



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Cynaliadwyedd
The Sustainability Committee**

**Dydd Iau, 3 Rhagfyr 2009
Wednesday, 3 December 2009**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mick Bates	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)
Angela Burns	Ceidwadwyr Cymreig Welsh Conservatives
Alun Davies	Llafur Labour
Lesley Griffiths	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales
Brynle Williams	Ceidwadwyr Cymreig Welsh Conservatives
Leanne Wood	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Dr Rachel Hughes	Cyngor Chwaraeon Cymru Sports Council for Wales
Huw Jones	Cyngor Chwaraeon Cymru Sports Council for Wales

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Dr Virginia Hawkins	Clerc Clerk
Meriel Singleton	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 9.04 a.m.
The meeting began at 9.04 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Mick Bates:** Bore da. Good morning and welcome to this morning's meeting of the Sustainability Committee. As usual, I have the housekeeping announcements to make first. In the event of a fire alarm sounding, you should leave the room by the marked fire exits and follow the instructions of ushers and other staff. No test is forecast for today, so if it sounds, it is real. Please ensure that all mobile phones, pagers and BlackBerrys are switched off as they interfere with the broadcasting equipment. The National Assembly for Wales operates through the media of the English and Welsh languages. Headphones are provided, through which simultaneous translation may be received. Anyone who is hard of hearing may also use the headphones to amplify the sound. Interpretation is available on channel 1 and the verbatim feed is on channel 0. Please do not touch any buttons on the microphones, as that can disable the system, and ensure that the red light is showing before you speak.

[2] I have received apologies for absence today from Karen Sinclair and Lorraine Barrett.

9.05 a.m.

**Ymchwiliad i Fynediad i Ddŵr Mewndirol—Sesiwn Dystiolaeth
Access to Inland Water—Evidence Session**

[3] **Mick Bates:** Today is the penultimate session of our inquiry into access to inland waterways in Wales. It is my pleasure to welcome the representatives of the Sports Council for Wales this morning. Thank you for your written evidence. I will invite you to put your names and positions on the record in a moment and make a brief opening statement, after which, Members have a series of questions that they would like to ask you to help us in this inquiry as we move to make formal recommendations to the Government. So, I invite one of you to start.

[4] **Mr Jones:** Thank you for the invitation to be here. We struggled to find a date because of our various appearances before other National Assembly committees, and because of holidays and so on, but we are delighted to be here now. I am Huw Jones, the chief executive of the Sports Council for Wales, and my colleague, Rachel Hughes, is our research and evaluation manager.

[5] The first thing that I should say is what the context is as far as we are concerned. As we said in our memorandum to you, around 45 per cent of the population of Wales participates in some form of outdoor pursuits, but when we take walking out of those figures, they decline dramatically to around 9 per cent. Based on the surveys that we have done, we reckon that only around 2 per cent are engaged in water-based activities. So, this is a relatively small area. These activities are important to those who participate in them, but this is not a big strategic area when we consider some of the challenges that we face, especially the Assembly Government's policy of increasing physical activity. It is important to make those points first of all to give some context.

[6] Many of the issues and problems that surround access to inland water and water-based activities tend to be related to conflict, whether that is problems to do with sporting activities versus nature conservation, or various sport and recreation conflicts. However, that is nothing new in sport. We see conflicts and potential conflicts all over the place. In addition to the sports versus nature conservation conflicts that I mentioned, there are the angling versus canoeing conflicts that you will have heard evidence about. There are conflicts throughout participation in outdoor activities, whether it is between cliff climbing and birdwatching, mountain biking and walking in Snowdonia, or access to artificial turf pitches for netball, hockey and football. There are also conflicts over access to indoor facilities, and there are management challenges for local authorities to balance five-a-side football against netball. That is also a big issue. So, all sorts of conflicts occur in the sporting environment. It is important to put on record that some of the issues that we have mentioned in the paper are no different to any other challenges that we face; they just manifest themselves in different ways. I do not want people to think that what needs to be addressed is specific to this area, because it manifests itself in many other places.

[7] **Mick Bates:** I thank you very much for those opening remarks. I hope that we shall find out through our questions this morning how you resolve those conflicts that you referred to. I invite Angela Burns to begin this morning's scrutiny.

[8] **Angela Burns:** Thank you very much for your opening statement, Huw, because with those few words you have given us a degree of perspective on this that had begun to disappear. So far, the whole argument has been positioned to us as a very tribal turf war.

9.10 a.m.

[9] I would be interested to hear your view on whether it happens in a whole load of different areas. That is important for us to remember. I would like to go straight to your paper. You talk about water sports for all, and under the 'Fit for purpose and clarity' heading, you state that

[10] 'Often simple, informal management arrangements will suffice...Management schemes should be designed to suite specific contexts'.

[11] As you know, there is a request from canoeists to have some legislation, because they are finding it difficult to get the access that they want. Do you think that the current legislation regarding access to inland water should be changed and, if so, why?

[12] **Mr Jones:** The simple answer to that is 'no'. I do not think that it should be changed, because, returning to the issue of context, there is a question as to the size of this issue. If we resorted to creating legislation every time there was a potential conflict somewhere, I do not think that you would be doing anything other than bringing in legislation to try to solve problems simply because people cannot get their heads together and be reasonable about things. That is the simple and straight answer to your question.

[13] **Angela Burns:** I would like to clarify one other thing that you brought up in your paper, which, again, I found quite surprising. You state that participation in water-based recreation is relatively low, at 2 per cent—angling is at 1.1 per cent, and canoeing accounts for 0.2 per cent. The evidence that we have heard is that the waters are full of canoeists who are desperately trying to canoe. The anglers are saying that there are too many canoeists, and Canoe Wales is saying that it has thousands of people who wish to enjoy this sport. Can you clarify that a little further?

[14] **Mr Jones:** All of these things are about perception. Everyone who is involved in a particular activity—whatever that activity is—tends to think that it is the most important thing in the world. We all believe in, and want to promote, what we do; that is understandable. Turning to another context, there are just under 5,500 registered canoeists—

[15] **Mick Bates:** Are these specific figures for Wales?

[16] **Mr Jones:** Yes, these are Wales-only figures.

[17] **Mick Bates:** They do not include those who may come into Wales to canoe.

[18] **Mr Jones:** That is right. There are just under 40,000 registered anglers. That gives you the relative membership figures. However, even if we take those together, if you look at an average-sized leisure centre within most of your communities, you will see that most have a throughput of somewhere in the region of 250,000 to 300,000 people. That is the usage figure for an average, reasonably sized wet and dry leisure centre. On average, some 40,000 or 50,000 people will use them once a week, and that gives you the 250,000 figure that I mentioned. So, we are talking about a combined figure that is equivalent to the usage of one leisure centre. We are not talking about a massive strategic issue, but it is important to those two particular sports and important in terms of the conflicts and challenges that they face. It can be quite a serious issue locally, but it is not a major strategic issue when you consider sport as a whole and when you put it in the context of increasing physical activity.

[19] **Angela Burns:** Are the canoe and angling associations members of the sports council?

[20] **Mr Jones:** Yes, they are recognised activities, as recognised governing bodies.

[21] **Alun Davies:** Your evidence, Mr Jones, is fascinating, because it jars with the evidence that we have received from other public bodies, and not just from the people representing particular interest groups. I accept and recognise where they are coming from, but other public bodies have spoken about a growing participation in, and a latent demand for, water-based activities, without differentiating between them. Could you explain how you measure the figures that you are quoting? To what extent do you think that they reflect reality today, and do you concur with the other evidence that we have received, which has been pretty consistent, that there is unmet demand in society at large?

[22] **Mr Jones:** I have given you two sets of figures, the first of which is a population-based statistical survey, which I will ask Rachel to talk about. The other figures that I gave you—5,000 and 39,000—are the membership figures of the governing body. Therefore, those are paying members who are registered with the governing body. I will ask Rachel to talk about the large sample surveys that we do.

[23] **Dr Hughes:** We run a number of large sample surveys, looking at sports participation and physical recreation in Wales. The figures mentioned by Huw are from our active adult survey, which was our last piece of field work undertaken in 2005 and which has been published. Those figures are from 2005. We have just completed another piece of field work, for which we do not have the data just yet. Therefore, those figures are a couple of years out of date. Nevertheless, the figures have not really changed over the time that we have been undertaking these surveys. We have been undertaking active adult surveys for some 20 years now, and the figures do not really change an awful lot in general. That is not just in terms of outdoor recreation; it is in terms of sports participation more generally. The sample size of that survey is 22,000, which equates roughly to 1,000 people interviewed per local authority in Wales.

[24] **Mr Jones:** Latent demand, which was the point made in the second part of Alun's question, is very difficult to measure because it is mainly about perception. The only way in which you can really measure that is if you have waiting lists for different activities. There are certain activities for which we know there are waiting lists—that could be to join a gymnastics club or whatever—and which are very significant. Latent demand for outdoor activities has more to do with perception than actual evidence.

[25] **Brynle Williams:** You say that there are some 5,000 paid-up members, Mr Jones. Do you know whether Canoe Wales is part of that? There are 5,000 paid-up members, but some people think—and I am not referring to a particular group, but it has been said in this room—that people want unfettered access to the water. Are these actually paid-up members of the respective clubs?

[26] **Mr Jones:** These are registered members of Canoe Wales. These are the membership figures that Canoe Wales provided to us as part of its grant aid submission. The same applies to angling.

[27] **Leanne Wood:** I wish to pick you up on the point about latent demand. I do not think that it is just a matter of speculation and perception. Evidence that we have received from people who know about the situation in Scotland said that when the legislation changed there, there was a big increase in the number of users of inland waters, and so that showed that there was a latent demand prior to the legislation being passed. What is your view on that?

[28] **Mr Jones:** That may well be the case. It is quite difficult; people talk and you read in the newspapers every day about which sport is growing the fastest. The difficulty with some

of those presumptions is that they grow from a very small base. If you doubled the numbers that actually participate, it would look very significant in percentage terms, but in terms of actual numbers it is not that significant.

[29] **Mick Bates:** Could you give us an indication of how many people come into Wales to use inland water?

[30] **Mr Jones:** No, I cannot.

[31] **Mick Bates:** You cannot?

[32] **Mr Jones:** No.

[33] **Mick Bates:** Could you give us an indication of the number of people who travel in for angling purposes?

[34] **Mr Jones:** No.

[35] **Mick Bates:** You recognise that it is significant—

[36] **Mr Jones:** I recognise that it is certainly an issue, but we do not know how significant that issue is. All of our surveys are done on a Welsh population basis, as Rachel mentioned, and all of our figures relate to Welsh canoeing. However, we recognise that people come from the midlands, the north-west and so on to undertake activities. It is the same with mountain biking, mountaineering and many other outdoor pursuits.

9.20 a.m.

[37] **Mick Bates:** I am slightly concerned about that because my experience of mountain biking is that most of the people who I have met have come into Wales in order to take part in that activity. How do you, as a sports council, attempt to recognise that and its importance to a local economy, or do you just ignore it?

[38] **Mr Jones:** We do not attempt to recognise it because we are seeking to promote participation by Welsh individuals. How that is dealt with in terms of particular areas and honey-pot activities is a matter for local determination.

[39] **Mick Bates:** I just wish to confirm that your research is done on a random basis or based on bids to you, as a sports council.

[40] **Mr Jones:** Yes, the percentage figures that we gave are based on a random-sample survey of the population over 16 years of age—about 22,000 across the whole of Wales. It is a very big survey. We are not talking about a survey of 1,000 individuals.

[41] **Brynle Williams:** No work has been done on calculating what the canoeists contribute. We have a ballpark figure from the fishing industry of what spend that industry promotes in Wales, which is £197 million or something like that. Do you have any figures on what canoeists will contribute to local economies?

[42] **Mr Jones:** No, we do not have figures about canoeing itself. We have done economic impact studies of sport generally, but a great deal of care has to be applied when looking at specific activities because then you have to determine the motivation for doing that activity, whether it was tourism, angling or canoeing. You have to determine the rationale for it and what you are counting and double counting. Therefore we have to be careful about some of those figures.

[43] **Mick Bates:** Thank you. I will move on from that. Angela has the next question and then, finally, Rhodri Glyn.

[44] **Angela Burns:** Where canoeists have an agreement to have ingress to and egress from a stretch of water, do you think that they have the right to canoe along the middle bit, given that flowing water is not owned by anybody, although the bed and the bank and everything else is? I have become an expert on river property in the last few weeks.

[45] **Mr Jones:** The first thing that I should say is that I am not a legal expert, and neither is Rachel, on matters of riparian ownership and public rights of navigation. They are incredibly complex areas. I have been involved in this area for 20-odd years and I am still trying to get my head around the situation regarding public rights of navigation and riparian ownership and all the rest of it. It is very complex indeed. There are many arguments about where public rights of navigation exist, on which stretches of the river, and there are various disputes about that. That is outside our expertise and our competence in many ways. In terms of the traditional interpretation, most people would say that riparian ownership would determine whether an individual could pass over a piece of water or not: it is the riparian owner who owns the river-bed and therefore determines who is allowed to pass over that bit.

[46] **Rhodri Glyn Thomas:** Mae'r dystiolaeth yr ydych wedi ei chyflwyno yn ddi-ddorol iawn oherwydd yr ydych yn dweud bod y niferoedd sy'n ymgymryd â gweithgareddau ar afonydd yn gyffredinol yn gymharol fach, a physgotwyr yw'r mwyafrif ohonynt. Yn eich dystiolaeth yr ydych yn cydnabod bod gwrthdaro o dro i dro, yn arbennig rhwng pysgotwyr a chanŵ-wyr, ac yr ydych yn awgrymu'n glir mai cytundebau gwirfoddol yw'r ffordd ymlaen. Fodd bynnag, nid ydych yn benodol iawn ynglŷn â pha fath o gytundebau gwirfoddol y dylent fod. Yr ydych yn dweud y byddai hyd yn oed gytundeb anffurfiol yn ddigonol ar rai achlysuron ac yr ydych yn sôn am Sportsotland fel enghraifft o'r model rheoli y byddech yn ei ffafrio. A wnewch ehangu ar sut yr ydych yn gweld y cytundebau gwirfoddol hyn yn gweithio? Beth yn union yw model Sportsotland o ran rheoleiddio hynny?

Rhodri Glyn Thomas: The evidence that you have presented is very interesting because you say that the number of people undertaking activities on rivers is generally relatively small, and most of them are fishermen. In your evidence, you acknowledge that there are occasional conflicts, especially between fishermen and canoeists, and you suggest clearly that voluntary agreements are the way forward. However, you are not very specific about what types of voluntary agreements they should be. You say that on some occasions even an informal agreement would suffice and you mention Sportsotland as an example of the management model that you would favour. Will you expand on how you see these voluntary agreements working? What is the Sportsotland model in terms of regulating that?

[47] **Mr Jones:** Atebaf y cwestiwn yn gyffredinol, a gofynnaf i Rachel ymateb ynglŷn â gwaith Sportsotland.

Mr Jones: I will answer the question in general, and I will ask Rachel to respond on the work of Sportsotland.

[48] Cyhoeddwyd adroddiad gennym tua 15 mlynedd yn ôl mewn partneriaeth â Chyngor Cefn Gwlad Cymru. Mae'n edrych ar y gwahanol wrthdaro yng nghefn gwlad, a'r gwahanol enghreifftiau o hynny, fel y soniais ar y dechrau. Mae'n sôn am y gwahanol lefelau o gytundebau gwirfoddol sy'n gallu cael eu rhoi ar waith. Mae hynny'n

We published a report about 15 years ago in partnership with the Countryside Council for Wales. It looks at different conflicts in the countryside, and different examples of that, as I mentioned at the outset. It mentions the different levels of voluntary agreements which can be put in place. That could be an agreement between you and me about a given

gallu bod yn gytundeb rhyngoch chi a fi o ran cytuno ar y sefyllfa. Dro arall, mae canllawiau sy'n dweud pa amser y gall darn o dir neu afon gael eu defnyddio. Weithiau, mae'r cytundeb yn gorfod bod yn fwy sylfaenol na hynny oherwydd arian, cost neu wahanol bethau. Felly, mae angen edrych ar wahanol lefelau o gytundebau er mwyn gweld beth sy'n addas i'r broblem yr ydym yn ceisio ei datrys yn yr ardal honno ac ar yr amser hwnnw. Nid ydym yn edrych ar broblem a dweud 'Oherwydd bod gennym rhyw fath o fframwaith, dyma'r ateb bob tro'. Bydd yr ateb yn wahanol yn dibynnu beth yw'r broblem.

situation. There are also guidelines that stipulate at what time a piece of land or river can be used. The agreement sometimes has to be more fundamental than that due to money, cost or various aspects. So, different levels of agreements need to be looked at to see what is appropriate to the problem that we are trying to solve in that area and at that time. We do not look at the problem and say 'Because we have some type of framework, this is the solution every time'. The solution will be different depending on the problem.

[49] **Dr Hughes:** As I have outlined in the vignette on page 4 of our submission, we would advocate the principles. When anyone is looking at these agreements, these are the broad principles that we would advocate, such as sustainable use, involvement and co-operation and safety. Those will be determined by the nature of the local context, which is incredibly important in terms of what Huw has just said. However, we would look to advocate those general principles.

[50] **Rhodri Glyn Thomas:** Felly, a ydych yn argymhell y dylai pawb sy'n defnyddio'r dŵr fod wedi eu clymu i mewn i ryw fath o gytundeb? Hynny yw, ni ddylai unrhyw un gael mynediad heb fod rhyw fath o gytundeb ynglŷn â'r hyn y maent yn ei wneud.

Rhodri Glyn Thomas: So, do you recommend that everyone who uses the water should be tied in to some kind of agreement? That is, no-one should be allowed to have access unless there is some kind of agreement about what they are going to do.

[51] **Mr Jones:** Na, ni fyddem yn argymhell hynny. Mae'n dibynnu beth yw'r sefyllfa ynglŷn â'r afonydd neu'r dŵr yn gyffredinol fel cronfa ddŵr, neu beth bynnag. Fel sector cyhoeddus, dylem edrych ar leoedd y gallwn eu hagog yn haws nag yr ydym yn ei wneud ar y funud i'w defnyddio gan wahanol weithgareddau yng nghefn gwlad. Nid yw'r gwaith hwnnw yn cael ei wneud yn ddigon da ar y funud. Daeth Asiantaeth yr Amgylchedd gerbron y pwyllgor i sôn am y gwaith y mae'n ei wneud o ran edrych ar faterion fel hyn.

Mr Jones: No, we would not recommend that. It depends on the situation regarding the rivers or the water in general as a reservoir, or whatever. As a public sector, we should be looking at areas that we can open up more easily than we currently do to be used for different activities in the countryside. That work is not being done well enough at the moment. The Environment Agency came before the committee to discuss its work in looking at issues such as these.

[52] **Rhodri Glyn Thomas:** Ai Asiantaeth yr Amgylchedd yw'r corff a ddylai fod yn gwneud hynny, neu a oes cyrff eraill a ddylai fod yn cyfrannu at y math hwnnw o astudiaeth?

Rhodri Glyn Thomas: Is the Environment Agency the body that should be doing that, or are there other bodies that should be contributing to that type of study?

[53] **Mr Jones:** Gallwn ni a Chyngor Cefn Gwlad Cymru gyfrannu at y gwaith hwnnw. Un o'r pethau y mae'r cyngor cefn gwlad a ninnau wedi ei wneud dros y

Mr Jones: We and the Countryside Council for Wales can contribute to that work. One of the things that we and the countryside council have done over the years is to develop a

blynyddoedd yw datblygu cronfa ddata sy'n edrych ar lle mae pobl yn gallu gwneud gwahanol fathau o weithgareddau yng nghefn gwlad. Mae hynny wedi ei glymu gyda'r system gwybodaeth ddaearyddol. Yn ein gwaith gyda'r cyngor cefn gwlad, yr ydym hefyd wedi ceisio dweud 'Dyma'r ardaloedd lle y gallwch ddringo, canwio neu bysgota, a dyma'r ardaloedd lle mae posibilrwydd y bydd problemau o ran gwneud hynny a lle y dylech fod yn ofalus—gallai fod yn ardal gadwraeth natur ddynodedig, er enghraifft'. Felly, yr ydym yn ymwybodol o'r sefyllfa ond dylem edrych unwaith eto ar hynny i sicrhau ein bod yn gallu uwchraddio'r gwaith hynny a'i fod yn gyfoes.

9.30 a.m.

[54] **Rhodri Glyn Thomas:** Yn yr ymchwiliad hwn, yr ydym wedi ceisio osgoi polareiddio'r pysgotwyr a'r canŵ-wyr, o ystyried mai rhyngddynt hwy y bydd unrhyw wrthdaro tebygol. Yn y cyd-destun hwnnw, a gredwch mai cytundeb gwirfoddol yw'r ffordd ymlaen ac y dylai'r ddau grŵp fod yn rhan o'r cytundeb ac ymrwymo iddo?

[55] **Mr Jones:** Pan fyddwn yn sôn am gytundebau mynediad gwirfoddol lleol, y peth pwysicaf yw bod y bobl sy'n defnyddio rhannau o'r afonydd hynny yn rhan o'r cytundeb. Credaf hefyd y byddai'n ddefnyddiol cael y cyrff llywodraethol, sy'n gyfrifol am bysgota a chanwio, i gytuno mai dyna'r ffordd orau ymlaen. Ni chredaf y gallant fod yn rhan o bob cytundeb a gaiff ei wneud, ond dylent gytuno mai dyna'r ffordd orau ymlaen.

[56] **Rhodri Glyn Thomas:** Mae Cyngor Chwaraeon Cymru yn cydnabod y ddau gorff, felly a oes gan y cyngor rôl i drafod y cytundebau gyda'r cyrff hynny?

[57] **Mr Jones:** Yr ydym wedi trafod hwn dros y blynyddoedd, ond nid oes cytundeb rhwng y ddau gorff ar y mater hwn. Gwn fod y Gweinidog wedi mynegi ei barn ar y sefyllfa ac wedi esbonio'r hyn y bydd hi'n ei wneud am y materion hyn. Byddai hefyd yn ddefnyddiol i'r pwyllgor roi arweiniad ar y posibiliadau o'ch safbwynt chi a sut yr hoffech weld y ddau gorff yn symud ymlaen.

database which looks at where people can undertake different types of activities in the countryside. That is tied into the geographic information system. In our work with the countryside council, we have also tried to say 'These are the areas where you can go climbing, canoeing or fishing, and these are the areas where there is potential difficulty in doing so and where you should be careful—it might be a designated area of nature conservation, for instance'. So, we are aware of the situation but we should look again at that to ensure that we can upgrade the work and that it is up to date.

Rhodri Glyn Thomas: In this inquiry, we have tried to avoid polarising canoeists and anglers, given that any potential conflict will be between them. In that context, do you believe that a voluntary agreement is the best way forward and that both groups should be a part of the agreement and should commit to it?

Mr Jones: When we talk about local voluntary access agreements, the most important thing is that the people who use parts of those rivers are a part of the agreement. I also think that it would be useful to get the governing bodies that are responsible for fishing and canoeing to agree that that is the best way forward. I do not think that they could be part of every agreement that is made, but they should agree that that is the best way forward.

Rhodri Glyn Thomas: The Sports Council for Wales recognises both bodies, so does the council have a role to discuss the agreements with those bodies?

Mr Jones: We have discussed this over the years, but there is no agreement between both bodies on this issue. I know that the Minister has expressed her opinion on this situation and has explained what she will do about these issues. It would also be useful for the committee to provide guidance on what the possibilities are from your perspective and how you would like to see both bodies move forward.

[58] **Rhodri Glyn Thomas:** Mae gennyf un cwestiwn olaf. Mae'n haws trafod y pwnc hwn yng nghyd-destun pysgotwyr a chanŵ-wyr, felly yn eich barn chi pe byddai cytundebau gwirfoddol, a ddylai pob aelod fod yn gofrestredig ac felly a ddylent dalu am drwydded neu am ddefnyddio rhai dyfrffyrdd?

Rhodri Glyn Thomas: I have one final question. It is easier to discuss this subject in the context of anglers and canoeists, so do you think that if there were voluntary agreements, every member should be registered and should therefore pay for a licence or the use of some waterways?

[59] **Mr Jones:** Mae hwnnw'n gwestiwn anodd ei ateb oherwydd nid yw canŵ-wyr yn dymuno gwneud hynny. Pan fyddwn yn edrych ar chwaraeon yn gyffredinol, ar wahân i gerdded, mae pobl yn gorfod talu am y rhan fwyaf o'r gweithgareddau. Er enghraifft, rhaid talu am fynediad i ganolfannau hamdden neu i ddefnyddio caeau pob tywydd neu i fod yn aelod o unrhyw gorff, felly mae cost yn gysylltiedig â chwarae rygbi, pêl-droed, pêl-rwyd neu beth bynnag. Credaf ei bod yn afresymol, felly, i rai grwpiau ofyn am ddefnyddio gwahanol bethau am ddim.

Mr Jones: That is a difficult question to answer because the canoeists do not want to do that. When we look at sports generally, apart from walking, people have to pay for most of the activities. For example, you have to pay for access to leisure centres or to use artificial turf pitches or to be a member of any body, therefore there is a cost associated with playing rugby, football, netball or whatever. Therefore, I think that it is unreasonable for some groups to ask to use different things free of charge.

[60] **Brynle Williams:** A allaf ymhelaethu ar y pwynt hwn? Yr ydych wedi sôn am y pysgotwyr a'r canŵ-wyr, ond mae un grŵp nad ydym yn sôn llawer amdano. Yr ydym wedi sôn am ddeiliaid hawliau glannau, ond mewn nifer o leoedd, mae pobl yn pysgota ar rannau penodol o afonydd a'r tîrfeddianwyr sy'n gorfod delio â'r difrod. Caiff difrod ei wneud i waliau a ffensys wrth i bobl fynd ar draws y tir a dod o hyd i leoedd i barcio, a chaiff ffensys neu giatau eu gadael ar agor. Felly, mae'n bwysig dod â thîrfeddianwyr i mewn i'r drafodaeth hon.

Brynle Williams: May expand on this point? You have mentioned the anglers and canoeists, but there is one group that is not mentioned much. We have spoken about the holders of riparian rights, but in many places, people fish on certain parts of rivers and it is the landowners who have to deal with the damage. Damage is done to walls and fences as people try to cross land and find places to park, and fences or gates are left open. So, it is important to bring landowners into this discussion.

[61] Deallaf, o'r wybodaeth a gefais, bod y cytundebau hyn wedi gweithio'n iawn hyd at ddwy flynedd yn ôl. Ar ôl hynny, rhwygodd y canŵ-wyr y cytundebau. Fodd bynnag, mae'n bwysig iawn nad ydym yn anghofio'r tîrfeddianwyr. Mae'n bosibl y gall y canŵ-wyr a'r pysgotwyr gydfyw, ond y prif fater yw'r difrod a gaiff ei wneud i'r tir. Gofynnodd Rhodri Glyn yn gynt os oeddech yn credu y dylai'r canŵ-wyr dalu. Yr ydym wedi cael eich ateb, ac yr wyf yn cytuno'n llwyr ag ef. Fodd bynnag, o ran y rhai sydd am ddefnyddio'r afonydd i ganŵio ac yn y blaen, sut ydym yn dod o hyd i'r arian er mwyn galluogi iddynt wneud hynny oherwydd bydd rhaid darparu cyfleusterau

I understand, from the information that I have received, that these agreements worked fine up until two years ago. After that, the canoeists ripped up those agreements. However, it is important that we do not forget the landowners. It is quite possible that the canoeists and anglers could coexist, but the main issue is the damage that is being done to the land. Rhodri Glyn asked you earlier whether you thought that canoeists should have to pay. We heard your response and I totally agree with you. However, in terms of those who want to use the rivers to paddle and so on, how do we obtain the funding to enable them to do so because parking facilities and so on will have to be provided?

parcio ac yn y blaen? Yr hyn sy'n fy mhoeni yw ble yr ydym yn eu rhoi.

What concerns me is where do we put them.

[62] **Mr Jones:** Yr wyf yn cytuno ac mae hyn yn dychwelyd at gwestiwn Rhodri Glyn Os yw pobl eisiau mynediad, mae cost cysylltiedig fel arfer—efallai nad cost i gael mynediad, ond i sicrhau bod modd i bobl i barcio, ac i wneud gwelliannau ac yn y blaen. Pe bai pobl yn ymwybodol o'r gost honno, ac yn gwybod beth maent yn talu amdano, byddai hynny'n helpu pethau.

Mr Jones: I agree and this goes back to Rhodri Glyn's question. If people want access, there is usually a cost associated with that—perhaps not for the access itself, but in ensuring that people can park, and to make improvements and so on. If people were aware of the associated costs, and of what they are paying for, then that would help things.

[63] **Alun Davies:** Yr wyf am ehangu ar hynny. Os deallaf eich tystiolaeth y bore yma, Mr Jones, dywedwch nad oes gwrthdaro mawr yma. Mae'n digwydd, ond nid yw'n fater strategol i chi fel corff, ond yn fater a ddylai gael ei reoli gan gytundebau gwirfoddol lleol, lle bo hynny'n bosibl. Felly, ni welwch unrhyw le i gael fframwaith deddfwriaethol i roi seilwaith i'r cytundebau gwirfoddol hyn?

Alun Davies: I want to expand on that. If I have understood your evidence this morning, Mr Jones, you are saying that there is no major conflict here. It does happen, but it is not a strategic matter for you as a body, but a matter that should be dealt with by local voluntary agreements, where possible. So, you do not see any room for a legislative framework to create a basis for these voluntary agreements?

[64] **Mr Jones:** Cytunaf â hynny.

Mr Jones: I agree with that.

[65] **Alun Davies:** Yr oeddwn yn gofyn cwestiwn. [*Chwerthin.*] A ydych chi'n gweld bod lle ar gyfer fframwaith deddfwriaethol?

Alun Davies: I was asking a question. [*Laughter.*] Do you see that there is room for a legislative framework?

[66] **Mr Jones:** Nac ydwyf. Ni chredaf fod achos ar hyn o bryd dros gael fframwaith deddfwriaethol. Pe byddai hynny'n digwydd, nid wyf yn gwybod yn union lle y byddai hynny'n ein gadael o ran enghreifftiau eraill o wrthdaro yng nghefn gwlad o ran mathau gwahanol o chwaraeon. Bob tro y byddai rhyw fath o wrthdaro rhwng wahanol weithgareddau, byddai pawb yn rhedeg i'w Aelod Cynulliad a gofyn am rhyw fath o ddeddfwriaeth.

Mr Jones: No. I do not think that there is a case for a legislative framework at present. If that were to happen, I do not know exactly where that would leave us with regard to other instances of conflict in the countryside in relation to different sports. Every time that there would be conflict between different activities, everyone would run to their Assembly Member to ask for some sort of legislation.

[67] **Alun Davies:** Deallaf hynny, ond beth oeddech yn ei feddwl pan ddywedasochnad oeddech yn gwybod lle y byddai hynny'n ein gadael o ran pethau eraill?

Alun Davies: I understand that, but what did you mean when you said that you did not know where that would leave us with regard to other things?

[68] **Mr Jones:** Fy mhwynt oedd ynghylch pob gwrthdaro arall.

Mr Jones: My point was about all other sorts of conflict.

[69] **Alun Davies:** Iawn, diolch. A gredwch fod y cytundebau gwirfoddol hyn yn gallu datrys pob un o'r problemau, oherwydd, fel arfer, maent yn bodoli er mwyn rheoleiddio mynediad i ddŵr, er enghraifft, i

Alun Davies: Okay, thank you. Do you think that these voluntary agreements could resolve all of these problems, because, usually, they exist in order to regulate access to water, for example, to rivers? Do you think that these

afonydd? A gredwch fod y cytundebau hyn yn gallu diogelu'r amgylchedd hefyd? Yr ydym wedi cael tystiolaeth gan Asiantaeth yr Amgylchedd bod potensial i effeithio ar bysgod a bywyd gwylt yr afonydd. A gredwch fod y cytundebau gwirfoddol hyn yn gallu datrys y mathau hynny o wrthdaro?

[70] **Mr Jones:** Ar ddiwedd y dydd, mae'n dibynnu ar faint mor resymol y mae defnyddwyr. Mae enghreifftiau da o hyn—mae rhai yn y ddogfen hon—nid yn unig o ran gwrthdaro rhwng gweithgareddau, ond o ran lle mae effaith posibl ar yr amgylchedd. Un enghraifft yw Llyn Llangors, lle mae pobl am ddefnyddio'r llyn ar gyfer gwahanol chwaraeon, ond hefyd lle mae potensial i hynny cael effaith ar yr amgylchedd. Mewn sefyllfaoedd o'r fath, mae'r gwahanol gyrff wedi dod at ei gilydd, ac mae cytundebau gwirfoddol wedi'u cytuno. Fodd bynnag, ni fyddai hynny'n gweithio mewn pob achos. Ni allaf roi enghraifft i chi, ond credaf y byddai'n hurt meddwl y byddai hynny'n gweithio bob tro ac ym mhob achos.

[71] **Alun Davies:** Mae gennyf ddidordeb mawr yn yr hyn a ddywedasoeh ar ddechrau'r sesiwn hon ynghylch y nifer o bobl sy'n cymryd rhan yn y chwaraeon hyn. Fel y gwyddoch, yr ydym wedi derbyn tystiolaeth sy'n gwrthdaro â hynny, a bydd rhaid inni drafod hynny nes ymlaen. Ni chredaf eich bod wedi ystyried yr ochr dwristaidd ac ymwelwyr i Gymru. Os yr ydym yn derbyn bod safleodd—'*honey-pot sites*' maent yn cael eu galw—lle mae pobl yn tueddu dod ynghyd, onid ydych yn gweld, pe byddai mynediad ar draws Gymru, byddai'r rhai sy'n defnyddio afonydd am ba bynnag rheswm yn mynd i lawer o fannau, ac am fod llai o bobl yn mynd i'r cyrchfannau hyn, byddai potensial cael llai o wrthdaro?

9.40 a.m.

[72] **Mr Jones:** Hwyrach y byddai hynny'n digwydd. Mae pobl yn tueddu parhau i fod eisiau mynd i'r *honey-pot sites*. Enghraifft dda o hynny yw llefydd fel yr Wyddfa. Mae sawl man lle medra pobl fynd i gerdded, dringo ac ati, ond mae pobl eisiau mynd i fyny'r Wyddfa. Mae'r parc cenedlaethol yn cael andros o broblemau o ran sut mae'n rheoli'r broblem honno

agreements can also safeguard the environment? We have had evidence from the Environment Agency that there is a potential for an impact on fish and other river wildlife. Do you believe that these voluntary agreements can resolve these kinds of conflicts?

Mr Jones: At the end of the day, it depends on how reasonable users are. There are good examples of this—there are a few in this document—not only in terms of where there is conflict between activities, but in terms of where there is a possible impact on the environment. An example is Llangorse Lake, where people want to use the lake for different sports, but where there is potential for that to impact on the environment. In such situations, the various bodies have come together, and voluntary agreements have been agreed. However, that would not work in all cases. I cannot give you an example, but I think that it would be rather silly to think that that would work every time and in every case.

Alun Davies: I have a great interest in what you said at the beginning of this session about the numbers of people participating in these sports. As you know, we have received evidence that conflicts with that, and we will have to discuss that later on. I do not think that you have considered the tourism side of this issue and visitors to Wales. If we accept that there are sites—'honey-pot sites', they are called—where people tend to congregate, do you not see that if there were access across Wales, people using rivers for whatever reason would go to many sites, and because fewer people would go to these sites, there could be less conflict?

Mr Jones: Perhaps that would happen. The tendency is that people still want to go to these honey-pot sites. A good example of that is somewhere like Snowdon. There are many places where people can go to walk, climb and so on, but people want to go up Snowdon. The national park is having great difficulties with how to regulate that problem because it is a honey-pot site. That will be

oherwydd ei fod yn *honey-pot site*. Bydd true of many places in Wales. Opening places
hynny'n wir am nifer o lefydd yng Nghymru. up would disperse some people, but the
Bydd agor llefydd i fyny yn cymryd rhai pobl problem itself will not go away.
i ffwrdd ond ni fydd y broblem yn mynd i
ffwrdd.

[73] **Mick Bates:** You used the word 'regulate', but I think that it is fair to comment that the experience in Scotland, where the law has been changed, is that the protocols are the important part—individuals are then responsible for their behaviour and use. You used the word 'regulate'—I got the impression earlier that you were very much against any legislation, but you used the word 'regulate'. Do you recognise—

[74] **Mr Jones:** That may have been the simultaneous translation.

[75] **Mick Bates:** I see. [*Laughter.*]

[76] **Rhodri Glyn Thomas:** The words that mean 'management' and 'regulation' sound alike in Welsh.

[77] **Mick Bates:** For my benefit, which word did you use?

[78] **Mr Jones:** As Rhodri Glyn said, I think that I used the word for 'management'.

[79] **Mick Bates:** So, management rather than regulation. Thank you. So that was my misunderstanding from the simultaneous translation. That was an interesting point. It could be a problem in Welsh, Rhodri Glyn, could it?

[80] **Rhodri Glyn Thomas:** No, there is no problem in Welsh. The problem is that you do not understand Welsh. [*Laughter.*]

[81] **Mick Bates:** Very good. That is a problem. Lesley has a question on finance.

[82] **Lesley Griffiths:** We have taken evidence and heard from different users, some of whom have to pay to use the water, via licences and so on. Do you think that all water users should be required to pay in some form, and, if so, for what should the money be used?

[83] **Mr Jones:** It goes back to the issues that we were talking about earlier. If you participate in any sport, apart from walking, you have to pay. You have to pay to use football and rugby pitches. You have to pay to use sports centres and swimming pools. It is not free. In principle, I do not have a problem with people having to pay. This goes back to the question that Brynle asked. Sometimes, people do not like the idea of having to pay, because they do not see what they get in return. If they saw that they got improved access to parking or an improvement in how areas are managed by landowners and so on, or a reasonable return to someone who had had to pay for land and so on, I think that people would be more prepared to accept that principle.

[84] **Lesley Griffiths:** Do you think that it would alleviate conflict between some of the different users if everyone had to pay?

[85] **Mr Jones:** It might well do. You will not convince some people, however. For some people, the principle is that they do not want to pay and that is the end of it. That is their view.

[86] **Lesley Griffiths:** To return to the legislative framework, if there was a change in the legislation—I know that you do not seem to be very keen on that—how would you wish to see the different users being held accountable and how would you envisage this being

enforced? Leanne mentioned Scotland and the code of conduct there. Do you think that a similar code of conduct would be useful here?

[87] **Mr Jones:** A code of conduct would be useful whether we have a statutory framework or whether we have voluntary agreements. How people behave when they use facilities is one thing, but the way that they behave when coming to an agreement is also important. One of the difficulties about voluntary agreements is that, when you get people around a table and ask, ‘How are we going to sort this out?’, there are some people who do not want to come to an agreement. That is a fundamental difficulty.

[88] **Mick Bates:** There has been investment in a fund called Splash. Has that been an effective expenditure by the Government?

[89] **Mr Jones:** It is still early days. I am sure that the Environment Agency will be evaluating it. I should declare that we run Plas Menai national water sports centre, which has been a recipient of Splash funding. We have made excellent use of that funding. We have managed to open the facilities up more to the community and to young people and provide them with improved access to water sports. If those principles are being adopted in other areas, then I am sure that it will be a very good use of money.

[90] **Mick Bates:** On cost recovery, you seem to be suggesting that everyone should pay for facilities, and that that principle has to be adopted by users of water. Would you look at full cost recovery, or do you think that the Government has a role in subsidising some of these activities, or all of them?

[91] **Mr Jones:** At the moment, Chair, I do not have a view on how that should be done. The important issue is first to establish whether we go with the principle of free access, as some people want, or with the principle that people should pay for access, as we talked about earlier. That needs to be established first. If the principle that there should be payment is accepted, then there needs to be discussion as to whether that should be full cost recovery or whether there should be some kind of subsidisation and what that would cover. First, we should focus on the principle and decide whether payment is acceptable.

[92] **Mick Bates:** The use of Splash funding at Plas Menai has undoubtedly met a need in terms of access to the water for lots of people. Whether or not you agree with the principle of payment, is it possible that that kind of money could be raised from charging canoeists for licences, for example, in a similar way to anglers?

[93] **Mr Jones:** That could well be the case, Chair. When you look at pricing policies in sport, you see that joining a golf club can cost anything from £300 to over £1,000, depending on the location and nature of the club. If you join a gym, you have to pay around £30 a month. So, there are accepted principles about what it is reasonable to pay. The issue then is persuading people that they will see a return on whatever they pay.

[94] **Mick Bates:** Leanne will come in quickly, and then Brynle has a point.

[95] **Leanne Wood:** Do you think that swimmers should pay?

[96] **Mr Jones:** Swimmers? I think that swimmers do pay. If I use a swimming pool anywhere in Cardiff—

[97] **Leanne Wood:** I am talking about river swimmers, and inland water swimmers.

[98] **Mr Jones:** It depends where that activity is taking place, and it goes back to Brynle’s point—are there issues around access or health and safety and so on? If we are talking about

access to an inland reservoir where there are no additional costs to public sector bodies, then you could argue that swimmers should not pay.

[99] **Brynle Williams:** I have one other question. Do you direct money to Canoe Wales?

[100] **Mr Jones:** Yes, we do.

[101] **Brynle Williams:** I take it that is intended to promote healthy living, paddling, canoeing and so on, yet, regrettably, many of these problems have come about because Canoe Wales has refused to sign up to voluntary agreements. We heard a lot this morning about such agreements. Do you agree that it is counterproductive to put money in at one end, and to refuse access to the rivers at the other?

9.50 a.m.

[102] Canoe Wales is the organisation that needs that access, but it is the one that is holding up the whole process. You have mentioned *cytundeb* a lot this morning. We would not be here today if it had continued with its access agreement.

[103] **Mr Jones:** We have to be careful that, as a public body, we do not fetter discretion and that we do not say, 'We are giving you money, and this is what your policies must be.' It is an independent voluntary body, so its policies are its policies. The vast majority of our funding that goes into canoeing is for the performance and excellence side of things. We used to fund an access officer, but because of the change in policy, we do not fund that any more.

[104] **Mick Bates:** For the record, do you know how much funding you provide to the Federation of Welsh Anglers?

[105] **Mr Jones:** I can send you a note on that, Chair, and about the level of our funding for canoeing.

[106] **Mick Bates:** That would be useful. Do Members have any further questions? I see that there are none.

[107] I have one final point. You are aware of the different situation in Scotland with regard to the right to access inland water. Have you an opinion on that legislation? Have you, as the Sports Council for Wales, looked at the Scottish situation to try to evaluate the experience there and how that could be applicable to Wales?

[108] **Mr Jones:** No, we have not, in all honesty. We have not looked at that in detail, although we are very much aware of it.

[109] **Mick Bates:** I thank you for your answers, which have been illuminating and useful. A draft copy of the transcript will be sent to you. As you know, the committee will shortly be making recommendations on this, and I am sure that you, like a lot of other people, will be waiting to see what we say. It will be an exciting time.

[110] **Alun Davies:** Allwn ni i gyd gael copi o'r ddogfen sydd gennych, Mr Jones? **Alun Davies:** May we all have a copy of the document that you have, Mr Jones?

[111] **Mick Bates:** What is that, Alun?

[112] **Rhodri Glyn Thomas:** We are asking for a copy of the document.

[113] **Mr Jones:** I will leave the document with you.

[114] **Mick Bates:** Diolch yn fawr.

Mick Bates: Thank you.

[115] I ask Members to note paper 2, the letter from Andrew Davies regarding the strategic capital investment fund, and paper 3, which is further evidence from Chris Randall of the Open Canoe Association.

[116] Our next meeting will be on Monday, 11 January, when the committee will be taking evidence on national policy statements.

9.53 a.m.

Cynnig Trefniadol Procedural Motion

[117] **Mick Bates:** In order to discuss item 3 on matters relating to reports that the committee intends to publish, I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 10.37(vi).

[118] I see that the committee is in agreement.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 9.53 p.m.

The public part of the meeting ended at 9.53 p.m.