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Dear Chair,

We write in response to the release of your report into Access into Inland Water.

We recognise that this is a complex issue and are pleased that the National Assembly for Wales has engaged on this. We also applaud your desire to seek solutions that will stand the test of time. However it would appear the report has become entangled a well known and polarised two way debate. As a result the report has reduced the issue to one of Canoeing vs. Angling. At your launch you stated that these two groups are the major users of inland water. As outlined in our submitted evidence this is incorrect. Even using Canoeing and Angling's most audacious promotional figures, these two activities account for only 6 million people. They may however be the most vociferous parties at the tip of the iceberg. The Environment Agency figures suggest 30 million people enjoy being in on or around inland water.

Approaching the access situation in this manner is counterproductive for both the groups quoted and more importantly for the general public. Major issues have not been addressed or considered and it is our hope that this not to the detriment of the progression of, and participation in healthy outdoor recreation in Wales.

The recommendations have not examined the needs of all groups and their differing needs in relation to linear and physical access. It is hoped that this is recognised when the recommendations are reviewed by the government. Further that it is acknowledged that it is virtually impossible and unmanageable to replicate the access and necessary regulatory mechanisms adopted for angling participation for any form of physical recreation using the inland waterways. The recommendation to introduce licensing must also require WAG to request and make additional legislative measures not covered or perhaps considered in your report. Before doing so further consideration of the reality of participation mechanisms of water based sport and activity should be understood.

A fundamental issue which we feel has not been addressed is the difference between securing, and managing access. This oversight is felt as a missed opportunity and we are surprised at the same given evidence presented to the committee and given that every other system of access in the world makes reference to this very point and addresses the matter directly.

The committee report has not examined the position of current statute and deferred to current interpretation in case law. We believe that the report has not attempted to grasp the legislative issues submitted. If an individual or organisation were to successfully challenge the current interpretation (on just one area of water) then the total basis of the strategy for Welsh access would be immediately flawed.

Your recommendations suggest that the law of trespass, when it is applicable, is a mechanism to manage access. This position is well documented in terrestrial terms as being ineffective. On inland water, it is effectively unused. This gives no help to riparian interests and no methodology to encourage responsible behaviour by water users. More appropriately it does not provide a basis for consensus or cooperation or allow a redress or examination of the hegemonic positions that can reduce access in Wales to the entrenched positions experienced today.

The suggestion to utilise the public estate is laudable and welcomed. We trust however that your evidence has alerted you to the fact that WAG has already attempted this. In 2008 the Mawddach Exemplar project attempted to broker a deal for Water Related Recreation on the Forestry Commission estate at Coed y Brenin. This pilot project cost WAG £75,000 excluding officer time, local voluntary bodies and enthusiasts contributed their expertise, everything you have requested in your report. The Environment Agency and Countryside Council for Wales agreed that potential environmental impact could be mitigated on this sensitive site. However, no access could be achieved or was achieved due to the other interests on the estate. The output is that the public estate supports no public access to water. It is noted that there is legislation currently available to make this happen, but no appetite to use this. The reality on the ground for the public is this; they can walk on public land to the edge of a public river pool on a hot day, and then they may or may not be trespassing if they engage in water based activity. This is a common place healthy activity in the summer and represents the major users of inland water in Wales: the public.

By the end of 2010/11 WAG will have spent more than £1.5 million on Water Related Recreation, and yet there is no significant increase in public access. This in a time when funding is tight and there is little finance to develop additional sporting infrastructure. The green gymnasiums of Wales need little or no funding to develop sustainable use, respect for the environment and lifelong enjoyment of the outdoors. Wales simply needs to acknowledge that they can be used and allow the public to use them!

The report held in high esteem is the Wye and Usk Project. This 'project' began more than 20 years ago through local, voluntary negotiation. It has raised questions as to the public's legal right which are noted in modern statute. The major concern for Canoe Wales is that this is supposed to represent successful negotiation in the public interest that can be duplicated.

The resultant WAG sponsored restriction on this water by unsubstantiated water level makes the water available for people who are capable of navigating water which on the international grading system is considered grade IV. This is defined as *"Long rapids; waves high, irregular; dangerous rocks; boiling eddies; best passages difficult to scout; scouting mandatory first time; powerful and precise manoeuvring required. Demands expert boatman skills and excellent boat and good quality equipment"*. In the UK this is perhaps, at best, a few thousand people. For the public interest the Welsh stretch of the river can support quiet enjoyment (and does on a *de facto* basis) without environmental impact. In the summer, without the restrictions, families could paddle, swim or enjoy quiet canoeing, as they can by statutory right a few miles downstream.

The effective removal of the public by restriction highlights why it is successful. At this river level the user is well educated and the number to manage low. It is a management solution for an exclusive group, not a securing of access. It cannot be considered an exemplar of public access. Indeed the "agreement" is seen as too liberal by the majority of angling associations and not applicable to their waters and has been noted as a necessary evil or pressure valve that existed to take the sting out of calls for legislation by the same.

As far as the public are concerned the report can be summarised no real change or progression:

- The perceived 'conflict group' which accounts for one twelfth of the public will continue to be in conflict. It is our contention that as with the release of the Brighton University Studies sponsored by DEFRA in 2002 and 2006 that conflict will enhance on the basis of this report.
- The public will continue to take *de facto* access where and when it suits them. The report does not address the mechanisms of all user groups and in doing so ignores their operations and needs.
- There is no real marketable mechanism to aid landowners and there is no mechanism to influence the behaviour of water users.

On a positive note, canoeing enjoyed being made a Commonwealth sport on the 14<sup>th</sup> June. Unfortunately Wales is the only member state where after governmental scrutiny a positive intervention in favour of public access to inland water has not been taken.

We look forward to the Minister's response in due course.

Yours faithfully,

Phillip Blain  
**Chair of Canoe Wales Board of Directors**