Outdoor Access Code, which provides a framework to how this right of access is only provided if used responsibly and with due consideration for others and the environment.

This legislation appears to provide a great deal of clarity in terms of access to land and inland waters.

It seems to be fair and equitable in that it provides access for all and for a wide range of uses / pursuits that should be compatible with due consideration for others and the environment.

318.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

If yes, please briefly outline the agreements that exist and your experience of how they operate.

The voluntary agreements that I am aware of appear to be very restrictive, for example allowing canoeing / kayaking on a small number of days per year.

318.9. Would you like to see any changes to the voluntary agreements?

If yes, what changes would you like to see?

I would like to see them replaced with a clear statutory right of responsible access to land and inland waters for recreation.

318.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Clarity – Clarity over access issues would benefit all users.

Communication – is essential for effective inland water management and understanding.

Access for all uses that can be undertaken without damaging the environment or unreasonably damaging the interests of other people - Not simply arrangements to protect one user group's use of a river environment over another.

Environmental protection - Not blanket protection but based on genuine / actual risk to the environment. E.g. Use of reasonable minimum water levels as part of the access code if appropriate.

319. M.R.Buckley-Jones

The state of Access for canoeists to navigate our wonderful natural river heritage in Wales is utterly deplorable and can no longer be ignored. Due to the outdated, entrenched and selfish angling interests involved, Access 'Agreements' have completely failed to deliver anything approaching fair, reasonable and equitable access to the rivers for canoe usage, over the past three decades and beyond.

The only reasonable solution is what already exists successfully here in Scotland, courtesy of the Land Reform Act; a legally enshrined right of responsible access allowing all parties to access and navigate the river environment responsibly and harmoniously.

It is the only viable solution in 21st Century Wales and allows Wales to compete on equal footing in an environment where most of the rest of Europe allows similar access - and where that access right clearly works well.

I look forward to sharing our river heritage responsibly and harmoniously with all stakeholders concerned.

320. The Countryside Alliance

The Countryside Alliance welcomes the opportunity to respond to the Welsh Assembly's Sustainability Committee's consultation on access to inland water in Wales.

The Countryside Alliance is a campaigning organisation working for everyone who loves the countryside and the rural way of life. As a membership organisation representing 250,000 people across the UK, we reflect the views and concerns of a broad range of rural people and their livelihoods.

Whilst the Alliance recognises that there is room for all activities on our Welsh waterways, and that they are not a resource that should be monopolised by one particular group, there are significant concerns surrounding the current calls for unrestricted access to Wales's inland waterways and the impact which this would have on existing recreational activities, river-based eco-systems, angling tourism and the wider environment and the associated revenue streams which are so important in supporting local economies.

While many of these concerns have been voiced in previous academic studies, as commissioned by the Department for Environment, Food and Rural Affairs and the Environment Agency, we have concentrated on those concerns which are held most strongly by those of our members who are anglers, who hold riparian rights and who will be most affected by any move towards unrestricted access.

We remain convinced that there are compromises which can be reached which will ensure that all those who wish to use Wales's inland waterways in a responsible and equitable way are able to do so. The Countryside Alliance looks forward to working with the Sustainability Committee and canoeists to ensure that this is the case.

Introduction

The Countryside Alliance acknowledges that this is an emotive issue that affects a great many people across Wales and beyond. We recognise the many challenges that need to be addressed in order to secure a more prosperous future for our inland waters and their use for recreational purposes. There are, however, several issues which are of particular concern to our many members, not least the effect that a "right to paddle on all inland waters in Wales" would have on angling, and the significant environmental and economic benefits dependent upon it.

The current situation

Before examining this issue in any depth it is important to note that there have been examples in both of England and Wales of anglers and canoeists working together to ensure substantial and equitable access to inland water. In Wales, the primary example of where anglers and canoeists have co-existed for some time through local access agreements between riparian owners, landowners, angling clubs and canoeing groups is through the work of the Wye & Usk Foundation. Many other local access agreements have been drawn up and adhered to in other parts of Wales.

The great progress made using access agreements makes it particularly disappointing that many canoeing groups have, under the guidance of the Welsh Canoe Association, now known as Canoe Wales, withdrawn from many of these agreements over the course of the last eighteen months. Pam Bell, one of the board members of Canoe Wales, has stated in a recent forum discussion that agreements were withdrawn as they feared that anglers and landowners would not sign up to them

once they knew about the petition for the right to paddle on inland waters in Wales which was presented to the National Assembly's Petitions Committee.

While there has been some evidence of a lack of suitable waters for paddlers to utilise as well as areas of conflict between all water users, whether it be angling, canoeing or rafting etc, and despite the canoeing community's withdrawal from voluntary access agreements, it would seem that these local agreements remain the best of way of ensuring equitable access to Wales's inland waterways. Specific legislation to deal with this would be both cumbersome and out of proportion to the nature and scale of the problem. Local agreements are also capable of addressing local issues and site specific considerations in a way that general legislation can not. This approach is supported by the conclusion of the 2001 government-commissioned University of Brighton Report that "there is little evidence of widespread unmet demand for inland water-based sport and recreation activities" and that "the overall level of water sports participation has been static since 1995" and that "participation rates are expected to remain static or fall slightly over the next twenty years" (University of Brighton, Water-based sport and recreation: the facts).

The contribution of angling to the Welsh economy

While acknowledging the popularity of canoeing and other water sports, it is important, at all stages of this debate, to note the significant contribution that angling continues to make to the Welsh economy. In 2006-07, 71,122 rod licences were sold to anglers in Wales, generating £1,273,249 for the conservation and development of Wales's rivers and waterways. Of these licence holders, 64,139 held a non-migratory trout and coarse fishing licence and a further 6,982 held a salmon and sea trout licence (Welsh Assembly Government, Wales Fisheries Strategy 2008). In terms of the wider economic value of angling, there were in excess of 700,000 angling visits to Wales in 2004-05 alone (Welsh Assembly Government, Wales Fisheries Strategy 2008). Visiting anglers provide a benefit to the wider economy not just angling based businesses but also pubs, restaurants and other local amenities. The Welsh Assembly Government currently estimates the value of angling tourism to Wales at over £100 million per annum (Welsh Assembly Government, Wales Fisheries Strategy 2008). Given the significant sums being generated by angling in Wales it is vital that any response to the current calls for a "right to paddle" do not risk undermining this important industry and reflects the important economic contribution that recreational angling makes to some of Wales's most remote and deprived communities.

Ownership and riparian rights

Under existing common law non-tidal rivers and streams are private property, offering no general right of access, navigation or fishing unless specifically permitted by the landowner or in a few cases where a footpath or bridle-way runs alongside. The existence of footpaths alongside waterways merely provide a right of passage. As with other private land rights, the right to fish a particular stretch of water can only be conveyed by deed and, unless specifically passed on by sale, lease or otherwise, the right of fishery is likely to be in the possession of the owner of adjacent land.

Access to rivers for water based recreational use is granted by the permission of the farmer or landowner who owns the land adjacent to any river or waterway. With these so-called riparian rights however come numerous responsibilities. These include:

- the responsibility to pass on flow without obstruction, pollution or diversion affecting the rights of others.
- the acceptance of flood flows through your land, even if caused by inadequate capacity downstream.

- the maintenance the bed and banks of the watercourse, and also the trees and shrubs growing on the banks; the clearance of any debris, even if not originating from the owner's land.
- keeping the river bed and banks clear of any matter that could cause an obstruction, either on your land or downstream if it is washed away.
- keeping structures including culverts, trash screens, weirs and mill gates free of debris.
- the control of any invasive alien species such as Japanese Knotweed.

Should the "right to paddle" be granted by legislation, the question of compensation arises for both riparian owners and angling associations who have invested significant amounts of time and money in purchasing and maintaining fishing rights. Riparian owners stand to lose out financially as clubs and associations may not be able to justify the same level of financial contributions for the rent of the fishing rights due to possibility of reduced membership as the result of increased canoeing activity.

There is also a significant sense of unease among riparian owners and anglers that other river users would gain the very rights which they have but without the many responsibilities that they take on as riparian owners and members of angling clubs be that through the significant financial investment that landowners and anglers make or through the many hours of conservation work that is undertaken to improve river habitats and eco-systems.

The Scottish model

Canoe Wales and other canoeing groups have been keen to draw comparisons with the current legislative landscape in Scotland and the access rights that have been afforded to river users by the Land Reform (Scotland) Act 2003. However, the Countryside Alliance believes that such direct comparisons are misleading for several reasons.

Firstly, Scotland does not operate a statutory rod licence for anglers unlike England and Wales. The rod licence generates an income over £1.2 million for the maintenance and development of the water based environment in Wales alone.

Secondly, Scotland's population is far smaller (in relation to its land mass) and the main rivers are physically bigger – far wider and deeper than many rivers in Wales. In fact, in Wales there is evidence of a lack of suitable water for paddlers to utilise, which could result in many more areas and incidences of conflict between water users, whether it be angling, canoeing or rafting. Weekend tourism in Scotland is also more diluted given the much greater land mass and, of course, much smaller and more spread out catchment areas. Moreover many of the main rivers are much further from heavily populated areas unlike some in North Wales which are practically on the doorstep of Birmingham, Liverpool and Manchester. In Scotland salmon fishing is not legal on a Sunday. As such in Scotland potential conflict with angling interests is significantly reduced for 50 per cent of the peak weekend period.

Despite the representations of some that the situation in Scotland is a legislative blueprint for Wales, the Countryside Alliance does not believe that the Scottish approach would be viable for Wales, not least because any resulting reduction or loss of revenues from the existing rod licence would leave conservation and management efforts with a significant financial hole and with no obvious alternative source of revenue. Whilst we do not feel that a legislative approach is the right one, be it based on the Scottish model or some other, we do believe that what has occurred in Scotland since 2003 and the granting of a "right to paddle" is instructive and important background to ensuring that an equitable and sustainable model, which takes account of the distinct Welsh situation, is adopted in Wales.

Conservation/eco-systems

Angling co-exists with a river's ecosystem and angling associations have been leaders in the conservation of our rivers for generations. They have invested both time and money in a wide variety of projects to protect and enhance waterways. Others who wish to use the rivers for recreation also need to contribute to the protection and conservation of these wildlife habitats and eco-systems. If access to all inland water in Wales were to be granted under legislation, there is a risk that any increased use by those who may not be so aware of the delicate nature of the ecosystems could contribute to bank erosion and the disturbance of ground nesting birds such as the curlew (already under threat) not to mention habitats such as otter holts which are often in riverbanks, and are usually screened by tree roots and other vegetation.

There is also the serious concern that uncontrolled open access to paddling on all inland waters in Wales could bring with it the devastating parasite *Gyrodactylus Salaries*, which could prove disastrous for salmon in Wales with drastic consequences for the whole of Britain. It already occurs in Norwegian rivers, where some of rivers have already had to be cleared of all fish life in a bid to eliminate this parasite.

While there are several larger rivers in Wales which have the potential for further recreational use, particularly by canoeing, kayaking and rafters, considerable damage could be caused to the many smaller rivers in Wales. These rivers are particularly sensitive to increased and potentially inappropriate use with more narrow, shallower waters and "paddling" of any sort could contribute to the damage of spawning gravels such as salmon redds which are so vital to the future of salmon stocks in Wales. It should also be noted that there is a potential conflict with the 1975 Salmon and Freshwater Fisheries Act where it clearly states under Part 1, Section 2, Subsection 4, that any person "who wilfully disturbs and spawn or spawning fish, or any bed, bank or shallow on which any fish may be" is guilty of an offence. Under the same Act (Part 2, Section 12, Subsection 3) any person who "uses any contrivance or does any act whereby salmon or trout may be scared, deterred, or in any way prevented from freely entering and passing up and down a free gap at all periods of the year" is also guilty of an offence.

Solutions

For anglers and paddlers to co-exist, we feel that paddlers should be prepared to be licensed and to contribute financially for the management and enhancement of the inland water in Wales.

Anglers pay for a licence, a permit to fish certain stretches of water and, of course, insurance and club membership. They also have to observe the relevant by-laws and area-specific rules and regulations when fishing. The old argument of anglers paying for a licence and to take from the water is no longer a valid argument as in recent years a catch and release programme on salmon has been imposed up until the middle of June each year in order to conserve Wales's salmon stocks. Taking in to consideration that the season for salmon and sewin opens on the 20 March, anglers pay for their licence well in advance of the salmon season. Anglers must also have their fishing licence available for presentation at all times.

The licensing and tagging, with a visible membership number, of canoes is one potential way of regulating access to Wales's inland waterways and ensuring that all those benefiting from access to water make a contribution and are subject to proper regulation. Such an approach would not only be seen as an equitable by the angling community, being comparable to the current rod licence regime, but would also be a useful way of helping to identify any problem users. As well as balancing rights and responsibilities as is enshrined by the rod licence and the legislative framework that governs recreational angling and riparian owners, the licensing of canoeists could also serve as a useful

revenue stream to ensure the continuing conservation of Wales's inland waterways. Indeed such an approach has been backed by the Environment Agency which in its "A better place to play" report stated that "the provision of some form of licensing arrangements for unpowered watercraft would allay the concerns of riparian owners and anglers about their current inability to identify who is on the river. In addition, the income from licences could be used to support the development and management of canoe agreements" (Environment Agency, A better place to play: putting voluntary canoe access agreements in place). The University of Brighton Final Report on the issue of access to inland waterways has also supported this approach: "A national registration and identification system would avoid this problem and would encourage land and riparian owners to believe that they could address poor behaviour by contacting the actual canoeists, the national governing body or the police. As many anglers also attest, an annual payment for the registration – similar to fishing licences – would provide a new source of revenue for looking after rivers and could contribute to securing new access" (University of Brighton, Putting pilot voluntary canoe access agreements in place).

The financial benefits of a licensing system are also strong, not only in terms establishing an equitable system for all river users, but also to generate income to help to install agreed access/egress points and other facilities which will help ensure that the impact of any increased usage is kept to a minimum.

Should a legislative response to the calls for "a right to paddle" be suggested by the Committee, it is vital that there is a closed season for paddling, as there is for angling, and that any closed season can be interpreted either on a monthly basis or by time of day. An all year round access request is asking for more than is already in place for other recreational users and needs to be carefully thought through, especially for reasons of river management and conservation.

Conclusion

The Countryside Alliance does not believe that a legislative approach is the best way forward and continues to favour the development of local access agreements; an approach that offers both flexibility and responsiveness to local situations. This in line with the Wales Fisheries Strategy 2008 which concludes that "constructive dialogue should be facilitated as part of the Wales Fisheries Strategy to develop access arrangement that are jointly acceptable to anglers, landowners and canoeists" and the Environment Agency's view that "the wider application and development of voluntary arrangements is the most appropriate way forward to secure greater opportunities for sustainable and responsible access to inland waters."

The landscape of Wales and its rivers are vastly different from those of Scotland and it is vital that access agreements are able to be looked at on a case by case basis. While acknowledging the existing efforts of government and government agencies in this area, the Countryside Alliance believes that a much greater emphasis on assisting angling and other sporting groups to draw up suitable access agreements through increased resources and the sharing and promotion of best practice will help balance rights with responsibilities and enable differing activities to co-exist on Wales's valuable inland waterways.

321. Martin Doyle, Chief Executive of Plas y Brenin, National Mountain Centre, Snowdonia

I am responding in my capacity as Chief Executive of Plas y Brenin, National Mountain Centre based in Snowdonia and in my capacity as Chair of the North Wales Outdoor Partnership. I am also a member of the Snowdonia North Local Access Forum.

Canoeing has been a growing past time in Wales for a generation or more. It is now a major recreational activity on our rivers and lakes. It is an activity which is increasingly enjoyed by the people of Wales as well as visitors contributing to the tourism and visitor economy. There is ample evidence that adventure recreation which includes canoeing is an important contributor to the mixed economy of rural Wales. At a time when there is a growing need to engage our population in healthy activity as identified in the 'Climbing Higher' WAG strategy there are government funded initiatives promoting the use of natural facilities to the people of Wales. The interest in canoeing is likely to continue to grow.

Plas y Brenin is involved in a range of outdoor adventure activities and is mindful of the need to operate alongside other recreational groups and interests in the natural environment. We are based in Snowdonia National Park. Plas y Brenin delivers National Governing Body coach education and leadership awards and also experiential courses. The Centre has an extensive and successful canoe department. All of our courses include access awareness and good practice behaviour as well as coaching and skill acquisition.

We run our courses on rivers, lakes and the coast of Wales. Our use of inland water is a complicated mixture of arrangements which include our own ownership of water, payment per user visit on rivers, annual access charges, free welcomed access, uncharged use, long term sporting rights lease. Plas y Brenin manages two SSSI lakes which are used for canoeing and fishing.

Access to water is confused by the range of historical voluntary agreements, policies on payment or free access and the conflict between canoeists and anglers that has prohibited use on some waters. Legal rights are perceived as unclear and fundamentally unfair. The difference between ownership rights and leased rights also create conflicts between different user groups that might otherwise be avoided or settled. However, we recognize that when sporting leases are costly there needs to be consideration on costs as well as shared use. There is an inaccurate perception that canoeists will not pay for access – in fact there are many examples of the different ways that they do pay but unfortunately there are too few examples in recent years where these arrangements offer frequent reasonable access. Restrictions proscribed by landowners also prevent angling clubs from entering into shared use arrangements with other recreational users. Examples exist where angling clubs that lease rights have wished to voluntarily agree use by canoeists but have been prevented by the landowner with threats of loss of the lease if the voluntary permission was not withdrawn.

Plas y Brenin has used voluntary agreements in the past. They have allowed us to find a way on to water for delivering courses. Some of these agreements have been withdrawn because of the recent conflict between the two sides. Unfortunately these agreements are seen as very restrictive by most canoeists. Whilst some users are prepared to pay for access there are others whose behaviour has jeopardized access for others. Some local agreements have only allowed canoeing at certain times of the year. Canoeing is dependent on the rain and there are good recent pilot cases where river level is used to indicate when canoeing is permitted to ensure no damage is caused to the fish stock. A local agreement on the Glaslyn restricts paddling in a gorge from October to March, however the gorge is

widely used by tourists who enjoy swimming and dipping their toes on a hot day. There is no agreement for this and can lead to canoeing participants feeling discriminated against.

The North Wales Outdoor Partnership has promoted participation in outdoor adventure activities to the people of Gwynedd, Anglesey and Conwy for four years. The project is financially supported by WAG through SCW to meet targets in the 'Climbing Higher' strategy. Increased participation and quality employment opportunities as well as healthier lifestyles are key benefits. One of the most attractive activities is canoeing. Increasing numbers of local residents are interested in using there local natural amenities and are dismayed to find their presence opposed.

I have attended Local Access Forum meetings where representatives of the two recreational groups have made their case. It is unlikely in my opinion that they can accommodate each other and their interests without external help.

It is clear that at the moment the conflict between the two groups makes it impossible to come together to discuss and agree a much needed code of behaviour to address access, conservation and good practice use. This has the potential to solve many of the existing problems. Definitive maps, or a code of conduct with associated rights and responsibilities is needed. It is understandable why there are calls for legislation to address these issues which have not been resolved voluntarily. Any clarity that could be brought, so that all water users and managers had certainty on their legal position, would be very useful. With the increasing numbers of canoeing participants it would be useful to support this activity with a code, like the countryside code to ensure all activity was responsible. There is a role for a statutory body to provide evidence based guidance on sustainable practice

It is important to recognize that whilst currently canoeists and anglers are 'fighting' the issue, the amenity value to the public is very great. Water is an important part of Wales history, scenery and outdoor value. It would be fantastic to see its value recognized by the Assembly.

322. Robert Wheatcroft

I write to you as a resident of the upper Wye valley. Having read all the correspondence relating to this inquiry on the Welsh Assembly site, I would like to raise crucial issues which appear to have been overlooked to date:

Consultation Process

The correspondence that has been submitted to the Sustainability Committee on the subject of canoe access has been sent either by fishermen or canoeists. Many of those have pre-fixed their correspondence with details of the clubs and associations who may represent their interests. In the case of canoeists in particular, the Committee has been lobbied very robustly by pressure groups and their members.

As a result, it would appear the interests and opinions of the individual such as local residents, who have no powerful association to represent their views, have been over-looked in your consultation process. Most of the local residents that I have spoken to here on the upper Wye are not even aware that such a process is underway. This clearly makes the whole consultation, or lack of it, highly undemocratic and unrepresentative. How could you contemplate changing river access laws without consulting those who would be most adversely affected by it?

Most local residents enjoy the Wye for its peace and tranquillity. Visitors to the area such as walkers and cyclists who have also escaped consideration in your consultation process, also come to the area to enjoy the same peace, tranquillity and unspoilt beauty of the area. The passive enjoyment of a beautiful environment by many visitors and residents to the Wye valley should not be compromised by those who indulge in 'action sports'. It is vitally important to preserve the special nature of the Wye river valley landscape. Perhaps the attached picture of a considerable number of rafters contravening access laws on the Teifi, will demonstrate the point.

The current proposal to grant unrestricted canoe access would result in the Wye (and other Welsh rivers) becoming the aqueous equivalent of the M4 motorway. Such a change in the current law would constitute highly irresponsible and inappropriate legislation.

River Access is a Planning issue

One of the other main reasons that local residents will suffer if river access is increased relates to parking facilities and the potential to over load them with traffic.

As you are no doubt aware, canoeists have permanent, year round access to the river Wye from Glasbury downwards. A growing number of canoe rental business's have now overloaded the parking facilities at Glasbury and at Hay-on-Wye- with the result that residents are being overwhelmed and hugely inconvenienced. Were such access arrangements to be extended up stream all year round, the result would be complete traffic and parking chaos.

By way of a specific example, in Boughrood and Llyswen there is a canoe access point above Boughrood bridge. The only available parking nearby is in the local school car park, which during the week is full of cars belonging to teachers and parents. There is no extra land available over which to expand parking facilities. Canoeists and canoe operators already try to use unofficial (illegal) access points nearby to avoid the congestion problem, to the consternation of locals. The immediate infrastructure will not be able to cope with the huge increase in traffic that commercial canoe hire operators will encourage on a year round basis. After all, many school groups and commercial operators arrive with trucks towing canoe trailers while those actually renting the boats also have to

park their own cars. This is a local planning issue and on that basis would need to be subject to a proper local consultation process.

Voluntary Agreements are the future

You are aware that as a result of voluntary agreements arranged over the last few years by the Wye and Usk Foundation, canoeists now have comprehensive access to the full length of the Wye from 18th October until 15th March when the river is most suitable for such use. Those dates amount to full access for slightly short of 6 months of each year. The season for game fishing also lasts for 6 months from mid-March to mid-October, which is the other half of the year.

This means that both parties each have access for 6 months though at different times. By most people's standards and when it comes to a sharing compromise, half and half constitutes a very fair arrangement. On top of that, canoeists have access to the full length of the Wye whenever the river height exceeds 2ft 5ins on gauge, which is accessed via their website. The whole package therefore gives canoeists greater access to the river than is enjoyed by game fishermen. On top of that and unlike fishermen, canoeists are not prepared to pay into the system and cover their own costs.

In conclusion, the extension of voluntary river access agreements on the different rivers, rather than major legislation from the Welsh Assembly, constitutes the sensible way forward. The voluntary approach would be more likely to preserve the special nature of the environment and avoid both river and traffic congestion. May sense prevail where this issue is concerned.

323. Diane Whittingham

My interest in access to inland waterways is as a canoeist. I gained this interest paddling on the yearly floodwater pond from the Severn as a child on my family farm. At that time there was no local canoe club and Newtown High School had sold off all their outdoor kayaks so I feel I was very privileged as a child to be able to have had free winter access to kayaking because my parents owned land near the Severn. This opportunity should be given to all children especially in view of the rise in childhood obesity levels.

I am now a member of Welshpool Canoe Club, previously I was a member of a London Club. Since moving from London three years ago, the London club have visited every year to paddle the rivers of mid wales. They come in a group of about eight people and stay locally at a B&B near Welshpool and always eat at local restaurants so make a regular yearly contribution to the local economy. Spending on B&B and food is about £800 for the group for just 2 days. The stretches of water I have used in Wales are the Severn, the Wye, the Usk, the Banwy and the Vrynwy. I am always very considerate of the environment and have carried out on average one sheep rescue per year over the last three years. I am not the only canoeist who carries out unofficial livestock rescues. Given the price of even cull ewes at Welshpool market this is a direct contribution to the owners of land and livestock adjacent to our rivers.

I think the legal rights could be clearer. As a canoeist I am aware that legally I cannot access many stretches of water. I have to gain access to water by prior arrangements with specific landowners. I am in agreement with the Petitions Committee's short inquiry into Access Along Inland Water, which has clearly highlighted the issues present and their recommendation that the Land Reform (Scotland) Act 2003 provides a useful basis from which a unique Welsh model of legislation could be developed.

324. Mike Leggett

324.1. What is your interest in the issue of access to inland waterways

- Recreational user
- Fishing
- Naturalist (Record wildlife sightings for personal interest and pass on unusual occurrences to voluntary / statutory organisations)

324.2. Are you a member of an organisation related to your use of water?

Yes. Aberystwyth Angling Association

324.3. Which stretch/es of water do you own/use/manage?

324.4. Are you happy that your legal rights are clear and well defined?

Yes, in so far as I know where I have legal right of access and eligibility to fish.

324.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage,

The Association has the sporting rights along almost the entire length of the River Rheidol and shares a stretch of the river Ystwyth with another angling association. The Association has also negotiated rights of access to the river at various points along its length. The Association also owns or holds the sporting rights over a number of lakes and similarly has negotiated rights of access with adjoining landowners.

324.6. Would you like to see any changes to your legal rights?

(See statement at end of document)

If yes, what changes would you like to see? (See statement at end of document)

324.7. Are you aware of any legislation that exists in other countries that could be used in Wales? No

Voluntary agreements

324.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

If yes, please briefly outline the agreements that exist and your experience of how they operate.

As far as I am aware, The Association has many agreements with landowners, some merely gentlemen's voluntary agreements, some more formal and some which involve monetary considerations.

324.9. Would you like to see any changes to the voluntary agreements?

If yes, what changes would you like to see?

The problem with such informal agreements is that they can be terminated at the landowners behest! Clearly a more formal legal right of access would be desirable.

324.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

The Context of the problem.

Access to any privately owned land of whatever type is a very complex issue. Even after supposedly “considered opinion” by the law makers in Parliament, the “Right to Roam” is misunderstood by the bulk of the general public. There are many instances for example, of individuals trespassing on private property in the belief that they have the right to do so, whereas in fact, the Right to Roam opens only limited but well defined areas of the United Kingdom to general access. This in itself is problematic. Any future proposal to allow “free(er) access” to the Waterways in Wales would need to address this issue.

Access to waterways in Wales (or anywhere else for that matter) is also a complex issue, not least, because of the area involved and the number of landowners along the length of such waterways (on both banks of the rivers).

Angling is undoubtedly the interest which would come into conflict with other waterway users than any other pastime / pursuit.

It is important here to remember that via the Environment Agency, Anglers contribute a very considerable sum of money (via rod licences) which is ploughed back into the maintenance of the environment.

In addition to the monetary input via the Environment Agency rod licences, anglers also pay clubs and associations for the right to fish, and most such Angling Clubs / Associations themselves contribute directly or indirectly to the upkeep, maintenance and environmental care of the rivers by undertaking not inconsiderable maintenance of rivers and their immediate environment, ensuring that the ecology of the river and its banks are maintained or improved. The Association also carries out a stocking policy in both river and lakes which has a positive effect on the food chain and ensures that fish numbers are maintained if not improved.

It is important here to remember that the Environment Agency no longer has the staff or financial wherewithal to undertake such work. In fact, at their own admission, EA no longer have sufficient staff to carry out many of the duties previously undertaken by them in the majority of rivers in Wales.

Apart from areas such as marinas (generally at the mouth of rivers in Wales), most other interests e.g. canoeists and boaters contribute little or nothing in terms of monetary input or maintenance to the upkeep of the rivers or their general environment.

Another factor which could very well be important for the rural economy in Wales is the ‘added value’ of visitors (particularly the number of fishermen) who stay in the community and collectively spend considerable amounts of money.

With regard to legal rights, whilst I am no lawyer, I believe that if an individual holds sporting rights (as an individual, or as a member of a club / association) then presumably they have a legal right to exercise those rights without let or hindrance. Other river users could clearly hinder those rights. In any event, it could make an interesting test case for the courts!!

325. Jean Perraton

325.1. What is your interest in the issue of access to inland waterways?

I am a swimmer, who enjoys non-competitive swimming in open waters (rivers, lakes and the sea). I am also the author of *Swimming Against the Stream*¹ which sets out comprehensively the constraints that face people wishing to swim in lakes and rivers in England and Wales and the case for changing public policy towards this immensely enjoyable, and environmentally friendly, recreation.

325.2. Are you a member of an organisation related to your use of water?

I am also a member and president of the River and Lake Swimming Association (RALSA) which campaigns for better access to inland waters for recreational swimming in England and Wales. This response, however, is a personal response which supports and amplifies the formal response from RALSA.

325.3. Which stretch/es of water do you own/use/manage?

None owned

As a visitor to Wales I swim in any suitable river or lake to which I can get access and where swimming is not banned, and preferably where there is some indication that swimming is acceptable. This usually this means there are other people swimming. Ideally I would look for a sign indicating swimming is allowed, but such signs are rare in Wales. Many lakes ban swimming; the only exception that I have found was at Llyn Gerionydd, a lake which I understand is largely within the ownership of the Forestry Commission.

325.4. Are you happy that your legal rights are clear and well defined?

The legal position for people wishing to swim in inland waters in Wales is complicated and uncertain, as it is for other users such as canoeists. It is generally accepted that the public rights to swim in inland waters in Wales, as in England, are severely limited to a few areas where, through historic use, they have acquired a right and where there are public navigation rights. Elsewhere, that is in the majority of waters, the owners of the bank own half the river bed, giving them certain rights over the use of water, including usually the exclusive right to fish and, provided swimming is not an established use, the right to prohibit people from swimming. The owner of the land surrounding a pond or lake has similar rights. Some lakes may be registered as common land, but this does not necessarily imply a right to swim in them; the 'rights of common' may relate to fishing but not swimming

However, this interpretation of the law has recently been challenged by Douglas Caffyn.² His historical research appears to establish that there is still a common law right of access to all navigable rivers (for boats and, presumably, also for swimmers).

325.5. Would you like to see any changes to your legal rights?

I would like to see legislation that would give a legal right of access for people using non-powered craft and for people to swim and paddle in all inland waters (at least all rivers and lakes and some canals and reservoirs) subject to a code of conduct and provisions that would enable the appropriate authorities to limit access where desirable for safety reasons or to protect wildlife.

325.6. Are you aware of any legislation that exists in other countries that could be used in Wales?

The Land Reform Act (Scotland) 2003 gives access to all inland waters for swimmers, and users of non-powered craft, subject to a code of conduct by users.

Many other European countries people have more freedom to use inland waters than in England and Wales. In most other European countries swimming in lakes and rivers is regarded as a normal thing to do, and relatively safe spots are indicated as swimming places. In France the Michelin road maps indicate major swimming spots on lakes and rivers, and there are many more informal swimming areas signposted as BAGNADE NON SURVEILLEE. In Holland swimming takes place, and is regarded as acceptable, in most rivers, canals and lakes. In Sweden people have a longstanding right to bathe almost anywhere. But in Wales, as in England, even the right to roam legislation (under the Countryside and Rights of Way Act 2000) specifically excludes a right to swim in waters within the newly defined access lands.

Voluntary agreements

Voluntary agreements have been little used to allow informal swimming, and they are likely to be of little benefit to such swimmers (as distinct from, say, triathletes). Most informal swimmers are not members of a club. It is an activity that may be done as an interlude - a dip in a cool mountain lake in the course of a walk, or a paddle before a summer picnic.

Such informal outdoor swimming attracts people of all ages and physical abilities; I see swimmers in my local river between the ages of 4 and 90, and have watched an elderly man so crippled with arthritis that he could barely walk to the lake where he could swim with relative ease and tremendous satisfaction. Furthermore, swimming requires no specialist and expensive equipment - or club fees - and thus, like walking in the countryside, is potentially accessible to all income groups.

Key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Key issues:

1. How to extend access for people to enjoy the magnificent rivers and lakes of Wales in ways that do not harm the local, and global, environment. This means giving priority to access for non-motorised craft and swimming.
2. How to make sure that swimmers (the Cinderellas of the water users) can find good and relatively safe places to swim, particularly places near their homes to which they can walk or cycle.

Ways to address them:

1. Consider carefully, and seek legal advice, on Douglas Caffyn's thesis about common law rights of access to navigable rivers in Wales, and what this implies for swimmers as well as boats.
2. In the longer term: consider what sort of legislation should be introduced to give greater access to inland waters in Wales (rivers, lakes, canals and reservoirs) for low impact water recreation including swimming. This would include looking at the experience in Scotland (such as the survey work carried out by Scottish Natural Heritage) since the relevant provisions of the Land Reform Act came into force, as well as examining the legislation and practice in other European countries.

3. In the immediate future: encourage public bodies (such as local authorities and the Forestry Commission) and private bodies (particularly water companies) that own and manage land and water for outdoor recreation to extend access for swimmers.

Lakes are often the safest places to swim (often safer than rivers and the sea) but many local authorities ban swimming in their country parks, and Welsh Water bans swimming in reservoirs where other water sports are welcomed. The problem here seems an exaggerated view of the risks of swimming and a mistaken belief that they could be liable to litigation, or even prosecution if they ignore Health and Safety Executive guidelines, were a swimming accident to occur. (These issues are examined in *Swimming Against the Stream*.) Recent legal rulings by the Law Lords have made it clear that land owners are not obliged, under civil law, to stop people from swimming provided they warn them of any unusual dangers, that is a danger arising from the nature of the site rather than the danger inherent in the activity [Tomlinson v. Congleton Borough Council 2003]. More recently the Health and Safety Executive has amended its guidelines on swimming pools to make it clear that they no longer apply to open waters where operators do not 'actively encourage' swimming. Thus, there's nothing to stop landowners from removing their 'no swimming' notices from suitable lakes or stretches of river in country parks and replacing them with signs 'swimmers do so at their own risk'.

This could be done tomorrow! You could encourage it to be done.

References:

1. Jean Perraton *Swimming Against the Stream: reclaiming lakes and rivers for people to enjoy* published by Jon Carpenter 2005

2. Douglas Caffyn's *The Right of Navigation on Non-tidal Rivers and the Common Law*, published by the author in 2004 and available from 255 Kings Drive, Eastbourne, BN21 2UR, price £10.

326. Mick Clark

326.1. What is your interest in the issue of access to inland waterways?

Canoeist

326.2. Are you a member of an organisation related to your use of water?

Yes, Welsh Canoeing Association

326.3. Which stretch/es of water do you use?

River Dee

River Tryweryn

River Severn

River Mawddach

River Banwy

River Glaslyn

Afon Rheidol

Afon Rhiw

River Conwy

Afon Dwyfor

River Twymyn

River Vyrnwy

326.4. Are you happy that your legal rights are clear and well defined?

No

326.5. Can you briefly outline your understanding of your legal rights⁴ over the stretch of water/s that you use.

Legally I can paddle some 4% of rivers in Wales, it is highly unlikely, but I run the risk of being taken to court for trespass if I paddle any of the other 96% of rivers in Wales, and I have received verbal abuse from other river users.

326.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

I believe that water, as a natural resource belongs to everyone and therefore there should be no legal restrictions on the use of rivers in Wales.

326.7. Are you aware of any legislation that existis in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill

326.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

None now exist, as the WCA has pulled out of all Voluntary Agreements as, after 50 years of negotiation, recent Government studies have shown that they cannot provide the necessary water resources needed for water sport.

326.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

They should be used when short term exclusive access is required to stretches of water, for example when a championship fly fishing event is taking place.

326.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Yes, Grantully, Scotland.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

50 years of negotiation has resulted in a pitiful 4% of the linear waters ways in England and Wales that are in private ownership being opened up via agreement. Voluntary agreements are restrictive in nature, usually permit use of small sections of rivers only and are for short periods of the year. Canoeing, Kayaking and Wild Swimming continue to enjoy growing numbers of participants for which sustainable access to water is essential to allow participants and rural economies to continue to benefit from what is a low environmental impact, high health promotion activity.

I do not believe that further access to water can be delivered by utilising the same methods that have failed again and again.

I feel that a solution can only be achieved with a mechanism of access similar to that of the Scottish Land Reform Bill. Legislation is required to enshrine and enhance the right of access to the water, and provide clear roles and responsibilities for user groups in relation to the preservation of the environment.

Prior to the introduction of the Land Reform Bill, many parties were concerned about what it's effects might be, since it's introduction all concerns have been shown to be unfounded and people from all walks of life are able to share and enjoy the Water and environment, responsibly and without conflict.

327. Joseph King

My interest in access to water is both recreational and professional. I love canoeing and kayaking in my free time and I am also an outdoor activity instructor.

I am a member of the Welsh Canoe Association.

I use the river Wye mostly and understand that access is only available from mid october to mid march, and also when the river is in spate (Only of use if you are an extreme paddler).

Access to other rivers changes from river to river and I have to try and find out as and when needed. I would like legal changes in line with Scotland.

I think that voluntary agreements are an unworkable solution nationally as you need to involve so many interested parties and then distribute the agreement and as it is all voluntary it takes too long and is a very slow process.

In summary I believe that every person in Wales should have access to our rivers and waterways. Nobody owns the water in these waterways so I cannot see why companies or landowners should be able to deprive us all of one of our most basic natural resource.

328. Lee Watts

I am writing to you with regard to the proposed free access that canoes and other watercraft are hoping to obtain on our Welsh rivers. I am a game angler who has fished the South Wales rivers for 30 years. I am also a mountain bike guide and at 36 years old I appreciate the full spectrum of outdoor pursuits whatever the activity (I am not the stereotypical tweed wearing landed gentry).

I would like to draw your attention to the following facts:

As a game angler I MUST pay an annual license fee of £75 to the environment agency along with club and syndicate fees for sections of water which amount to over £500 per season.

The rod licence and annual fees impose restrictions on when, where and how I may fish.

As a club member and game angling casting instructor/guide I make substantial voluntary contributions (in kind and cash) to maintain our precious lakes, rivers and waterways both in and out of season. In doing so I improve the habitat for fish and wildlife and pay towards hatcheries to support fish stocks.

If I continue to carry out the above, it gives me permission from the EA, clubs and riparian owners to cross land, use the banks and fish the waters.

Whilst Scottish rivers are large enough with enough flow to accommodate canoes (just like the lower wye), Welsh rivers are spate rivers which increase and decrease in flow and water volume rapidly with rainfall. Flotillas of canoes grinding across gravel beds and riffles in the typical summer low water levels do irreparable harm to the underwater eco system.

It would seem that the canoeists and others who want to have completely FREE access to our waterways (which we as game anglers have cared for for centuries) would like us to continue to keep the waters of Wales clean, tidy and in good order for them to do as they like 24/7, 365 days of the year. We have fishing seasons for a reason! Canoeists don't pose disruption to our waters in the off season, when the rivers are also more suited to their activity which is why they are allowed to use specific waters outside of the game fishing season. Having said this, how a canoe performing rolls and grinding its hull over salmon redds isn't at best interfering with salmon (illegal) and at worst destroying fertilized eggs in the winter months is beyond me.

I compare the canoeists demands as like somebody turning up in your garden, altering your plants, letting their dog chase your cat and ruining your day whilst also expecting you to pay for the privilege! It has to be bared in mind that this scenario would be repeated through the day as each group (flotilla) enters and leaves your garden.

Game anglers are law abiding folk who are regulated and licensed up to the hilt. If canoes are to be given free unfettered access to the land and water of Wales, I for one will not be buying EA rod licences and large riparian owners fees to enjoy my hobby. Why should I when canoeists don't?

329. Bob Mackay

329.1. What is your interest in the issue of access to inland waterways ?

Recreational user

329.2. Are you a member of an organisation related to your use of water?

Yes

If yes, which organisation/s ?

Canoe Wales (formally WCA)

329.3. Which stretch/es of water do you own/use/manage ?

Use Following Rivers: Teifi, Usk, Wye, Trewern, Dee, Neath amongst others, also the Mon & Brecon Canal & various lakes / reservoirs.

329.4. Are you happy that your legal rights are clear and well defined ?

No

329.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use ?

Varies from no legal rights on some rivers / stretches of some rivers, navigation rights on some parts of others, & can also in some instances be subject to vehicle parking / launch fees in order to gain bank access. In the case of some lakes / reservoirs & canals licensing is a requirement of access. All a bit of a mine field, especially to the inexperienced.

329.6. Would you like to see any changes to your legal rights ?

Yes

If yes, what changes would you like to see ?

A general, legal right of responsible access such as is enjoyed by those use & such as apply to public footpaths, bridleways & similar "rights of way"

329.7. Are you aware of any legislation that exists in other countries that could be used in Wales ?

Yes - Access Legislation as contained in the Scottish Land Reform Act

329.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use ?

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

With various qualifications which can and often do include a maximum number of participants within a group, subject to specific times of year, subject to specific & very often difficult to accurately determine levels of water. Subject to alteration or complete removal with little or no effective way of the general public knowing what currently applies – that is unless you want to make it an ongoing subject of study within its self.

329.9. Would you like to see any changes to the voluntary agreements ?

Yes

If yes, what changes would you like to see ?

Any need for them completely abolished in favour of general right of access.

329.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales ?

No

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

There needs to be one simple, clearly laid out universal set of rules, that can be easily understood by all parties involved instead of the nightmarish convoluted "mismodge" we all have to put up with at the moment. And by all I mean landowners, fisher men / women, angling associations, canoe clubs, outdoor activity centres and last but not least bewildered general members of the public. By the latter I mean people who are not involved in some general way with water based recreational activities, whose reactions in my experience, when the issues surrounding such are brought their attention, vary from complete disbelief to something approaching anger. The public at large I firmly believe simply do not realise that there is no general right of access to / down our waterways already. The most usual type of reaction I have found, when discussing such issues with people not directly involved in some way, to be along the lines of: surely nobody could "own" a river, how can or alternatively why would anyone want to stop you travelling down one ? and many many similar such comments, the uninitiated simply find the whole situation ludicrous when presented with the facts.

330. Tim Jarvis

330.1. What is your interest in the issue of access to inland waterways

I am a recreational user and also a canoeist. As well as using inland waterways for pleasure I also run a small hobby business for which I sometimes use local waterways

330.2. Are you a member of an organisation related to your use of water?

I am a member of Canoe Wales, the British Canoe Union, Surfers Against Sewage and the Crickhowell and Black Mountains Tourism Alliance

330.3. Which stretches of water do you use?

- River Usk
- River Dee
- River Ewenny
- River Wye
- River Tryweryn
- Afon Sychryd
- River Clydach
- River Severn
- Afon Hepste
- River Ogwen
- River Mawddach
- Afon Mellte
- River Seiont
- River Banwy
- Afon Tywi
- River Llugwy
- River Glaslyn
- River Cleddau (East & West)
- River Lougher
- Afon Rheidol
- Afon Teifi
- River Taff

- Afon Alwen
- River Tawe
- Afon Arddu
- Afon Gwryne
- Afon Ceirw
- Afon Honddu
- River Conwy
- River Ogmore
- Afon Dwyfor
- I would use a variety of reservoirs and lakes if there was fair and equal access to them

330.4. Are you happy that your legal rights are clear and well defined?

No –This is a grey area and I certainly don't feel protected by the law in this situation.

330.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

I believe that I have the right to use Public Access points, and that using rivers without Rights of Navigation incurs only the civil offence of Trespass.

330.6. Would you like to see any changes to your legal rights?

Yes Clarity of the legal situation, fair and equal access. I cannot see why different water users (such as canoeists and anglers) can cooperate and interact so positively on some rivers (such as the Wye) and yet there is such conflict between the same groups on other rivers (such as the Usk).

If yes, what changes would you like to see?

Clarity of the legal situation, fair and equal access by all water users, increased promotion and use of water (as with the Blue Gym initiative) and shared responsibility for the shared environment. I cannot see why different water users (such as canoeists and anglers) can cooperate and interact so positively on some rivers (such as the Wye) and yet there is such conflict between the same groups on other rivers (such as the Usk).

330.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes, in almost every other country on the planet. We are one of the only countries in the world where this segregation in access ... and where such limited access to waterways exists. Scotland seems to hold the view that pathways are open access for walkers and river / canal etcetera are the equivalent for water users.

330.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage.

I have always striven to find out the details of any local access agreements before paddling in an area and have adhered to those agreements to the best of my abilities. This has not prevented conflict and

has not made my access to the waterways any easier. The agreement that I have most involvement with is on the River Usk through the Brecon Beacons – this is also an example of the terrible mess that access to the rivers is now in. The voluntary access agreement has collapsed and has been replaced by two stances 1. Canoe Wales has informed its members that there is now no recognised canoe season and that people should use the waterways as they see fit 2. a new agreement has been created through the Wye and Usk foundation in partnership with the Countryside Council for Wales – this agreement makes provision for canoeists (from October to March) but exists with no involvement from the Canoeing Governing Body.

If yes, please briefly outline the agreements that exist and your experience of how they operate.

Please see above.

330.9. Would you like to see any changes to the voluntary agreements?

Yes

If yes, what changes would you like to see?

A removal of the need for localised agreements ... replaced with a national legal right to navigation along all inland waterways and reservoirs

330.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

I am not personally aware of any such agreements

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed

The first, and most significant point for me is that this is not an Anglers verses Canoeists debate. Indeed I am particularly disheartened by the continued stirring of opposition, conflict and aggression that is so prevalent within this situation. A prime example of this may be seen through the following link to a fly-fishing Internet forum (<http://www.flyforums.co.uk/showthread.php?t=43858>).

Modern living (together with diet, time, availability of disposable income and family commitments) has resulted in our current social situation wherein obesity, heart conditions and other health issues are spiralling out of control with personal fitness (and the associated health and well-being) at an apparently all-time low. In light of these problems there are a number of initiatives being launched by local authorities, national government and other independent organisations – these include councils promoting leisure facilities and the increase in physical activity within their areas of influence; government initiatives such as the Blue Gym and the 'Be Active, Be Healthy' run by the Department of Health; and other projects such as the Blue Mile Project (encouraging people to become more active through use of the coastal area in South West England). These initiatives are evidently significant to the health and well-being of society and, through projected consequences, to the financial penalties of increasing health disorders within society because of a decline in physical activity. Not all people can afford gym membership, personal trainers, bicycles or indoor fitness equipment, however, every person should have free access to use the natural resources that our local environment is so rich with.

There should be free and equal access for all water-users to the rivers and reservoirs of this country (and for every country for that matter). Every tax-payer in the UK contributes to the maintenance and monitoring of rivers and reservoirs (through tax contributions and water service costs) – it is true that anglers pay to fish a stretch of water however they, unlike canoeists, take something from the water.

There is not simply the use of the water, but involves the ongoing stocking, monitoring and control of designated river stretches. There is quite clearly a difference between paying for a service or 'product' that must be provided and maintained and having the unfettered right to access inland waterways. The benefits of this increased use are significant and far-reaching, ranging from the health and well-being of water-users to increases in local economies as more people start to use the beautiful natural environment within Wales and as Tourism increases in these areas too (this is already the case with land-based activity 'Honey-Pot' areas such as the Brecon Beacons and the Lake District, for example).

There are also major environmental benefits to the increased use of inland waterways through free and open access. Organisations such as Surfers Against Sewage and the Marine Conservation Society have shown that there is significant support for environmental and conservation projects as the links between issues such as littering and pollution become obvious to water-users. As people see the effect that they are having by littering, using damaging chemicals (such as detergents) and by flushing non-bodily waste down toilets and into the natural water systems they are more easily galvanised into action. The same principle holds true for combating industrial waste and climate change to name but two issues.

How can legally enforceable open and free access to inland waterways (in-line with the CROW Act and access to coastal / tidal water) be a bad thing – for anglers, canoeists, wild swimmers, families, education groups and indeed every member of our local or global society visiting this great country?

331. Paul Edlington

My background and interest

I have been kayaking for the last 18 years and have lived and paddled in Wales for the last 10 years. I have been involved in kayaking activities in North Wales in both a personal and professional level as I work as an outdoor instructor. In terms of access arrangements I have witnessed the change in stance of the WCA and agree with them that voluntary access agreements are not sustainable on the whole and that a fundamental change in the law is required to place responsibilities on all users in return for access.

As a whole I paddle in North Wales on whitewater rivers in the Conwy/Iledr valley, Ogwen, Mawdachh area and River Dee. I feel that the legal position on access for kayakers is limiting and vague. I generally tend to go paddling when the rivers are up and on the whole have little problems with fishermen as when the rivers are at a good level it is rare to actually see fishermen on the rivers that we paddle. I do get really annoyed that the only times that fishermen seem to come and have a go at us is on occasions when they are not actually fishing. How can we be disturbing their fishing when they are not fishing??

I feel that the legal rights of fishing clubs who have leased the fishing rights for sections of river from a riparian land owner need to be more clearly defined. The fishermen seem to think that they have the right to dictate who can use the land in any way and not just who can fish it. As an example of this I was working for Wrexham County Council's outdoor education centre and was trying to find a section of the River Dee we could use for groups. We had identified a suitable section which finished at Cefn Mawr Country Park (also owned by Wrexham County Council). On getting to the river we had a discussion with the manager of the country park who informed us that although he would be happy for us to paddle we would not be able to as the fishing club who had leased the fishing rights would not be happy and he didn't want to upset them as one of them was a local councillor.

I have paddled in many other countries in Europe and further afield where access issues seem much clearer and fairer than in Wales where fishermen seem to be holding all the cards. I feel that the legal position in Scotland is very sensible with all users having rights of access in return for responsible use. The Scottish Land Reform Bill is what the CROW Act should have been first time round.

The legal position on access in Wales needs to be reformed to come up to date with the modern world. Wales has some amazing natural resources which is why tourism is an ever-growing industry. The Forestry Commission is embracing mountain biking as a rapidly growing sport however the access for kayaking is limited despite having some fantastic rivers. Any access arrangements on white water rivers should be linked to river levels on the day and not linked to times of year. Most kayakers have no wish to paddle a whitewater river when they have to scrape over the rocks so would be fine with level-based access rights.

I am an active member of the WCA and work and play on the rivers of North Wales on a regular basis

332. John Penman

I started canoeing on the rivers of Scotland 40 years ago and never thought that sense would prevail giving fair and reasonable access to all. Thankfully I was wrong and the Land Reform (Scotland) Act 2003 has given everyone the right to responsible access. It seems to work OK in my opinion.

I cannot see why the same responsible access should be denied to the people of Wales. Those that wish to continue to exclude the majority from enjoying what should be open to all will trot out the same arguments that were used in Scotland. These arguments were in the main based on prejudice and ignorance, that upon being given proper scrutiny were rightly discredited. I hope your consultation process is equally robust in it's endeavours to come to a fair and proper outcome.

333. John Hewitt,

333.1. What is your interest in the issue of access to inland waterways

I am a land owner and recreational user.

333.2. Are you a member of an organisation related to your use of water?

I am a member of the WCA

333.3. Which stretch/es of water do you own/use/manage?

I do not profess to own any stretch of water but I do own a property directly next to and on the banks of the river Conwy.

I use the River Conwy for Kayaking also the river Elwy, Tryweryn, The Dee, Lugwy, Seiont and all other rivers in North Wales.

333.4. Are you happy that your legal rights are clear and well defined?

No I am not

333.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

In regard to my house on the banks of the river Conwy I do not claim that I own the water it is as simple as that.

When Kayaking my understanding is that if I stay on the water and do not touch the land it is ok to paddle

333.6. Would you like to see any changes to your legal rights?

Yes

If yes, what changes would you like to see?

I would like to have a clear understanding that is understood by all parties and not like to receive abuse from people claiming that I have no right to paddle at any time of year

333.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes, in Scotland Kayakers and Canoeists live in harmony with Fishermen and landowners do not claim to own stretches of water, this works.

333.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

The river Conwy from Ysbyty Ifan to Betws y Coed. This has been voluntary.

333.9. Would you like to see any changes to the voluntary agreements?

Yes

If yes, what changes would you like to see?

I would like them abolished as they do not work. There are too many inconsistencies in rainfall for them to be acceptable. It would mean more animosity with land owners and fishermen when these are broken.

333.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Yes but they do not take into account of the hostile environment the confusion in the current law has caused

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

The Key issues are:

1. There is no clear law and by default this gives land owners and fishermen the motive to abuse paddlers.

I would like to see them addressed by making rivers accessable to Canoeists, this can be done by licencing through the WCA.

334. Rohan Barker

i would like to add my voice to the access petition ,to use Welsh rivers for canoeing.

I am a family man xxxxx with two teenagers xxxxx.

I bought a Canadian canoe 3 years ago,from the local canoe shop in Bronwydd arms, with the intention of trying to get the family off the couch and into the great outdoors.

I live in Nantgaredig, Carmarthen. The river Towy is 2 min away from my door.

I have not joined any clubs but have met friends locally through canoe forums,who have taught us to paddle.

I am very frustrated that as a law abiding citizen ,i can not use the local rivers.

I have to travel to the river Wye some 60 miles and an hour and a half's drive away,to paddle.

One of the reasons i bought the canoe was to have a low environmental impact sport (and after watching Ray Mears on the TV).

I would not mind paying for access to paddle to a suitable licencing agency.(i pay for everything else)

I have tried paddling on the tidal part of the rivers, which canoeists have access to.

This is not very enjoyable as the banks are full of mud and the children complained of the smell of sewage, no view due to height of the banks.

It was very difficult and dangerous to get out at the end due to the mud.

So i end up going back to the river Wye.

So Carmarthen misses out on the money spent in Herefordshire. I seems a pity really that such a beautiful river as the Towy can not be used by the people and children who live next to it.

I feel quite strongly that me and my children should be allowed to use a natural,peaceful pastime .

Lets hope that the situation can be managed.

Access couple of days a month/

Access after the fishing season has finished?

Access at all times, with people respecting each other ?

335. Welshpool Canoe Club

As Canoeists we would like to take this opportunity to add our voice to the debate on access to inland waters.

In looking at possible new legislation, we are aware that this is a chance to introduce a law that would give a framework in which all the interested parties can manage this scarce resource. Not just for now, but also for future generations when no doubt the pressures will increase.

Welshpool Canoe Club has, for the past seventeen years, enjoyed the use of our local rivers. Our canoeing mainly takes place during the winter months with very few problems from fishermen or land owners. Generally, in discussing access and egress points with farmers they are happy to allow us entry, although they do ask us to minimise disturbance to fishermen on the lower reaches. Fishermen and Environment Agency staff advise us of salmon spawning areas (e.g. immediately below Dolanog falls) which we avoid, or only canoe over at high levels.

Part of the reason for our happy experience around Welshpool is that this area is only lightly fished and therefore there is little chance of conflict. Our white water canoeing is mainly carried out on the upper reaches of the Severn tributaries, following heavy rainfall, when the water is deep and strong enough to create white water. These conditions generally occur during the winter and usually outside the fishing season.

We are aware that the ownership of river beds and access points lie with the farmers who own the land. Although they are happy for us as an established and responsible club to use the water, we understand their concerns about people who come on to their land and have little or no knowledge of country life and the importance of gates, fences, livestock, parking, litter, etc. We feel that "visitors", from whatever sport, should act in a responsible manner.

Although we as a club have had very few problems in this area, we are aware that in some places there are issues that will need some careful thought to manage the situation. We trust that the Sustainability Committee will look at the benefits and shortfalls of the Scottish Legislation and produce a workable framework for Wales.

336. Dr R E Yorke CBiol MIBiol

My interest in the above is as an angler, who fishes on rivers and mountain lakes in Wales. The clubs I belong to include The Prince Albert AS, Llanbrynmair AC, Cambrian AA and Dolgellau AA, I also fish the River Dovey.

In general I feel that rights particularly re navigation are not made clear on many waters, however, a clear exception to this are the waters of The New Dovey Fishery Association, and this exclusion of navigation rights could be an appropriate starting point for future discussions regarding extensions of rights.

I can support some extension of rights to other water users, but there must be regulation as to what is permissible, to protect the aquatic environment. For instance there may be a need to limit types of access at all times to certain areas and to additional areas at specific times such when fish are spawning or other species are breeding.

It would also be desirable that other users should pay a licence fee to the Environment Agency to contribute to the maintenance of rivers and lakes. Anglers already pay for an annual licence. There is a precedent in that in the days of the Thames Conservancy all boats user had to purchase an annual licence. It is surely only fair that the funds for the upkeep of rivers and other waters should be shared between all users. Licensing can also have a regulatory role as licences can be withdrawn from users who flout regulations and limitations.

I trust the above comments are helpful and will be taken into account. If you would like further elaboration do please contact me.

337. Noel Eaton

337.1. What is your interest in the issue of access to inland waterways?

User for waterborne recreation

337.2. Are you a member of an organisation related to your use of water?

Yes

- British Canoe Union
- Canoe England
- Canoe Camping Club

337.3. Which stretch/es of water do you use?

- River Dee
- River Tryweryn
- River Severn
- River Mawddach
- River Banwy
- Afon Dwyfach
- River Glaslyn
- Afon Rheidol
- Afon Rhiw
- Afon Aled
- Afon Alwen
- Afon Arddu
- River Artro
- Afon Ceirw
- River ConwyY
- Afon Dwyfor
- River Twymyn

337.4. Are you happy that your legal rights are clear and well defined?

No

337.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

Legally I can paddle some 4% of rivers in Wales, it is highly unlikely, but I run the risk of being taken to court for trespass if I paddle any of the other 96% of rivers in Wales, and I will most certainly receive verbal abuse from various other river users.

337.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

I believe that water, as a natural resource belongs to everyone and therefore there should be no legal restrictions on the use of rivers in Wales.

337.7. Are you aware of any legislation that existis in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill

337.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

None now exist, as the WCA has pulled out of all Voluntary Agreements as, after 50 years of negotiation, recent Government studies have shown that they cannot provide the necessary water resources needed for water sport.

337.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

They should be used when short term exclusive access is required to stretches of water, for example when a championship fly fishing event is taking place.

337.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Yes, Grantully, Scotland.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

50 years of negotiation has resulted in a pitiful 4% of the linear waters ways in England and Wales that are in private ownership being opened up via agreement. Voluntary agreements are restrictive in nature, usually permit use of small sections of rivers only and are for short periods of the year. Canoeing, Kayaking and Wild Swimming continue to enjoy growing numbers of participants for which sustainable access to water is essential to allow participants and rural economies to continue to benefit from what is a low environmental impact, high health promotion activity.

I do not believe that further access to water can be delivered by utilising the same methods that have failed again and again.

I feel that a solution can only be achieved with a mechanism of access similar to that of the Scottish Land Reform Bill. Legislation is required to enshrine and enhance the right of access to the water, and provide clear roles and responsibilities for user groups in relation to the preservation of the environment.

Prior to the introduction of the Land Reform Bill, many parties were concerned about what it's effects might be, since it's introduction all concerns have been shown to be unfounded and people from all walks of life are able to share and enjoy the Water and environment, responsibly and without conflict.

338. James Russell

338.1. What is your interest in the issue of access to inland waterways?

User for waterborne recreation

338.2. Are you a member of an organisation related to your use of water?

Yes, British Canoe Union

338.3. Which stretch/es of water do you use?

- River Dee
- Afon Rheidol
- Afon Rhiw
- Afon Aled
- Afon Alwen
- Afon Arddu
- River Artro
- Afon Ceirw
- River ConwyY
- Afon Dwyfor
- River Twymyn

338.4. Are you happy that your legal rights are clear and well defined?

No

338.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

Legally I can paddle some 4% of rivers in Wales, it is highly unlikely, but I run the risk of being taken to court for trespass if I paddle any of the other 96% of rivers in Wales, and I will most certainly receive verbal abuse from various other river users.

338.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

I believe that water, as a natural resource belongs to everyone and therefore there should be no legal restrictions on the use of rivers in Wales.

338.7. Are you aware of any legislation that existis in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill

338.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

None now exist, as the WCA has pulled out of all Voluntary Agreements as, after 50 years of negotiation, recent Government studies have shown that they cannot provide the necessary water resources needed for water sport.

338.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

They should be used when short term exclusive access is required to stretches of water, for example when a championship fly fishing event is taking place.

338.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Yes, Grantully, Scotland.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

50 years of negotiation has resulted in a pitiful 4% of the linear waters ways in England and Wales that are in private ownership being opened up via agreement. Voluntary agreements are restrictive in nature, usually permit use of small sections of rivers only and are for short periods of the year. Canoeing, Kayaking and Wild Swimming continue to enjoy growing numbers of participants for which sustainable access to water is essential to allow participants and rural economies to continue to benefit from what is a low environmental impact, high health promotion activity.

I do not believe that further access to water can be delivered by utilising the same methods that have failed again and again.

I feel that a solution can only be achieved with a mechanism of access similar to that of the Scottish Land Reform Bill. Legislation is required to enshrine and enhance the right of access to the water, and provide clear roles and responsibilities for user groups in relation to the preservation of the environment.

Prior to the introduction of the Land Reform Bill, many parties were concerned about what it's effects might be, since it's introduction all concerns have been shown to be unfounded and people from all walks of life are able to share and enjoy the Water and environment, responsibly and without conflict.

339. Pam Bell.

339.1. What is your interest in the issue of access to inland waterways?

I am a recreational paddler, sailor and swimmer, and enjoy just walking beside rivers. Much of my environmental training (BSc Environmental Science and MSc Ecology) was carried out in Wales. I run a Welsh activity tourism company.

339.2. Are you a member of an organisation related to your use of water?

I am a member of Canoe Wales (formerly the Welsh Canoeing Association). I was elected in 1995 to chair the Welsh National Access Committee, and continued in this post, re-elected every two years, for approximately 13 years, until the committee was disbanded.

I am nominated by Canoe Wales to represent recreational paddlers on the Environment Agency's Wye Navigation Advisory Committee.

I am a member of the Outdoor Swimming Society and River and Lake Swimming Association.

339.3. Which stretches of water do you use?

I enjoy paddling, swimming, sailing, rambling and occasionally gorge-walking widely throughout Wales. Inland water I have used includes, but not exclusively: Wye, Usk, Irfon, Monnow, Teifi, Tywi, Sawdde, Dee, Severn, Vyrnwy, Tryweryn, Glaslyn, Prysor, Llugwy, Conwy, Teme, Clydach, Sychryd, Mellte, Ogmore, Taff, Gwynant, Llynau Mymbwr, Llyn Padarn, Llangors, Usk Reservoir, Pontsticill Reservoir, Talybont Reservoir, various Canals.

339.4. Are you happy that your legal rights are clear and well defined?

No.

339.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

Under Roman law, all perennially flowing rivers (all rivers in Wales would come into this category) and their banks were 'res publicae'. Magna Charta enshrined the public right of navigation. Enclosure Acts removed many rights of way over land, but excepting a small number of specific documented cases, there is no evidence of alternation to ancient navigation rights. I believe that I have a legal right to navigate (i.e. boating or swimming) inland waters in Wales and England wherever no subsequent legislation exists contrary to these rights.

339.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

Existing public rights of navigation are frequently challenged without a sound evidential basis. This leads to conflict. Public rights need to be enshrined in modern legislation.

Exercising navigation rights can be problematic where there is a lack of public access to the waterside. Legislation needs to facilitate the exercise of navigation rights, by enabling access to and from the water.

339.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Most countries have legislation predicated on a presumption of public rights to be exercised responsibly. In this culture, appropriate management mechanisms can be implemented.

The principle of 'res publicae' informs legislation in widely differing countries, for example France and South Africa. 'British territories' have tended to codify public access rights as soon as they obtained legislative powers, for example in 1892 when legislative competence was granted to an independent New Zealand, the 'Queen's Chain' legislation codified access rights. Scandinavian legislation tends to codify existing public rights within a modern legislative framework.

Scotland's Land Reform legislation enshrined existing public rights in modern legislation with a Code of Practice.

339.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage.

Yes, Considerable.

If yes, please briefly outline the agreements that exist and your experience of how they operate.

I began canoeing and kayaking in the 1970's, and soon learned 'through the grapevine' that there were problems in accessing rivers. I began coaching paddlesports in the early 80's, and as a coach became more aware of the access situation as we understood it then. I have been more actively involved as an access volunteer for 15 years.

My experience of agreements as a recreational paddler, and as a coach, was one of constant frustration and uncertainty. As a mountaineer, I could make informed decisions as to when and where to go walking or climbing, depending on conditions. In contrast, if I wanted to go canoeing, my decisions on when and where to paddle were made on the basis of arbitrary restrictions set by others who had no knowledge of canoeing.

I joined the WCA access team in 1994, as local officer for the Usk. I was elected regional officer for the Wye and Usk catchments and subsequently elected to Chair the Welsh National Access Committee. I had hoped to be able to improve matters, however, in the face of determination to maintain the status quo, decades of negotiation, by a hard-working and committed team of volunteers, later supported by dedicated access staff, resulted in highly restrictive and unsustainable agreements on limited sections of, at most, 11 out of 300+ canoeable rivers in Wales.

General

As Chair of the National Access Committee, I had overview of the negotiations and agreements on all rivers in Wales. In practice, there was little room for negotiation. Restrictions were handed down as a condition of consent for any paddling to take place. With one exception, Afon Sawdde, these restrictions were based not on environmental protection, but on confining canoeing to the close fishing season.

In spite of Afon Sawdde being a model agreement in terms of environmental protection, EA advised WCA to cease promoting it when one of the riparian owners moved house, as there was no longer anyone to sign up for that (unoccupied) property. This illustrated one of the flaws of reliance on negotiated access. It was impossible to identify all the potentially interested parties for any river. While paddling strictly within the terms of access agreements, it was common to be confronted by

various, often unidentified, individuals on the bank and in car parks, denying the existence of the agreement and insisting that canoeing was not allowed. The agreements were unsustainable, being subject to unilateral cancellation at any time by any one party.

Attempts to negotiate improved or additional agreements usually met with flat refusal. On the rare occasions where it was possible to enter into negotiations for new access, this was usually considered, not on its own merits, but as a trade-off against removing or reducing access elsewhere.

It was a condition of agreements that they should be for BCU members and affiliates only. WCA was expected to police agreements, which was impracticable and inappropriate.

The Effects on Tourism

I was often made aware that the access restrictions affected both local and incoming tourism. In my capacity as access officer, tourists from other countries often contacted me for information about Welsh rivers, and were incredulous when informed of the access restrictions in Wales.

After an agreement for the Upper Wye broke down, I received correspondence from local B&B's, asking why the paddlers were no longer coming to the river as, the income was important to them. Under the restrictive system of access on the Dee, traders in Llangollen had been unable to fully enjoy the benefits of paddler tourism. The large numbers trying to access the river on the few weekends allowed, exceeded the capacity of the town and caused problems. Even so, traders expressed concern at the effect on the town's economy of the loss of paddling-related income after the Dee Tours were withdrawn. I was contacted by families and groups who wanted to paddle the Dee quietly when it was not crowded, and at times other than mid-winter. Under the restrictive agreement, this was not possible. If paddlers had been allowed to visit the Dee throughout the year, instead of on only three weekends, the town would have benefitted considerably.

The River Usk

As local officer, I had 'hands-on' involvement with the Usk access agreement. I have been aware of recent statements to the effect that the Wye and Usk agreements "worked well". My experiences, and the correspondence files dating back to the 1980's, tell a very different story.

In 1994 the Usk agreement was 10 years old and had been largely unchanged throughout that time. However, it was in jeopardy as one of the local fishing clubs was refusing to sign the renewal. The agreement seemed to be held hostage to a turf war between rival fishing clubs, a situation which took months to resolve. In the years following, the agreement was frequently in a state of flux, as one or other of the numerous parties raised objections.

In common with my predecessors, I received correspondence from riparian owners claiming that they had not been consulted about the agreement, and stating that they had no intention of taking part.

I was frequently called upon by anglers and landowners to remonstrate with paddlers who were using the river outside the terms of the agreement. These paddlers often made the same points as those opposed to paddling: that they had not asked anyone to negotiate for them, and they were not interested in the agreement, which did not meet their needs. I received letters from paddlers who found that the restrictive dates 'allowed' by the agreement were not possible for them.

I made numerous attempts to put the Usk agreement onto an environmental basis which could include the tributaries, and following discussions with EA, I spent time identifying the minimum levels at which the rivers in the Usk catchment would be paddlable, from a canoeists' perspective. EA

supported the principle, but were unwilling to give an environmentally safe level until they had the agreement of angling clubs (at this time I was unaware that EA had previously stated an environmentally safe level for the Usk and its tributaries). The environmental approach was always dismissed in favour of the system of advance written permission, even though it was acknowledged that this encouraged paddlers to paddle on the dates they had booked, regardless of level. The reason given was that those representing the anglers/landowners wanted “to retain control”. The control was illusory, however, due to the large numbers on both sides of the agreement who were unaware of it, objected to its terms, or chose to ignore it.

When Canoe Wales began to campaign for legislation, a representative of the Country Land and Business Association stated publicly that they would cease to negotiate access with Canoe Wales if we continued with the campaign.

It has been widely reported that “WCA tore up the Usk Agreement”. This is not the case. When the Usk agreement again came up for renewal, I outlined WCA’s policy of agreement based on environmental considerations, and asked for discussions on this basis. My letter was widely circulated, without my permission, to groups and individuals with no involvement in the Usk agreement. At a subsequent meeting about the Wye, it was stated by a landowners’ representative that “the Usk agreement has been abandoned and rescinded”.

Restrictive arrangements relating to the Wye and Usk have since been made between the WyeUsk Foundation and a small number of commercial operators in the locality of Glasbury on Wye. In real terms, they provide less paddling than the previous unworkable agreements. The levels do not appear to correspond to previously existing environmental parameters, and disadvantage all but the most experienced paddlers. These publicly funded arrangements appear to be widely disregarded by paddlers, and there is anecdotal evidence of riparian owners stating they are not party to them. The Crickhowell and District Angling Society, part of the United Usk Fishermen’s Association, have not signed up to them, with the result that Crickhowell, a key landing point, is not included.

339.9. Would you like to see any changes to the voluntary agreements?

Yes. In my opinion, the arrangements made by the WyeUsk Foundation are private arrangements between limited parties who choose to ignore the question of existing rights of navigation and who seek to impose restriction on the public for their own benefit or expediency. As such, it appears that public money, including European funding, is being used to undermine public rights. Welsh Assembly Government needs to examine the basis for supporting this programme.

339.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

In most countries, including Scotland, which have a presumption of public rights of access, agreements are made between user groups where activities genuinely conflict with each other. This fair and equitable management mechanism is not available under the present circumstances in Wales, where one group is able to veto all other activity and has no reason to compromise. Meaningful agreement can only take place where all parties come to the negotiating table as equal partners.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

The hegemony of strong vested interests. All other issues stem from this.

Commodification of the countryside. Those with the ability to pay large sums demand exclusivity in return.

Uncritical acceptance of the assertion that the interests of field/blood sports are synonymous with conservation.

Presumption against access – even where not supported by statute.

Failure by successive governments to recognize the issue of public rights; attempting to polarize them into 'angling v canoeing' / 'town v country' / 'local v incomer' conflicts.

Concentration of access into too few 'honeypots' creates pressure on the immediate environment, a poor quality experience, and a 'theme park' perception of the countryside.

The impossibility of educating the public on their responsibilities to the countryside while excluding them from most of it.

Denial of the rights of the public as stakeholders who pay for the upkeep and protection of the countryside through their taxes.

Placation of vested interests leading to piecemeal, unsustainable and unworkable arrangements.

Solutions:

Legislation needs to be on the basis of presumption in favour of public rights.

Rigorous scrutiny of cases where public access is controlled, restricted or prevented.

A scientifically-determined environmental constraint as a basic requirement for exclusion of the public from the countryside.

A realistic definition of what constitutes 'private property' for the purposes of excluding the public, as opposed to 'privately owned property'.

Public utilities need to be held to account against their statutory responsibility to provide public access to their landholdings.

'Rights and Responsibilities' education campaign to be rolled out contemporaneously with new legislation, as happened in Scotland.

340. Alex Yorke

I own a Visit Wales Five Star and Gold Award winning Guesthouse in southern Snowdonia. I am also a game fisherman and offer a guiding service for my guests on the rivers and lakes in Meirionnydd and Snowdonia. I am a member of Dolgellau Angling Association, Llanbrynmair Angling Association and Prince Albert Angling Association as well as the Salmon and Trout Association, the Wild Trout Trust and the Angling Trust. In my youth I also did a lot of whitewater canoeing in Wales particularly on the Wye. I also still regularly canoe in the sea.

Given my background I feel I have something to contribute to the current access debate. My thoughts are as follows:

I am in favour of canoeists to having more open access to inland waterways however there should be some control of this access:

1. They should have to pay for this access as fishermen have to pay a rod licence fee. The payment should be similar to the system in force on the river Thames whereby all craft pay a licence fee and display a tax disc style sticker, the payment should also include insurance cover for the user and anybody they could hit with the canoes either in or out of the water (ie damage to vehicles). Perhaps enforcement could be carried out by Environment agency officers in conjunction with their fishing rod licence checks - especially as a lot of canoeing is carried out during the fishing closed season. The penalty for not displaying/ having a valid licence should carry penalties similar to those anglers are subjected to. Perhaps where canoeists want to canoe on angling club waters they should also join the relative angling clubs. Season , day and weekly tickets are available for anglers and probably should be for canoeists as well. This should also soften anglers attitudes towards canoeists as they will be seen to be contributing for using the clubs water.
2. Canoeists should not have access to certain rivers at certain times of year. As some rock faces are closed to climbers during the breeding season for birds parts of rivers where there are salmon, sea-trout and brown trout spawning redds must be out of bounds when these fish are spawning – allowing canoeists to disturb spawning fish would be an absolute disaster and would undoubtedly lead to the redds being abandoned and whole river systems would potentially lose a whole year group of fish. All river closures should be circulated through the British Canoe Union and advertised in their magazines and on their website as happens with the British Mountaineering Council and the cliff closures for breeding birds. This will of course require the cooperation of the BCU and there regional organisations. The canoeists lobby must understand and agree to these closures before access issues are taken any further. Wild brown trout and migratory fish are having a hard enough time at the moment without any other things that could reduce their spawning success rates any further.
3. Should certain rivers become very popular with both anglers and canoeists at the same time to avoid friction some form of rota system could be employed as there is with mountain bikers on Snowdon. Of course this will again require cooperation and agreement from both parties as well as some form of enforcement.
4. As the owner of a tourism related business in my experience anglers contribute far more to the local economy than canoeists. In my ten years at dolffanog fawr we have received in the region of £50000 from anglers staying with us. Many of whom return year after year. We have not had any canoeists. In my experience canoeists are generally day trippers who contribute very little to the local economy. This must be taken into account when deciding on access. If the welsh rivers become

choked by canoeists many anglers will not visit or return this in turn will cost the Welsh economy a huge amount of money.

In conclusion I hope the above makes some sense, although I am now primarily a fisherman given the amount of canoeing I've done over the years I believe I can see both sides of the argument over canoe access. I wholly believe that canoeists should be given more access to more rivers throughout Wales and the UK. It would however be an absolute disaster if this was in the form of a right to roam style bill with no restrictions. I am sure that local access agreements are the right way to go but they must be acknowledged, supported and agreed by all concerned and there must be some form of enforcement should the agreements be broken. (I have seen rock climbers being arrested for climbing on closed crags during the breeding season.) PLEASE, PLEASE, PLEASE do not overlook the damage that will be done should canoeists be allowed to canoe through shoals of salmon, sea-trout and brown trout while they are on the spawning redds. Most angling clubs carry out some form of stocking of migratory fish and still the stocks returning from the sea seem to be declining more each year. Just because fish are under the water and cannot be seen they are still a vitally important part of the environment and ecosystems of the rivers. If there are no fish there will be no otters, herons, kingfishers, ospreys etc. Everything possible must be done to protect our declining stocks of migratory fish.

341. Steve Brooks

I am an active recreational user of the Inland waterways of Wales for Canoeing and Kayaking. I am a member of Welshpool Canoe club who have approximately eighty members who engage in the same activities. The current access situation means that the vast majority of waterways are unavailable for use with a few exceptions on very short stretches. I believe that this is unnecessarily prohibitive and inevitably limits participation.

Kayaking and Canoeing along with other waterborne sports are very beneficial. Participants either individually or through clubs like Welshpool, engage in an activity that improves health, fitness and general well being. Welshpool canoe club has members of all different age groups and from diverse social backgrounds. All would benefit from better waterway access to improve opportunities to take part.

Kayaking and Canoeing has very little environmental impact. I believe that allowing access to pass along waterways would have little or no detrimental effect on the rights or property of the landowners who currently control access.

I am in agreement with the Petitions Committee's short inquiry into Access Along Inland Water, which has clearly highlighted the issues present and their recommendation that the Land Reform (Scotland) Act 2003 provides a useful basis from which a unique Welsh model of legislation could be developed

342. Pete Searle

I am a user of the inland waterways in the sense of waterborne recreation, in that I both Kayak and Canoe on inland waters within Wales. I am also a member of the British Canoe Union (BCU), as I am based in England but travel to Wales to enjoy the wonderful, and exciting waterways present.

I feel all waterways in Wales and infact the entire UK should be open for use.

I am in agreement with the Petitions Committee's short inquiry into Access Along Inland Water, which has clearly highlighted the issues present and their recommendation that the Land Reform (Scotland) Act 2003 provides a useful basis from which a unique Welsh model of legislation could be developed.

Please open up the water ways for all.Written

343. Evidence from British Waterways

343.1. Introduction

1.1 British Waterways is a not-for-profit public corporation which cares for the network of canals, rivers, docks and reservoirs across Britain. It owns and manages 2,615 km of navigable inland waterways in the UK of which 75% are canals. It is accountable to the Department of the Environment, Food & Rural Affairs in England and Wales and to the Scottish Government (Transport, Infrastructure and Climate Change) in Scotland. We work with a broad range of public, private and voluntary sector partners to protect and find new uses for the nation's historic waterways.

1.2 Our priorities in England and Wales, agreed with Government in their Strategic Steer, are:

- maintaining the network in satisfactory order
- achieving shared Government/company longer term vision of moving towards greater self sufficiency through the growth of commercial business and other funding sources
- delivering a range of additional public benefits that are not indivisible from maintaining the network.

1.3 The Department of the Environment, Food & Rural Affairs broadly favours the first as a priority, especially as this has a strong linkage with the delivery of many public policy priorities such as regeneration, sustainable landscapes and communities and public health, but recognises that a balance has to be struck with the other two, as all are clearly important.

1.4 The last decade has seen a widely acknowledged waterway 'renaissance' with canals being reinvented as agents of rural and inner city regeneration whilst offering some of the greenest recreational facilities available in the U.K.

1.5 In parallel paddlesport is growing in popularity within the UK population and a safe, affordable, enjoyable and environmentally friendly way of getting exercise and enjoying the great outdoors. Wales with its diversity of coastal areas, lakes, rivers and inland waterways combined with its close proximity to a large percentage of the UK population is ideally placed to become a focus for the UK paddlesport visitors.¹ The existing tourism product is currently mainly focused on current enthusiasts at intermediate/advanced level with limited opportunities for supervised paddlesport, taster sessions or introductions to paddle sport.

1.6 Canals can provide an ideal gateway to the sport. They have the ability to provide more family orientated canoeing / kayaking and the opportunity for the creation of packages of outdoor activity, combining canoeing with other forms of boating activity, cycling, walking etc. We will continue to welcome and facilitate use of the canals in Wales for paddlesport.

1.7 However if more use is to be made of the canals by paddlers they will need encouragement which other stakeholders are better positioned to deliver. For example "Wales Paddlesport and Tourism Action Plan 2009 – 132" stated that long distance canoeing will continue to be restricted to those with the initiative, confidence and knowledge of where they can go until packaged information for formally promoted routes, including information on canoe hire, baggage transfer, accommodation and access points, is made readily available. The same plan identified a number of factors that would encourage paddle sport visitors and support local businesses. These included integration of

¹ Wales Paddlesport and Tourism Action Plan 2009 -13 Cartwright Associates (September 2009)

² Wales Paddle sport and Tourism Action Plan 2009 -13 Cartwright Associates (September 2009)

paddlesport and tourism providers; a paddlesport tourism education programme; canoe trails; marketing and capital investment (e.g. creating products that encourage paddlers to stay longer).

1.8 We would welcome the opportunity to extend our work with a range of partners to make our waterways even more accessible to paddlesport.

1.9 British Waterways owns and manages the Llangollen, Montgomery, Swansea and Monmouthshire and Brecon Canals in Wales. Where practicable we also work in partnership with others from the private, public and third sectors to bring derelict waterways back to life for the economic, environmental and social well being of the adjacent communities.

1.10 Both the Montgomery and Llangollen Canals are trans national. The latter crossing the border more than once.

343.2. Legal rights

2.1 British Waterways' legal rights are enshrined and defined in the original enabling legislation, the 1962 and 1968 Transport Acts and successive British Waterways Acts.

2.2 Under section 22 of the British Waterways Act 1995, British Waterways has general environmental and recreational duties to further the conservation and enhancement of the natural and built environment including geological or physiographical features of special interest and buildings, sites and objects of archaeological, architectural, engineering or historic interest.

2.3 In considering proposals we also have to have regard to the desirability of preserving public access to towing paths and open land and especially to places of natural beauty or for visiting or inspecting any building, site or object of archaeological, architectural, engineering or historic interest.

2.4 In dealing with "remainder waterways", those that were neither categorised as cruising nor commercial waterways in the Transport Acts, we also have to take into account the desirability of protecting them for future use as cruising waterways, or as areas appropriate for other public recreational use.

2.5 There is no requirement that recreational facilities made available by British Waterways should be made available free of charge. Indeed we are required to maximise, as far as practicable, revenue from our activities by charging a market rate for our services and whenever practical directly charging our customers for the benefits received consistent with prevailing market rates. We should only resort to grant-in-aid to fund activities where, in agreement with the Secretary of State, there are wider social benefits or it is impractical or not cost effective to charge directly for services provided.³

2.6 All the income generated is, of course, reinvested in the waterways. British Waterways does not distribute profits.

2.7 In Wales British Waterways' ownership includes the angling rights over the majority of the canals it manages. Ownership of such rights to parts of the Montgomery and a short section of the Llangollen are unclear.

In England and Wales British Waterways encourages use by paddlers and currently charges an annual licence fee for non BCU members of £35.57 (inclusive of VAT and a prompt payment discount). The

³ <http://www.defra.gov.uk/environment/water/iw/pdf/framework-for-british-waterways.pdf> Department for Environment, Food & Rural Affairs Framework Document for British Waterways 18th February 1999

BCU pays a block licence fee of around £60k per annum on behalf of its members which then allows its members free access to our waterways. The fee is based on their membership numbers.

343.3. Would we like to see any changes to your legal rights?

3.1 No. The canals of Wales differ from natural or near natural watercourse in that they are entirely man made structures with managed water supplies. Their infrastructure is costly to operate and maintain; requiring regular dredging to maintain navigable depth, bank protection to reduce erosion, structures for navigation, etc. The Water Framework Directive and climate change will place increasing pressure upon water resources which is likely to further increase costs in the short to medium term.

3.2 While paddlers are less reliant upon the navigation structures and depth of water than other boaters they nevertheless benefit from both and should therefore continue to contribute, however modestly, to the stewardship of the canals' infrastructure.

3.3 The waterways are used in a variety of ways and by a wide range of users. Some of the uses may compete and occasionally that can lead to conflict. Increasingly we seek to regulate these uses, for the benefit of all users, through licence conditions rather than byelaws. While access in Scotland is controlled to a degree through the Access Fora and Access Codes the case study below demonstrates that a reliable means of getting information to users is required together with investment to provide the facilities needed to meet demand and manage out potential problems.

3.4 The trans national nature of the canals in North Wales could further confuse and confound potential users should different licensing apply in England and Wales.

343.4. Legislation that exists in other countries that could be used in Wales

4.1 In Scotland there is a right of access to land and water which includes canals within British Waterways' ownership and management. As a statutory body British Waterways has to retain its ability to undertake its duties and this ability is specifically preserved within the Land Reform (Scotland) Act of 2003. Access to structures, including locks, is excluded.

4.2 Access to the water has generated additional use of the canals (and connecting lochs) by paddlers creating added value for local communities and the Scottish Parliament in line with their ambitions for a healthier, greener, fairer country.

4.3 However that level of use brings with it real challenges for the managing landowners. The large numbers of walkers and paddlers in the area during the peak summer months has caused conflict with the 'paying' users of British Waterways' various toilet and shower blocks. The Forestry Commission, the riparian landowner for much of the route, has had to deal with incidents of littering and 'toileting' problems at shore side camping spots. There is therefore a risk that the clean and untouched wilderness experience (the sense of place) that paddlers seek could be endangered if things continue as they are.

4.4 These issues are being tackled through the development of a series of informal campsite facilities (Trailblazer's Rests, composting toilets and fire pits), as described in the case study below, to encourage overnight camping in appropriate and concentrated areas to reduce problems and to maintain standards for all users. At the same time use of waterside businesses, such as pubs, cafes and B&Bs, will be encouraged through the installation of secure 'canoe hitches' so that paddlers are confident they can safely leave their equipment and local communities enjoy the economic benefits.

343.5. Voluntary agreements

5.1 While the right to free access has been established in Scotland British Waterways continues to issue licences to paddlers, with the support of the Scottish Canoe Association and albeit free of charge, so that demand can be monitored and information about safety, other users and the location of facilities can be provided. Modest charges are made for the key providing access to the toilet and shower blocks on the canal.

5.2 The same operating costs are being incurred without the benefit of an off setting income. In addition British Waterways will be investing £150,000 as partners in the Great Glen Canoe Trail to provide the necessary facilities to accommodate the increased use. While the benefits to society outweigh the costs many times, these are sums which British Waterways can no longer make available for the maintenance of the waterway infrastructure.

343.6. Key issues for recreational access to inland water in Wales.

6.1 The waterways of Wales have great but unfulfilled potential for the delivery of a diverse range of public benefits which in this context will assist in delivering the Welsh Assembly Government's aim of a healthy, prosperous, sustainable nation.

6.2 Notwithstanding that over the last twenty years British Waterways has dramatically increased its efficiency and effectiveness⁴ work commissioned by British Waterways from the accounting firm KPMG (British Waterways Status options review – June 2008) confirmed that an extra £30 million is needed every year to allow Britain's network of canals and rivers managed by British Waterways to reach a 'steady state' of maintenance in which repairs are routine and the long-term decline of the network is prevented.

6.3 These figures take no account of the potential impact of legislative changes such as the Water Framework Directive, climate change or the continually rising expectations of the users of the waterways.

6.4 To unlock the full potential of the waterways therefore requires a step change in both their resourcing and the extent to which that potential, alongside their intrinsic worth, is recognised and valued by society at large.

6.5 During 2009 British Waterways is holding a conversation with the public, stakeholders, staff and customers about the future of Britain's waterways and their role in modern society. The wider role of waterways will also be emphasised in the forthcoming refresh of UK Government policy on inland waterways – Waterways for Tomorrow – which applies to both England and Wales and is due to be published in early 2010.

6.6 "Wales' Strategy for Water Related Recreation 2008 – 2012, A Better Place to Play in Wales" suggested that, just as "Waterways for Wales" established a "Made in Wales" approach to the regeneration of canals, so too there is the potential to establish a "Made in Wales" approach to canoe access to non tidal inland waters and the role the canals could play in creating a new tourism and recreation product.

6.7 The artificial nature of the canals, their operational demands, and the trans national nature of the canals in North Wales will all need to be taken into account in the debate leading to that approach.

⁴ Commercial income is now almost three times what it was in 88/89; grant has reduced by 20% and now represents just 40% of turnover, staff numbers have reduced by 28% and boat numbers are up 67%; informal visit numbers also continue to rise, up 17% in the last 3 years

6.8 Our experience in Scotland has shown that with the right product there will be a significant increase in use and therefore in benefits for local communities and businesses. The growth in use of the Great Glen has taken place despite limited promotion by public authorities. Provision and management of the facilities required by those new users can be challenging and really needs to be considered in advance. However our experience in Scotland has also shown that those challenges can be met if a broad range of stakeholders and beneficiaries are willing to work in partnership and pool their resources.

6.9 Market research in 2006 by Mintel and Visit Scotland ('Sporting Activities in the Great Outdoors' and 'The market for extreme / outdoor sports tourism' respectively) demonstrated that the market for adventure sports (of which canoeing and kayaking are a part) transcends socioeconomic groups, ages and gender. The Visit Scotland report also found that Scottish breaks involving adventure sports tended to be short breaks, with an average of 4 nights spent away from home, tended to be taken in the shoulder months of April and September and participants demonstrated a preference for camping.

6.10 The average Great Glen paddle expedition of between 3 and 5 nights fitted the profile perfectly. Assuming the research is equally applicable to Wales a series of canal trails along the Monmouthshire and Brecon and Montgomery Canals could fit the bill just as well. Similar investment to that described in the case study would create new uses for the waterways and benefits for paddlers and local communities alike.

6.11 In Wales British Waterways has already been investing in paddlesport facilities through the WAG "Splash Fund" and is currently working with Canoe Wales to identify opportunities on the Montgomery Canal for training facilities including links with the schools curricular.

6.12 We would like to see the canals of Wales fully integrated into the Paddlesport and outdoor activity "offer" with the necessary sustained investment in facilities and services for them to meet their potential and deliver the economic, environmental and social benefits demonstrated by the example of the Great Glen Ways.

6.13 We would also wish to see continuation of the licence not only to provide a modest contribution to the cost of providing the services and infrastructure enjoyed by the paddler but also as a means of reaching and communicating with the user so that competing and complementary uses can be managed for the benefit of all users.

343.7. Great Glen Ways Case study:

7.1 In Scotland the model on the Great Glen Ways is an exemplar of partnership working between British Waterways, the Scottish Canoe Association, Forestry Commission, Scottish Natural Heritage and the riparian local authorities.

7.2 Following the successes of previous partnership projects on the Great Glen Ways (The Caledonian Canal, Great Glen Way long distance route and the Great Glen Mountainbike Trails) the Great Glen Canoe Trail will see the creation of a dedicated waymarked trail for paddlers using the Caledonian Canal and the associated lochs within the Great Glen. It will be the first Canoe Trail in Scotland and an excellent example of the sustainable economic use of the country's cultural and natural resources.

7.3 The development of custom designed and manufactured 'Canoe Hitches' is specifically aimed at extending visitors' dwell time in the region through facilitating use of local B&Bs, hostels, cafes and pubs, thereby benefiting the fragile economies of the remote settlements. Similarly the creation of a

waymarked trail is likely to encourage paddlers to stay in the region for several days at a time instead of making day trips by car.

7.4 As there are currently no designated long distance canoe trails in the UK (outside Northern Ireland) it will help raise Scotland's profile as a provider of world class facilities for outdoor pursuit.

7.5 British Waterways Scotland, Highland Council, Scottish Natural Heritage, Forestry Commission Scotland and the Scottish Canoe Association commissioned an Action Plan report in Summer 2008 in order to scope the requirements of a formal canoe trail. This report and earlier ones from Forestry Commission Scotland established that currently approx. 2,500 paddlers use the Caledonian Canal and the waters of the Great Glen each year and are spending around £725,000 pa directly in the local economy on items such as food and accommodation, equipment hire and general tourist services.

7.6 Evidence from the SCA and Highland activity providers suggests that there is a growth in numbers of as much as 25% p.a. – this is believed to be largely as a result of the preferential access legislation in Scotland, the suitability of the Great Glen for paddle expeditions and the excellent word of mouth publicity from existing users.

7.7 This growing number of paddlers, whilst being welcome, brings its own pressure to the infrastructure of the Great Glen – for example, informal camping and toileting all require management and the existing infrastructure, such as canal toilet blocks intended for the boat traffic, is operating beyond capacity, with particular pressure during peak summer months.

7.8 The GGCT will address these issues through the installation of a series of informal camp sites with open sided shelters, fire pits and composting toilets – these 'Trailblazers' Rests' will focus the informal camping along the route and help to minimise damage to more environmentally sensitive areas.

7.9 Importantly the GGCT will also see the development of paddler-friendly low level access pontoons at each of the Caledonian Canal's locks and bridges (canoes and kayaks must portage around each lock for safety) these, along with canoe-accessible pontoon walkways, will improve access to the water for users of all abilities.

7.10 The GGCT will also see the creation of dedicated car parking facilities for paddlers at either end of the Glen and specially designed 'Canoe Hitches' which will allow paddlers to secure their equipment overnight whilst they use local food and accommodation businesses.

7.11 As well as the development of an Interpretive plan for the route based on the existing Great Glen Ways' interpretive strategy, there will be termini markers at each end of the Trail, a website to sit alongside the existing Great Glen Way site, a trail map and guidebook and marketing elements including a Canoe Festival, promotional DVD and press launch.

7.12 The project partners have links with the managers of Northern Ireland's Canoe Trails and will use their experience to inform the development of the GGCT. The project will be monitored on an ongoing basis by the managing / landowning partners, with the assistance of the SCA and Highland activity providers.

7.13 A formal review has been included in the project and, to co-ordinate the project, a project officer will be recruited to commission and oversee the work.

344. Steve Davies

344.1. What is your interest in the issue of access to inland waterways?

Recreational paddler, both canoe & kayak. I paddle moving flat & moving (white) water

344.2. Are you a member of an organisation related to your use of water?

Yes I am. British Canoe Union

344.3. Which stretch/es of water do you use?

- River Dee
- River Tryweryn
- River Conwy
- River Severn
- River Glaslyn
- River Llugwy

344.4. Are you happy that your legal rights are clear and well defined?

No, I am not happy

344.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

Legally I can paddle some 4% of rivers in Wales, it is highly unlikely, but I run the risk of being taken to court for trespass if I paddle any of the other 96% of rivers in Wales, and I will most certainly receive verbal abuse from various other river users.

344.6. Would you like to see any changes to your legal rights?

Yes, I would.

If yes, what changes would you like to see?

I believe that water, as a natural resource belongs to everyone and therefore there should be no legal restrictions on the use of rivers in Wales.

344.7. Are you aware of any legislation that existis in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill

344.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

None now exist, as the WCA has pulled out of all Voluntary Agreements as, after 50 years of negotiation, recent Government studies have shown that they cannot provide the necessary water resources needed for water sport.

344.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

They should be used when short term exclusive access is required to stretches of water, for example when a championship fly fishing event is taking place.

344.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Yes, Grantully, Scotland.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

50 years of negotiation has resulted in a pitiful 4% of the linear waters ways in England and Wales that are in private ownership being opened up via agreement. Voluntary agreements are restrictive in nature, usually permit use of small sections of rivers only and are for short periods of the year. Canoeing, Kayaking and Wild Swimming continue to enjoy growing numbers of participants for which sustainable access to water is essential to allow participants and rural economies to continue to benefit from what is a low environmental impact, high health promotion activity.

I do not believe that further access to water can be delivered by utilising the same methods that have failed again and again.

I feel that a solution can only be achieved with a mechanism of access similar to that of the Scottish Land Reform Bill. Legislation is required to enshrine and enhance the right of access to the water, and provide clear roles and responsibilities for user groups in relation to the preservation of the environment.

Prior to the introduction of the Land Reform Bill, many parties were concerned about what it's effects might be, since it's introduction all concerns have been shown to be unfounded and people from all walks of life are able to share and enjoy the Water and environment, responsibly and without conflict.

345. Jules Hoult

345.1. What is your interest in the issue of access to inland waterways

I kayak and canoe both for personal pleasure and as a instructor/coach of my school's cadets. I live and work in England but travel to Wales regularly for personal paddling and to improve my skills and qualifications at centres such as the National Mountain Centre at Plas y Brenin and the Joint Services Mountain Training Centre (Indefatigable) on Anglesey.

345.2. Are you a member of an organisation related to your use of water?

BCU

345.3. Which stretch/es of water do you own/use/manage?

I have used several rivers in North Wales: Llugwy below Plas y Brenin, Dee around Llangollen, Tryweryn, Glaslyn Gorge, Upper Mawddach, Conwy above Conwy falls

Legal rights etc.

Access is confused! In my short paddling career:

I have been taken down rivers by local centre guides one day, lied to and assaulted by farmers and car tyres damaged on another - River Conwy Voluntary access agreement dates have been changed by one party without telling others - Afon Glaslyn

I would like to see a move to the system that is now in place and working pretty well in Scotland of responsible access for all water users with a clear code of what is expected from all of us.

Where rivers have genuinely environmentally sensitive sections I would like to see (a) clear information from an unbiased source on which sections these are and (b) gauges on rivers with simple explanations of when levels are too low to paddle as per the River Greta in the Lake District:

<http://www.ukriversguidebook.co.uk/nwengland/gretaaccess.doc>

I would like to thank the National Assembly for Wales for the time and money being put into this consultation.

346. Michael Donohue

346.1. What is your interest in the issue of access to inland waterways?

User for waterborne recreation, specifically canoeing and other unpowered, small watercraft.

346.2. Are you a member of an organisation related to your use of water?

No

346.3. Which stretch/es of water do you use?

- River Dee
- River Severn
- River Banwy
- River Glaslyn
- Afon Rheidol
- Afon Rhiw
- Afon Alwen
- Afon Arddu
- Afon Ceirw
- River ConwyY
- Afon Dwyfor
- River Twymyn

346.4. Are you happy that your legal rights are clear and well defined?

No

346.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

Legally I can paddle some 4% of rivers in Wales, it is highly unlikely, but I run the risk of being taken to court for trespass if I paddle any of the other 96% of rivers in Wales, and I will most certainly receive verbal abuse from various other river users. I am less than happy about this abuse, especially since the fishermen involved (it is always men) are under the impression that they have a right to verbally abuse me, and threaten physical abuse.

346.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

I believe that water, as a natural resource belongs to all, and therefore there should be no legal restrictions on the use of rivers in Wales.

346.7. Are you aware of any legislation that existis in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill. The most far-sighted and liberating piece of legislation in the UK in many years.

346.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

None now exist, as the WCA has pulled out of all Voluntary Agreements as, after 50 years of negotiation, recent Government studies have shown that they cannot provide the necessary water resources needed for water sport.

346.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

They should be used when short term exclusive access is required to stretches of water, for example when a championship fly fishing event is taking place.

346.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Yes, Grantully, Scotland.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

50 years of negotiation has resulted in a pitiful 4% of the linear waters ways in England and Wales that are in private ownership being opened up via agreement. Voluntary agreements are restrictive in nature, usually permit use of small sections of rivers only and are for short periods of the year. Canoeing, Kayaking and Wild Swimming continue to enjoy growing numbers of participants for which sustainable access to water is essential to allow participants and rural economies to continue to benefit from what is a low environmental impact, high health promotion activity.

I do not believe that further access to water can be delivered by utilising the same methods that have failed again and again.

I feel that a solution can only be achieved with a mechanism of access similar to that of the Scottish Land Reform Bill. Legislation is required to enshrine and enhance the right of access to the water, and provide clear roles and responsibilities for user groups in relation to the preservation of the environment.

Prior to the introduction of the Land Reform Bill, many parties were concerned about what it's effects might be, since it's introduction all concerns have been shown to be unfounded and people from all walks of life are able to share and enjoy the Water and environment, responsibly and without conflict.

347. Tom Parker

347.1. What is your interest in the issue of access to inland waterways

Professional Kayak Coach, I work and play on the river.

347.2. Are you a member of an organisation related to your use of water?

Welsh Canoe Association

347.3. Which stretch/es of water do you own/use/manage?

Llugwy, Conwy, Dee, Glaslyn, Owgen, Elwy, Aled, Alwen, Usk, Wye, Melte, Tribes of the Usk

347.4. Are you happy that your legal rights are clear and well defined?

Not at all. It seems that my perception differs to that of other users and this need clarification.

347.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

I have a right to use the water but not the land around it, public land notwithstanding.

347.6. Would you like to see any changes to your legal rights?

Absolutely.

If yes, what changes would you like to see?

The right to use inland waterways enshrined in law, but with a strong emphasis on the responsibilities of all parties and penalties for those that do not carry out those responsibilities. I have no desire to prevent or inhibit others engaging in their pursuits but I should be able to carry out mine – a harmless, fun activity.

347.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

- Land Reform Act - Scotland,
- CROW Act England and Wales

347.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

It will be some sort of restriction or condition of use. Limited numbers, certain times of the year and so on.

347.9. Would you like to see any changes to the voluntary agreements?

Yes

If yes, what changes would you like to see?

Remove them. When one side of an issue has no desire to come to an agreement, it will not. Instead, we need a rights with responsibilities approach, like the one favoured in Scotland.

347.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

In France, no one paddles after 6pm for the fisherman. It's a fair system and everyone respects it so it seems to work.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

I understand that:

Fisherman are upset because they have to pay to fish, and some believe that kayakers actively disturb fish, ruining their chances of a catch.

However, fishermen pay for access to land, maintenance of banks regarding erosion, and fish stocks (in certain situations). Kayakers require none of these things and the Brighton Report suggests kayaking and fish stocks are mutually exclusive in terms of effect.

I understand that landowners have concerns about liability issues that need to be assuaged, along with their concerns about livestock, crop and fencing damage.

I understand that there are parties on both sides of the issue who act in extreme or idiotic fashions – kayakers damaging fencing, parking inconsiderately or landowners and fishermen acting in threatening ways. This cannot continue and needs to be dealt with.

Adventure tourism is already a considerable industry within Wales and could be bigger, bringing in additional revenue to the country, at a time when more traditional industries are struggling. Visit Wales appears to appreciate this with their use of adventure sport images, particularly of white water kayaking, in their 'Big Country' marketing campaign. However, the legal situation and entrenched attitudes on the part of certain landowners and angling groups means that visitors are met with hostility, lessening the chance of a return and meaning a loss of revenue.

I would like to see access to inland waterways enshrined within law. I would also like to see our responsibilities as kayakers made clear. Appropriate water level indicators to avoid damage to spawning beds for example. I would be happy to pay a higher BCU/WCA fee per year in order to help fund the construction of access and egress points, lessening the impact on crops, livestock and local communities.

I would like to see the onus on voluntary agreements removed. Time has shown that when one side firmly believes that the other will adversely affect their activities, they will not reach an agreement.

I hope that the assembly can create a system that enables us to have problem free access whilst continuing to allow fishermen to enjoy their pastime and landowners to make a living.

348. Peter Bamford

My son and I are canoeists. We paddle on the beautiful rivers in the South Wales to exercise, enjoy the scenery and wildlife and spend time together. I am completely confused regarding my right to paddle and there is rarely signage, and where there is, it is often unclear on whose authority the directions are made. A "No Canoeing" sign nailed to a tree is not helpful and it is very hard to get unbiased guidance.

Fishermen are generally friendly but occasionally a few are aggressive, abusive and seem to think they have exclusive rights to 'their' river. I believe rivers are a natural resource and should be respected and enjoyed by all without fear of intimidation or worse and this must be protected by law.

I do not believe any individual or group should have a monopoly on any rivers except in exceptional circumstances. Rivers should be freely shared between all interested users and it seems other nations, most obviously Scotland, have found ways of achieving this. I would be happy to pay a licence fee to pay for the upkeep of the rivers and provide proper parking and access facilities.

349. Ogmore Angling Association

As membership secretary of the Ogmore Angling Association (OAA) representing almost 500 members, I write to lodge an objection to the petition submitted to the Welsh Assembly by the Welsh Canoeing Association which, seeks to pass a law allowing unfettered and unrestricted access at all times of the year for canoeing purposes, to the waters owned and managed by the OAA.

May I point out, that of our 500 hundred or so members, almost all are Welsh voters and all of whom are outraged at this proposal and consider it to be unlawful trespass violating their legal rights.

The OAA has been in existence for over a hundred years, since first having acquired the fishing rights to our waters from the then Earl of Dunraven in 1891. In the main, the Ogmore River, together with the majority of its tributaries are wholly owned and managed by the association including the river bed, the title deeds for which, can be viewed at the "Land Registry for Wales", Crown Way, Cardiff.

The rivers Ogmore, Garw, Llynfi and Ewenny are at best but a few metres across and in the main totally unsuitable for canoeing. At low water, which is most of the time, they can be forded with ease and are not the white water torrents and rapids sought after by canoeists.

No navigation rights exist for anyone on our waters which are owned and managed by the OAA. Our members see "wholesale" canoeing as being dangerous, particularly when mingled with angling. I say dangerous for very different reasons to that of merely navigating a river in a canoe. Consider and picture if you will the lone angler quietly and fervently concentrating his or her patience in anticipation whilst casting a 'fly' or 'spinning' lure, oblivious to all things around. Whereupon, a canoe appears as if from nowhere, likely then to be hit by the anglers 'fly' or 'treble hooked' spinning lure flying through the air! Of course, this is not to mention the anger and outrage of the angler at the appearance of this most unwelcome and uninvited visitor.

Anglers come from all over the country to fish OAA waters and are able to buy day or weekly tickets to fish. Indeed, some who have fished our rivers have come from far and away from other countries.

It is interesting to note the fishing accolades that were bestowed upon the Ogmore, Garw, Llynfi and Ewenny rivers as far back as 1834 by the renowned author of that time "George Agar Hansard" in his book "Trout and Salmon fishing in Wales" and to quote just one paragraph "the Ogmore has always been distinguished for its Salmon and there are few rivers in Wales more productive of this fish" unquote.

Historically, canoeists have shown little regard for the environment, trampling over and destroying just about everything in their quest to get access to waterways for their canoes. Wading through spawning beds and trampling wild and rare plants and destroying barb wire fences, nothing stands in their way. Of late canoeists have been illegally navigating our waters and on one occasion the police were called. Are such canoeists to be rewarded for such flagrant abuse of the law during this consultation exercise? By contrast, our members meet on the first Sunday of every month for river cleanups and the Association is responsible for operating a regular fish stocking program at great cost. Our members also assist the Environment Agency in monitoring migratory fish caught of both Salmon and Sea Trout (Sewin), by submitting catch returns for analysis each year.

Recently our Association successfully hatched over 50,000 eggs taken from wild fish of Salmon and Sewin caught on our waters which were then fertilised. Later, the fry having been brought on were then reintroduced to the rivers where their parent adult fish were first caught. Our Association also operates a catch and release only policy when fishing for Grayling, thereby preserving these superb

fish. Canoeists show no such inclination for the care and preservation of the abundant wildlife and associated habitat that abound our waterways. This is in complete contrast to that of the angler, who spends a great deal of money following the world's most patronised sport and who also injects large sums of money into the Environment Agency in Wales by virtue of the legal requirement to purchase a Rod License. According to the Environment Agency, anglers spend in the region of £150million, heavily influencing the Welsh economy. Be in no doubt, this substantial income will be jeopardised if this proposal is passed. Canoeists have no such imposition such as that of licensing in any form placed upon them and therefore, contribute nothing to the Welsh economy and certainly nothing to Nature Conservation!

My Association is neither deaf nor intransigent to the wants and needs of the canoeist fraternity in our area and in fact have a river access agreement with our local canoe club. We are also working in conjunction with this local canoe club to secure grant funding for a slalom course on the river Ogmore. This local negotiation approach has proved successful and is at present acceptable to both parties. It is to be favoured in place of unpopular and unpoliceable legislation. Our Association sees no reason at all why our local canoe clubs cannot be supported by us locally, on a managed basis. However, that said, we remain convinced from a Health and Safety point of view if nothing else, that canoeing is more suited to the larger rivers of Wales and England, Scotland and Ireland and not to the smaller rivers of Wales such as the Ogmore, Garw, Llynfi and Ewenny.

For the above reasons and others I have not mentioned, I trust this objection is upheld and the petitioned proposals submitted by the Welsh Canoe Association, denied.

350. Country Land and Business Association Ltd

Submitted by Sarah Andrews MRICS, Assistant Director Wales (South)

The CLA welcomes the opportunity to respond to this inquiry. CLA Wales represents the interests of 3900 members owning and managing a significant number of rural businesses of all types ranging from agriculture, forestry, fishing, tourism and a wide range of diversified enterprises at the heart of the rural economy. They are responsible for the provision and maintenance of much of the countryside and the habitats that the wider public cherish and greatly enjoy visiting. Our farmers and land managers also have a long term interest in continuing to maintain and conserve the high quality of water that they manage on their land.

The CLA has already provided papers to the Petitions Committee in response to their earlier consideration of the issue, (which we attach again for your information)

350.1. What is your interest in the issue of access to inland waterways?

The CLA represent a significant number of riparian owners, land owners and people running rural business which benefit from the river system of Wales and specifically the opportunities fishing affords businesses such as bed and breakfast. Many of our members also fish. Some of our members manage businesses associated with recreational access to rivers. Accordingly our interest in the issue is to ensure that our member's property, businesses and interests are preserved and furthered.

350.2. Are you a member of an organisation related to your use of water?

CLA Wales is a membership organisation for owners of land, property and businesses in rural Wales.

350.3. Which Stretch/es of water do you own/use/manage?

The interests of our membership across Wales probably cover every watercourse in some form.

350.4. Are you happy that your legal rights are clear and well defined?

The CLA believe that the legal rights in respect of inland waters are clear and well defined. Those who argue otherwise are, we believe, deliberately trying to mislead the debate by suggestions that they are not clear. The law of trespass is clear. See below.

350.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage?

Under Common Law in England and Wales all land, including the bed of a river or lake, belongs to someone e.g. private individual, local authority. It is usually necessary to obtain permission for access to such land or water for fishing or canoeing. If this has not been obtained, access constitutes a legal trespass, whether or not the owner actively enforces his rights.

There is no ownership of the flowing water and all may reasonably use it, provided that they have both a right of access to it and a right to use it for their permitted purpose. Where such rights do not exist, the water may be used for angling, canoeing, swimming, and so on, only with the consent of the owner e.g. fishing licence or an access agreement for canoeing.

350.6. Would you like to see any change to your legal rights?

No, as this is not necessary.

350.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

The evolution of land law in other countries in Europe and beyond is very different from England and Wales and accordingly we do not believe the introduction of legislation suited to another country will sit well with the established law of property in this county. We attach a paper previously submitted to the Petitions Committee outlining the differences between England and Wales and the situation in Scotland and why legislation similar to the Scottish Land Reform Act 2003 would not be appropriate in Wales.

We are very concerned by reports of severe disturbance to some fisheries and loss of business both in terms of income from fishing but also losses to the local area for providers of accommodation etc on major salmon rivers such as the River Tay in Scotland as a direct result of disturbance and use of the river by canoes and other craft on an uncontrolled basis as is now permitted.

350.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage?

Our members have had in place a number of voluntary agreements on rivers across Wales for many years which have generally worked well giving all parties concerned a level of certainty and established practice which has enabled fisherman and canoeists to co-exist on stretches of water suitable for both activities.

If yes, please briefly outline the agreements that exist and your experience of how they operate.

We refer the Committee to other submissions for CLA members such as Mr David Jones Powell and the Wye and Usk Foundation for a more detailed response on individual agreements. Agreements have also existed on the Upper Wye for many years.

It is the CLA's view that voluntary agreements do work and can provide increased access to rivers for canoeists whilst still preserving fish stocks, sporting opportunities and valuable river habitats.

350.9. Would you like to see any changes to the voluntary agreements?

No, however they must be properly negotiated with a will on both sides to co-operate and compromise where necessary to achieve a sustainable, practical and workable outcome. We believe there could be scope for a publicly funded system to facilitate such negotiations.

350.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

The Environment Agency in England undertook a pilot study on voluntary agreements on 4 rivers in 2006/07 which resulted in some very positive outcomes and a toolkit giving advice and information on voluntary access agreements was produced. Model agreements are available on their website together with guidance on negotiations etc. We believe much of this would be appropriate for use in Wales.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed?

The CLA are firmly of the view that any access to inland water in Wales must be by voluntary agreement, negotiated on terms that reflect the individual circumstances and situation that exists on each stretch of water, taking into account the interests of those wishing to make use of that particular piece of water. A 'one-size fits all' approach to free access to the many different rivers and

water bodies in Wales would not be appropriate and could be hugely damaging to the environment and economy.

Inland waterways are owned by individuals or organisations and form part of the capital assets of that owner. In some cases rivers have very substantial capital values in their own right, others form an essential part of an individual's private property. The CLA are wholly against the creeping nationalization of land and private property and the erosion of an owner's right to manage, maintain and use their property as they wish. In addition to the capital value, many rivers are an important revenue producing asset for an owner. This may be through the letting of fishing rights or the running of water based activities such as rafting or canoeing and outward bound type businesses. Again the CLA defend an individual's right to manage their property as they wish. The imposition of a free right of access could dramatically affect values and income streams and we would expect substantial claims for compensation to be forthcoming.

Large sums of money have been spent by individuals, fishing clubs, the Environment Agency and the Welsh Assembly Government in promoting fishing in Wales and the tourism associated with it. The quality of the fishing and the income it generates for the Welsh economy is significant and could be seriously jeopardized by a free right of access that affects that fishing.

As well as money spent on promoting fishing considerable sums have been spent improving and protecting the riverine environment and habitats. Rivers are important conservation areas and many are designated as SSSIs or SACs. Compliance with the Water Framework Directive will require further work and money to reach the necessary standards of good ecological and environmental status. Uncontrolled access to these areas could cause serious damage to the ecology and health of a river system.

If a right of access were introduced who would care or be responsible and in charge of the well-being of the rivers, which activity would take precedent, and who would pay for this? It would be essential that an exclusion and restrictions regime were also introduced (as in place for open access land) together with an appeals mechanism to ensure stretches of water can be excluded from free access, or closed at certain times of year or river levels to prevent damage to spawning beds, disturbance of fish and other wildlife in the river and on the river banks such as otters, nesting birds, insect breeding sites and fragile ecosystems. We believe this would be complicated to administer, costly to run and create unnecessary bureaucracy. It would also create uncertainty for canoeists and other such river users.

Increase access for canoeists (non motorised craft) needs to be assessed in the light of the competing demands on the watercourse resource. Therefore a strategic approach needs to be taken, where the impact of the competing interests can be assessed and adequate provision made for canoeists based on actual need at a local level.

Any additional access should be undertaken through voluntary agreement. To date there appears to be reluctance on the part of the canoeists to pay for access or contribute to the maintenance of the riverine environment. A well established system of Rod Licenses, administered by the Environment Agency, ensures all fishermen contribute towards the cost of protecting and improving our rivers. In addition fishermen then pay directly for access to a river or reservoir for their fishing. We would propose that a similar licensing system is put in place for all canoeists in the form of a "canoe licence". Stickers with licence numbers can be clearly displayed on a craft ensuring that all know if an individual has not paid. This will also enable the licensing body to provide users with appropriate guidance and codes of behaviour etc together with information on how to identify areas for canoeing. In addition

we believe canoeists should be prepared to pay for access to rivers either by way of day tickets or through membership of a club that has an agreement to use a particular river.

The CLA supports the Environment Agency's announcement (3rd Oct 2006) of voluntary access agreements as the way forward for providing access for canoeing. Partnerships between local people, landowners and organizations will achieve the kind of access that everyone wants and needs. A pilot project for voluntary canoe access on the River Mersey, Teme, Waverney and Wear delivered 70km of access, which demonstrated what can be achieved when different interests work together. The results from this pilot study in England show that a blanket approach to access is unnecessary.

We would urge the Committee to conclude that voluntary agreements do work and can deliver the required access. If previous attempts to negotiate agreements have floundered this has often been through a lack of clear processes, resources, strategic support and guidance which could be provided through central funding of a package of measures and assistance. Recent failures to renew access agreements appear to have been part of a deliberate and destructive campaign by the WCA to discredit the system. Riparian owners must have the ability to tailor agreements to their individual requirements and concerns and a local approach is essential.

Further Information

350B - Access rights and responsibilities – Difference between England and Wales, and Scotland

350C - LAF Briefing Note: River Access - Canoeists

351. Andrew Spittle

351.1. What is your interest in the issue of access to inland waterways?

Fishing

351.2. Are you a member of an organisation related to your use of water?

I am a member of The Midland Flyfishers Ltd, a club comprising approximately 75 Salmon and Trout Fisherman. And occasionally fish on other inland waterways in Wales.

351.3. Which stretch/es of water do you own/use/manage?

I use club water including three miles of fishing on the River Dee at Glyndyfrdwy, and similar mileage on the Wye at Glasbury.

Legal rights

The club owns the freehold to the fishing on the Dee and a twenty year lease to the fishing on the Wye. Legal access to both rivers has also been acquired and all rights are clearly defined and documented.

We do not wish to see any changes to the rights which have been paid for by the club.

Voluntary agreements

Voluntary agreements have been in place in the past but regrettably these have broken down. I refer you to the response by Michael Stirk who as Vice-Chairman of the Welsh Dee Fishery Association was involved in talks with Canoe Wales formerly called Welsh Canoe Association.

I would support voluntary agreements with canoe organisations allowing limited access at appropriate times through our water. Canoe Wales, who encourage trespass, pays no regard to the legal rights of other users of the river or the ecology and is creating considerable conflict and inflicting damage.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

The key issues are as follows;

1 I have paid for the legal rights to have undisturbed fishing and access to the rivers and it is unacceptable for this to be abused by canoe users who trespass and often take an aggressive attitude when politely challenged.

3 All fisherman pay for a licence to fish in addition to their club membership. I consider that Canoe users should pay a license fee to the Environment Agency in a similar way if they wish to use any inland waterways.

4 Considerable sums of money are spent on river maintenance and stocking the rivers by fishermen whereas canoe users make no contribution to the waters they use where I fish.

5 The preservation of the salmon species is closely monitored, adhered to and respected by members of the club and there are serious worries as to the use of the rivers by canoe users no matter how well intentioned which may damage the salmon's environment particularly during spawning. The Environment Agency should impose a code of conduct and restrict access by canoe users to protect this delicate ecology.

6 Fisherman are a good source of revenue to the local economy, using accommodation and services, there is a danger that if their rights are not upheld and supported they will not visit these areas to fish and this valuable revenue will be lost and local businesses will suffer as a result.

352. Roger Cooper

I am writing to express my support for free and unlimited access for canoists and kayakers to all waters in Wales.

It is well past time that the waterways were returned to the people for free and unfettered navigation.

353. Mark Goddard

As a fisherman, i have a love for my sport, fishing the rivers of South Wales.

I understand that people are drawn to rivers - they are a fantastic place to be and with this in mind, i agree that people should have access to enjoy them.

However, i think it only fair that users of rivers need to adhere to certain rules and regulations. As fishermen, we have to purchase a licence and also permits. It can only be fair that canoeists should also be required to pay a licence fee to a governing body. Also, i believe the points of access need to be restricted, as dragging a canoe across land surely cannot be harmless.

So, i agree people should be allowed to enjoy our rivers but please can we have licence requirements, limited and approved access points and finally, restrictions on numbers as hundreds of canoes travelling down a river in one day will surely lessen the beauty and attraction of the rivers in the first place.

354. James Gordon

I am a recreational user of inland waterways. I use waterways for personal waterborne recreation and for voluntary coaching.

I am a member of the BCU and Shrewsbury Canoe Club. I am also a teacher at Ysgol Rhiwabon, Wrexham and use inland waterways for training school pupils for the Duke of Edinburghs Award Scheme. I mainly use the local canal network and the river Dee for training pupils and I paddle a wide variety of rivers for personal enjoyment.

I am currently very concerned about the lack of clarity on the legal rights of access along rivers. I understand that one is legally entitled to navigate along all navigable waterways in an unpowered craft, provided that they are not damaging Salmon redds or similar spawning grounds. Access to and from rivers is currently controlled by clear legislation that requires one to access across public land, along a public right of way or by prior agreement with the landowner. The legal right to paddle rivers is much clearer in many other countries and the Land Reform Act has much improved the clarity of the situation in Scotland.

There are currently no voluntary access agreements that I am aware of on the river Dee. To date, I have never had my access questioned below Overton bridge (although I have above that point). Unfortunately the lack of any formality to this situation means that every time we take a group on the river we risk getting into a confrontation, which I would not wish the children to witness. This does make me much less keen to introduce our pupils to their natural heritage in this way. The only rivers that I have paddled in Wales that have effective voluntary agreements are the Usk and the Tryweryn. I would very much like to see such agreements spread to other rivers but given that many years of campaigning has resulted in so few agreements, it seems unlikely that they will be forthcoming in the future.

I think that the key issues are clarifying the right to travel along all navigable waterways in Wales and producing a legally enforceable access code to ensure a minimum of conflict between different groups of recreational users. I believe that this could include a registration program for paddlers (possibly through registration with the governing body, who already pay for an EA license for certain rivers) to allow us to be identified.

355. Bill Gray

355.1. What is your interest in the issue of access to inland waterways?

personal use for waterborne recreation, particularly open canoeing and kayaking

355.2. Are you a member of an organisation related to your use of water?

Yes

- Scottish Canoe Union
- Drumchapel and Clydebank Kayak Club

355.3. Which stretch/es of water do you use?

- Afon Aled
- Afon Dwyfor
- River Dee
- River Severn

355.4. Are you happy that your legal rights are clear and well defined?

Not in Wales

355.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

I am aware that I can paddle legally some rivers in Wales, but I run the risk of verbal abuse from various other river users, particularly fishermen.

355.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

I believe that water, as a natural resource belongs to everyone and therefore there should be no legal restrictions on the use of rivers in Wales.

355.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill

355.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

None now exist, as the WCA has pulled out of all Voluntary Agreements as, after 50 years of negotiation, recent Government studies have shown that they cannot provide the necessary access needed for water sport.

355.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

They should be used when short term exclusive access is required to stretches of water, e.g. when a nationally recognized championship fishing event is taking place.

355.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Yes, Grantully, Perthshire, Scotland.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Past negotiation has resulted in a very small amount of waterways in England and Wales that are in private ownership being opened up via agreement.

Voluntary agreements are restrictive, and usually permit use of small sections of rivers only and for short periods of the year.

Canoeing, Kayaking and Wild Swimming continue to enjoy growing numbers of participants; access to water is essential to allow participants and rural economies to continue to benefit from what is a low environmental impact, healthy activity.

I do not believe that further access to water can be delivered by utilising the existing methods; these have failed to enable access to most rivers.

I feel that a solution can only be achieved with adoption of access similar to that of the Scottish Land Reform Bill. Legislation is required to enshrine and enhance the right of access to the water, and provide clear roles and responsibilities for all parties concerned in relation to the preservation of the environment.

Prior to the introduction of the Land Reform Bill in Scotland, many parties were concerned about what its effects might be, since its introduction all concerns have been shown to be unfounded and people from all walks of life are able to share and enjoy the Water and environment, responsibly and without conflict.

356. Gary Davies

I have been a weekend sailor for the past 50 years using all types of small craft mainly power boats. My affection with the sea has been tempered with the vagaries of the wind and tidal currents off the Gower coast. The sea off all headlands around Gower is a very dynamic and testing place. You wouldn't think this when viewed from the shore on a fine sunny day, but the currents around headlands create standing waves which a novice in a powered or sail boat could find extremely dangerous. The same situation with a canoe can be life threatening, I know I have rescued many canoeists who have got into difficulties.

My point is this: A river with its rocks and twists and turns can be as dangerous as the open sea to the novice.

If unrestricted access is granted to all and sundry the same scenario would apply as happens at the seaside. Mr and Mrs Joe Public who being pestered by little Johnny will say OK you can use your plastic dinghy/canoe. They then take little Johnny to the river and away he goes only to capsize in the first rapid, which does not have a lifeboat or life guard within 10 miles. This could be a tragedy in waiting and it will happen with unrestricted access.

Another point is: As a boat owner I must be registered with Swansea City Council to use any slipway or launching facility in the control of Swansea city. Also I must pay for use of the facility, and must have insurance for public liability. More often than not you have to be a club member. The club itself insists that you are insured and have all safety equipment on the vessel.

The question of access as a boat owner (power/sail or rowing) is that you will pay wherever and whenever you use your craft, be it on a river, canal or lake.

Please differentiate between the canoe and the afore mentioned boaters, bearing in mind that ALL craft must pay to use the Thames and other waters covered by British Waterways. If there is no fee therefore no revenue WHO funds the upkeep of canals, locks, weirs and river banks. Would it be local government or National government paid for by all tax payers?

[REDACTED]

[REDACTED]

In my humble opinion unrestricted and unregulated access will be an anathema to HEALTH & SAFETY. Also free access for paddlers/canoes especially rafters operating on commercial lines will not sit well with the other fee paying regulated boaters.

357. Robert Neil Matthias

My interest in this question is that I and my partner are keen canoeists (Open/Canadian canoe). We are members of the BCU and Caravanning and Camping Club Canoe Section.

The legal rights to the use of inland waters are very confused, as part of the BCU we have a licence to use canals but can use very few lakes or rivers in Wales. Vested interests (fishing clubs etc) seem to deliberately 'muddy the water' in terms of access rights. Voluntary agreements appear to be a waste of time as they are so limited and hedged in with conditions as to be useless. In nearly all other countries there is a clear right to use waterways - sensibly and with respect and this works as can be seen in Scotland, the emphasis there is on rights and obligations - you have a right to access provided you act responsibly.

Historically in Wales there appears to have been a wide recognition to a general right of access to inland waters - hence the development and widespread use of coracles etc - yet this right appears to have been lost or more accurately taken from us.

Access to waterways can bring many benefits - to the individual though health benefits and to the economy of an area - many canoeists currently travel to Scotland for long holidays simply to enjoy the access. In Northern Ireland they are creating well organised and structured Canoe Trails, which are drawing in the tourists. Wales would benefit in a similar if not greater fashion as there is a much greater population density closer to Wales to draw on.

Environmentally canoeing would have a very limited impact, often a very positive one as canoe clubs often have organised clean ups of rivers and lakes in their areas. When fish are spawning it would be straightforward to put a temporary ban on access.

In summary I believe we should follow the example of our Scottish cousins and make access to inland waters a general right coupled with an obligation to act in a responsible manner.

358. Ross Taylor

I'm writing as a tourist to your lovely country who can not peacefully paddle my kayak on your lovely rivers. I'm abused by whom I believe are anglers and they tell me they we are destroying their environment but surely it is there for all to use paddling, swimming, fishing, walking and whatever people want to do by the river bank. It is not like there are are millions of paddlers wanting to do this and we may be in a minority but surely we have right of access. We take nothing from the water and leave nothing behind, what harm are we doing.

I visited Wales 9 times last year nad 7 so far this and this is despite some aggravation. I would come more often and spend my tourist pond on your services.

Access works well in Scotland, Italy and France, so why not here?

I hope you give good thought to your decision and you allow our minority good access to your beautiful waterways that do not belong to anyone but to everyone in Wales.

359. Bucks County Scout Canoe Club.

I represent the Bucks. County Scout Canoe Club and we are regular users of a small number of rivers in Wales as part of our ongoing programme of kayak and canoe instruction for Scouts from across Buckinghamshire. As such we regularly seek to use rivers in Wales for canoe and kayak trips for our young people but we are currently very restricted in the availability of such rivers due to the lack of clarity over the access situation and the very limited number of voluntary access agreements. As you will appreciate, when in charge of a group of young people, particularly when taking part in an “adventurous activity” such as white water kayaking, risk assessment is a key element of our preparation and currently the use of sections of river without clear definitions of access, particularly if this lack of clarity could lead to conflict with other users or potential breaches of the law, is too high a risk to consider, effectively limiting our use to those few rivers in Wales with clear access agreements.

We are therefore very interested in the inquiry your committee has initiated and would like to take this opportunity to submit information and answers in response to the questions you have raised.

I have attached to this letter our answers to the specific questions in your inquiry letter but would also be pleased to supply additional information if required.

Sustainability Inquiry into Access to Inland Water in Wales

Evidence from the Sports Council for Wales

Dr Rachel Hughes, September 2009

Introduction

The Sports Council for Wales is the national agency with responsibility for the development of sport and physical recreation. Our job is to facilitate increased participation, improved sporting performance, and raised standards in sport and physical recreation.

Wales' lakes, reservoirs and other inland waters provide outstanding opportunities for water, and shore-based sport and physical recreation. In so doing, the Sports Council wishes to ensure that:

- Opportunities for watersports and recreational activities on inland waters are safeguarded and enhanced for the benefits of current users and further generations;
- Watersports and recreation activities take place in harmony with each other, with the natural environment, and with the local amenity and economic interests.

Context

The nature of participation in sport and physical recreation in Wales varies. Our latest research¹ shows, for example, that 45% of the adult population² in Wales participate³ in *outdoor pursuits*, this compares to 27% who participate in *indoor games*, and 14% who participate in *outdoor games* (for definitions of activity types, see *Appendix*). Walking does, however, contribute significantly to participation in *outdoor pursuits*; if we exclude walking, participation in *outdoor pursuits* drops to 9%. Participation in water-based recreation is relatively low (2%); fishing/angling accounts for 1.1% and canoeing accounts for 0.2% of participation (SCW, 2009).

Utilising outdoor spaces for sporting and recreational activities is part of Wales' 'rural heritage' (SCW, 1994). This cultural and political support for outdoor activities is synergised in the Assembly Government's strategy for sport and physical activity, *Climbing Higher*. Their vision is for:

An active, healthy and inclusive Wales, where sport, physical activity and active recreation provide a common platform for participation, fun and achievement... where the outstanding environment of Wales is used sustainably to enhance confidence in ourselves and our place in the world. (WAG, 2005:5)

¹ Sports Council for Wales' *Active Adults Survey*, 2004/05.

² Adult population: 15+ years.

³ Participation in at least one activity in the 4 weeks prior to being interviewed.

This is further emphasised in the associated draft action plan, where one of the priorities is to 'increase the availability and access to high quality local green space, waterways, and countryside' (WAG, 2009: 10).

Access to and Demand for Inland Water

For the most part, sport and physical recreation co-exist happily with other countryside interests. Where conflict does occur, it can arise as a result of access issues and/or competing demands for use of inland waters. In order for the Assembly Government's aims to be realised, these issues must be managed effectively at the local level.

Access for watersports

Recreational access to inland waters often requires access over adjacent land. As most waters and lands are privately owned, access often depends on, and is conditioned by rights of access and navigation, property and sporting rights, and common and statute law. The principle means of access to or over inland waters and adjacent land are:

- Public rights of way;
- Public rights of navigation;
- Statutory agreements and orders;
- Private rights and agreements;
- Recreational lands or waters provided by public bodies;
- *De facto* access.

Access issues are complex and can cause conflicts. By way of example, fishermen and women have to pay a fee for accessing a riparian area. This allows them the right to fish, not the fish themselves. Canoeists, however, are lobbying for the right to access inland water without the need to be licensed.

Potential conflicts and impacts of watersports and recreational activities

In terms of competing demands for use of inland waters, the main potential problems are (*see*. sportscotland, 1997):

- Conflicts between watersports;
- Conflicts between watersports and other activities; and

- Environmental impacts of recreational activities.

Principles for planning and managing watersports on inland water

The Sports Council is committed to the continued development of the optimum use of natural facilities for sport and recreation. In recognition, however, of the pressures the countryside faces, the Council has modified the original policy goal of ‘*access for all*’, as an integral component of ‘*sport for all*’ to ‘*access for all, but not access to everywhere*’. It is recognised also that access is not an absolute right but carries with it responsibilities to the site, landowner, local community, and other users (see SCW, 1991).

The Sports Council advocates the principles, developed by sportscotland, for planning and managing watersports on inland water (see Vignette 1).

Vignette 1: Principles for planning and managing watersports on inland water

Sustainable use

Planning and management should promote the sustainable use of inland waters, including the provision and management of recreational access and opportunities for watersports, whilst ensuring the long-term conservation of the natural environment. Effective planning and management can enable the multiple-use of inland waters and their shores and the creative enhancement of wildlife values.

Open and objective planning process

Management statements, plans and programmes, should be derived from a sound objective understanding of local circumstances, developed in consultation with interested parties. Background information and assessments should be available to all parties.

Involvement and co-operation

Voluntary arrangements will underlie most successful management schemes and will require the understanding, co-operation and active involvement of landowners, riparian interests, local residents, water users and other interested parties. Information should explain the need and intentions of management schemes and encourage support by users.

Safety

Management arrangements should provide for, enhance and ensure the safety of watersports participants and other users of waters and adjacent land.

Watersports for all

Opportunities for watersports should be available to all members of the community, not just those who are economically advantaged or physically able.

A balanced approach

Strategic plans for watersports should make provision for those wishing to enjoy tranquillity, information recreation and active watersports, including motorised watersports. Local management plans should seek a balance between all those with legitimate interests in specific waters, especially owners and managers, those with riparian rights, residents and commercial, recreational or conservation interests.

Consideration of wider contexts

Management schemes for specific waters should be developed within wider strategic frameworks. Proposed restrictions on watersports at one site should take account of the potential displacement of activities to other waters, which may not be managed effectively and may be environmentally-sensitive.

Fit for purpose and clarity

Often simple, informal management arrangements will suffice. Where required, management statements or plans should have explicit and realisable objectives and set out programmes and projects intended to achieve each objective. Management schemes should be designed to suite specific contexts, the objectives which they seek to achieve and the issues they seek to resolve. Management schemes should not impose excessive restrictions, but apply a proportional response; for example, restrictions on watersports may only be required at peak periods and specific locations.

Source: sportscotland, 1997

Satisfying these principles would enable pro-active and anticipatory management strategies for access to inland water in Wales.

Good practice

Insufficient consideration has been given to the numerous constructive efforts that have been made to accommodate and integrate differing sporting activities within particular localities and at particular sites. The Sports Council, along with the Countryside Council for Wales, published a study which sought to redress this imbalance by reporting on examples of 'good practice' in various parts of Wales (see SCW, 1994). Whilst this study is 15 years old, the principles it outlines still hold true.

Good practice is seen to manifest itself in various forms; there is no single normative model or approach to suit all circumstances. It is a multi-faceted and multi-layered process that requires co-operative effort and understanding at all levels. Like the concept of sustainable development, good practice should be conceived of as an active condition rather than a place one can reach; a journey rather than a destination.

The Sports Council believes that through the dissemination and advocacy of good practice, together with pro-active and anticipating management strategies, we will enable opportunities for watersports and recreational activities on inland waters to be safeguarded and enhanced for the benefits of current users and further generations, and that watersports and recreation activities take place in harmony with each other, with the natural environment, and with the local amenity and economic interests.

References

SCW (1991) Changing times, changing needs: a strategy review, Cardiff: SCW

SCW (1994) A Sporting Chance for the Countryside, a joint publication between the Sports Council for Wales and the Countryside Council for Wales, Cardiff: SCW

SCW (2009) Adult Participation in Sport, 2004/05. *Sports Update 65*, Cardiff: SCW

sportscotland (1997) Calmer Waters: guidelines for planning and managing watersports on inland waters in Scotland, Edinburgh: sportscotland

WAG (2005) Climbing Higher: the Welsh Assembly Government strategy for sport and physical activity

WAG (2009) Climbing Higher: creating an active Wales – a 5 year strategic action plan consultation document. Cardiff: WAG

Appendix: definitions of activity

Outdoor games/activities

This includes: archery; athletics; baseball; basketball; bowls; cricket; golf; hockey; lacrosse; road running/cross country; jogging; netball; rugby; soccer; target/clay pigeon shooting; tennis; tug-of-war; volleyball.

Indoor games/activities

This includes: aerobics/step aerobics; badminton; basketball; billiards/snooker; bowls; boxing; circuit training/keep fit; cricket; curling; folk dancing; fencing; gymnastics; hockey; ice-skating; judo; karate; other martial arts; movement/dance; netball; squash; swimming; table tennis; target shooting; trampoline; 5-a-side soccer; multi-gym/weight training for fitness; competitive weight lifting; volleyball; yoga.

Outdoor pursuits

This includes: BMX; canoeing; car rallying; caving; cycling; fishing/angling; game shooting; gliding; hand gliding; horse riding/jumping; lifesaving/surf-lifesaving; motocross/scrambling; mountaineering; orienteering; rambling/hill and fell walking; roller blading/in-line skating; walking (over 2 miles); rowing; skateboarding; skiing; sub aqua; surfing; wind surfing; sailing/yachting.

361. John Taylor.

I am a kayaker / Canoeist, living in the midlands and have made use of several of the Welsh rivers over the last 10 years or so for recreational canoeing. I am a BCU coach and often also lead groups on Welsh rivers.

The rivers that I regularly paddle include the R. Wye, R. Usk, R. Severn, R. Dee, R. Tryweryn. I have also paddled stretches of the R. Ogwen and R. Conway but these were some years ago.

I see the legal rights as extremely unclear on most rivers that have no right of navigation and, if I wanted to be clear over the rights of navigation, there is no reasonable way that as an individual I could discover who I needed to contact to obtain permission to paddle a particular stretch of river. However I do understand that I risk being considered a trespasser.

I would like to see the status quo changed and would like to be able to paddle whichever river I wished without the threat of legal action for trespass or worse.

Voluntary access agreements that have previously been in place have tended to be quite restrictive to the canoeing community, I can see no particular reason why a landowner would enter into an agreement which is presumably why so few access agreements have been put into place.

I can see there may be a case for restricting access to rivers on occasions, for example when the levels drop below a certain level when there may be a greater chance of disturbing spawning fish.

I have been pursued by River Bailiff's in the past when paddling a river that was in spate and 3 - 4 m above it's normal level. There was no one fishing (and, given the conditions, no chance of fish being caught) and yet I was still threatened with an injunction. In other European counties I have paddled (Germany, France, Austria, Norway, Scotland) the rivers seem to be able to be shared amicably, surely it is possible to do the same in Wales?

In the midlands I often paddle on the canal network, sometimes with a group and sometimes solo. I often come across people fishing and they are generally friendly and "hello's" are normally exchanged, surely it is possible to do the same in Wales?

On recent trips to Wales I have used B&B's and campsites and eaten in cafe's and restaurants (and chip shops!). The activities of paddlers certainly do bring a level of income into the Wales which would only be enhanced with greater access to the Welsh rivers.

362. Canoe Camping Club

362.1. What is your interest in the issue of access to inland waterways

The Canoe Camping Club has a keen interest in access to and along inland waters with a UK wide membership drawn from the Camping and Caravanning Club as the parent organisation. The main activity is canoe touring on inland waters that can be for a day or longer periods if canoe camping, when equipment is taken in the canoe.

The Canoe Camping Club was established in 1933 and structured on regional groups and individual members who canoe on numerous inland waters in the UK to include those in Wales and also overseas.

The membership undertakes canoeing in canoes and kayaks on all types of water – lowland rivers with placid water, upland streams, river and canal navigations and coastal waters. The club promotes canoeing, care for the natural environment and supports actions to improve public access to and along inland waters.

Access to inland water should not be viewed as an issue solely between canoeists and landowners/fisheries/angling interests. It is a matter of public interest for all who wish to use and enjoy the natural environment, and importance of accountability taking into account the extent of public funding sourced in its upkeep.

Canoeing contributes to government agendas for physical and mental health, education, environmental studies, local economies, employment, social cohesion etc.

It is an injustice that a growing and important sport and recreation with a participation rate of some 1.5 million people (1) canoeing, a record of international and Olympic success only has access to less than 4% of inland waters in Wales and England.

362.2. Are you a member of an organisation related to your use of water

The Canoe Camping Club is affiliated to the British Canoe Union that is recognised by government and sports councils as the national governing body for canoeing. Many members have membership of the British Canoe Union through one of the federal nation bodies – Canoe Wales, Canoe England, Scottish Canoe Association and Canoe Association of Northern Ireland.

362.3. Which stretch/es of water do you own/use/manage?

Members resident in Wales or who travel to the country, include their canoeing on the Rivers Conway, Dee, Glaslyn, Severn, Wye, Usk, Dwyrdd, Mawddach, Neath, Monnow, Tywi, Taff, and Trywern. Much of this activity is on “informal” or “de-facto” form of access when environmental conditions are suitable based on appropriate water levels.

362.4. Are you happy that your legal rights are clear and well defined?

No.

362.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

The law is unclear and leads to uncertainty of public access.

Unlike elsewhere in the world the public cannot assume there is an automatic right for access to inland waters.

An owner of the bank of a river owns the land under water to the middle of the river, or the whole width if both banks are owned.

Students of law maintain that sections of Magna Carta have not been repealed and these continue to make provisions for a public right of access to all inland waters in Wales and England.

Acts were passed on many rivers in England and Wales to ensure they were free of obstructions for public navigation.

Furthermore, research has revealed that prior to 1830 it was generally accepted the public had a historical right of access to rivers - "The Right of Navigation on Non-tidal Rivers and the Common Law", by Douglas Caffyn, 2004. Significantly, Caffyn's argument that a public right has been lost has not been challenged since publication..

However, the law has been biased by legal opinions since 1830 to diminish this public right and weighted in favour of riparian owners to extending their control to include navigation; and created a lack of clarity that a public right to inland waters exists.

The Canoe Camping Club believes the public has been usurped of rights to inland waters in Wales and England.

362.6. Would you like to see any changes to your legal rights?

Yes

If yes, what changes would you like to see?

The restoration of public rights to inland waters by recognition that Magna Carta stands or by primary legislation for a statutory right, whatever is the most effective means.

Changes should build on Common law and historic rights that give public access for sections the Rivers Severn and Wye. These places can attract high visitor numbers and at times create a "honey pot" status. Access rights to inland waters would give canoeists the confidence to use other waters and relieve the busier locations.

The public should be able to enjoy a right of access to inland waters as there is for access to mountain, heath, down and registered commons that is generally on an all year round basis. Similar provisions for public access rights to the coast are forthcoming leaving inland waters the exception. There is a standalone case for water to be consistent with these other policies for access to the natural environment.

362.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes.

The Land Reform (Scotland) Act 2003 that makes provisions for public access with responsibilities supported by an Outdoor Access Code. It is modern legislation to meet and justly provide access to the natural environment. From experience in Scotland, the Canoe Camping Club believes this is a viable format for Wales to adopt for providing public rights to inland waters and the use of unpowered vessels.

There is a long standing and internationally recognised format for public access in Scandinavian countries. Australia, New Zealand and South Africa have legislated for public rights to water. More generally, elsewhere in the world the public can assume there is a right for access to inland waters.,

362.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

They should not be viewed as an agreement with canoeists, and simply a private arrangement imposed by landowners, fisheries and angling interests on the public. Even when complying with arrangements canoeists can be subjected to abuse and harassment from other users.

As such these private arrangements offer no long term security and can be lost when land/property ownership and attitudes change. They are not fit to provide rights.

Negotiations are invariably difficult, time consuming and known to fail.

The Environment Agency have had experience of voluntary arrangements failing to materialise in their work on sections of the Rivers Wear (8km), Mersey (4km) and Waveney (16km) as recorded in the report by the University of Brighton – “Putting Pilot Voluntary Canoe access Arrangements in Place”, September 2006. The same work included negotiations on the River Teme that did not conclude in an arrangement, such that “de-facto” canoeing continues.

Arrangements have wide variations in conditions, and apply to only certain or short periods (a few days in some instances) in the year. If river conditions are unsuitable then the opportunity to canoe another time outside the designated period is denied. It is a confusing mix and brings difficulties to planning activities.

Voluntary access arrangements are not mapped introducing more uncertainty.

River Wye - The Wye Navigation Act indicates public access to the entire catchment and does not repeal that fact in the earlier Acts. This gives rise to query how the Wye and Usk Foundation can impose an access arrangement.

The foundations involvement (with the use of public funding) supported by the Environment Agency has resulted in restrictions on the Upper Wye. It is not lost on canoeists that from October to March there are no constraints on canoeing. From January to March, angling and canoeing share the river and begs the question why is canoeing not allowed outside these periods, although there is a spate condition status with a questionable height setting. Canoe Wales will no doubt offer more detail on the confusion of access arrangements on this river.

River Usk – access is restricted to winter months and by prior arrangement on some sections. There is a spate status but this is more to do with protecting angling opportunities rather than the environment.

R Dee - it is ironic canoe access was disrupted if not lost by a dispute attributed between angling and fisheries interests who could not agree canoe access arrangements. Access to the river was already restricted to a few days a year. There is now no access agreement on one of the largest rivers in Wales and there is uncertainty of access. Not only did canoeists loose out, the economic benefit to Llangollen generated by canoeing was lost.

River Mawddach – the Canoe Camping Club was hopeful an access arrangement would materialise on this river and understand negotiations have failed.

362.9. Would you like to see any changes to the voluntary agreements?

No.

The situation just described calls for a reality check and acknowledgement by the authorities, to include the Environment Agency, that voluntary access arrangements are fundamentally flawed. Furthermore they have not worked for other forms of land. It is not untenable to state they will not and have not worked for water.

A resolution is for the restoration of public rights to inland waters by recognising Magna Carta stands or by primary legislation for a statutory right, whatever is the most effective means.

If yes, what changes would you like to see?

Not applicable. .

362.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales

No. Voluntary arrangements in England mirror the situation in Wales

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed

Fundamentally the key issue is creating public rights with responsibilities and clarity for all based on legislation and an environmental based access code. Voluntary access arrangements are not fit for purpose.

There is a compelling case for improvements to the water environment derived from public funding and benefitting private assets should be conditional on the wider benefit to the community and this can be in the form of access rights to inland waters. NB. Identifying the extent of public expenditure on the water environment and projection of this funding would be an interesting line to pursue, especially with the Water Framework Directive.

The views expressed above take the following into consideration:

The current legal position on property ownership and riparian rights and more particularly the control over the access to that water assumed by owners.

Historic research and the loss of rights.

Many riparian owners and fisheries/angling interests wish to maintain sole use of inland waters and openly if not vigorously resist the use of inland waters by others.

Voluntary agreements are private with no security of rights

Angling interests act as landowners when they do not have that capacity as tenants.

Canoeing is environmentally benign.

Licensing and charging for canoes is not justified. For angling and fisheries interests to suggest that since they fund fisheries and the upkeep of the water environment for a matching payment to be made by canoeists is spurious. Canoeing cannot be equated with angling (the taking of fish) when

canoeists do not need the requirements of anglers. The mechanisms and arrangements for angling required by the law and negotiated by anglers are not transferable to other recreation.

For the taking of fish In England and Wales, freshwater anglers are required by law to have a Rod Licence issued by the Environment Agency. Rod Licence income partly funds the Environment Agency Fisheries function that has a statutory obligation to protect and replenish fish stocks by policing the activities of anglers and fisheries owners, and generally enhance fisheries. The income does not fund the upkeep of the water environment per se or generate/facilitate access rights. .

Further funding for the Agency's fisheries function is from Grant in Aid (GIA) sourced from general taxation. GIA for fisheries in Wales is approx £3 million and dedicated to salmon and sea trout. This amounts to a subsidy from taxpayers, as income from the sale of salmon rod licenses in England and Wales is £1.3 million.

NB. Further comment on the upkeep of the river environment follows below.

The perceived potential damage to fisheries by canoeing is an argument for resisting canoeing and charging canoeists put forward by fisheries/angling interests. All need to recognise the Environment Agency report entitled "W266 - The Effects of Canoeing on Fish Stocks & Angling that concluded "there is no empirical evidence linking canoeing with damage to fish spawning grounds or damage to fish stocks."

The view of the Environment Agency is that they could not police such an arrangement. As relevant from the Agency Report W266 is the finding that "It is difficult to envisage how a parallel can be drawn with a national license for canoes in relation to the service that would be provided. In the absence of an identifiable service provided in return this would inevitably be regarded by canoeists as an unjustified charge or simply another tax."

The idea of such a canoe licence is further dismissed by Environment Agency policy. There is no cross subsidy between the income streams for Coarse and Trout rod licenses and Salmon rod licenses i.e. the former to subsidise the latter or vice versa, to allow funding from canoeing or other sources.

Upkeep of the water environment, most canoeists contribute to improving the water environment through local and general, taxation and water industry bills for upgrading wastewater treatment discharges. More funding will have to be provided for measures demanded by the Water Framework Directive.

This was highlighted in the Environment Agency report on the Progress in Delivering the Fisheries Strategy (November 2008) that drew attention to the increased lengths of rivers and canals supporting breeding populations of native fish - "The length of river complying with the freshwater Fisheries Directive has increased by 1,426km. This is as a result of the investment from water companies of £3.5 billion in improvements to 3,500km of rivers and 300km of coastal waters."

EU grants, the Lottery and other funding from the public purse for water environment improvement schemes have brought direct and indirect benefits to fisheries and angling, but it is less evident there is a wider benefit derived by the wider community.

EU Objective One funding for £5.1 million is a notable example when fisheries and angling were the major beneficiaries. This funding can improve fish stocks in quantity and species, and the quality of the recreational angling experience; enhancing the financial value of fisheries and the income from fishing rights. Fisheries are mostly in private ownership and marketable assets.

These improvements have resulted in reports where the custom and practice of canoeing activity is being challenged.

Access policies – should be innovative, inclusive and encourage participation. The Environment Agency Policy on the Sustainable Management of Water, Wetlands and Waterside Access states: "We will promote increased access where it does not adversely impact upon existing use and users, or the economic and conservation value of the site and associated area. We will encourage access where managed solutions can be found to remove adverse impacts, resources allowing"

The policy does not convey the Agency will be imaginative in creating access and supporting new users and recreation activities. It promotes the status-quo and exclusivity rather than inclusive use; and fosters the attitudes of angling /fisheries interests to monopolise the use of waters.

The Environment Agency should revise this statement to be more inclusive if they are to progress their water recreation strategy. The Agency paper "A better place to play – our strategy for water related sport and recreation (2006-2011)" says: Our recent research (Feb 2005) indicates that nearly half the population of England and Wales enjoyed time on or near water in the previous 12 months"

Also, the Canoe Camping Club believes the National Parks and Access to the Countryside Act 1949 has not been used for gaining canoe access and should be employed or the concept refreshed in new legislation. Part V of this Act is retained in the Countryside and Rights of Way Act (2000) which allows for access agreements and orders to be continued to be made on waterways and the waterside. Such agreements can make specific provision for access to users of canoes.

Thank you for the opportunity to present these views to support the case for access rights to inland waters in Wales.

1 According to the RYA Watersports Survey there are an estimated 1.1 million people who take to the water in a canoe each year. This figure does not include the 600,000 young people who attend BCU affiliated activity centres.

363. Ian Mills

363.1. What is your interest in the issue of access to inland waterways ?

I am new to the sport of open canoeing and kayaking, having been drawn to this activity out of a desire to explore the natural beauty of our waterways, both in England and Wales. Walking, Climbing and Mountain Biking has allowed me to see the vast majority of Snowdonia, with the exception of its waterways.

363.2. Are you a member of an organisation related to your use of water?

Not yet, though I plan to join the Dyffryn Conwy Paddlers and the BCU.

363.3. Which stretch/es of water do you use?

I'm interested in paddling all the rivers and lakes of North Wales, though at present my experience is limited to

- River Dee
- River Conwy
- Llyn Gerrionydd

363.4. Are you happy that your legal rights are clear and well defined?

No – I was amazed to find out once I'd taken up the sport, that one can't simply paddle any river they find. I has assumed that the rivers to boat users were like footpaths to walkers.

363.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

So far I have only paddled where I have seen others paddle, for fear of going outside of my legal rights. I believe that the rivers I have paddled are only available to me because they are tidal.

As a child I paddled on Llyn Gerrionydd with an outdoor pursuits centre, so I assume it is legal to canoe there.

363.6. Would you like to see any changes to your legal rights?

Yes. I would like open access, as they benefit from in Scotland.

363.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill

In fact most countries in the Western World don't prevent their people from accessing and enjoying their own natural waterways,

363.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

No

363.9. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Walkers and Mountain Bikers do sometimes come into similar conflict on land, but voluntary agreements there, such as the restricted summer access to mountain bikes on the bridle ways up Snowdon, seem to be honoured. Surely the same could be applied in special circumstances on the waterways.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

I think the key issues are:

Encouraging people to get out and enjoy the environment, waterways included

Protect the wildlife and environment from damage and unnecessary disturbance

Allow harmonised use of the amenity for all parties

In terms of addressing these issues, I think Scotland has shown the way. Rather than have a universal ban on access and then open up small pockets of access, you should show trust in the public and provide full and open access. Where protection of the environment does become an issue then localised restriction can and must be imposed, either geographically (for problems such as erosion) or time wise (such as fish spawning times). This whole approach should be widened to include land access over footpaths, though that is perhaps not a topic for this inquiry.

There also needs to be widespread education for the public in terms of the responsibilities they carry when using the waterways, as open access does come at a price – respect.

Lastly, there is still room for local voluntary agreements, to ensure that the differing types of user can each enjoy their pastime, with help and respect from other groups.

364. Mark Rainsley

I represent the UK Rivers Guidebook website, which I created and edit. This is the most popular and most frequented UK paddlesport media, with a readership of over 10,000 unique IPs each day.

The state of Access to for canoeists to navigate our wonderful natural river heritage in Wales is utterly deplorable and can no longer be ignored. Due to the entrenched and selfish angling interests involved, Access 'Agreements' have completely failed to deliver anything approaching fair, reasonable and equitable access to the rivers for canoe navigation, over the past three decades and beyond.

The only reasonable solution is what already exists successfully in Scotland, courtesy of the Land Reform Act; a legally enshrined right of responsible access allowing all parties to access and navigate the river environment responsibly and harmoniously. It is the only viable solution in 21st Century Wales.

I look forward to sharing our river heritage responsibly and harmoniously with all stakeholders concerned.

365. Caerphilly County Borough Council

365.1. What is your interest in the issue of access to inland waterways

Local Authority Landowner with specific departmental interests including ecology, recreation and landscape.

365.2. Are you a member of an organisation related to your use of water?

We have numerous connects with various bodies, including the SE Wales River Trust and River Flylife.

365.3. Which stretch/es of water do you own/use/manage?

Various water bodies including reservoirs, sections of river along the Sirhowy, Rhymney and Ebbw, the tributaries thereof, and a section of the Crumlin arm of the Monmouthshire to Brecon Canal.

Legal rights

Riparian

Voluntary agreements

We have few agreements along stretches of river, although verbal and inter-organisational co-operation is undertaken. Access adjacent to watercourses is undertaken with the creation of permissive paths in some locations.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Health and safety issues

The potential implications of water access and the H&S effect that this could have on the council with a large amount of control over land adjacent to waterways, including specifically the provision of access to the water raised below.

Secondly the effect water access could have on the health of the population through access to rivers with poor water quality, including the presence of heavy metals etc and the liability of the council in allowing access.

Physical access to the river

The physical access to water is of concern, whereby potential problems arise over any requirement to provide provision and therefore the maintenance of provision afterwards. Addressing access to waterways should look to clarify the balance between providing access and safety of those on land, who would wish access restricted (families with children etc).

Riparian maintenance and the effects of climate change

The protection of the riparian environment, and the importance of this environment within dealing with the issues of climate change, particularly flooding should be accounted for within the review of water access. Bank side erosion, and the effect of this as a catalyst for other effects is of importance, particularly in heavily used areas

Levels of abstraction/water levels

The consideration of water levels on accessibility, and how extraction licenses be considered after this legislation.

Invasive plants and animals

The potential to spread this problem through increased access, with the increasing need to ensure education and proactive management of these problems; which are seen as an increasing problem (financial, ecological, landscape etc).

Ecology

The potential ecological effects, which will vary from location to location from increased access and the need to understand and manage the environment/access to implement these requirements. The ability to close sections of the river again may be prudent if ecological reasons can be demonstrated, this could be short/long term dependent on the requirements.

Recreational water usage

What will constitute recreational water access and will this include those for commercial benefit?

Statutory Undertaker Closure

The requirement to close sections of water to carry out statutory functions should be included within any increase in access.

Definitive map

The granting of access to all water bodies may not be appropriate and therefore the creation of a definitive map may be appropriate.

Land conflict

The potential of conflict with adjoining landowners exists, including the right to remove river gravel and stock located in adjacent fields.

366. Fran Faulkner

366.1. What is your interest in the issue of access to inland waterways?

I want to use it for waterborne travel and recreation by kayak, canoe and coracle

366.2. Are you a member of an organisation related to your use of water?

Yes

- British Canoe Union
- Canoe England
- Canoe Camping Club
- Windsor & District Canoe Club

366.3. Which stretch/es of water do you use?

- River Severn
- River Usk
- Afon Rhydney
- River Wye
- Brecon & Monmouth Canal
- Afon Dyfy

366.4. Are you happy that your legal rights are clear and well defined?

No

366.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

Legally I can paddle some 4% of rivers in Wales.

I could be taken to court for trespass if I paddle any of the other 96% of rivers in Wales, and I will most certainly receive verbal abuse from various other river users.

366.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

I believe that water, as a natural resource belongs to everyone and therefore there should be no legal restrictions on the use of rivers in Wales.

366.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes, in Scotland there is the Scottish Land Reform Bill

366.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

As the WCA has pulled out of all Voluntary Agreements, none now exist, after 50 years of negotiation, recent Government studies have shown that they can't provide the necessary water resources needed for water sport.

366.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

They should be used when it is necessary to have exclusive access for a short time period – e.g. for maintenance of the watercourse, a championship fly fishing event is taking place etc.

366.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Yes, Grantully, Scotland.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

50 years of negotiation has resulted in just 4% of the linear watersways in England and Wales that are in private ownership being opened up via agreement. Voluntary agreements are restrictive in nature, usually permit use of small sections of rivers only and are for short periods of the year. Canoeing, Kayaking and Wild Swimming continue to enjoy growing numbers of participants for which sustainable access to water is essential to allow participants and rural economies to continue to benefit from what is a low environmental impact, high health promotion activity.

I can't see how significant increases in access to water can be achieved this way.

The Scottish Land Reform Bill should be mirrored in Wales. This would enshrine right of access to the water, along with the responsibilities for users to look after the environment and use it sensitively.

367. George Pickup

I am a canoeist with UWE Canoe.

I would like fare access to rivers in Wales.

I would like the same law application as the Land reform act in Scotland to apply to Wales.

368. Rob Bourn.

368.1. What is your interest in the issue of access to inland waterways?

I am an active fisherman, canoeist and small boat sailor.

368.2. Are you a member of an organisation related to your use of water?

Yes - British Canoe Union. Drascombe Association

368.3. Which stretch/es of water do you use?

Fishing and canoeing on the River Ribble, Northwest Canals, Lake District and reservoirs. Inland waterways throughout the country.

368.4. Are you happy that your legal rights are clear and well defined?

No.

368.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

I have to pay for the right to fish for approved species.

There is no holder of such a right for navigation.

368.6. Would you like to see any changes to your legal rights?

Yes. - They need to be clarified.

If yes, what changes would you like to see?

Most, if not all ancient pictures of inland waters - Rivers and lakes feature a boat, coracle or some such vessel. Waterways were shared between navigation and fishing in the past, I would like to see this sharing of waters reinstated.

368.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill

(N.B. Not seen as an issue in most of the civilised world - See Norway, Sweden, Germany.....)

368.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

No

If yes, please briefly outline the agreements that exist and your experience of how they operate.

368.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

They should only be used when short term exclusive access is required to stretches of water for sporting or maintenance purposes

368.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Yes, Stanley to Thistlebrig, Scotland.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

I have been fishing, canoeing and boating for 40 yearsr forty years. I do not believe that paddlers or anglers that the "Other Side" will negotiate in good faith and create local voluntary agreements - it is simply not happening now, and never will without primary legislation.

Prior to the introduction of the Land Reform Bill, many parties were concerned about what it's effects might be, since it's introduction all concerns have been shown to be unfounded and people from all walks of life are able to share and enjoy the Water and environment, responsibly and without conflict.

369. Charles Hopkinson

I am writing in response to the consultation above. My interest in this matter is as a land and fishery owner on the River Wye. My land extends to both sides of the river, where it forms the border with England. There are already a large number of issues which have complicated land and fishery management due to devolution. My river frontage extends to approximately three miles and includes a bridge carrying the main A466 Wye Valley road.

I am a member of the Wye Salmon Fishery Owners Association, the ACA and the Atlantic Salmon Trust. I own and manage the Bigsweir Estate Salmon Fishery. I understand that there is a legal right of navigation on this part of the Wye which allows passage along the river, but there are no mooring or landing rights. My biggest problem is canoe or small boat users coming onto my land without permission to land or launch their craft. This is usually done by people on foot or in vehicles with no regard for gates or fences.

As a fishery owner, I look after and maintain large stretches of the riverbank and the access to the riverbank as well as maintaining fishing cribs and removing trees and branches which obstruct fishing. I also collect huge quantities of litter which floats down the river.

The river here is regularly affected by the tide which on certain days can be very high. There is a general lack of knowledge and preparation by those canoeists coming to the lower reaches of the river. We have had many incidents involving Police and Rescue services and been extremely lucky not to have had a fatality.

As a fisherman I have to buy a Salmon licence as well as spending considerable sums trying to improve and protect my fishing which forms an important part of Estate income. Canoeists on the other hand seem to contribute nothing to the river. I think all craft should be licensed and identified and users made aware of the safety aspects and codes of conduct of river use. This could be done by the Environment Agency.

370.Neil Morrison

I strongly believe that there should be a right of responsible access to rivers within the UK. Legislation is required to provide the right of access and to ensure a framework is in place to minimise environmental impacts.

The current situation in Wales means that there are actually no restrictions on private individuals accessing rivers whenever they choose. Legislation will simply be formalising the current situation and will enable sensible decisions to be made about potential environmental impacts without the current emotive arguments being made.

The obvious model for a legal framework of access is that currently used in Scotland where large numbers of paddlers travel to experience the pleasure of running wild rivers. This is achieved without disturbing other river users and I have had many pleasant conversations with anglers, walkers and cyclists whilst pumping my holiday pounds into the Scottish economy.

Anglers in England and Wales seem unable to accept that this model can work in other parts of the UK citing that Scottish rivers are larger and less used. A visit to Fort William during October half term or Easter should be able to evidence that the rivers commonly run are often similar in character to Welsh rivers and that they are able to support large numbers of users with no adverse effect. There are also larger rivers in Wales yet certain lobby groups would try to obfuscate the matter with their claims.

Obviously care should be taken where there are sites of scientific or conservation interest and like the majority of countryside visitors, paddlers want to conserve the wild countryside. The current situation does mean that claims about environmental damage are made as a matter of course so it is becoming more difficult to assess if damage is possible, legislation will clarify this and cut down on potential environmental impacts.

Rubbish and pollution is prevalent on inland waterways in Britain both Angling and Kayaking/Canoeing clubs take steps to improve this situation and the more people coming into contact with the beautiful wild places the easier it is to persuade the people of Britain that they need to change their attitudes.

371. Andrew Quick

Interest:- Kayaker and Club coach

Membership:- Welsh Canoe Association club coach member and Full member British Canoe Union

Date:- 18th September 2009

Access in Wales, especially regarding **the effectiveness of 'Agreements'** and the need for **a legally enshrined right of responsible access**.

I use inland water, both flat water (canals and rivers) and White water (moving water)

I am a member of Mold Canoe Club.

We use various rivers around North Wales and Mid Wales and have come across various issues from parties wanting to stop us from our legal pursuit.

The beauty of canoeing is that there is something for everyone – and it does not have to be a competitive sport. Canoeing can be a sociable hobby or a way of escaping the crowds. Whatever the objective, whether it is to; make new friends, get fit, lose a few pounds, push yourself to the limit or learn a new skill, canoeing is ideal.

Canoeing is a good all-body workout and the ideal thing about recreational canoeing one can have fun and still have a good workout without the pressure of competition.

Canoeing is also a fantastic way to meet people, socialise and learn new skills all at the same time. So you can keep healthy and have fun!

I would like to see paddlers given much better access to non-tidal rivers, enshrined by law. I don't think that this should come without certain responsibilities for the paddler.

Scotland has a much better river access system - and it works.

Access is allowed in the rest of the world so why not Wales?

Voluntary Access agreement have been proved not to work.

One argument that is used to stop us paddling is that we disturb fish but the UK environment Agency have concluded after a large study that this is not the case and paddlers do not disturb fish.

Environment Agency Report W266 – The Effects of Canoeing on fish stocks and angling showed that there is no empirical evidence linking canoeing to damage of spawning grounds and angling

River access is not a canoeing v angling issue .. its in fact a disgrace that the general public can not use our inland waterways.. appropriately

The Situation in Scotland

The Land Reform (Scotland) Act 2003 gives a statutory right to most land and water. The Scottish Outdoor Access Code came into effect in February 2005 and gives guidance on how and when these rights should be applied. Four years on, the Act and Code are recognised as being a great success.

In Scotland, a National Access Forum, composed of members representing all access interests, acts as a high level advisory body; and each local authority, and the two National Park Authorities, have a

statutory Local Outdoor Access Forum (LOAF). Local access issues and developments are, in the first instance, assigned to Local Authority Access Officers and often passed to the relevant LOAF for consideration. To aid communication and cooperation between different sets of access users, most recreational bodies (the SCA included) employ Access Officers.

Some people, outside Scotland, have expressed fears of potential “anarchy” or “chaos” if such a system of access was introduced in England and Wales. Based on the experience in Scotland, there is no evidence to justify or substantiate these concerns.

Overall, the Code has been an outstanding success, enabling many more people to enjoy the countryside.

IT WORKS IN SCOTLAND SO PLEASE WHAY NOT WALES!

372. Edwyn Lewis

I write to you as Chairman of the above Association – the Welsh Salmon and Trout Angling Association - whose membership consists of over seventy angling clubs – every one situated on inland waters the length and breadth of Wales.

Over the past few months our member clubs have become extremely concerned because two sub-committees of our own Welsh Assembly Government - namely the Petition Committee under the chairmanship of Val Lloyd A.M. and now your own Sustainability Committee – are looking into the possibility of enforcing a change in the law to accommodate the demands of canoeists and rafters – a change, should it come about, that would have serious and detrimental effects on all Angling Clubs in Wales.

The above Association was formed over fifty years ago with the aim of uniting all Welsh Game Angling Clubs and over the past decades it has served its members well. It has taken conservation issues to heart and has succeeded in getting itself recognised as a Governing Body that sees one of its roles as helping to preserve Welsh Heritage.

As A.Ms living in rural Wales, you are fully aware of the role played by angling clubs within your own communities. Each of our angling clubs was set up by local anglers – some of our member clubs having been formed a century or more ago. In fact, all angling club waters throughout Wales have been purchased by local people – people (anglers) who, by their hard work and enterprising efforts, managed to purchase their own local rivers for the benefit of their own local communities. Every generation of anglers since have cared for these rivers and purchased more waters - as they came on the market - in order to ensure that this vital, precious and local amenity would be there for the use and enjoyment of their descendents.

Such is the appeal of these fisheries that anglers from afar travel to Wales to fish these rivers and help boost the local economy. In fact some three weeks ago I had the privilege of taking two lady anglers from Norway out to fish our waters. The appeal of wild trout fishing as well as salmon and sewin fishing in Welsh rivers is so great that - as the figures published by the Environment Agency show – it brings in approximately £150 million to the Welsh economy every year.

Of late however, many of our clubs' waters have been over-run by canoeists and rafters who blatantly flaunt the law. These young, strong and highly active young people are trespassing on stretches of rivers that have been purchased by local angling clubs for their own members. These members - local fishermen in the main - are not wealthy people but I honestly believe they have the right to be on their local river fishing their own local club waters at a time of their choosing.

The law as it stands today is perfectly clear - and it really is beyond my belief that the canoeists – many of them University Students - find difficulty in understanding what the law actually says. They are trespassing on club-owned waters.

I would go as far as to say that our member clubs are looking to you as our representatives at the Welsh Assembly Government to defend their rights.

I know that our member clubs have offered - and are still prepared to offer - opportunities for canoeists to use their waters at certain times of the year – but the Welsh Canoe Association (Canoe Wales) advised its membership to ignore and tear up all brokered agreements because they want – indeed are demanding - free and unfettered rights to go on all inland waters in Wales at will.

In my opinion, there have to be rules and regulations associated with all sports – and for anyone to even consider giving canoeists and rafters free use of Welsh rivers is to discard and undermine the efforts and hard work of angling club members throughout Wales over the past fifty and more years.

As Chairman of the above Association, I truly believe that any such move would create mayhem and cause anarchy on Wales's beautiful rivers

373.Paul Thomas

I am a canoeist with UWE Canoe.

I would like fair access to rivers in Wales.

I would like the same law application as the Land reform act in Scotland to apply to Wales

374. John Norris

374.1. What is your interest in the issue of access to inland waterways

Recreational paddler

374.2. Are you a member of an organisation related to your use of water?

BCU, Canoe England

374.3. Which stretch/es of water do you own/use/manage?

Usk & Wye, simple waters where access has been arranged by our club beforehand

We have to book access on the Usk and other rivers. Some in England will allow perhaps just two days a year. I'm not aware of other 'access arrangements' as so far as I'm aware other countries make water available to their public rather than preserve it for an elite.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

The key issue for me is access to more and longer continual stretches of water. The limited amount available in England I could paddle in a good day, albeit at great cost to the environment. where available a strip of land adjacent the waterway should be reserved or made available for public use, whether that be angling, paddling, walking, admiring the view, painting or whatever joe public might wish to do so long as it is respectful to the land owner and the environment.

375.Ms O Hardwick & Mr J V Bradshaw, Llyn-y-Fan Hatchery

My husband and I would like to register our objection to the pending issue of, open, unrestricted access to inland waterways by canoes and other crafts Canoeists and other craft users, currently have access to many miles of tidal waterways, without disturbance to other water sport participants. Angling clubs and associations have paid tens, if not hundreds of thousands of pounds to secure fishing rights for their members, these rights would be diminished by open and unrestricted access for crafts to travel where ever they please. Water sport enthusiasts have the same ability to purchase water rights for their enjoyment, as anglers and angling clubs and suggest that this be their option to paddle on waters bought and owned by them.

376. Andrew Rowbottom

376.1. What is your interest in the issue of access to inland waterways?

I am a recreational kayaker.

376.2. Are you a member of an organisation related to your use of water?

Yes.

If yes, which organisation/s?

Canoe Wales and Aberystwyth Kayak Club

376.3. Which stretch/es of water do you own/use/manage?

I use a number of stretches of inland water, including (among others) sections of the Rheidol, Ystwyth, Wye, Severn, Dyfi, Tryweryn, Mawddach, Eden, Llygwy, Conwy.

376.4. Are you happy that your legal rights are clear and well defined?

No

376.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

I believe that the legal position is very unclear. Some water users believe that they have an exclusive "right" to use certain water in certain ways. However, it appears that once questions begin to be raised then the position quickly becomes unclear.

376.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

I would like to see equal legal rights for all water users to access and enjoy our natural environment, provided appropriate environmental safeguards are implemented.

376.7. Are you aware of any legislation that existis in other countries that could be used in Wales?

The Scottish model is reported to work well.

376.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

No.

If yes, please briefly outline the agreements that exist and your experience of how they operate.

Voluntary agreements are unlikely to be acheivable or sustainable where various groups of users have, or believe they have, unequal rights.

376.9. Would you like to see any changes to the voluntary agreements?

Voluntary agreements could only work within a framework providing equal rights and appropriate arbitration.

376.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Demand for many differing uses of inland water is growing and unlikely to diminish. It is essential that a clear legal framework is established which delivers equal rights, and establishes duties on all water users to respect both each other and the natural environment that they enjoy. Without these changes, continuing conflict and environmental degradation seem inevitable.

377.C. H. Williams

Proposed free access of canoeists to all Inland Waters in Wales.

1 ... Riparian Owners -A large number of owners would loose out financially should the present law be changed i.e. Leases to Angling Clubs, Tourists trade etc.

2 ... Environment Agency of Wales -Many fishermen would not take out Rod Licenses if they thought that when fishing they would be faced by Canoeist using the river. This again would deter Tourist with Rod Licenses from coming to Wales.

3... Stocking of Welch Rivers -The Environment Agency of Wales insist that they be informed by Angling Clubs where and what type of fish are to be released in their waters and where they come from, the suppliers are tested for diseased free fish by the E.A. Should the law be changed it would seriously affecting fish farming in the country as a whole

4 ...Possible spread of diseases -Who would be responsible for insuring that no diseases are transferred by canoeist or their equipment, and would they be issued with license proving this when moving from various waters such as, lakes, canals, rivers etc. to rivers in Wales.

6...Fishing attraction to Wales -Game fishing is noted in Wales, Salmon and Sewin (Sea Trout) return to rivers where they have spawned for hundreds of years, especially Sewn which are most prevalent in Wales. Sewin lay their eggs in various stretch of a river, canoeist passing over these could virtually destroy them.

7 ... I have been made to understand that the Welsh economy made a profit of £120 million as a direct benefit from tourism to Wales, a large proportion I believe due to fishermen coming to Wales.

As you can gather from the above, I am against changing the law to allow canoeist to use, free of charge and conditions, to Inland Waters of Wales.

378. John Bagby

Thank you for the opportunity to comment on the state of inland river access in Wales.

The Welsh Canoeing Association has sought to negotiate voluntary access agreements to rivers over many decades. Despite their hard work, the intransigence of angling interests has never led to any form of fair or reasonable access to rivers.

The selfish attitude of angling interests to exclude all others from the Nation's rivers is unacceptable in modern Welsh Society. If you visit almost any other country in the world, you will find working models for sharing these marvelous resources. Such a solution is already in place in Scotland through the Land Reform Act.

If the Welsh economy wishes to gain benefit from tourism, then legislation is required to allow responsible access to rivers for all interests. It pains me that I drive to France and fly abroad, to canoe where I am made to feel welcome, whilst Wales' superb natural resources are ignored. Please take the necessary steps to return the rivers to the Nation.

379.Dewi Roberts

I have recently become aware of the above-mentioned inquiry and welcome the opportunity to make some observations. I enjoy fishing in my spare time on some of the lakes and rivers of Wales and other countries. I also enjoy making use of a kayak in coastal sea areas and combine sea fishing with kayaking on the Ceredigion coastline.

Interest in the issue of access to inland waterways

- Fishing
- Kayaking

Are you a member of an organisation related to your use of water?

Yes, -I am a member of the Llandysul Angling Association which manages fishing rights on a large proportion of the River Teifi. In the past I have also been a member of other angling clubs and have been a member of one or more club(s) for over 35 years.

Which stretch/es of water do you own/use/manage?

I make use of up to 30 miles of the River Teifi in the Llandysul to Lampeter area. I also enjoy the use of a kayak in coastal areas.

I believe that legal rights regarding angling are well defined and most anglers are aware that permits, and rod licence (Environment Agency) are required (For a significant fee) by all persons over the age of 12 yrs to fish for game and coarse fish. I also understand that canoeing is mostly currently prohibited on our streams, lakes and reservoirs unless such rights have been negotiated. This is a sensible approach in my view. Angling associations throughout Wales have purchased fishing rights and have also negotiated leases of fishing rights on many inland waters. Allowing open access to canoes would inevitably have a great impact on the viability of such fisheries and affect market values. Any consequent loss in value could give rise to the question of compensation for loss of amenity to anglers. Is similar consideration to be given to open / free access to fishing -without licence and permit fees? Such a move would have a potential to cause irreparable damage to existing fisheries, which are already under threat in terms of diminishing stocks of migratory and non-migratory fish. Many Angling associations and individual anglers are now adopting sensible catch restrictions, in order to protect fisheries for future generations and actively participating in schemes to monitor the quality of our streams. (E.g. River-fly project). River Trust projects are active in many areas.

It would not, in my opinion be sensible to make significant changes to existing legislation, unless the law of trespass could be strengthened in favour of land owners and other organisations that have negotiated rights over leisure activities on inland waters.

As a member of Llandysul angling association, I am aware that a stretch of white water downstream of the bridge in Llandysul has been leased to the Llandysul Paddlers for many years. The Paddlers have enjoyed a right to use the white water section throughout the year. There is, in my opinion much scope to improve angler / paddler relationships through the sensible application of voluntary agreements. Different fisheries have different seasons. In general terms most Welsh rivers the non - migratory game fish season extends from March or April to September. Migratory fish run from June to October and further into the close season beyond 17th October. Coarse fishing takes place in some areas during the winter months. There is much scope, therefore to negotiate rights to paddle outside the angling season and to use associated funding to improve the quality of inland water habitats.

Such agreements would however have to be 'designed' to protect against damage to fish spawning grounds and other wildlife habitats.

Key issues for recreational access to inland water in Wales and how you would like to see them addressed. I believe that the key issues are as follows:

1. The countryside has for many years been regarded as a large outdoor recreational park. The right to roam has to a large degree been accepted provided individuals wishing to visit the countryside keep to public rights of way that have been clearly defined in law. The rivers and streams of Wales are generally spate-rivers that are unsuitable for canoeing on a free for all basis. In my opinion navigation over shallow riffles would not be possible under normal summer conditions, and consequently much damage could be caused to such habitats. Paddlers would be forced to find unauthorised exit routes from stream corridors. Property owners do not have adequate legal protection on trespass issues. Is the farming community aware of the potential impact of a large group of uninvited guests?

1 The Salmon and Freshwater Fisheries Act 1975 serves to protect spawning fish during the close season for anglers. Allowing free access to paddlers would endanger spawning habitats. The streams and rivers of Wales are generally small rivers that cannot reasonably be navigated by canoes without risk disturbance to fish and damage to salmon redds during the angling close season.

2 Canoeists have access to tidal reaches of many rivers. Such areas are generally very accessible to canoeists. (And anglers).

3 An increasing number of anglers recognise the value of our streams, rivers and still waters and are returning fish with minimum damage to fish stocks. I take interest in poaching activities and pollution incidents and also actively encourage others to report such incidents to the Environment Agency. I am certain that other anglers do likewise. I take the view that much of the excellent work to improve freshwater habitats is not fully recognised -and that open / free access to paddlers would inevitably result in the demise of such work.

4 To change the law to allow unrestricted access on Welsh rivers would be a direct parallel to allowing the 'right to roam' on golf course. These areas were specifically excluded from the CRoW Act as they are commercial enterprises but so are rivers.

5 Local agreements between landowners, angling associations and paddling associations may offer a way forward. Although the law of trespass is reasonably clear -application of the law is not straight-forward.

380. Gary. T. Owain-Ashbrook

In the first instance, I vehemently object to any form of statutory rights of access on inland water in Wales on moral grounds in that my family is now fourth generation legal and rightful landowner, the land being freehold and free of any encumbrances. As riparian owner, as part of the land borders the River Aled, in some cases both sides of the river, it is wholly immoral and against all principles for the family to forfeit existing rights, enjoyment and indeed security, thus relinquishing the prerogative to decide taken away by unknown persons who decide to claim a right to take from others that which they don't have. This being achieved through a third party which can, again immorally, alter, to suit existing laws and regulations and to make new which in effect erodes or takes away the rights of ownership and impose responsibilities which hitherto were not necessary. Thus, the whole concept of land ownership is brought into question. As a consequence, the following issues (not all by any means) will undoubtedly arise, many of which will create complex legalities.

Currently, within legal constraints, I have control over my land, that is I decide whom or what will transverse the land and when. This would include the river bed. How is the river to be accessed and exited? In the case of tiredness, becoming lost or just had enough or predetermined end of trip or rendezvous how does the 'canoeist reach the highway? What about a 'friend' leaving the public highway and crossing my land to meet/help the craft user? Would a canoeist(s), bearing in mind there are several types of canoe, differing from a kayak, and without doubt, a wide range of 'water crafts' (to include a large rubber inner tube or Lillo?), behave inappropriately, how can he/she be identified? Depending on the misdemeanour, I have to decide criminal or civil or criminal proceedings. Neither I nor family would be able to relax and enjoy in peace what is ours because of disturbance, fear of intimidation or worse.

Safety and security would be jeopardised. Is the 'canoeist' all that he/she appears to be or is it subterfuge - criminal activities? Whether on my land or in close proximity to my house/outbuildings or in a parked vehicle on the road there will always be an 'explanation' related to the river activities.

Regarding the management of the river and its environment, will demands be made if it is not 'canoe user' friendly? Will then the management be dictated by the canoeists et al and who will pay? On this theme, what about the disturbance to the habitat and wildlife? What about the landowner's livestock?

'Compensation culture' is now unfortunately, an inherent part of the society in which we live.

A major concern, amongst others, is the problem of responsibilities and liabilities, damages and compensation relating to both sides of this intended legislation.

This can range from a damaged water craft, personal injury from, for example overhanging branches, chased by the landowner's livestock to damaged fences, in-lamb ewes disturbed, the list is endless.

The real and genuine issues and concerns are numerous, the aforementioned being neither detailed nor definitive. In conclusion, the intended legislation, for that is what it will be, will be demands instigated by persons who want for their own gains at the expense of others, that to which they are not entitled, rightful and legal ownership severely eroded if not taken away; riparian management, the cooperation and effective working relationship between riparian land owners, Environment Agency and other appropriate statutory bodies becoming confounded and management in disarray. This to the detriment of conservation and the environment. Any legislation, by virtue of its objective, will be complex with untold 'grey areas', creating a wide range of varying responsibilities and indeed, liabilities, litigation, compensation involving protracted battles in both civil and criminal actions.

I believe any proposed changes to the current situation regarding access to inland waterways in Wales based upon the demands of the Welsh Canoeing Association, individual canoeist and other similar users, is fundamentally flawed in that it is an infringement of, not contravening, the Human Rights of riparian land owners, notwithstanding other landowners who would be affected, totally immoral, against sound principles, ethics and judgement, and indeed, perhaps the legality is questionable. The whole ultimately becoming a 'free- for- all'.

381. Rob Pickering

381.1. What is your interest in the issue of access to inland waterways?

Recreational user, predominantly for waterborne recreation (kayaking).

381.2. Are you a member of an organisation related to your use of water?

If yes, which organisation/s?

British Canoe Union

381.3. Which stretch/es of water do you own/use/manage?

Apart from the Wye, where access is clear, very few in Wales at present due to the attitudes and risk of harassment of by a minority of other users. We tend to paddle as a family and I don't want to subject young people to the kind of unwelcome interactions that can occur on other Welsh rivers.

381.4. Are you happy that your legal rights are clear and well defined?

No.

381.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

As I understand it, there is no law that prohibits me from paddling on any river in Wales as there exists a Common Law right of navigation.

Ingress and egress is subject to property rights (i.e. trespass if I access a river via private without permission) but the mere act of navigating the river is not an actionable issue provided I enter and leave from a public road, footpath, or other permissive access.

Unfortunately I'm aware that other opinions exist and in particular some land owners and organised angling interests believe that by owning or leasing the banks of a river they gain an absolute right to exclude other users from the water. They further believe that this purported right to control use of the water allows them to dictate the terms under which they will "allow" access to the river.

381.6. Would you like to see any changes to your legal rights?

Yes,

If yes, what changes would you like to see?

A clearly written, contemporary law which once and for all clarifies a right of navigation for small un-powered craft and wild swimmers to all rivers within Wales. This is also an opportunity to set corresponding responsibilities to prohibit actions which have a negative ecological impact.

381.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes, The Scottish Land Reform Act of 2003 has from my experience as a regular visitor much improved the clarity of the legal position and therefore reduced conflict in Scotland to the benefit of all users.

381.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

I am aware of historic voluntary agreements in Wales.

If yes, please briefly outline the agreements that exist and your experience of how they operate.

These were always ridiculously one-sided and basically purported to limit access to times when Anglers could not in any case fish. These access agreements have attempted to restrict users other than Anglers to only small parts of the year and purport to block access entirely during the summer season.

381.9. Would you like to see any changes to the voluntary agreements?

Yes

If yes, what changes would you like to see?

Voluntary agreements need to be set in a context where there is a presumptive legal right of access at all times for all user groups as a starting point. Deviations can then be negotiated by user groups on equal terms based only on significant issues such as scientifically proven ecological grounds or short term conflict of use during nationally important organised sporting events. Only in this way is it possible to arrive at fair and balanced access arrangements which take into account the needs and maximise availability to all users.

381.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

As far as I know nearly all other countries in the world apart from England and Wales implement legally open access to rivers by all user groups with local informal agreements (e.g. France where on many rivers Canoe and Raft users tend to leave rivers by 6pm if possible to allow undisturbed fishing)

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

Wales is blessed with rich natural resources and in particular world class paddling rivers but despite having family in Wales, the current climate on Welsh rivers causes us to choose other parts of the British Isles to visit. As an example we recently spent two weeks in Scotland over the summer during which time we encountered no access issues at all and spent over £2500 in the local economy. Wales is much closer and has similar resources but the lack of a clear legal footing for access to it's rivers deters us.

The key issue is that land-owners and organised Angling groups have developed a legal interpretation which if allowed to prevail would in effect establish a monopoly for a single user group to a valuable natural resource.

It is perfectly understandable that land-owners and organised Angling clubs, most of whom are in effect business in their own right, would like to promote the legal position that they are "selling" exclusive access to natural rivers on to the their customers. Sums of money are charged to fishermen by these businesses for access to the private river bank and they need to maximise the perceived value. Allowing this position to persist is however against the public interest because:

1) It discourages participation in active river based sports in Wales to the detriment of public health and the Welsh economy.

2) Encourages a minority of individuals to develop a belief that other users of "their" river are somehow behaving in an "illegal" manner and that they therefore have a moral right to confront and harass these other users. This has led to a number of unpleasant interactions with water-based users of Welsh rivers which, as well as being undesirable on public order grounds, reinforces 1) above.

3) Is completely unnecessary - studies have shown that mere passage of small human-powered craft over a fishery has no material impact (e.g. EA Report W266 Effects of canoeing on fish stocks and angling) and the vast majority of individual anglers seem to understand this and have no problem with the transient presence of other users as we pass them on the river. This only seems to be an issue for the vested commercial interests and a small anti-social minority.

In summary, the law desperately needs clarification as it is simply not in the public interest to allow the owners of river banks to purport to control who may pass by and for what purpose. This is no more appropriate than a landowner telling me I can't walk up Snowdon or can't ride my horse on a Bridleway. The latter issues have been dealt with and clarified satisfactorily over the years to balance the recreational demands of modern society. Rights of navigation on rivers now urgently need similar explicit treatment.

I hope that this response is helpful in your deliberations.

382.Keith Day

I am a canoeist and a member of the BCU and I am involved in a forum and a website for those that share the interest in canoeing.

I believe that canoeing is a non intrusive pastime that does no harm to the environment or the animals that inhabit it and can see no reason why the access situation in the UK is different from almost everywhere else in the world. All who wish to enjoy access to lakes and rivers etc should be capable of peaceful coexistence. This is the overwhelming situation in Scotland which has recently clarified access rights and responsibilities.

I can conceive of a very few situations when, for specific periods, the interests of specific groups of waterway users may be in conflict but I can see no reason why such potential conflicts can not be resolved by reasonable compromise. Such compromises can not be achieved however if one group of river or lake users believe that they are in a privileged position and have the right to impose a solution on all other users.

This is why voluntary access agreements have so visibly failed as a means of balancing the interests of the various interests in the past.

So now is the time to codify the rights (and responsibilities) of all users. Among those responsibilities must be the a means of funding necessary and actual costs of maintaining access for specific groups but this will obviously vary depending on the requirements of each specific activity.

383.Enfys Howells, Abergwili Angling Club

At our recent meeting, members were very concerned with information in regards to canoe access. After all, all our members pay a substantial fee for a licence which imposes restrictions on when and how our anglers fish our local rivers. In addition to this, our members pay for permits to fish on the Tywi, Cothi and Gwili. It is also worth notifying that our members make substantial voluntary contributions in kind to maintain our rivers.

At the end of every season, catch and release schemes are being organised in order to conserve fish stocks in our respective rivers.

It is worth remembering that most of our members live in the area and support their local angling clubs. It was felt at our meeting that canoeists to be allowed access without any payment whenever and wherever they want, would be really unfair. We as a club are against any canoeists trespassing on the rivers which we lease.

384. Julia Morgan

I write to you as a non-angler. I am not a canoeist either.

However over the past few years I have been involved on the periphery of angling and last year married an angler and since then my appreciation of our inland waters and of our rivers in particular has increased immensely.

The one huge difference between me and the many anglers I meet on the river bank is that when I look at a river I only see 'water' as it runs and tumbles over rocks and stones or glides slowly past. Anglers, on the other hand – when they look at a river - see far, far more - as they are searching for the 'life' that is hidden beneath the surface.

They look for runs and pools where fish may lie; they look for the fly-life – are flies hatching? – what stage are they at? – are they in a plentiful supply? – are there fish feeding? The life and life patterns that go on beneath the surface water are the things that interest anglers and I have come to realize how oblivious some of us are to the underwater wonders of nature.

A few years ago for example anglers noticed a serious decline in the fly life in our rivers – invertebrates were being killed off by some pollution and as a consequence there was no food for the fish - young or old - to feed on. Without food, species die. On this occasion the pollution was an insecticide called Cypermethrin and it was anglers who led the campaign to have a re-think on the issue of using Cypermethrin as a sheep dip which was getting into the water courses and having a devastating effect on nature. Anglers have always acted as caretakers of our beautiful rivers and are always fighting to ensure the good water quality is maintained.

The life story of the salmon is something that I have become aware of lately and it really amazes me. Salmon lay their eggs in the river bed in what are called 'redds' (compare with a bird's 'nest'). After the eggs hatch the young salmon parr remain in our rivers for a few years before swimming out to sea and crossing oceans to get to their prime feeding areas. After a few years feeding at sea – they again respond to the call of nature and swim back to the very same river in which they were born to spawn, thereby ensuring the future of their species.

I personally have nothing against canoeists but I recently heard how some canoeists had been seen to walk through salmon redds on the river bed destroying them completely. If such vandalism happened to a Red Kite's or a Falcon's nest there would be a major hue and cry – and rightly so, but because the salmon and sewin's 'nests' are underwater – no one sees them – and I fear that only anglers and conservationists care.

From this one tale it is obvious that some water users have no respect at all for underwater life and a few amongst their numbers have no qualms about destroying the redd of a salmon after it had swam thousands of miles through the oceans in order to return and deposit its eggs in the very same river in which it was born. Such behaviour on the part of some canoeists is truly reprehensible and surely calls for someone to account for their actions. If every redd in every river was destroyed in this manner it would not take long for our rivers to become devoid of salmon and sewin. I truly hope this is not one of the canoeists' 'hidden agendas' in their free access demands.

One wonders therefore about the two issues - Conservation and Recreation – do they – can they successfully mix?

I have read several of the submissions on the SC web-site and realize that what the canoeists want is the freedom to do as they like on Welsh rivers.

The anglers are calling for restraint – and why not? Wales is in a very unique position in that it is local angling clubs that have purchased the rivers in their own localities for use by local fishermen. They have saved and scrimped and bid on the open market for the right to own their local rivers.

Looking at the issue from the outside as it were, it does appear that what the Sustainability Committee is now considering is whether or not to 'nationalise by the back door' privately owned - ie owned by angling club - assets.

The question one has to ask therefore is whether this is fair.

Each angling club in Wales is run by a committee made up of representatives of the local community and they want to ensure that their members – who pay them membership fees – get what they pay for.

Where do the canoeists feature in this? They are demanding the right to go on Welsh rivers for FREE. What is more they are not prepared to negotiate terms and agreements with local angling clubs who are the only ones who should have a say in what happens to their own property.

I own my home and garden and I'd fight tooth and nail to ensure that what goes on in or on my property would be my decision and my decision alone.

I would urge you to think in terms of your own property – and judge accordingly.

385.Rev'd Allan Smith FRSA

I am writing in response to the Inquiry into access to inland water in Wales

My wife and I paddle a traditional open ('Canadian') canoe. I am a member of the British Canoe Union (through Canoe England), the Open Canoe Association, the University of Hertfordshire Canoe Club and the Baldock and District Canoe Club.

We have paddled a variety of rivers and lakes in Wales including: River Usk, River Wye, River Teifi, River Tywi, River Dee, Llyn Padarn, Brecon & Monmouth Canal and the Llangollen Canal.

While I understand that there is evidence that a long standing right of navigation exists in Wales (and England) this is set against problems in gaining access to the waterways by crossing land which is may be in private ownership. There are also some who feel that their use of the waterways is exclusive - notably some anglers - which seems to lead to unnecessary conflict in some places. On some waterways we have have a very clear right of access - these are covered by our Canoe England membership which includes a license from British Waterways, the Environment Agency and other authorities. This includes a right to paddle on the Brecon and Monmouth Canal. Thus, overall, the situation is unclear and confused. It seems particularly unreasonable when there are many places where we have undisputed rights of way to walk along a particular river bank, and yet some would deny the right of passage to unpowered craft along the water that runs alongside.

I would like to see the right of passage of unpowered craft on inland waterways made clear in law. There should be a presumed right of access for such craft on all waterways with a bed width of 5m or more. Such a right of passage would, of course, need to be limited in areas of environmental sensitivity and might also presume that such passage would take place during daylight hours. The limitations would need to be determined by an independent authority (such as the Environment Agency) in regard to the environmental sensitivity, and indicated appropriately. This would allow a more equitable sharing of the waterways.

Much argument is made by some of the fact that anglers are required to pay license fees, but canoeists also pay such fees for managed navigations (e.g. the Brecon and Monmouth Canal), and it would not be unreasonable for waterways that were being actively managed for canoeing to be brought under such license schemes. It would be reasonable to expect that such license fees would cover work to provide access points (and avoid bank erosion), signage, level gauges and so on in the same way that rod licenses support the stocking of rivers with fish. Of course, we also support the work of the Environment Agency through taxation (along with all the other recreational users of the waterways).

Canoeing (and kayaking) is an active outdoor pursuit, which has much to offer in a time when obesity and poor health amongst our young people (and adults) is of great concern, and it also offers a chance to see and appreciate the wildlife and natural environment. As such it can offer a significant opportunity to develop tourism. Canoeists support the local economy through staying in local accommodation, shopping locally and can be drawn to other local attractions. Unfortunately, this is not as widespread as it might be because of the lack of clarity regarding access. The few places where there is agreed access can become overcrowded, and some are less suitable for open canoes as they contain more challenging whitewater which require much higher skills levels to negotiate in an open boat (and may require more specialist boats). This makes them much less attractive to families and those with less experience.

Having paddled in Europe and North America I have been struck by the difference in access in other countries. In France typically the practice seems to be that canoes use the river between 9am or 10am and 4pm or 5pm, leaving the river free for anglers outside those hours. There appears to be no conflict between anglers and canoeists with this arrangement and the rivers can be paddled all year round. In Finland there is a principle of 'every man's right' which equates to a right to roam on water as well as land. This right can be restricted in areas of environmental sensitivity, and doesn't give a right to pass through the curtilage of private dwellings. Again there appears to be no conflict between the interests of canoeists and other users of the waterways in this arrangement.

In Canada there has been a general presumption of a right to paddle waterways for many years.

The law in Scotland (The Land Reform (Scotland) Act 2003) has included waterways in a general right to roam and would seem to be an excellent model to draw on in the context of Welsh legislation. It provides for the possibility to suspend access to certain stretches of waters when there is an appropriate or commercial case. Thus a stretch of river can be closed to canoeing for a few days when an international fishing competition is taking place, but otherwise it is presumed that the different users can share the waterway. It also includes a code of conduct.

I have had some experience of voluntary access agreements. Perhaps the most significant covers the Usk and Wye. While this is valuable, and seen as progressive by many it is not without flaws. While it is good to have clear permission to cross private land at certain times of year, the obvious presumption of the 'agreement' is that canoeing can only be allowed when anglers might not want (or be permitted) use. This is not shared use. Some of the access points are less than ideal (poorly marked, with parking and loading/unloading areas some distance from the river). Most significantly the levels at which paddling is 'permitted' during the summer appear to be arbitrary and significantly higher than those which constitute a reasonable level for canoeing (in terms of a clear passage down the river). They presume that all canoeists and kayakers want 'big water', when some of use simply want 'quiet enjoyment'. There also seems to be limited representation of canoeists on the organisation which determined this 'agreement'. The result is an 'agreement' that appears imposed by one group on another, making it more likely that some will choose not to abide by it.

I would strongly support legislation to clearly establish a responsible right of access for all to inland waterways in Wales. It would add greatly to the opportunity to grow tourism in rural areas (especially in the winter months when many outdoor activities are either restricted or simply less appealing, as at this time many rivers offer more rewarding whitewater particularly for kayaking). It would offer a means to encourage young people to appreciate the beauty of their country (as well as getting exercise) and to develop self-confidence. Above all it would re-establish a just and equitable sharing of a wonderful natural resource with which Wales is blessed.

386.Kathryn Warren

386.1. What is your interest in the issue of access to inland waterways

I am a kayaker.

386.2. Are you a member of an organisation related to your use of water?

I am a member of my local canoe club, and also an ex member of a university club, who I still paddle from time to time.

386.3. Which stretches of water do you use?

within the last year: Tryweryn, Dee (Llangollen), Wye, Usk, Sawdde.

386.4. Are you happy that your legal rights are clear and well defined?

not at all!

386.5. Can you briefly outline your understanding of your legal rights over the stretch of waters that you use

My understanding is that rivers themselves cannot be owned - but the banks, and therefore access/egress to the river can be privately owned.

Some sections of river are covered by rights of navigation - for example tidal waters, and stretches of rivers such as the Wye.

386.6. Would you like to see any changes to your legal rights?

Yes - I would like clarification on what these rights actually are!

386.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

The right to roam legislation in Scotland.

386.8. Do you have any experience of voluntary agreements for access to the stretch of waters you use?

If yes, please briefly outline the agreements that exist and your experience of how they operate.

I am aware of 'agreements' existing on some rivers, for example the Usk. However, these 'agreements' seem to be very one sided in favour of anglers, restricting canoeing/kayaking to limited stretches of water at certain times of the year only.

This is not something that I, along with the majority of kayakers I know, would have agreed to in the first place!

If yes, what changes would you like to see?

If voluntary agreements must exist, I think they should be based on environmental grounds only - such as agreeing on a sensible minimum water level to avoid damaging the river bed, and restricting areas such as fish spawning beds during their spawning season (but not the entire fishing season!).

Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Again, the right to roam in Scotland, but also in the French Alps where kayaking is allowed between certain times of day - so after 6pm, the rivers are 'closed' so the fishermen can fish. Access/Egress points are signposted from the roads.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed

I think there are two key issues:

one being anglers who get angry that we 'illegally' kayak on 'their' rivers. (although it's worth noting that the majority of anglers I've personally encountered have been nothing but polite)

The more important issue as I see it is reaching an understanding with landowners on use of access and egress points.

387.Prince Albert Angling Society

Evidence provided by the Prince Albert Angling Society (PDF, 5.8MB)

388. Chris Stephens

388.1. What is your interest in the issue of access to inland waterways

User for waterborne recreation by kayak and open Canadian canoe.

388.2. Are you a member of an organisation related to your use of water?

The Civil Service Canoe Club Canoe England

388.3. Which stretch/es of water do you own/use/manage?

Inland waters which I have used include the rivers Llugwy, Dee, Conwy, Vyrnwy, Tryweryn, Tanat, Banwy, Severn and Wye, the Daugleddau estuary and Llyn Efyrynwy.

388.4. Are you happy that your legal rights are clear and well defined?

No, I am not. In particular there is a lack of clarity as to whether the law of trespass or the ancient right of navigation on any waterway should prevail in Wales and England. I note that riparian owners rarely, if ever, take legal action against canoeists for trespass and that many paddlers believe they have a right to paddle on any waterway which is physically navigable on the basis of Douglas Caffyn's thesis "The Right of Navigation on Non-tidal Rivers and the Common Law".

388.5. •Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage

There is an undisputed public right of navigation on tidal water and on the lower reaches of certain large rivers such as the Wye and Severn. I believe that there may well also be a surviving public right of navigation over all waterways which are physically capable of navigation. However this thesis has not been tested in the courts and I am aware that riparian owners normally own the river bed adjoining their property and that they consider navigation on waters flowing over their property to be trespass.

388.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

I would like a public right of navigation on all water which is physically navigable to be created by legislation.

388.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes. The Scottish Land Reform Act 2003 would be a good basis for Welsh legislation.

388.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage

Yes

If yes, please briefly outline the agreements that exist and your experience of how they operate.

I understand that in reaction to the unsatisfactory and unreasonably restricted nature of former access agreements canoeists in Wales are currently canoeing responsibly wherever they see fit. I

understand that this has led to ill feeling on the part of some other river users resulting in some cases to them taking the law into their own hands offering threats and intimidation.

388.9. Would you like to see any changes to the voluntary agreements?

Yes

If yes, what changes would you like to see?

Replace them with a general right to access all navigable waterways.

388.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

No.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

I had hardly ever visited Wales before taking up canoeing seven years ago. Since then I have made frequent visits and have contributed to the Welsh economy by paying for numerous residential courses at commercial canoeing centres, staying in hotels, bed and breakfast establishments and camp sites, making numerous purchases in shops, pubs, restaurants and filling stations. However the present lack of open canoeing access in Wales acts as a significant disincentive – Scotland is currently a much more appealing tourist destination for canoeists on account of its open canoeing access.

While on the water I frequently collect litter and take it home. Last year I rescued two sheep which were trapped at the water's edge below a two metre vertical bank and would probably have died without my intervention. I have never personally had any problems with other river users while paddling in Wales.

All things considered I believe that my canoeing activities in Wales, along with those of other paddlers, bring very considerable benefits to the country.

Legislating to create responsible open access for canoeing on the lines of the Scottish Land Reform Act 2003 would attract more paddlers from outside of Wales with attendant economic benefits. At the same time they would be more evenly spread out across the country than is the case today where paddlers tend to concentrate in a limited number of venues where access is not an issue. Canoeing has a very limited impact on the natural environment, and on other river users, but problems such as bank erosion and unreasonably frequent disturbance of anglers can occur when many paddlers are forced to concentrate in a few spots. Such problems would be considerably eased with open access.

389.Heather Rainsley

I am a recreational kayaker. I was introduced to this sport -which has become a life long passion- at an outdoor education centre in Wales, kayaking on a Welsh river.

I currently live in the South of England. Much of my free time is spent kayaking; either on the sea or white water kayaking on rivers, travelling to and generally staying for a weekend or longer in a variety of locations in the UK and overseas.

I believe that I, and kayakers like me, make a substantial contribution to the local economy in the areas where we choose to kayak. We make use of accommodation and services in many key tourist centres during the 'off' season, which is when the rivers are generally suitable for our sport.

Welsh rivers are a wonderful kayaking resource, and I have returned to Wales for kayaking trips on many occasions. I have found the rivers to be great places to kayak because of their beauty, and also because of the quality of the white water that I have experienced.

My experience of voluntary access agreements in Wales is that they are often a poor compromise. The terms of the agreements tend to appear to legitimise kayaking on a particular stretch of river within a set timeframe. This results in overcrowding, and also means that some kayakers may choose to paddle a river when it is inappropriate to do so, simply because the access agreement implies that they can.

In my opinion, a key issue for recreational access for kayakers is the misguided perception by anglers, and landowners with a vested interest in angling, that kayaking -and other on the water recreation- has a detrimental impact on the river environment and their use of it. There is no empirical evidence to support this.

Scotland and Norway are examples of two countries where the interests of all water users are catered for in clear and fair legislation, and where access codes and education for water users have helped to develop a sense of responsible use and cooperation. I would like to see similar legislation enacted in Wales.

390.Emma Moonlight

390.1. What is your interest in the issue of access to inland waterways?

I have been a recreational kayaker in two separate clubs for the last six years.

390.2. Are you a member of an organisation related to your use of water?

Former member of Swansea University Canoe Club and current member of Birmingham University Kayak Club.

390.3. Which stretch/es of water do you own/use/manage?

I frequently use rivers in both North and South Wales, as well as Scottish and foreign rivers.

390.4. Are you happy that your legal rights are clear and well defined?

No, I do not believe that they are well defined.

390.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage.

I believe that I have the right to paddle on Welsh flowing water, which cannot be owned by any third party, as long as I access the land legally and appropriately.

390.6. Would you like to see any changes to your legal rights?

Yes. See below.

If yes, what changes would you like to see?

I believe that, although most kayakers and fishermen have some idea of the relevant laws, the legal situation is very much ill-defined and unclear. As a consequence, a small minority of fishermen, who do not wish to see kayakers on the Welsh rivers at all, tend to take advantage of the lack of legal clarity in order to help their argument against kayaking. A small minority of fishermen also appear to incorrectly believe that they legally have sole access rights to rivers, which can cause some aggression against kayakers. This is particularly inappropriate when groups of kayakers involve children or novices who are innocent of the reasons for the clash.

390.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

The legal situation in Scotland is a prime example. River users share the rivers and are happy to do so. Many kayakers, and probably fishermen would be more than happy if the Scottish access agreements were used as a model in Wales. In fact, the majority of countries have better river access than in Wales, with the obvious exception of England.

390.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage?

Yes.

If yes, please briefly outline the agreements that exist and your experience of how they operate.

There are numerous rivers that have unofficial voluntary agreements, such as the Tawe, Conwy and Teifi. However, these agreements usually boil down to the fact that fishermen dictate when kayakers can paddle, leaving us with a short, limited season, or with no river access at all. Even where these

agreements are in place, fishermen are often hostile to kayakers, disregarding the fact that they are adhering to the said agreements,

390.9. Would you like to see any changes to the voluntary agreements?

Yes

If yes, what changes would you like to see?

Ideally, I would like to see a situation like that in Scotland, where access is assumed for all parties and voluntary agreements are not even required. If this would not be viable, I would like a situation where the voluntary agreements become slightly more official – preferably in writing between the affected parties. This would hopefully mean that both parties adhere to them more effectively, therefore diffusing any anger.

390.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

In France, both kayakers and fishermen can use the river during the day, but after 6pm paddling is not allowed and fishermen to have sole access. Because the situation is fair, it is respected by all parties. Most paddlers have travelled and so are on holiday. After around 6pm, when it becomes too dark to kayak, kayakers will occupy their time in other ways, spending their money in the local community.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed?

Again and again the issue comes back to one of money. Fishermen argue that they pay for fishing rights, and that we don't pay to access rivers. However, kayakers argue that fishing costs more in respect of the need to restock rivers than fishermen contribute towards it, whilst kayaking costs nothing in respect of the environment and causes no damage.

Our sport is built on a culture of sharing; kayakers love showing the most amazing places in Wales to our friends. Most anglers share this view. However, some more aggressive anglers believe that their supposed right to have sole access to a river transcends the equal right of kayakers to utilise and enjoy the same natural resource. This is despite the fact that although a group of kayakers may pass by a single fisherman – which is itself a rarity – those kayakers will pass by within minutes, rarely making any disturbance at all.

391. Rhodri Anderson

391.1. What is your interest in the issue of access to inland waterways

Recreational kayaker and Voluntary Coach

391.2. Are you a member of an organisation related to your use of water?

Welsh Canoeing Association

391.3. Which stretches of water do you own/use/manage?

I paddle Welsh rivers as well as rivers in other parts of Europe.

391.4. Are you happy that your legal rights are clear and well defined?

No.

391.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you own/use/manage.

As no-one owns flowing water, I have a right to paddle along the Welsh rivers as long as I have accessed and egressed by public land, or have permission from the land owner.

391.6. Would you like to see any changes to your legal rights?

Yes

If yes, what changes would you like to see?

I would very much like a clarification of the law. I believe that kayakers have a right to paddle, although I have met a small minority of fishermen who believe that I do not have this right. This distinct lack of clarity has caused them to behave in an aggressive or rude way towards me and my group, which sometimes includes children.

391.7. Are you aware of any legislation that exists in other countries that could be used in Wales?

Yes, the situation is better in all other countries I have paddled in (other than England). River users share the river and are happy to do so. The legislation in Scotland stands as a very good example that could be used as a model for changes in Wales.

391.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you own/use/manage?

Yes.

If yes, please briefly outline the agreements that exist and your experience of how they operate.

Fishermen decide when they will let us paddle. We are left with a short, limited season or with no river access at all. Fishermen, even on rivers such as the Tawe, Conwy and Teifi, which have such agreements, can be hostile, even when kayakers adhere to these agreements.

391.9. Would you like to see any changes to the voluntary agreements?

Yes

If yes, what changes would you like to see?

A situation similar to that in Scotland.

391.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

In France, both kayakers and fishermen can use the river during the day, but after 6pm paddling is not allowed and fishermen to have sole access. Because the situation is fair, it is respected by all parties. Most paddlers have travelled and so are on holiday. After around 6pm, when it becomes too dark to kayak, kayakers will occupy their time in other ways, spending their money in the local community.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed?

Again and again the issue comes back to one of money. Fishermen argue that they pay for fishing rights, and that we don't pay to access rivers. However, kayakers argue that fishing costs more in respect of the need to restock rivers than fishermen contribute towards it, whilst kayaking costs nothing in respect of the environment and causes no damage.

Our sport is built on a culture of sharing; kayakers love showing the most amazing places in Wales to our friends. Most anglers share this view. However, some more aggressive anglers believe that their supposed right to have sole access to a river transcends the equal right of kayakers to utilise and enjoy the same natural resource. This is despite the fact that although a group of kayakers may pass by a single fisherman – which is itself a rarity – those kayakers will pass by within minutes, rarely making any disturbance at all.

392.David Ingerslev

I am a recreational user of inland waterways for kayaking, canoeing, swimming and fishing. I am a current member of Canoe England, though this is entirely due to my participation in the sport of Canoe Polo, which is played on privately owned lakes and in swimming pools.

I have experience of using rivers in Wales for kayaking and rivers in Scotland for fishing (prior to the Land Reform Act). In Wales I have kayaked the rivers Tryweryn, Swadde and Teifi and canoed the river Wye. In Scotland I have fished the river Conon. In England I have kayaked and swum in the rivers Exe and Dart, amongst others.

I do not have clarity about my legal rights. In fact, I have heard many different versions of the legal position from both sides of the debate. Certainly, it is clear to me that the land adjoining river banks can be owned, but I have difficulty imagining how the water or the river bed are owned. In my use of rivers, I have ensured that my use has a positive impact on the environment of the rivers themselves and their banks. As a kayaker I have rarely encountered fishermen and have never had a problem with one; when fishing I have never encountered a kayak or canoe - the closest has been using a rowing boat to cross the river or fish it.

I am aware that voluntary access agreements are recommended as the way to resolve access for all. In most cases fishing, canoeing/kayaking and other interests do not clash as the high seasons for each are very different, however I understand that few voluntary agreements have been entered into and I am not clear what the position is without such an agreement. Voluntary agreements are, in principle, excellent, however in order to make them effective a multi-usage default position needs to be established, e.g. Spring/Summer fishing, Autumn/Winter kayaking, that can be overruled by the voluntary agreement. Such a move would make entering into a voluntary agreement a much more desirable prospect for all parties involved. I understand that the Land Reform Act in Scotland made changes to rights of access - it would be sensible to review the impact of that legislation.

In general, the various parties who want to use the natural resource of our rivers do not have conflicted interests, one simply fears that the others' self-interest might prevent their own recreation. I am glad to say that in practice, if not in law, I have always found this to be the case.

393.Nigel S Ayers

In response to your letter "Sustainability Committee's inquiry into access to inland water in Wales" dated 21st July 2009, please find my answers below.

393.1. What is your interest in the issue of access to inland waterways?

Water recreation

393.2. Are you a member of an organisation related to your use of water?

Yes, British Canoe Union

393.3. Which stretch/es of water do you use?

- River Dee
- River Severn
- River Mawddach
- River Banwy
- Afon Dwyfach
- River Glaslyn
- Afon Rheidol
- Afon Rhiw
- Afon Aled
- Afon Alwen
- Afon Arddu
- River Artro
- Afon Ceirw
- River ConwyY
- Afon Dwyfor
- River Twymyn

393.4. Are you happy that your legal rights are clear and well defined?

No not entirely

393.5. Can you briefly outline your understanding of your legal rights over the stretch of water/s that you use.

I can paddle some 4% of rivers in Wales, but run the risk of being taken to court for trespass if I paddle any of the other 96% of rivers in Wales, and I will most certainly receive verbal abuse from various other river users.

393.6. Would you like to see any changes to your legal rights?

Yes.

If yes, what changes would you like to see?

Water is a natural resource and anyone one should be able to access that water.

393.7. Are you aware of any legislation that existis in other countries that could be used in Wales?

Yes, Scotland - the Scottish Land Reform Bill

393.8. Do you have any experience of voluntary agreements for access to the stretch of water/s you use?

No

If yes, please briefly outline the agreements that exist and your experience of how they operate.

393.9. Would you like to see any changes to the voluntary agreements?

Yes.

If yes, what changes would you like to see?

They should be used when short term exclusive access is required to stretches of water, for example when a fishing event is taking place.

393.10. Are you aware of any voluntary arrangements in other countries that could be used in Wales?

Yes, Grantully, Scotland.

Please can you briefly outline what you think are the key issues for recreational access to inland water in Wales and how you would like to see them addressed.

With the increaseing growth in outdoor activities and the promotion there of. I feel it is time to address this issue. As for 50 years of negotiations have amounted to very little.

394.C J Jenner

I write with reference to the proposal to provide free access by canoe to all rivers in Wales.

As an angler I strongly object to such proposal on the grounds that free access would seriously affect any angler pursuing a licensed sport for which considerable fees have been paid.

Furthermore free access for canoes would considerably diminish the value of the fishing rights which currently provide farmers and other riparian owners with a useful source of income.

Successful angling requires a tranquil environment, particularly when pursuing game fish and in this regard I quote from "Sea Trout Fishing" by Hugh Falkus who is a legendary authority on both salmon and sea trout fishing. He says, on page 327, "The shadow of fisherman or rod will send every fish darting for cover; so that in an instant the tranquil scene changes to one of swift movement, confusion and alarm". One can only imagine therefore the seriously detrimental effect of one or more canoes churning through the fishing area.

If free access for canoes is granted it should, I suggest, be restricted strictly to a period when angling is out of season.

395. Katrina James

I am a canoeist, originally from Wales. I have been unhappy about the lack of access to rivers in Wales for a long time. I submitted a dissertation to Cardiff University in 2006 about river access issues, and spoke to a wide range of politicians, fishing clubs, kayakers and other waterway users – all supportive of change.

I am happy to share rivers. I would welcome the adoption of a land reform act in Wales, similar to that adopted in Scotland.

I run a University Canoe Club and I regularly take trips up to Scotland, where the students stay in local accommodation, go to local restaurants, visit local attractions (ski slope, outdoors schools etc) and go to local pubs. The holidays regularly plough money into the economy in some very rural areas – and as visitors we understand the delicacy of the local environment and respect it. Wales could also benefit from this type of ‘tourism’ – I would love to bring trips to Wales, but the access issues prevent us from doing this.

I really hope this changes in the future.

396. Alan Greenhalgh

I have often paddled in the very few accessible areas of Wales and have never tried to paddle in non-permitted areas. I have long hoped for an improved situation and I have written to members of Parliament many times to no avail. I take a keen interest in the current review of the poor access situation and offer my personal submission for your consideration.

Presently anglers have more or less exclusive use of the rivers and are reluctant to lose any part of that. Nationally the general consensus is for greater access to the countryside. The position of anglers must be treated sympathetically but they must give some ground and the decision to do so cannot be left solely in their hands. Their current monopoly of all aspects of the rivers to serve their own limited use is untenable. The defence of their position is largely based on speculative arguments and a degree of exaggeration. I speak as an amateur canoeing coach, a lover of the countryside and as an occasional angler. I address briefly some of the main arguments below.

Environmental Damage

The anglers claim there will be all manner of environmental damage. Canoeing must be one of the most benign means of accessing the countryside available. The moment after a group of canoes has passed a location there is no mark or evidence that they have ever been there. It is not in our interest nor is there any need to trample vegetation or scare wildlife. As most visits to a river are tours we are by definition passing through. We rarely touch the banks and any wildlife will hide as we pass and is only disturbed for a moment. We are not attracted to shallow rivers where we have to scrape over gravel. The impact of a wading, lingering angler catching fish is likely to have a much greater impact on his environment.

I watch fish and note that a disturbed fish at most only moves a few yards upstream or downstream before returning to its original location. If it were any thing else the progressing canoeists would end up herding great shoals of fish in front of them.

It is hard to imagine that a floating canoe can be more detrimental than a wading angler standing on bullheads, crayfish and the occasional redd (alevins stay in the stones well into the fishing season and redds can occur anywhere) then taking a single mature salmon and so removing a huge potential of viable eggs or milt. I don't say that anglers are detrimental only that canoeists are less so.

Canoeists are attracted to the sport in large part for the appreciation of the countryside. Once anglers engage amicably with canoeists they may be pleasantly surprised that our care for the environment is as great, if not greater than theirs and that we wish to preserve for its own right alone.

Disease

Claims that we will spread disease such as Gyrodactylosis seem to be over dramatic. This is potentially a serious problem but is no more attributable to canoeists than to anglers and so far neither are guilty. The primary danger is the importation of infected fish. Canoeists do have their part to play and to this end it can only benefit all to be inclusive. Anglers alienate canoeists but if they brought them on board then there would more likely be a unity of spirit to avoid the risk of infestation. Anglers assume that canoeists have no environmental interest but this is far from the truth.

Pollution

Anglers are definitely missing a trick. Canoeists are so well placed to observe pollution incidents. We tend to cover several miles in a day and are possibly more sensitive to pollution than the angler as we

tend to get a lot wetter and so prone to illness. If only the anglers would be less excluding they could reap great benefits.

Poaching

One of the more imaginative arguments is that poachers will masquerade as canoeists to gain access to the water. There is no reason why they can't do this already except that they would be sitting targets in a boat on the water with no means of escape. Believers of this view should try sitting in a modern kayak and seeing how many fish they can fit around themselves – not many. They could also try to make their 4mph escape from a bailiff in a canoe that will then require two to carry (even without fish) to a car. The average canoeist can spot the fake instantly and again as we cover several miles in a trip we are ideally placed to spot dubious activities or illegal nets. We have no desire to see endangered species poached and are just as keen to see the poachers and polluters stopped as anyone. Anglers should welcome the significant extra vigilance that canoeists can bring.

Solitude

I appreciate that part of the delight of angling is solitude. I too enjoy the tranquillity of a river. Allowing access will not turn every river into a high street. If you look at the few places available to canoeists at present it can be seen that even they are not heaving with people. Divide such numbers by the hundreds of miles of river and there will still probably be more anglers per mile than canoeists on any one day. Indeed a mainstay of anglers' argument is their large numbers.

As to the disturbance to the fish there is no reason to think that a passing canoe is worse than a loitering, wading angler. It is often thought that some stirring of the fish may encourage bites. Possibly the biggest disturbance and alarm to fish is the fight as one is played in for several minutes.

Payment

If there were any costs to be incurred in allowing access to the water then perhaps some form of fee or licence should be considered. This may be akin to requiring a fee from ramblers as they pass over cattle pasture and grouse moors. The general view is that the ramblers are not licensed or policed. Arguably there is much more cost attached to the maintenance of the pathways, styles and signs but ramblers are not charged. Canoeists will require no such extensive infrastructure.

Anglers frequently complain about the lack of bailiffs to curtail poaching. Canoeists will be free extra eyes and reporters. Sharing the water is a small price to pay for such a great benefit.

Contribution to protection of the river

Anglers frequently proclaim their custodian role of a river and that no such role is played by canoeists. This is a bit like a gardener in his private walled garden wondering why he alone has to cut the grass all the time. Let us have access and only then complain if we don't pull our weight.

Income

Anglers imply that if a canoeist paddles down a river then millions will be lost to the Welsh economy. The figures they quote presumably include the predominant number of coarse anglers who will be mostly unaffected by increased access. There is no evidence that anglers won't adjust to shared use of the river. Will their pleasure be so blighted by the occasional passing of a canoe that they give up on Wales? Perhaps a very few will leave to fish in other countries but I think not as England and Wales are the only countries who entertain this angling exclusiveness. I would hope that on the contrary anglers will adjust to this slight change and that there will be a slight increase in canoeist numbers who will bring their accompanying expenditure. Already with the limited access available canoeists

bring in revenue with the companies, shops and cafes that already exist. The tourist board show wonderful pictures of canoeing and proclaim it as an attraction. At present they could be criticised for miss-selling.

Agreements

Voluntary agreements are a mask to avoid any reasonable access. There is no reasonable prospect of success when, to gain access to just a few miles of river, we have to negotiate with numerous landowners and angling clubs. None of them have any interest in sharing their current sole possession. We can only plead for access (we have no negotiating leverage) and may gain some limited route along a river after many years only for it to be blighted by one interested party in the middle changing their mind and cancelling out all the negotiating work. The Government have realised that negotiated agreements are not viable for rambling access to the countryside or for access to the coastline. If the government want to persist with agreements they must appoint an arbiter who has the power to enforce an agreement on both sides. The trial run by Brighton University sponsored by the Government only succeeded in reducing the access it set out to increase and this was in relatively easy rivers. In my own line of work I occasionally encounter compulsory purchase and I know that the Government, even with full time expert staff assisting and money to offer, will not rely on negotiating voluntary agreements for any reliable way forward.

Limitations

As a compromise to the anglers I agree that boaters should not be allowed to run amuck. There are irresponsible canoeists as with all interests. Also there are definite areas that should be avoided at certain times of year. Commercial exploitation should be controlled. Limitations could well be implemented through BCU registration. This would probably be as effective as a rod licence. I think canoeists will be happy to abide by a ruling imposed by an impartial arbitration on both sides. I think fairness is all most of us crave.

Sport and social enrichment

I help run a canoe club. We pride ourselves in marshalling the youthful exuberance and channelling it in a constructive, disciplined way. We train many young (and not so young) people every year. All canoe clubs do this and it is a tremendous social benefit. It is our perennial frustration that we cannot take them from the beginnings of the sport on a lake to the next stage on a river not only to sample the excitement but to appreciate the wealth of the countryside. Anglers do the same but to a much lesser degree.

Where countries like Austria and Switzerland excel in the winter Olympics due to their natural advantage of so much snow by contrast Wales produces few, if any, international slalom paddlers even though it abounds with whitewater. This must surely amuse onlookers from outside the British Isles.

I am now in my mid 50's and regret that I may never paddle freely down the rivers. I feel akin to those who sought the freedom to roam the fells but were opposed by the land owners. Their sense of injustice led to the Great Trespass. I do not propose any great trespass as I believe we live in more enlightened times. I feel sure that, as with 'the right to roam', that all parties will soon adjust and the initial misgivings will seem a distant myth. I am in an invidious situation. I have perhaps another six or seven years of paddling left in me. I can only live once. With all the prevarication of the angling fraternity I am strongly tempted to ignore the hostility and suffer the abuse of the anglers and paddle anyway. I believe I would be committing no great crime and would be causing no damage of any kind and no significant nuisance. Alternatively am I to wait until the presently unassailable dominance of

the anglers is overcome by years of ineffective negotiations for voluntary agreements? Even with an overseeing arbiter negotiated agreements would take years as the anglers have no interest in change. They are driven, quite naturally, by a fear of change. Such change has been recognised for the whole public with the right to roam. It seems bizarre that the same principles don't bring Wales into line with the rest of the world by extending 'the right to roam' principle to cover access to rivers.

397. Welsh Association of National Park Authorities

Greg Pycroft, Welsh Policy Officer

Thank you for giving the Welsh Association of National Park Authorities (WANPA) this opportunity to submit a written response to the Sustainability Committee inquiry examining access to inland water in Wales. The three Welsh National Park Authorities collaborate on pieces of work such as this to collectively promote the interests of Wales' three National Parks. This particular piece of work has been arrived at through discussions between the access officers for the three National Parks in Wales.

Section 62(2) of the Environment Act 1995 is central to the delivery of the National Park purposes (identified below). A duty is placed upon all relevant authorities, including the National Assembly for Wales, to have regard for the National Park purposes when exercising or performing any functions in relation to a National Park. A wide range of agencies beyond National Park Authorities are in a position to influence policies and projects that may affect the future of National Parks, we believe that access to inland water is one such issue.

We wish to take full use of this opportunity to engage with the Committee on its inquiry and would be happy to provide oral evidence if Members believed that was beneficial.

What is your interest in the issue of access to inland waterways?

National Parks in Wales and England were established under the National Parks and Access to the Countryside Act 1949. Section 61 of the 1995 Environment Act updated the National Park purposes:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas.
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

National Park Authorities also have a duty to seek to foster the economic and social well being of their communities.

The 1949 Act specifically states that NPAs may:

“carry out such work and do such other things as may appear to them necessary or expedient for facilitating the use of the waterway by the public for sailing, boating, bathing or fishing or other forms of recreation”

(“waterway” means any lake, river, canal or other waters, being (in any case) waters suitable, or which can reasonably be rendered suitable, for sailing, boating, bathing or fishing.)

Voluntary Agreements

BBNPA and SNPA have experience of voluntary agreements. We believe that:

- They are not easy to negotiate
- ‘Casual’ canoeists may not be aware of specific conditions of the agreement
- Agreements on different sections of the same river may be different causing confusion to canoeists and anglers.
- In the past, some agreements have been so restrictive that some canoeists ignore them

- Ignorance or disregard of conditions by canoeists causes frustration and resentment by anglers
- Due to the linear nature of rivers 1 or 2 owners on a river can effectively make voluntary agreements unworkable. They also prevent alternative arrangements from being identified, unlike paths.
- Change in ownership or breaches of the agreement by some canoeists may lead to owners removing agreements.

Pembrokeshire Coast National Park reports their experience with permissive paths. They can present a problem in the longer term for both users and landowners, in stark contrast with CROW land, where after a process of designation, the operation is fairly clear and reliable.

Key issues for recreational access to inland water in Wales

The Sandford principle (<http://tinyurl.com/sandfordprinciple>) states that where there is an irreconcilable conflict between the 1st and 2nd purposes of National Parks, the first should take precedence.

Our 2nd purpose (see above) along with section 13 of the 1949 NPAC Act (<http://tinyurl.com/1949NationalParksAct>) implicitly and explicitly makes the case that NPAs should support, in principle, improved access to inland water for unmotorised craft.

We recognise that a number of landowners and anglers will have concerns that increased water based recreation may have a negative impact on their enjoyment. In addition there may be concerns about financial and conservation implications of increasing access. Improving access should take these concerns into account. Ways should be devised, as far as is reasonably practicable, to identify, minimise and mitigate any adverse effects that may arise.

As a starting point within Wales, and where necessary along a river or canal course across the border into England, we need to accurately map existing rights of navigation on bodies of inland water.

We believe that recreational opportunities should be as fair and equitable as possible for all users and landowners.

Although the statutory agency (CCW) should be mindful of the obvious conservation interests as we would expect. There must be a presumption – to the positive, in relation to access to water. Conservation interests could be managed with seasonal restrictions and/or sensible zonation. This is matter for discussion between the key organisations and individuals involved in the management of waterways.

If a legislative approach to granting a right of access is considered then there should be an adequate system built into that legislation to allow the management of water courses/ bodies (as per the CROW Act 2000):

- Users should be required to adhere to relevant codes of conduct
- Canoeing, and the use of other unmotorised craft should be dependent on suitable water levels, agreed for all rivers and lakes and should be indicated on site at access points. The type of craft should be carefully worded and indicated within any regulation, not doing so could open the system to abuse from craft and structures such as large pontoons, large inflatables, large boats etc.

- Adequate facilities should be provided and the planning process should be sympathetic to this (This should include regularised access/egress points).
- Legal liability (other than normal requirements under 'occupiers liability') should not fall to landowners for: i) trees, vegetation, rock outcrops, wiers, leats, bridges, riverside walls and river beds and should be classed as natural features similar to the CROW scenario; ii) further investigation will be required as to how other fixed river features, e.g fencing that spans rivers to prevent stock from straying, should be dealt with in terms of Occupiers Liability.

The contributors to this written submission would welcome any further opportunity from the Committee to expand upon the content above, and would be happy to attend an oral evidence session were it considered appropriate.

398. Jennifer Roberts

I am a kayak coach, affiliated to the British Canoe Union (BCU). I have enjoyed beautiful sections of Welsh countryside by paddling fantastic stretches of Welsh rivers including the Tryweryn, Dee, Usk and Wye as a recreational paddler.

I would like the Sustainability Committee to address access to Welsh waterways for all users - kayakers, canoeists, swimmers and anglers - so that lots of different groups within the community can experience them. I believe the system used in Scotland for access to waterways should be adopted in Wales. It is clear and provides access for all. Currently, access agreements are hard to arrange, as efforts by the BCU have shown, and they can change. I think that one law to govern all waterways would be much more useful and simpler to manage because everyone would know what they have a right to access, rather than access to small sections of a selection of waterways, especially when this can change.

I feel that over the past few decades many groups have been pushed away from using the waterways and thus I personally welcome any change to legislation which allows access to them for more sections of the community.

399.Mike Elias

I would like to offer evidence in favour of free unconditional access to our waterways. My name is Mike Elias and I have spent sixty years close to or on the river Towy in west wales either as a coracle fisherman, a boat owner or angler and have had the pleasure of enjoying that environment by indulging in my hobbies of sketching, walking and bird watching as well as 'bobbing for eels' 'fluking for flatfish' and gathering cockles and mussels in the estuary. My education has been more practical than academic so I would like to offer my evidence orally to the committee as I can not give credit to my experiences and passion to promote our aquatic environment via the written word. I have served on EA (Wales) REFERAC as a netting rep served as a local councillor and have been active in trying to preserve our unique welsh net fisheries (i.e coracle, compass, seine, putcher and lave) and sit on the Carmarthen Riverside Group who are currently improving the access to the Towy for ALL river users. i.e walkers, cyclists, canoeists, coraclemen, boatmen, artists, naturalists and fishermen.

My whole life has been spent enjoying this beautiful river environment but I'm concerned that those pleasures and privileges are being eroded to protect the narrow financial investments of a particular interest and both legislation and regulation aimed at conservation is being manipulated by an unfair and biased approach by government and it's agencies. I would appreciate a reply if an oral presentation is possible.