



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

**Y Pwyllgor Deisebau
The Petitions Committee**

**Dydd Llun, 2 Mawrth 2009
Monday, 2 March 2009**

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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

Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Michael German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Bethan Jenkins	Plaid Cymru The Party of Wales
Val Lloyd	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)

Eraill yn bresennol
Others in attendance

Rob Garner	Cynghorydd Mynediad a Hamdden, Treftadaeth Naturiol Albanaidd Access and Recreation Adviser, Scottish Natural Heritage
Anne Gray	Swyddog Mynediad, Cymdeithas Eiddo a Fusnes Gwledig Albanaidd Access Officer, Scottish Rural Property and Business Association
Eddie Palmer	Aelod o'r Bwrdd (Mynediad), Cymdeithas Ganŵ yr Alban Board Member (Access), Scottish Canoe Association
Ronnie Picken	Cadeirydd, Cymdeithas Cenedlaethol Pysgotwyr yr Alban Cyf. Chairman, Scottish Anglers National Association Ltd
Philip Smith	Adran Tirweddau a Chynefinoedd, y Gyfarwyddiaeth Wledig, Swyddog Polisi, Llywodraeth yr Alban Landscapes and Habitats Division, Rural Directorate, Scottish Government

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

Alun Davidson	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Cynghorydd Cyfreithiol Legal Adviser
Siân Phipps	Clerc Clerk

Cynhaliwyd y cyfarfod yn Senedd yr Alban.
The meeting was held at the Scottish Parliament.

Dechreuodd y cyfarfod am 9.30 a.m.
The meeting began at 9.30 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Val Lloyd:** Good morning, everyone, and welcome to this meeting of the National Assembly for Wales Petitions Committee. I apologise for my weak voice; I will try to project it more than usual, but if you have difficulty in hearing me, please let me know. We have no apologies or substitutions; we have our full complement of Members here this morning.

Before we get into the substantive business, I would like to thank the Scottish Parliamentary Corporate Body for allowing us to use these excellent facilities, and for offering us such a warm welcome. I offer the thanks of the committee to Fergus Cochrane, clerk to the Scottish Parliament's Public Petitions Committee, for all his hard work in helping with the arrangements and getting us here today; to the broadcasters and security staff, for their support; and last, but certainly not least, to the witnesses who have agreed to speak with us this morning.

9.31 a.m.

Ymchwiliad Byr i mewn i Ddeiseb P-03-118: Cymdeithas Ganwïo Cymru
Short Inquiry into Petition P-03-118: Welsh Canoeing Association

[2] **Val Lloyd:** We will consider aspects of the petition presented to us by the Welsh Canoeing Association. The gist of the petition is that the Assembly is urged to consider and implement a proposal for legislation to benefit Wales that would enshrine public access rights to and responsibilities for our natural resources, in the same way as the Land Reform (Scotland) Act 2003 encourages co-operative use of the outdoors. We received the petition last year, and wrote to the relevant Welsh Minister. She replied in June, and in November we took evidence from the petitioners. We then decided to undertake a short inquiry in two parts. We completed the first part, which involved a case study of a river in Wales, a few weeks ago. Now we are here in Edinburgh for the second part of our inquiry, and we wish to focus on the Scottish experience. That is enough of my pontificating; I now want to get down to business.

[3] I welcome our first two witnesses, who have kindly agreed to give evidence this morning—Mr Rob Garner and Mr Phillip Smith. I wonder, gentlemen, whether you would take a little time to introduce yourselves.

[4] **Mr Smith:** I am Philip Smith, and I work for the Scottish Government in its rural directorate, landscape and habitats division. My principle responsibilities are to look after and take forward matters that have arisen as a direct consequence of the Land Reform (Scotland) Act 2003. I thank you for inviting me here today to give a presentation to the Welsh Petitions Committee, and I will give some of the background to this subject from the period after 2003. My colleague Rob Garner, who works for Scottish Natural Heritage, will follow my presentation, and give you some of the background from the period leading up to the land reform Act. I think that you will find that useful, because that is probably the stage that you are at, by and large—looking ahead to potential legislation in the future. So, my intention is to go through the land reform Act from 2003 onwards, if that is acceptable and agreeable to you.

[5] **Val Lloyd:** Thank you.

[6] **Mr Smith:** I have a transcript of what I will say, if that would be helpful. I know that this is being recorded, but I can also give you a copy of my presentation if that is helpful for the clerk.

[7] Part 1 of the Land Reform (Scotland) Act 2003, as you are probably aware, came into force in Scotland on 9 February 2005 and established the right of responsible non-motorised access to most land and inland waterways throughout the country. I will use that word 'responsible' a lot in this presentation. Local authorities, of which there are 32 in Scotland, and the two national park authorities—Cairngorm National Park Authority and the Loch Lomond and the Trossachs National Park Authority—have a duty to ensure that access rights in Scotland are upheld. Before the land reform Act, the rights of access that existed allowed people the opportunity to enjoy the countryside, but these rights were formally reinforced by the legislation. Rob Garner from Scottish Natural Heritage will explain to you what existed

previously in Scotland. The land reform Act did not merely provide duties and powers to local authorities and national park authorities to uphold access rights, but placed a duty on them to plan a comprehensive core path plans system and to set up local access fora. So, the Act contained certain statutory requirements that had to be taken forward in the years following enactment. I will explain that later.

[8] As I said before, access to the countryside has always been widely enjoyed by the public and visitors to Scotland for passive recreation and active pursuits. Indeed, last year, approximately 200 million visits were made to the countryside in Scotland. Those visits were within the tourism industry, providing benefits and economic gains. Therefore, there is a bit of added value to be had from allowing and encouraging people to access the countryside. The access rights extend to recreational, educational and some commercial activities. The Act specifies that commercial activities come within access rights if the activity is something that the person exercising the right could carry on otherwise than commercially or for profit. Hunting, shooting and fishing are, therefore, excluded from access rights.

[9] Similarly, access rights do not apply to land on which there is a house, tent or other place affording a person privacy or shelter and sufficient land to enable those living there to have reasonable measures of privacy to ensure enjoyment of that house or place and that it is not disturbed unreasonably. Since 2003, there have been two or three instances of action being taken by individual property owners to try to exempt a wide area of land surrounding their properties from access rights. However, sheriff judgments have directed that only a certain amount of that land should be excluded from access rights, and that comes down to the privacy element, applying to the bit that provides sufficient privacy and not to the full extent of it all. Therefore, there is a certain amount of ability for judgment to be made in individual circumstances.

[10] It is important to recognise that the emphasis of the land reform Act is on local management of access. The access authorities have a duty to plan for core paths, which are a major element in enabling all members of the public to exercise their rights and in managing access. These core paths must be sufficient to give the public reasonable access to the access authority's area and, where appropriate, should link up with other path networks to improve access generally. The core path network should, as far as possible, provide for all needs and all types of user, including walkers, cyclists and horse-riders, as well as for water usage of course. However, as I have said, usage being non-motorised is fundamental to this access right.

[11] The Act also created a duty to create local access fora, with a membership of recreational land management interests, to provide advice to authorities on the discharge of their new duties and powers. The exercise of access rights does not increase the duty of landowners towards those exercising access rights. The Scottish access code accompanies the land reform Act, and Rob will go into some more detail on that shortly. That document was approved by the Scottish Parliament in 2004, following the enactment of the land reform Act. The code sets out the rights and responsibilities of land managers and those exercising access rights under the Act. Scottish Natural Heritage and the access authorities have a duty to publicise the code, and Scottish Natural Heritage has a duty to promote the understanding of it; this it does very well. Although the code was drafted in 2004, additions and supplementary advice have been issued to support the very good advice that it contains. As I said, Scottish Natural Heritage has a duty to do that.

9.40 a.m.

[12] There is also a Scottish national access forum, which is a voluntary association of interested organisations convened by Scottish Natural Heritage. It has been formed to keep the Scottish outdoor access code under review and to encourage responsible management of

land and water in relation to access. The Scottish national access forum meets a couple of times a year and will discuss any and every matter that is brought before it. The meeting is open to the public so that the discussion can be heard and matters taken forward as appropriate.

[13] Most recently, in December 2008, the national access forum discussed the specific issue of access to inland water. The paper was brought to the forum by the Scottish Canoe Association, from which you will hear evidence later. Eddie Palmer was the officer concerned. He will be with us later and will provide some evidence, so I will not go into any of the detail of what was discussed at that meeting, other than to say that much of the discussion centred on new web-based guidance on the management of access to inland water, which is being developed jointly by a number of bodies, including the Scottish Canoe Association and the Scottish Rural Property and Business Association. Anne Gray from SRPBA is present today and will explain in detail the content of this web-based guidance, which is expected to be made available to anyone and everyone in late spring this year.

[14] There are also local access fora, which bring together different interests to agree how to develop, manage and promote access locally. As I mentioned, there are 32 access authorities in Scotland and the two national parks. These local access fora are able to concentrate on, deal with and consider matters that involve their local interest—although there are obviously matters that are of national interest as well. Their broad function is to advise on access rights, rights of way and the development of core path plans, and to offer assistance in resolving disputes. Guidance was issued with the land reform Act in 2003 to local and national authorities. Combined with the Scottish outdoor access code, that provides some very helpful, straightforward and understandable guidance as to what constitutes responsible behaviour. That is the nub of everything that we encourage.

[15] Not everything that happens in Scotland is perfect and there have been a number of hot spots that have required careful handling. One example is conflict on the River Tay where there have been local disputes between rafting and fishing interests, which continue to cause a degree of concern. A voluntary framework agreement was negotiated between the Aberfeldy commercial rafting operators and the Upper Tay Riparian Owners Association, where both parties recognised that there is a statutory right of responsible access as defined by the land reform Act and the Scottish outdoor access code. That is not to say that both sides agree with what is in it, but it recognises that there is a legal framework from which to operate. Agreement was reached in the interests of peaceful co-existence and the sharing of the mutual resource.

[16] Although not everything is necessarily perfect, the codes of practice are laid down in writing and provide opportunities for the interested parties to meet twice a year to programme their own activities and to engage in joint actions to promote mutual understanding. This is certainly a very positive initiative and can be controlled by the people who are part of the framework agreement. There is a difficulty as private operators may enter the water at certain points and create difficulty. We would argue that that is not a land reform issue so much as an anti-social behaviour issue and one that should be dealt with by the appropriate authorities, either at a local policing level or by some other means. People behaving irresponsibly have got to be dealt with. The land reform Act has explained what can and cannot be done. It is not absolutely the reason why people misbehave. There are a few instances of irresponsible and illegal behaviour and, as I say, any anti-social behaviour should be dealt with by other bodies.

[17] Access authorities themselves have considerable statutory powers to ensure that responsible access is available to all members of the public throughout Scotland. When exercising access rights people must respect other people's privacy and peace of mind. That applies equally on water as it does on land. Respecting people's access rights means not putting in place obstacles to prevent or deter people from taking access. Access authorities,

under section 14 of the Act, can issue written notice requiring remedial action to be taken in those instances where someone is deliberately restricting access. There is no ability for an individual to place a ‘no entry’ sign on their land without good reason. If a solution cannot be found, following the serving of a section 14 notice, which instructs people to open access, then it would be for a sheriff, under the legislation, to determine what level of access rights exists. That is precisely what happened in the cases that I referred to about the private property and the restriction of access for reasons of privacy. That was not open-ended; they could not prevent people from accessing the entire land area that the particular property owned.

[18] It is recognised, and accepted by the majority of people in Scotland—not all, but the majority, including elected Members of the Scottish Parliament—that the land reform Act 2003 is one of the most advanced pieces of access legislation in the whole of Europe and is, by and large, working well. It is clear that access takers, especially those who take access on our rivers and lochs, do so responsibly and in the spirit of co-existence. There is no one simple solution to a number of the problems that may present themselves from time to time, but the mechanisms and processes that I have mentioned, and that are available to be dealt with under the land reform Act, go a long way to providing clarity and understanding of the situation within Scotland. That is the strength of legacy in the legislation.

[19] **Val Lloyd:** Thank you, Mr Smith, for that wide-reaching opening statement. Mr Garner, do you wish to comment?

[20] **Mr Garner:** Thank you for inviting me to speak here today. My name is Rob Garner and I work in the policy and advice directorate within Scottish Natural Heritage, which is equivalent to your Countryside Council for Wales in many ways. We deal with access and recreation issues as part of SNH’s remit to help the public to enjoy the outdoors.

[21] I have had several years’ involvement with the Scottish access legislation, starting from when it was in its main parliamentary Bill stages through to the preparation of the Scottish outdoor access code. I have worked on various implementation provisions following a secondment within the Scottish Government and I have undertaken wide-ranging advisory work during its implementation in Scotland since 2005.

[22] I will go back to some of the early developments and basic principles that were discussed in the 1990s in preparation for the land reform Act. In that period, particularly between 1997 and 1999, SNH was asked by the Scottish Executive, as it then was, to review the legal arrangements for access to the outdoors and to prepare recommendations for legislation, which would later become Part 1 of the Land Reform (Scotland) Act 2003. I undertook that work with the help of the early national access forum, leading in 1999 to the ‘Access to the Countryside for Open-air Recreation—Scottish National Heritage’s Advice to Government’ report.

9.50 a.m.

[23] **Mr Garner:** I have included some relevant extracts in annex 1. Have you received copies of the document? I see that you have, in which case, please turn to annex 1. This is the process that led to that, and it should be interesting because, in some ways, this is pre-legislation. The access forum held much of the discussion, and it established an inland water sub-committee. You will see that I have included its membership on the second page of annex 1. This specific inland water forum involved salmon fisheries boards, the Convention of Scottish Local Authorities, the National Farmers Union, sailing interests, angling interests, canoeists, the Landowners Federation which is now known as the Scottish Rural Property and Business Association, and Scottish Natural Heritage, together with the Scottish sports council, tourist board and water authorities. It was a wide-ranging discussion forum that grappled with

these issues of principle.

[24] The basic proposal that they drew up was for the Scottish Parliament to introduce a right of access to land and water, to be exercised responsibly for informal recreation and passage, as part of a balanced package that includes codes of behaviour, education, obligations on local authorities, and better mechanisms for facilitating and managing access in a co-operative approach. That package, is a key feature in the Act, and we will probably come back to it a few times.

[25] They had a couple of paragraphs on what they saw as being the current position, which was that there were rights of navigation on some rivers that had been asserted in the House of Lords, such as on the River Spey, and that there was thought to be a right of navigation on others. However, there was a great lack of clarity. Their conclusion on the inland water position in the mid 1990s is shown under point 3.2.18. You might recognise it. It says that,

[26] ‘In reality, therefore, there is an uneasy balance between the public not having very many clear legal rights and the landowner or occupier having very few workable remedies against trespass or irresponsible behaviour. This uneasy balance favours the confident user—for most people the countryside remains a place where they are uncertain as to where they can go—and the landowner or occupier not wanting to encourage access. The existing law therefore does not provide a sensible or workable foundation for providing people with greater freedoms to enjoy the countryside.’

[27] That was the conclusion as they saw the position on inland water. That was fed into the overall report, and over the years of discussion in the mid 1990s, the key conclusion about access to water was that, in essence, most of the issues—the objectives that you would want to achieve and the approaches that you could use for access to inland water—are very similar to those affecting access to the land. For instance, the lack of clarity over rights of navigation was akin to the difficulties and shortcomings over rights of way on land. The evident lack of communication, the lack of coherent management, and the consequent public uncertainty and missed opportunities were all very similar issues for land and water access. Equally, the package of measures being proposed to improve outdoor access was considered to be just as applicable to inland water as it was to land. This would be: the establishment of statutory rights and responsibilities; the clarification of local authority powers and duties; having local access fora in place to facilitate dialogue; the core paths system; education, which was important to promote awareness of the rights and responsibilities; and, importantly, investment. This was the package of measures that was just as applicable to water as it was to land. So, the Act, having been passed, applies in all its provisions to land and inland water as one item. The interpretation defines the Act’s use of the term ‘land’ as simply including ‘land and inland water and canals’.

[28] The draft Bill was published in 2001, and there had been much public consultation before that. The initial draft Bill, however, dealt with inland water early on. The draft Bill said that,

[29] ‘A number of landowners and many individuals with a commercial interest in angling opposed the proposal to extend the right of access to inland water. They cited conservation grounds such as the need to protect fish stocks and sensitive habitats, as reasons for opposing access to inland water. It was also recognised that access to water raised a number of different legal issues from access to land, but that the draft Bill provides for a right of access to inland water. Ministers believe that the concerns raised about the difficulties of creating a right of access to inland water have been overstated. In addition, the legal difficulties have proved to be not as great as originally thought, and Ministers recognise the arguments in favour of including access to inland water within the new rights.’

[30] That was the position maintained throughout the passage of the Bill through Parliament. The Scottish Outdoor Access Code, of which you have all seen copies, is integral to the Act and provides detailed guidance on the responsibilities of those that exercise access rights and those that manage land and water. It provides a practical guide and a starting point for shorter promotional codes and other advice. I will mention a couple of these later; for instance, there is a special code for paddlers and canoeists. I will also circulate a guidance leaflet on a particular loch. These types of guidance can flow from the basis that is established in the main Scottish access code.

[31] We ran a separate national consultation when we developed the code, in advance of the code being approved by the Scottish Parliament. Therefore, the principles in the code apply to both land and inland water without distinction, the same as the Act. It quotes things that people would have to look out for when they are involved in recreation activities on the water, in the same way as it quotes things that someone using a footpath would need to keep an eye out for.

[32] Section 5 of the code provides greater detail on common situations, and there are several pages of specific advice on inland water circumstances. If you look at annex 2, I have assembled extracts from section 5 that apply to the various water situations. You will see how the code works, because it has practical advice on behaviour by the public and land managers. There are sections on canals, canoeing, rafting, rowing and sailing, which explain how access rights extend to non-motorised water-based activities such as those. It mentions respecting the needs of anglers by avoiding nets or other fishing tackle, and keeping noise to a minimum when close to anglers, keeping a safe distance from anglers on lochs, and so on. It runs through the practical aspects. There is a section on fishing that says that access rights do not extend to fishing and that anglers need to be careful when casting, and so on. It has a section on river banks and loch shores, and what to do when you are close to water on the land. There is also a section on rivers, lochs, reservoirs and swimming, which is within the access rights. Those are perhaps reference points that are easier to use than working through the code itself.

[33] During the preparation of the Act and the code, it was anticipated that there would be two key areas of potential difficulty in relation to access rights on water—one was in relation to angling and the other was in relation to rivers and lochs designated or promoted for nature conservation value. This anticipation was based largely on the problems being experienced at the time. However, since the introduction of the Act, to a surprising degree these problems have not arisen in general circumstances. In the handful of pressure points where problems have persisted or have arisen for some reason, the package of measures within the Act has enabled joint approaches to be taken towards reaching management solutions.

[34] On angling, the Tay and the Spey were, historically, the two rivers that had been prime pressure points between canoeists and rafters, and they have seen the development of concordats to regulate matters. You will hear more detail about this later.

10.00 a.m.

[35] To draw attention to one of the key differences since the Act was introduced, if you look at the upper Tay framework agreement, for instance, which is one of those concordats, you will see that it starts by saying:

[36] ‘Both sides recognise the rights of each other to operate the business.’

[37] It goes on to say:

[38] ‘Both sides recognise that there is a statutory right of access...and that this agreement

is entered into voluntarily’.

[39] Both these rivers had, or were thought to have had, rights of navigation, so you would have thought that the position would have been relatively clear on the Tay and the Spey. Even so, the Act has effectively clarified and equalised the statutory rights behind the two sets of interests. That clear balance of rights inherently moves matters forward to a more productive footing. The parties are enabled to leave behind cul-de-sac positions concerning who has which legal rights on their side and to move on to practical management measures for joint-working arrangements, monitoring and so on. That balance of statutory legal rights creates the basic predisposition to dialogue, from which other elements of the package within or supporting the Act, such as the local access officer, the local access forum and, indeed, the national access forum, can help to move the dialogue forward. We will hear more about that later.

[40] The second area was nature conservation, which is, as I mentioned, the idea that water users have the right to paddle on any loch. Scottish Natural Heritage, as the Government agency responsible for natural heritage, had a direct concern about this. There was real concern about access by canoeists, windsurfers and sailors to rivers and lochs, as they could just go on to lochs where there were key bird populations—some with established bird hides watching over them—and sensitive habitats with conservation designations and so on. SNH has conducted specific research and monitoring of access at sensitive natural heritage sites, and we have published various pieces of guidance about how to deal with access issues at sensitive natural heritage sites. However, again, the overall experience has been that the problems have either not materialised, or they have been manageable.

[41] Inevitably, there have been occasional instances of inappropriate use or disturbance, but that is usually through ignorance. The educational messages on responsible behaviour are working, as a rule. That partly reflects the national availability of legitimate recreational access onto water, so, because all rivers and lochs are available, that spreads the load and reduces the pressure and incentive to get onto special areas of water. For instance, Loch Maree has some very attractive islands that are a national natural reserve, but local SNH staff have set up contact numbers and published educational information and very little problems have been experienced. I have some leaflets, which I will pass around.

[42] On Loch Leven, we probably had the ultimate potential problem water body, because the loch is convenient to motorways and cities. It is only just up the road from Edinburgh, between here and Perth. It also accommodates huge populations of waterfowl—up to 35,000—which migrate and breed there throughout the year. It has top-level Natura designations, which place SNH under statutory duties to show that there is no adverse impact on the integrity of that site. SNH has run a consultation and involvement process with many interests and stakeholders, locally and nationally, which has led to a tailored system of guidance and advisory zoning arrangements for the use of the loch, which is shown in the leaflet that I am holding up. Monitoring is in place to see how this works, and it is showing that there is a high level of compliance. So, in even this most challenging of nature conservation sites, problems are being managed satisfactorily.

[43] Core paths have been mentioned as part of the package of the Act, and it is interesting to note that most core path plans, which are approaching the finalised stages in Scotland, include water access provision, so there are core paths on rivers and canals. They have been established on quite a few stretches of water, and where there is a loch or a river shore, the core path will often provide a route to the water and a launching site.

[44] Scotland’s statutory access rights and responsibilities are becoming well known, which is bringing key benefits. As yet, we have little hard statistical evidence available on different levels of participation, but anecdotal evidence indicates that, in parallel with other

key outdoor activities such as mountain biking, the water sports access resource is gaining international attention and pulling power. This seems to be reflected in increasing active participation levels by local people and those from further afield. There is therefore greater scope for competitions and events, and we find that participants and spectators who come to Scotland for those events stay on and participate elsewhere in Scotland, bringing all of the associated economic opportunities.

[45] I am happy to answer questions, and I have copies of the leaflet, if anyone would like one.

[46] **Val Lloyd:** Thank you, Mr Garner. You say are you now available to answer questions; does that apply to you as well, Mr Smith?

[47] **Mr Smith:** Of course, yes.

[48] **Val Lloyd:** Thank you very much. During your presentations, both of you touched on the issue of clarity of access, and you both use those words. Do you believe that there is a greater understanding of access rights and responsibilities since the introduction of the statutory right of access, not so much among regular users, but across the piece and more for the casual user?

[49] **Mr Garner:** Scottish Natural Heritage has a duty to provide education on this. A great deal of it comes down to education, and we see it as quite a long-term process. We have been running television advertisements nationally, and we support access staff within some of these main user bodies. So, there is an access officer in the Scottish Canoe Association specifically to help deal with questions from users. It has produced leaflets for different areas of its sport. The indication is that the message is getting through. The basic message that there is a statutory right of access has got through, including the fact that that access involves responsible use. That message is clearly getting through. There will always be grey areas, because unusual situations will arise in certain places, but by and large the bottom line is common sense. The code talks quite a bit about common sense, so, hopefully, we are building on that position. The code gives some fairly clear indications of what to do when canoeists and anglers meet, for example. It is about anglers letting canoeists know where they are and which way they want them to pass—these fairly practical things are becoming quite commonplace.

[50] There will always be people, particularly people coming from abroad, who are less used to this. With anglers from America or paddlers from other countries, for example, there is an education job to be done. There is a bit of responsibility on all sides to educate people who may be fresh to the location. Again, that applies to walking and the use of paths on land as well. It is a long-term job, but the message is getting through quite quickly.

10.10 a.m.

[51] **Mr Smith:** I can speak from the Scottish Government's viewpoint in the sense that an indication of what is happening on any issue in Scotland can be had from the amount of ministerial, or indeed official, correspondence or involvement on the subject. Although, as I said earlier, I could not claim that there have been no hot spots, by and large, difficulties that arise and are communicated through correspondence or representation to elected Members are not enormous in volume. There are some, but not an enormous amount. Since 2003, there have been a couple of parliamentary business debates on specific issues. Most recent was the debate held a month ago, when one of the Members discussed support for a round-Scotland coastal path. That generated some interesting debate, comments and support from Government Ministers here. There was another debate about 18 months ago involving the property that I mentioned in my presentation, the owner of which was objecting to people

accessing her land, and there was an open debate in Parliament on that issue. Again, that provided, if not unanimous support for what had happened, a general support and belief that the legislation did provide solutions. The debate last month on the coastal path has allowed continual thinking about, consideration of, and discussion on how best such an initiative, ambitious as it is, may or may not present itself in years to come. The legislation does not prevent a round-Scotland coastal path, but, like everything else, there are issues around the availability of sufficient resources to progress thereafter, to manage and maintain such a path. However, the support for such an initiative was certainly articulated by all in the debate.

[52] **Val Lloyd:** I think that we can all empathise with the level of correspondence received, as we know how large our postbags as elected Members are, and that could form one evidence line. Do either of you have any other evidence lines in view of the points of view that you have put forward?

[53] **Mr Smith:** We issue an annual monitoring return to all access authorities, which asks several types of question that they have to answer, including questions on financial information to allow us to understand how much financial and manpower resource is going into the maintenance of access to the countryside in Scotland.

[54] **Val Lloyd:** Thank you. Andrew, I believe that you had some questions.

[55] **Andrew R.T. Davies:** Thank you for coming this morning, gentlemen. Philip, your last point about financial resources is what I wanted to touch on, but I will address my question to both of you. In many of the papers that we have before us, there is talk of the importance of educating people about their obligations and educating them to understand what is expected of landowner and land user. You have highlighted leaflets that you have put out, and you have also talked about television advertisements that have gone out. How effective has that type of material been in getting that message out to people? You seem to have highlighted that there has not been a great breakdown in law and order or a lot of dispute and so on, but you have mentioned foreign tourists having a misunderstanding. However, the evidence that we have in our papers is that on continental Europe there is a great understanding of access, in particular with regard to waterways. So, how do you monitor the effectiveness of your education strategies and how do you target them? Have you had to fine-tune those strategies as you have developed the access point?

[56] Another point that has come out in the papers that we have received is that, now that there is this consensus for access to inland waterways, there is an ability to build infrastructure, such as car parks and toilets and so on. However, if you build something, you also have to consider the maintenance of that asset, along with the ongoing roll-out of assets in areas that do not have car parks and toilets. How do you address the funding aspect of providing those assets and, critically, of maintaining them so that they are fit for purpose going forward?

[57] **Mr Smith:** I will answer the questions on the financial side of things, and Rob will explain further the obligations that his organisation has for publicity and the publication of materials and so on. You will be well aware of the concordats that have been agreed between the current Scottish Government and all local authorities in Scotland, under which responsibility for almost any form of spending in Scotland is the responsibility of the local authorities. Agreements have been reached. Single outcome agreements have been negotiated with individual local authorities.

[58] They are given, in its simplest sense, a pot of money to manage and prioritise in their local area. It is for them to determine where their allocation on an annual basis is spent. That may or may not present some difficulties at a local level. There has been discussion, for many years, as to whether or not local authority spending should be centralised within the Scottish

Government, as it currently is, or whether more autonomy should be given to the individual local authorities. That is the manner in which things are now operating. If there are difficulties, they have to be addressed at a local level. It would be for an individual local authority to determine the merits of the provision of infrastructure to allow increased, better or enhanced access and similarly the merits of maintenance. The Land Reform (Scotland) Act 2003 laid the statutory responsibility for providing core paths on access authorities, for example, as we have mentioned a number of times. Most of those core paths, where provided, over the course of the next 12 months, should be adopted by Scottish Ministers. Once those paths have been adopted, there is no statutory obligation on the Scottish Government to provide ring-fenced moneys for their ongoing maintenance—that responsibility is delegated to the access authorities. They must determine, in the light of all their other responsibilities in relation to education and health and all their other spending areas, how much money should be put in to the continuing maintenance of path networks.

[59] **Andrew R.T. Davies:** Before we move on, Chair, may I just come in on that?

[60] **Val Lloyd:** Yes.

[61] **Andrew R.T. Davies:** One of the papers that we have before us alludes to the Scottish rural development plan. I presume that there is a stream of money for that, as there is for the Welsh rural development plan, which is funded by modulation from the single farm payment and European moneys. I think that you said that the Scottish Government's responsibility will end this year, or will end shortly, and that it will be local government—

[62] **Mr Smith:** It is now in operation.

[63] **Andrew R.T. Davies:** Sorry. I presume that the moneys that have arrived from the rural development plan—obviously it is a seven-year plan—are the moneys that local authorities will have use of to establish path networks.

[64] **Mr Smith:** That is different. The Scottish rural development plan money that comes from Europe is available for a number of rural development activities, and land managers or community groups are able to apply for some form of assistance for path development. Under the old rural development scheme, the one prior to the one that is in place for the next seven years, a considerable amount of moneys—somewhere in the order of £10 million each year for two years—went into the creation of paths within land managers' areas. It was £2.75 per linear metre, or something to that effect, that went to those who applied for path works on their land. That money is separate. There is a separate funding stream. I was talking about direct assistance from the Scottish Government for the purpose of maintaining, for example, core path plans—the ongoing maintenance will be the responsibility of individual access authorities.

[65] **Mr Garner:** I can add a little to that. If you take your two questions again, Scottish Natural Heritage has a specific role in relation to education, to promote understanding of access rights and responsibilities. SNH has been spending up towards £1 million a year because some of the television advertisements cost about £0.6 million for them to run for the chosen period. We are monitoring the levels of understanding and awareness that that promotion brings. We started from a low base with around only 30 per cent of people having heard about the access legislation and their rights, but that awareness has now increased to over 60 per cent in the general population.

10.20 a.m.

[66] It tends to drop off rather amazingly, and so you have to keep at it, but there has been a noticeable penetration of that message through to the general population. We find that there

is a much higher level of understanding among specialist groups. For example, around 95 per cent of hill walkers understand how they should behave, and, similarly, the understanding of paddlers about canoeing under the code is in the region of 90 per cent. So, the understanding has penetrated through to reach very high levels of those people who are participating, and that is continuing with training. It is not only through leaflets and advertising that we do that, but also through one-on-one work. We also run programmes and seminars to share good practice—to train the trainers, if you like, as well as the people within these organisations. So, it is quite a broad base, and it is showing quite a high level of success.

[67] On the money, for several years, some £8 million or more per year of extra Government money was going to local authorities in Scotland for access work across the board. The Scotland rural development programme is available for land managers, community groups and organisations to do things in local areas. That funding comes under axis 3 of the European grants, and particular packages of money are available. On the one hand, people can apply for grants for area access work, which means putting in paths, car parks, signposting or gates, and so on. There is also a package that is to do with information and awareness, and that is so that people can produce leaflets, put up signposts and so on. The SRDP money is definitely seen as supporting those sorts of things.

[68] **Andrew R.T. Davies:** Is it axis 3, not axis 2? I always thought that it was axis 2 that was related to rural development.

[69] **Mr Garner:** No, it is axis 3 that these particular grants come under. I have to say ‘axis’ carefully, as opposed to ‘access’, but, yes, it is axis 3.

[70] **Bethan Jenkins:** Thank you for coming to give us evidence, and we are pleased to be at the Scottish Parliament for our first ever formal committee meeting here. I wanted to touch on the national and local access fora. Rob has already said quite a lot about how they operate, but could you say a bit more about how effective they have been at managing disputes? Perhaps you could also highlight the proportion of disputes coming from commercial operators and those coming from individual water users, and give us a comparison of the two.

[71] **Mr Garner:** We do not track the detailed business of all the local access fora to that extent, so I am afraid that I do not have those data. There have been issues with the Tay in particular, on occasion. There are two areas on it, one up near Aberfeldy and another at Stanley, both of which have been a part of the discussion process at the local access fora. The national access forum is a high-level forum at which organisations can speak to each other, and there has been a lot of everyday dialogue there as well as the set agenda pieces of business that have come to it. There has not been a great deal of work needed on inland water issues at the national access forum, although an issue came up in November, following half a dozen or so wee incidents that seemed to be building and needed looking at in more detail. However, we do not have a record of that.

[72] I also want to flag up the benefit of each local access authority—the national parks and the local councils—having an access officer, who are often the first port of call now. If you have encountered a problem, the first point of contact will probably be your local access officer at the council, who is there as an intermediary to pick up these sorts of things. If a canoeist, an angler or someone running a fishing beat had a problem, they would pick up the phone and probably get through to the access officer first. Quite a lot of things can be resolved at that stage, because the access officer will know many of the local canoeists, and so on. In many ways, the resolution of some of these legal bases has freed up a lot of that resource so that rather more specific items can be dealt with. The communication is now open, and so people know each other from the local access fora. The experience on both sides has been that they can focus their attention on the occasional rogue problems that turn up, which quite often involve canoeists who are not members of the local canoe club, and so they

have not been particularly grabbed by the local interests, and so on. I think that the same is true of the angling side.

[73] **Bethan Jenkins:** So, would you say that any disputes are generally resolved at a local level before they even reach the national authority?

[74] **Mr Smith:** That would certainly be our hope. We try to advocate the local management of access, good or bad, if there has to be bad. The national access forum, which meets twice a year, comes under the secretariat of Scottish Natural Heritage. There is a formal chairman who is there on a voluntary basis, and there is secretariat support from SNH officials, who circulate all the papers and discussions thereafter on the website, which is easily accessible. We encourage transparency in all these matters. However, from the centre, we are not directly involved in the actions that are discussed and undertaken at local access officer level—and correctly so. The old days of referring everything to Edinburgh have pretty well gone, and correctly so in matters such as this. We, as officials, let us say, sitting in our offices in Edinburgh are far less able to deal properly and sensibly with matters that are for local organisations to deal with. The structures were set in place as a direct consequence of the Land Reform (Scotland) Act 2003 just for that purpose: people can bring their concerns to the local committees in the first instance. There may well be instances in which their concerns must be elevated, but we do not monitor those. As I mentioned earlier, the less we hear and the less correspondence we receive, the happier we are. We are content that matters are operating relatively satisfactorily, by and large.

[75] **Bethan Jenkins:** Anglers in Wales have said that a statutory right of access would lead to the damage of fish spawning beds. That has been one of their strongest arguments against any change. Is that the case in Scotland, or have you been able to resolve such issues?

[76] **Mr Garner:** That is a matter of some debate. The point is sometimes made—and you might hear this later from the anglers—that, if canoeists and rafters hang about in certain pools, it can have that sort of effect. That is the kind of thing that gets talked about locally, for example, in relation to the River Tay down to Aberfeldy. It is a matter of knowing where the areas are. Very rarely is there a problem with the spawning beds that has been caused wilfully; it is usually because canoeists do not know that they are there. This kind of contact allows people to say, ‘There is a problem there, so please carry on straight past it and do not linger’.

10.30 a.m.

[77] The key thing about the access fora, and particularly the local ones, is that it is not so much about what comes up as formal business within the fora; it is more about the fact that, because they meet regularly, an angler, Joe X, will have a contact among the canoeist. Very often, there will be that one-to-one contact without having to place a matter on a forum’s agenda. People can talk quite easily with each other. It is that sort of thing that the local concordats can deal with, so that people have the opportunity to say, ‘Try to avoid these particular stretches of the river at a certain time of year’. You can get down to that level of detail, which is a much better way of dealing with it than saying, ‘Keep out’. You get a more nuanced understanding of both sides: the canoeists understand angling and the anglers understand canoeing.

[78] What else is interesting is that, having moved away from the basic issues of whether people should be in certain areas, we are finding a lot of joint interest between the two groups, such as on the threat of diseases such as *Gyrodactylus salaris*. Now that they are not banging their heads together about issues, there is a lot of common ground on which they can work together. So, these contacts are worth much more than the formal set-up of the access fora. The real key advantage is that level of contact, and knowing whom to speak to and whom to

phone.

[79] **Val Lloyd:** Andrew, I believe that you wanted to come in.

[80] **Andrew R.T. Davies:** Yes, I have a point of clarification about the local access officers. Rob and Philip highlighted the fact that there is a local point of contact, that the Government is devolving this down, and that these issues should not be dealt with in Edinburgh. Were these local access officers designated specifically under the land reform Act, or were they previously in positions that have been retitled? If the latter, they could well evolve into other positions if money became tight for local government—when head counts decline, they start to amalgamate such roles. To me, the local access officers seem to be the key to the resolution of conflict.

[81] **Mr Garner:** They have all been appointed specifically as access officer, and most have come through on the basis of the land reform Act. Given that each access authority has a number of statutory duties, including the duty to have a core paths plan and to deal with obstructions that crop up, they really need a dedicated member of staff. Every access authority in Scotland has at least one dedicated access officer.

[82] **Andrew R.T. Davies:** They would be much like our rights-of-way officers, then.

[83] **Mr Garner:** Yes, they are the equivalent of your rights-of-way officers, but they have a rather broader remit, in some ways, as it includes all types of access. They are also trained on land management, because the Act and the code bring those two aspects together. You also have access rangers, and there is often a pre-existing ranger service that has extended itself to help with land reform access issues. There are one or two specific access rangers, but that system existed previously; the access officers are really quite specific posts.

[84] **Michael German:** Thank you very much for your evidence so far. I wish to turn to the issues regarding the legislation. Having operated the provisions of this Act for three or four years, do you now think that it could have included some of the voluntary work? Are there any additional elements that you would have liked to be included in the Act from the beginning? With the benefit of hindsight, is there anything that you would like to take out of it, which could have been dealt with elsewhere?

[85] **Mr Smith:** From the Scottish Government's and our Minister's point of view, the legislation is still relatively new, although that becomes less true as the months and years go on. There was an intention to allow it to bed down over a sufficient period to ensure that what was included in the land reform Act was sensible and therefore did not need to be altered.

[86] We monitor, to a degree, and we are conscious of, what is going on. Ministers are very interested in ensuring that the legislation, as framed, is still working as well as it could be. While there is no commitment to amending the Act in the short term, there is recognition that any piece of legislation, as it beds in and as time goes on, may need to be tinkered with at some point in the future. I cannot admit to anything that is absolutely and desperately wrong with the Act that needs to be corrected, and I do not want to refer to anything in particular that needs to be added either. Across the board, by and large, we are of the view that the Act is working reasonably well. Those areas that need to be considered at some point in the future will be considered at the appropriate time, when legislative time permits, apart from anything else, as the Scottish Parliament is very busy with its programme. For us to bring forward relatively small amendments and adjustments to what exists may not be the most appropriate use of the limited time available to our elected members.

[87] **Mr Garner:** The logic of it seems to have worked quite well and it is quite clear what areas are included and which are not. For example, all forms of hunting, shooting and fishing

are outside access rights, and all non-motorised access forms are within access rights. So, the logic is reasonably clear in the Act and the code, and there have not been many problems in that regard. We have not gone down the route of dealing with things as they do south of the border, namely with access maps and the paraphernalia that has been involved with the Countryside and Rights of Way Act 2000, for example. So, I think that the general feeling is that the logic of the Act hangs together quite well and there is a balance regarding the forms of activity that are either outside or within access rights. The access code then adds finesse in terms of what responsible behaviour means. The balance between the Act and the code is fine. You could probably extend what is in the code into ever more detail, but where would you stop in terms of trying to imagine scenarios and what you should do? I think that most people believe that there is enough detail in the code to allow them to work things out. That is probably the area of distinction: how far do you try to prejudge all sorts of fairly minute situations that could crop up, and how much do you shine a light on the basic principles and then leave it to people's common sense to work out what to do in every-day situations?

[88] **Michael German:** So, in essence, you might have wanted to have a little bit more detail in the Act about what the code should cover. Is that the case?

[89] **Mr Garner:** No; I am saying that in section 5 of the code, for example, you could potentially run on and on with theoretical circumstances, but what the Act and the code cover is pretty widely regarded as being suitable.

[90] **Michael German:** I was talking about the Act and what it says about the code, and not whether the code has the opportunity to create more detail. Is there anything about the code that you think should be in the Act?

[91] **Mr Garner:** No.

[92] **Michael German:** You neatly talked about the Countryside and Rights of Way Act. The petition that we received is only about access to water; it does not mention access to land, and the petitioner is responsible for that. Based on your experience, could you give the right of access to water without giving the right of access to land?

[93] **Mr Garner:** It would be a less logical package, but I think that it could be done. So, the moment that you had the right of access by foot you could then extend that to non-motorised access to water. It would be more of a challenge, because, in many ways, the Countryside and Rights of Way Act came from a slightly different direction to the land reform Act; the two are somewhat different in terms of their starting points.

10.40 a.m.

[94] I cannot offer a fully detailed answer, but I would have thought that you could extend the right of access to inland water on the basis of the Countryside and Rights of Way Act, but it would need some consideration. For example, in terms of mapping, would you map certain areas, as is the case with land, or would you feel able to say, as we have in Scotland, that all non-motorised right of access applies to inland water, which includes canals, reservoirs and rivers?

[95] **Michael German:** Just to be absolutely clear, I was not talking about access to water; I was talking about access to the land in order to get to the water.

[96] **Mr Garner:** I see.

[97] **Mr Smith:** That would be the distinction that I would draw. It is illogical to just have access to water and not to have freedom of access to the land, because all water must be

accessed. Therein lie the difficulties. There must be an in-point and out-point when you are on the water in most instances—that is certainly the case if you are on a loch; on a river, you can end up on the North sea, or whatever it might be. It makes enormous sense to look at access legislation on water and land, if it is possible and practical. I clearly understand that there are different issues.

[98] One point of contention regarding our core path planning process is that, for example, there are certain parts of the River Spey that are being advocated for core path plan designation, and there has been, and there is still, a considerable amount of objection to that proposal for many number of reasons. Core paths can only be adopted if there is no formal objection to the designation, and that is not currently the case regarding the River Spey, because it is covered by the Cairngorms National Park Authority, which is the access authority that is responsible for the most of it, although a few of the local authorities also have an interest. So, considerable debate is still going on, and will need to go on, until such time as formal adoption can be approved. That process is likely to take place following a reporter's decision, because it will have to be called in. The process demands that, if there cannot be a satisfactory solution and a removal of all the objections to the proposal, it must be considered by an independent reporter, allocated or assigned by Scottish Ministers. That reporter will determine whether or not the proposal to have a certain part of the River Spey, or all of it, designated as a core path plan is accepted. So, there are many issues that are potentially still there and are presenting themselves.

[99] **Mr Garner:** I do not know how familiar you are with the core paths, but part of the issue in this regard is that whether or not an area is a core path is immaterial in terms of your being able to use it; the access right applies whether or not you also label it as being a core path, and it is effectively irrelevant in terms of your access right. That is one reason why some people think that it should not be a core path, because it does not matter in terms of its usage. All along the River Spey, you have access to the banks, and the riverside path may be a core path even if the river is not. In terms of access rights and the way in which the people access the river, the issue of whether or not it is labelled as a core path is completely immaterial as you can still use it fully.

[100] On your point about paths to reach a river, you would have to consider that. You may find that quite a lot of the rights of way give access and egress points for rivers. There was a lot of use of canoes in Scotland before the access legislation came along, and there were quite well established access and egress points. You only need those at certain intervals—two to three miles or thereabouts—and, generally speaking, you may very well find that there is a right of way that gets you to that number of points. So, it is impossible to generalise—you would have to look at it on a map—but I think that you would find that it would not be an insuperable problem.

[101] **Michael German:** You flagged up another interesting issue with regard to the disputes that have arisen. Are they mainly about access over land or access over water?

[102] **Mr Garner:** They are not about either really. It is accepted that there is access over land and water. It is just that there may have been one or two occasions where, for example, an angler might have become irate and flicked a hook in the direction of a canoeist, or where a rafting party may have been too boisterous and so on. The disputes that have arisen—the sort of things that came to the national access forum last month—are not about the principle of whether or not people should be there; they were very much about behaviour.

[103] **Michael German:** Welsh anglers have asserted that the difference between Wales and Scotland is that your rivers are wider and deeper. They say, therefore, that your legislation would not work in Wales. Do you think that that is a sustainable argument?

[104] **Mr Garner:** With respect, the rivers start off pretty narrow; I would not have thought that that argument really applied. There are some pretty small and constricted rivers in Scotland. I would not have thought that the rivers were inherently different.

[105] **Michael German:** Is that a ‘no’ from you as well, Philip?

[106] **Mr Smith:** I do not see that as a sustainable argument. We have wide rivers, such as the Forth and the Tay, at its source, but they all start somewhere. Our fishing colleagues can explain in some detail where the good and contentious fishing areas are in Scotland better than I can; I am not an expert on that. However, I cannot see there being a fundamental difference between Welsh and Scottish rivers.

[107] **Val Lloyd:** Thank you, gentlemen. You have given us a great deal of your time and wisdom, which we appreciate very much.

[108] I now welcome Anne Gray. Thank you very much for your paper. Please introduce yourself and give a short statement before we move to questions.

[109] **Ms Gray:** I am Anne Gray, and I am the access officer for the Scottish Rural Property and Business Association. My post is one of those that Rob referred to as being part-funded by Scottish Natural Heritage. When originally created, the purpose of the post was to assist land managers with the introduction of the new access legislation at a national level, to help to develop sub-code or additional guidance aimed at land managers—perhaps in conjunction with recreational bodies—and, to help to answer members’ queries, to be a point of contact at a national level.

[110] **Val Lloyd:** Thank you. That is very clear indeed. I will begin with a very similar question to one that I asked the previous witnesses, because we think that it is an important question. Do you think that, since the introduction of the statutory right of access, there is a greater understanding of access rights and responsibilities within your membership?

10.50 a.m.

[111] **Ms Gray:** Yes, I think there probably is. We did some work to produce a document called ‘Managing Access’, which we published in 2004, just prior to the enactment of the legislation. In addition to that, as well as my post and others, we have members on each of the local access fora. All of that helps to raise awareness.

[112] **Val Lloyd:** Thank you very much.

[113] **Michael German:** Thank you very much for your paper. You say in it that this law has created scope for local management of access rather than a national prescriptive set of rules. However, you then go on to say that you think that the interpretation of reasonable and responsible behaviour varies a great deal. As a result of that, there is still dispute over the circumstances in which access rights might apply. Can you tell me whether that is your principal concern at the moment with the legislation as it stands and how you think—particularly on the access issues—that matters could be improved?

[114] **Ms Gray:** I do not think that it is a major concern, but, in considering issues of legal clarity, which were raised in the petition to the National Assembly for Wales, I wanted to get across the fact that the Act has created as a right access that was previously gained with the tolerance of the land manager, by assumed consent on rights of way and by utilising navigation rights. So, they would take access under a whole host of other premises. However, because the Act relies on reasonable and responsible behaviour, it has not created this prescriptive set of rules. So, if you are looking for something that gives you real legal clarity,

this Act will probably not do that, because there is an element of judgment around reasonable and responsible behaviour. However, by and large, as was referred to earlier, the Act relies quite heavily on common sense. Because most people will exercise quite a high degree of common sense when they are in the countryside, it is generally not a huge problem, but there are areas where the question of whether access can be taken reasonably and responsibly arises. Perhaps this is because a land manager believes that it would not be responsible to take access in a particular area or when a particular operation was going on, but perhaps the access taker believes that it would be responsible for them to do that. When you get that situation, which is not hugely common, there is still some dispute.

[115] **Michael German:** Are there any other areas of dispute that require resolution from your members' perspective?

[116] **Ms Gray:** In terms of the Act itself?

[117] **Michael German:** Particularly in terms of access along water or access to the land.

[118] **Ms Gray:** If you take the picture as a whole, the Act does not deal particularly well with cumulative impacts from access—specifically in relation to inland water, where you get competing recreational interests, whether those recreational interests fall within access rights or outwith, as in the case of paddlers and anglers. On top of that, when those interests are quite intensive in a particular area, it can be difficult to sort those issues out.

[119] **Michael German:** I would like to pin that down a little more. Presumably, you are talking about paddlers, anglers, canoeists and swimmers all in the water at the same time.

[120] **Ms Gray:** If there are hot spots, such as where there is a stretch of river or body of water that is particularly attractive for a number of different recreational interests, we go back to relying on local management and local access fora, for example—that sort of resolution process. That has sometimes worked and sometimes not worked; we are still in the process of trying to work through those management agreements and how we can get all of these activities to operate happily in those places and to co-exist.

[121] **Michael German:** I note that you have not said that access to someone's land is a dispute or a problem. I am not one to put words in your mouth, but you have not said it and again it is a priority, therefore I sense that you are reasonably comfortable with that.

[122] **Ms Gray:** I do not think that we would highlight access in itself as a huge issue. It tends to be an issue when there is a misunderstanding over what is reasonable and responsible behaviour. Those are the issues that I tend to deal with and not the fact that we do not want people on land or on water. That may have come up previously, but does not tend to come up now.

[123] **Andrew R.T. Davies:** At the end of your paper, you highlight a problem with identification and refer to the difficulty in identifying an access user who is felt to be behaving irresponsibly. Since this legislation has been introduced, do you have examples of how the identification process could be improved from models that you have studied elsewhere? In previous evidence that we, as a committee, have gathered, anglers using the angling licensing system have been mentioned, for example. So, if you have a problem with anglers, you ask to see their licence—

[124] **Ms Gray:** And find out who is fishing.

[125] **Andrew R.T. Davies:** Exactly, but there is not even a number on a canoe. Would you support a form of identification that would enable those who misbehave or abuse the system

to be identified? Identification is a key step on the pathway to solving the problem, is it not?

[126] **Ms Gray:** Again, I do not want to overstate the number of incidents and problematic behaviour because it comes down to a few key hot spots, but across the board and not just in relation to paddlers, if a land manager reports irresponsible behaviour to a local access officer, there is often no way to identify that access taker. If there were a way of identifying canoeists from their canoes, that would help. However, in Scotland, it would not solve the issue across the board because you would not be able to identify every walker, cyclist and horse-rider—and it probably would not be desirable to do so. It might be possible to do that with canoeists, but it would almost feel as if, in the Scottish context at least, you were imposing something on canoeists that you were not able to impose across the board.

[127] **Andrew R.T. Davies:** In your paper, you specifically identified that issue. I gave you the example of licensing canoes, but do you have an example that you would recommend as a good way of addressing this identification problem or was that just an observation?

[128] **Ms Gray:** It is just an observation. Landowners and land managers are static, so if an access taker reports an issue of irresponsible behaviour to a local access officer, they know who the land manager is—they can identify them and speak to them about it. However, if the land manager reports an issue to local access officers, there is an imbalance there in that often you cannot identify and take follow-up action. Even if the local access officer believes that that person has behaved irresponsibly and that it would be desirable to speak to them about it, you cannot follow that up.

11.00 a.m.

[129] **Bethan Jenkins:** We have touched on some of the issues of contention, but do you think that there is anything that should have been added to the legislation? Is there something that you would choose to exclude, with the benefit of hindsight, given the experience that you have had? Would you say that people would need to be more identifiable? Would you say that reasonable behaviour needs to be explained or expounded upon? Could you clarify your stance on that?

[130] **Ms Gray:** I think that we are generally supportive of the management approach rather than the prescriptive approach. How do you police the countryside, even if you do bring in prescriptive measures? We are supportive of going down the management route and trying to identify management measures. It is not just about education, but an understanding of what goes on in the countryside. The key to this is probably a mutual respect for each other's needs, whether they are recreation or land-management needs.

[131] **Bethan Jenkins:** So, you would say that, as opposed to having changes in legislation, it would be more to do with steps that could be taken through the code or—

[132] **Ms Gray:** Yes, it would be about steps that could be taken through the code or sub-code guidance. There is almost a need to build an access culture in Scotland. If you look at examples of access legislation in Scandinavian countries, the legislation has been around for much longer, and there is much more of an access culture. In Scandinavia, people almost grow up knowing their access rights—it is something that their parents instil in them and it is instilled in school. That is a much longer-term view of access rights. I think that we are much more supportive of that kind of approach and of an approach where people are educated to understand much more about what takes place on the land and on the water and why those activities are economically important. As a recreational user, if you can understand the impact that you may have while you are there, you can try to mitigate that impact as far as possible.

[133] **Andrew R.T. Davies:** You touched on the financial implications and I would like to

investigate that angle with you. In your paper, you refer to the rural development plan and the moneys made available. I presume that your members have benefited from some of those moneys in being able to meet their obligations under the access requirements. Can you give me examples where your members have benefited from being able to draw down that money and, on the other side of the coin, examples of any loss of income that they have experienced or any expenditure that they have incurred, which has not been reimbursed from the public purse, so that they could meet their obligations under the access requirements?

[134] **Ms Gray:** Under the Scottish rural development plan, there are access measures in place. The way that the funding mechanism works at the current time is that a land manager can receive up to 75 per cent of the costs associated with access measures, so there is still a shortfall of 25 per cent that the land managers have to put in themselves or find from elsewhere. Depending on the specifics of the scheme, that can sometimes be match funded and sometimes not—more often than not, it cannot be match funded, although there are a few instances where it might be possible.

[135] The SRDP funding has been an important measure for access where there is a problem that the land manager is keen to resolve. If diverting a path around a particular route would make his management of the land much more efficient and effective so that it is a win-win situation, I think that the mechanism works very well because the land manager in that instance would probably be willing to put in 25 per cent for the benefit of more efficient integration of access and management of the land. That would be the kind of example of where that funding mechanism would work well. The other side of the coin is where a local community is keen for a land manager to create a route or path, but there is no financial advantage to him in creating such a route as it would mean giving up an area of productive ground for the purpose. If it were 100 per cent funded, he might feel that it would be worth his while, but the mechanism at the minute precludes that approach. It is helpful where the land manager has a problem and would want to resolve it, but it is otherwise just pressure to create better access routes or facilities, but without the incentive there to do so.

[136] **Andrew R.T. Davies:** The bigger types of improvements that could be made include, obviously, car parks, toilet facilities and so on. Correct me if I am wrong, but I would assume that a private landowner would not be interested in providing those kinds of capital assets because they are so expensive. Would I be right to assume that that type of asset could be funded from the rural development plan by a local authority, a water board or any sort of public sector body? Would that be correct? Would it be on the same basis of 75 per cent of the funding?

[137] **Ms Gray:** That is exactly right. That measure exists in the rural development programme. Land managers can access it, but, because of the funding shortfall, as you say, they are unlikely to do that as there is no incentive to do so. Others, such as community groups and so on, can also access the rural development fund, however. It is possible that they could do that.

[138] **Andrew R.T. Davies:** To your knowledge, has all that money been spent? Have people taken this by the scruff of the neck and opted to build these improvements—the car parks, the toilets and so on—or is there an underspend in the project?

[139] **Ms Gray:** The take-up of the access measures within the Scottish rural development programme has not been huge to now. Take-up was greater under a predecessor scheme—the land management contract scheme—immediately prior to the SRDP coming in. Many land managers took that option, which was to fund and maintain paths, but the new measure has not been taken up so much.

[140] There is a bit of an overlap in the two schemes, actually. For the land management

contract schemes, I think that the final payments are to be made this year, and they will be paid retrospectively. Until the funding for that has been completed and the five-year contract brought to an end, it is difficult to be sure to what extent land managers will take up the new measures or not. There has not been a huge uptake of the paths measures or of the bigger infrastructure-type measures to date, however.

[141] **Val Lloyd:** Thank you very much for your paper and for taking the time to give us the benefit of your expertise and experience, Ms Gray.

[142] We will now take a break.

*Gohiriwyd y cyfarfod rhwng 11.08 a.m. ac 11.16 a.m.
The meeting adjourned between 11.08 a.m. and 11.16 a.m.*

[143] **Val Lloyd:** Thank you for coming back promptly. I welcome our next witness, Mr Ronnie Picken, president and chairman of the Scottish Anglers National Association Limited. Thank you very much for your paper, which we have had an opportunity to read. Please give a brief introduction about yourself, and then we will move to questions.

[144] **Mr Picken:** Good morning, and thank you for the opportunity to appear before the committee. The Scottish Anglers National Association Limited represents 340 clubs, 150 individual members and about 31,500 members in total. It is recognised as the governing body for game angling in Scotland. In undertaking this inquiry, the Assembly has a golden opportunity to avoid creating the discriminatory situation caused in Scotland by the Land Reform (Scotland) Act 2003, which has disadvantaged salmon and trout anglers, devalued proprietors' property and is currently destroying jobs and much-needed business in angling and other country sports.

[145] Part 1 of the Act gives everyone statutory access rights to most land and inland water. People supposedly only have these rights if they exercise them responsibly by respecting people's privacy, safety, livelihoods and Scotland's environment. SANA was surprised and concerned regarding the proposal to review the Scottish outdoor access code, especially since so few of the anglers' concerns stated in initial meetings of the Scottish national access forum have been addressed in the interval. Initially, SANA was a full member but now only enjoys correspondence representation. We are especially concerned about the apparent suggestion to progress to motorised access to inland freshwaters. No later than this morning, I have been assured that this might not be the case.

[146] Scottish anglers are losing the benefits of angling beats, for which they have paid handsomely, to others who pay nothing to use the entire inland freshwaters of Scotland. Most migratory anglers pay for their annual rental, and thereafter pay their share of the district salmon fishery board levy on the assessed rateable value of their beat or fishings.

11.20 a.m.

[147] Angling opportunity is adversely affected by any disturbance, namely canoeing and rafting. The effect of a single canoe can be mitigated by the canoeist liaising with an angler and quietly proceeding when directed, but large numbers of canoes and Eskimo rolls, and so on, create major problems. We have heard that there have been up to 24 rafts, especially the commercial type, on the upper River Tay twice a day, which have basically wiped out salmon fishing, since no salmon now lie in the river, and catches have fallen away to nothing. Fishing is poles apart from rafting and canoeing: you cannot play two games on the same pitch. Paddling and swimming, throwing stones into the water, allowing dogs to swim in the water or simply walking along the riverbank cause disturbance. All fish react immediately to a disturbance of the waters around them: they will run for cover, become uncatchable, and

even, when possible, leave the area altogether. It is a criminal offence to disturb salmon spawning redds, which may be done merely by wading about in the shallows around them, or even being on the riverbank near them. However, rambblers insist on an unrestricted right to roam in unlimited numbers along the immediate water's edge, and do not accept the necessary presence and restriction of fenced paths or buffer zones adjacent to the riverbank.

[148] Scotland has, in the past, proved an attractive tourist venue for anglers, particularly of migratory fish, who annually bring in £75 million to £78 million to the Scottish economy. That is the 2003 figure of estimated sustainable annual income. Apparently, the penny has not yet dropped that a great deal of that big money now goes to Norway, Iceland, Russia or even Patagonia, which are now all within easy reach by air, and where common sense and less disturbance prevail. This is money that Scotland can ill afford to lose. One proprietor on the lower River Tay has recently paid off two ghillies and ceased business, because he regularly had to refund clients due to fishing being ruined by other river users. Anglers and proprietors, needless to say, have no redress for their lost angling opportunity or business under the present system, which raises a compelling argument for realistic charges being laid on all water-based sports, not only angling. Consequently, why limit it to water-based sports? It would appear that, in Scotland, responsible access includes the destruction of anglers' sport and proprietors' livelihoods. The disturbance of habitats by canoeists and rafters, especially in the closed season, when fish are spawning, merits serious consideration. In the opinion of the angling fraternity, the apparent weakness of the local access fora and local councils in administering this ill-thought-out legislation is a contributory factor.

[149] Recently, we have seen the damage caused to our banking system by self-interested, imprudent, misguided and reckless management. In the future, I strongly suspect that we will see our inland freshwaters in a similar state, due to the not dissimilar manner of regulation. In conclusion, I respectfully suggest that, prior to completing your deliberations, you also seek the opinions of the Association of Salmon Fishery Boards, the Scottish Gamekeepers Association, the Scottish Association for Country Sports, and the Scottish branch of the British Association for Shooting and Conservation on this matter.

[150] **Val Lloyd:** We will now move to questions. You made your points forcibly in the paper. I would like to ask the question that I have started with for each set of witnesses, which is how do you feel that the introduction of the statutory right of access along inland water has clarified access rights and responsibilities? Having read your paper, I think that I know the answer, but I would like to put the question to you.

[151] **Mr Picken:** Anglers pay for their access; by and large, the rest of the public does not. The old adage applies: you do not appreciate what you get for nothing. You only have to take a look around the shores of our highland lochs and riverbanks to see examples of that.

[152] **Michael German:** You have made your position very clear, which is that you would not have had this legislation from the beginning, if you had had your way. What legislation would you—

[153] **Mr Picken:** Not necessarily. We are not against people having access to the countryside. Half the fun and the enjoyment of angling is enjoying the countryside and the environment. However, we do not want to hog it all ourselves. The issue comes down to people's attitude that it is their right and that the rights of other people do not matter. That is an indication of the depths to which our society has descended in recent years; it is human nature.

[154] **Michael German:** In the first case, I was trying to get the position clear as to whether you want legislation in this area at all. If you do not, do you feel that what was happening previously was perfectly acceptable? Is that your position, or do you think that there should

have been legislation?

[155] **Mr Picken:** We did not have these problems on the big salmon rivers until this legislation appeared.

[156] **Michael German:** I accept the point from the position of your association, but do you think that the issue relating to the use of inland water, in whichever way, would have been resolved without legislation?

[157] **Mr Picken:** I am not sure. Perhaps not.

[158] **Michael German:** Therefore, if you were writing legislation from scratch, what would be the headlines that you would put in place?

[159] **Mr Picken:** It would be more equitable, able to be policed properly, and the conditions would be enforceable. No later than last night I was in discussion with a contact on the River Tay. The considered opinion there is that this matter will not be resolved until it goes to court, and the only thing preventing that is the cost of the exercise. I am sad to say it, but that is the situation.

[160] **Michael German:** I am interested in the legislation, because that is what the Petitions Committee has been asked to investigate. Two things that you mentioned specifically in your answer about the legislation were that it should be concrete about enforcement and about policing. Do you think that the current legislation and the code that comes from it could have been done differently, but that having a code is the right way about things?

[161] **Mr Picken:** It could have done in a much better way.

[162] **Michael German:** So, the code could have been done differently, but having a code in the legislation was the right thing to do.

[163] **Mr Picken:** Yes.

[164] **Michael German:** So, the issue is not about the legislation itself but about how it is interpreted, given that the code is not a part of the legislation. I see that you agree. Thank you.

[165] **Andrew R.T. Davies:** Thank you for your paper. Following what Mike discussed with you about legislation and access, in your paper, you write about Norway, Iceland, Russia and even Patagonia where you state that common sense prevails. Could you give us an example of that common sense?

[166] **Mr Picken:** Those places appreciate the resource that they have in angling and look after it. You have only to ask the people there to find out. I cannot afford to go to these places but I have spoken to many people who have, and they say that, day and night, those interests are looked after although not at the expense of anything else. There seems to be a better attitude towards angling than there is here.

[167] **Andrew R.T. Davies:** Are you suggesting that Norway might be a better model than Scotland? There is a briefing on the Norway model in our papers. Obviously, we have come to Scotland, but are you suggesting that it would be better if we studied the Norwegian model?

[168] **Mr Picken:** Perhaps.

[169] **Andrew R.T. Davies:** Turning to the financial aspect, you used some pretty strong

language in your opening remarks and in your paper—and thank you for your paper, although, sadly, I have only just had sight of it—about destroying jobs and the destruction of the sport of fishing. What would you say was the financial consequence of this legislation by way of the damage done to the fishing sporting industry in Scotland? Have you been able to mitigate some of those losses using other streams, such as Government compensation, or other ways of changing the way in which you go about your sport?

11.30 a.m.

[170] **Mr Picken:** The figure that I used is the most recent official figure from the Scottish Government, issued in 2003. From my experience at the freshwater fisheries forum and the steering group for the strategic framework, I know that the current figure for migratory angling in Scotland annually could be well in excess of £120 million. That is a considerable amount of money to lose when it could be protected and looked after. It is a well known fact that the north Atlantic salmon is an endangered species. For every 100,000 eggs, you would be lucky to get 10 fish back in your river. That is due to predation, premature death, and so on. Prior to the smolt leaving for the sea, fish from the size of a fingerling up to a smolt are subject to predation in the river. Once the smolt is in the estuary, there is predation from seals and fish-eating birds, and that continues right up through the north Atlantic and the area around Greenland and northern Norway. When it eventually comes back, it has to run that gauntlet again. Anything that we can do to prevent its demise while in the river is advantageous. It is all down to protecting the habitat.

[171] **Andrew R.T. Davies:** The point that I was trying to make was not necessarily about the amount of money that is generated but whether you have a feel for how much money has been lost to the industry because of the new access legislation. The 2003 estimate seems to be the only hard figure on income-generation.

[172] **Mr Picken:** This is why I suggest in my last paragraph that you seek the opinion of the Association of Salmon Fishery Boards, which is the representative body of the proprietors. I represent anglers. Our first responsibility is to sustain fish stocks for sensible exploitation by our members, and, secondly, to ensure access to the fisheries for our members. If there are no fish, there is no sense in our being here.

[173] **Andrew R.T. Davies:** Do you think that the witnesses whom we have invited to this session today—and, in your last paragraph, you highlight a host of other potential witnesses—are giving us a true taste of the situation here in Scotland?

[174] **Mr Picken:** No. The perception in this part of Scotland is entirely different from that which prevails in the rural community.

[175] **Andrew R.T. Davies:** I have one final point. I am not sure how familiar you would be with the rivers and tributaries of Wales—

[176] **Mr Picken:** I know that you have good migratory fishing and that you have good sea trout fishing. [*Laughter.*]

[177] **Andrew R.T. Davies:** Would it be fair to say that the Scottish river system is similar to the Welsh river system? It has been pointed out to us by anglers in Wales that it is an unfair comparison, and that we should not really be using it.

[178] **Mr Picken:** Any knowledge that I have of Welsh rivers and fisheries is from publications and books, but I doubt whether you have rivers that are comparable to the Dee, the Spey, the Tay and the Tweed. The Tay, when it leaves Loch Tay at Kenmore, is not a narrow river; it is a big stretch of water, and it is beautiful, I must say. I suggest that some of

the rivers in the Highlands might be more like the rivers in Wales. The east-coast rivers like the Brora, the Alness, and those smaller rivers are probably more like the rivers in Wales. You are bound to have seen the Tweed, and so you will know the size of it. The Dee, the Spey and the Tay are also formidable. You have to appreciate that it is dangerous if you are standing up to your waist in water, wearing chest waders, throwing a line from a 15 ft rod across the river, and then a raft comes down and the bow waves start to make you bob. I have been told that people in the Tay area are patiently awaiting the first fatality.

[179] **Bethan Jenkins:** We have already touched on the effect that this is having on the fish, and you say that salmon fishing has almost been wiped out in the upper Tay, for example. Do you attribute that to the paddlers and other water users? Is it solely due to their negative impact, or are there other reasons?

[180] **Mr Picken:** Fish-eating birds will take their toll on smolt runs. That has been going on for years. The problem is getting the permission to shoot them. However, by and large, if there are up to 24 rafts coming down that stretch of river twice a day, fish are not getting the time to settle; they will just push through.

[181] **Bethan Jenkins:** Is there any evidence of paddlers damaging fish spawning beds? Again, we have taken evidence that, if similar legislation went through in Wales, it would have a detrimental effect on those.

[182] **Mr Picken:** How would you determine that? Bearing in mind that salmon spawn in fairly shallow running water, if you disturb the water in any way, you will disturb their eggs and you would be committing a criminal offence in Scotland. Someone walking up a shallow part of the river and throwing stones and so on can disturb spawning beds.

[183] **Bethan Jenkins:** You say that it is a criminal offence, but have any cases been determined in a court of law?

[184] **Mr Picken:** I suppose that there have been cases in the past. I cannot remember any in my time, and I was a Crown bailiff for a number of years.

[185] **Val Lloyd:** Thank you very much, Mr Picken, for taking the time and trouble to provide us with a paper and come here to answer our questions. We appreciate it.

[186] **Mr Picken:** Thank you very much.

[187] **Val Lloyd:** I now welcome Mr Eddie Palmer to the table. Thank you very much for your paper. We have had it for some time, and I know that committee members have read it in depth. We are anxious to ask you questions on it, so please give us a brief introduction before we move to questions.

[188] **Mr Palmer:** I will not take too long as I am aware of the time limits. In essence, we are saying that the access legislation in Scotland has been successful in that there are few problems and what problems there are are minor. I was involved, though not directly, in the lead-up to the Act; I went to some of the hearings and was aware of a lot of the evidence and what people said. I assure Assembly Members that all the issues that have been covered this morning were discussed in the lead-up to the Act and the code that followed. As you will have heard already, the Act takes a broad-brush approach, and the code can be improved, extended or altered as necessary.

[189] The other thing worth saying, which I do not think has been mentioned yet, is that representatives from Scandinavia visited Scotland as the legislation was going through. One discussion had at that time was about whether the distance that people should keep when

passing houses or tents should be laid down in the code in this country. It was decided not to do that because a distance of 100m or 150m does not mean very much if a person is annoying a householder, for example. So, the code as you see it now was brought in.

[190] I go along very much with the Scottish Rural Property and Business Association representative—our ideas are not very different. Tweaks to the code could be made, but there is no need for major changes, and I have heard no organisation representative say that our Act should not be in place or that it should be dismissed.

11.40 a.m.

[191] **Val Lloyd:** Thank you. I will start the questioning and, again, I apologise for my voice. In your paper, you tell us that, since the law on access came into being, you have been able to reallocate resources that you used to use to campaign for that right to be used for education. How much of that resource do you use and how do you use it?

[192] **Mr Palmer:** By ‘resources’ we mean money and time. We can now go to exhibitions and meetings in England, for example, and talk to English canoeists about how to behave in Scotland in that it is not a free-for-all, as some people might think. We carry out as much education as we can, but, as someone said earlier, that needs to carry on. Scandinavian representatives came over and said that, 50 years after their legislation was introduced, they now look back and wonder why they argued about things. We asked them what happens if they have a problem, and they said that they sit round a table and talk about it. One issue that is causing problems in Scotland is the very large, multi-activity charity events that take place, such as triathlons, where people run up Ben Nevis, for example, in their thousands at the weekend. That needs to be dealt with. The Norwegian representative said that that problem had been experienced in Norway and that they sat down and talked about it and then did something about it, and I gather that the issue has now been resolved to most people’s satisfaction.

[193] The other thing that I would say as background is that—some people find this difficult to accept—the decision to go ahead with the Act and the code was to do with equity and social justice, in that people deserve to have access to the countryside. That was the underlying issue. It was not that somebody thought overnight that this should happen or that MSPs here decided one day to come to Parliament to vote through an Act on this. I came to committee meetings where every clause was taken apart, so I know how much care went into it.

[194] **Val Lloyd:** I read about your paddlers’ access code and found it interesting. Could you give us an indication of how you developed that?

[195] **Mr Palmer:** Yes. I would just like to point out that, when bodies bring out an access code in Scotland, it has to be approved by Scottish Natural Heritage. It is not the case that an individual body representing an activity can just bring out an access code and hope that people follow it. These things are discussed at great length. We have a short access code, which concentrates on responsible access. We would have to agree that the Act is not working at 100 per cent; perhaps 99 per cent of the Act is working, but it gives a foundation to work on when talking to any group. At the moment, we are talking to our coaching scheme people about large groups on rivers and how they should behave, for example, and that is about fairly small aspects, but the basic freedom to be there is not in question, which is good. So, we do a lot of work. It means that we can be around the table. I have been to this Parliament several times, when we have contributed to fisheries and aquaculture Bills. We are the lead body on deciding how to keep *Gyrodactylus salaris* out of Scotland, and we were discussing that before those fishing salmon joined the discussion, because we did not want canoes to come back from Scandinavia bringing the disease into the country. We do not want to see the

salmon industry wiped out. So, we can now make an input into those sorts of issues. We talk about American signal crayfish and any other interloper into the country. We also look out for people taking freshwater pearl mussels and talk to the police. We now have the energy to do these things.

[196] **Michael German:** I am not going to ask you to comment on the previous evidence, but there are some significant issues with the nature of the code, which is what I would like to test with you in a moment. According to the evidence that we have just received, it was right to create the legislation but the code was not strong enough in the area of enforcement and policing. You have wanted to put your effort and investment into education. Can you tell us where your investment in education has worked? In other words, what successes can you point to that show that behaviour has changed as a result of your investment in the education of users?

[197] Secondly, do you think that there is a role for more enforcement and policing? Is that going reasonably well, or do you think that there should be more support for that or more pressure upon that area? In other words, it is about sticks and carrots.

[198] **Mr Palmer:** I might start the other way around, if that is okay. We received 35 complaints on access incidents last year. There were more than that, but they were not reported. They were on six rivers and were in connection with around half a dozen people. These were people who do not accept the Act and the code. We have a problem with that and we would like them to be policed a lot more.

[199] It has taken a bit of time, but we regularly have groups, including colleges, universities and outdoor centres—this is where there could be an issue—which come and ask what advice they should give about the times of the year to go down rivers. There are many people who are commercial operators, but most of our outdoor centres are run either by local authorities or charities—they are not commercial money-making centres. They usually have courses where they have to take groups down a river somewhere each week. There is no doubt about that, and they do so. I know from personal contact with them that they are more thoughtful than is sometimes known.

[200] The problems that we have on the water have usually been related to people coming in to fish from outside Scotland—they have usually been English—and they do not know the code at all. That has been the main problem. The briefing of gillies and anglers, to us, is a problem of enforcement that has to be done better. We have had some success with that. We have had some very reactive landowners who have dealt with an issue. It could relate to one angler and, from the description, they know who it is, they have been there for a week and they have talked to them about it and said, ‘You cannot behave like this in Scotland. You might not want canoes to come down while you are fishing, but they can and they do. That is the situation’.

[201] There is a difficulty with regard to policing in a more general sense, because not all canoeists belong to us. They do not have to belong to the Scottish Canoe Association, in the same way that not all canoeists in Wales belong to the Welsh Canoeing Association. So, getting the message across can be difficult. All you can say is that it has to be done over the long term and carefully. However, we have contributed in places where there are pressure points. We have jointly put up notices across the local authority warning people about sensitive areas. In a case where the water is low and you would rather people did not travel down that part of the water, you cannot tell people not to canoe because you cannot take away their access rights in Scotland. However, in one specific place, a fair number of people have said, ‘Okay, I will stay up here and play with my group today and I will not go down there. I will come back next week when the water might be higher’. So, it is not quite accurate to say that people take no notice of anything, because they do. As you heard earlier, it has worked

well with landowners.

[202] **Michael German:** I would like you to comment on two distinctions. You mentioned commercial operators—presumably in relation to canoeing, paddling and so on—and then the not-for-profit element. Does enforcement require more pressure towards those who are in the commercial sector as opposed to those in the not-for-profit sector? My second question is about being able to identify those who breach the code. Do you think that there is a case for, in some way, being able to identify who canoeists are?

[203] **Mr Palmer:** That latter point would be difficult, if not impossible. I had some experience of this in England some years ago, when I was working on access in a voluntary capacity. Any scheme was a shambles, because people lend canoes to other people. For example, I have three canoes. Trying to find out via a number who owned it would mean setting up something like the Driver and Vehicle Licensing Agency. If someone wants to pay for that, then that is fine.

[204] **Michael German:** We administer the DVLA in Wales and we would be very pleased to have more business.

[205] **Val Lloyd:** Precisely. It is in my constituency.

[206] **Mr Palmer:** Being more serious, the answer to that is being discussed on the River Spey at the moment. It is a large river on which there is a lot of salmon fishing and it is used by many people and many groups. There is no doubt that the identification of groups on a boat from a certain centre would be quite useful. If there is an unfortunate incident, we want to be involved as well, if we can, and do something about it. However, identifying the person would be very difficult. Sometimes, there is a name written on a minibus and people pick that up. I am not trying to say that this happens all the time; we are talking about half a dozen examples in the last year, from my memory. So, identifying the individual canoeists and kayakers would be impractical, but where a major user is using a river near their centre each week, the answer there relates to stronger relationships, so that people talk to each other; that is fairly obvious. Identification on boats there would help.

11.50 a.m.

[207] **Michael German:** I have one final question on an entirely different issue. The issue has already been raised by me and my colleagues this morning, namely that Welsh anglers would say to us that things are different in Wales in that the rivers are narrower and shallower in general, so this piece of legislation that you have in Scotland would not work in Wales. What is your response to that?

[208] **Mr Palmer:** We have small and narrow rivers on which people paddle, and especially white water rivers. I can think of one in Perthshire, which is very narrow, and the owners are a bit sensitive about people going down it in low water. They want people to wait for high water, when in fact it is quite dangerous, but if that is what they want, then so be it. Canoeists and anglers exist on that same stretch—it is not as wide as this space here in this room, for example. So that is a little misleading. There are many hundreds of kilometres of other rivers that are small and on which I paddle and where there are canoeists and anglers.

[209] Just to draw one last comparison: sometimes I paddle along the entire length of the Tay by myself in a day or two. The whole length of the Tay takes around 140 salmon anglers. I know that because I have counted them several times. I can go down there in two days and get a friendly wave from every one of them and there is no problem at all. You need to be aware that many difficulties are exaggerated; there has been a lot of exaggeration.

[210] **Andrew R.T. Davies:** Thank you for your evidence this morning. It is very much appreciated. In your paper, you talk extensively about a reallocation of resources. Given that you were allocating a significant amount of resources to campaigning for access and that you can now significantly contribute to the education debate and to facilitating education, can you give me a feel for the level of resource that you are talking about?

[211] On resources, anglers rightly point out that they pay for the privilege of using the inland waterways for fishing and so on. What contribution do canoeists make to the maintenance and conservation of the inland waterways to which they would like unlimited access?

[212] **Mr Palmer:** On resources, we are probably talking about people's time, including our one paid access officer, who could not be here today, as well as a lot of volunteer time. We are a volunteer-led organisation. I have an access committee of 12 people who are all volunteers, two of whom run centres or businesses and nearly all are on local access fora, so they have a fairly good feel for what is going on. As well as contributing information on river and pollution issues, we are talking more to SEPA about the use of high water releases—we paddle on water when it is high—on which we had no information before and which helps anglers a lot. We are also talking about contributing to national policy, for example, there is a new marine Bill, which will come here. There are various issues about coastal paddling, which I will not go into here because we are mainly talking about inland water. So, we are talking about being involved in issues of concentration and attention.

[213] **Andrew R.T. Davies:** Is it support in kind rather than financial support?

[214] **Mr Palmer:** Yes, I am talking about people's efforts and energy. We do not have to deal with canoeist/angler conflict situations, because there are few of them, certainly that we hear about. We are dealing with other things and are contributing to national debate. On the Gyrodactylus salaris point, that would devastate salmon fishing and no-one wants that.

[215] On finances, I might not be saying what you want to hear, Mr Davies, but anglers pay for taking fish out of the water. Canoeists and walkers do not do that, which is why they do not contribute in that way. There is an issue about anglers not paying 100 per cent of the costs of stocking rivers and keeping them clean—the taxpayer does that. I heard that from the Environment Agency in England some years ago. So, the payment issue is misleading.

[216] On an earlier question on resources, I think that I am right in saying that no money has been spent by landowners or local authorities on facilities for us and that we are providing a lot more for ourselves. So, part of the redistribution is that most of my time is taken up not with hearing about angling problems, but hearing about car parking, toilets, changing facilities and physical access to the water like steps and stairs and so forth. That is what takes up our access officer's time now—he is not talking about angling, he is talking about all these other facilities.

[217] **Andrew R.T. Davies:** Although I hear what you say about taking fish out of the rivers and so on, for clarification, do I understand that, at the moment, you would not be making a financial contribution to exercise that right of access?

[218] **Mr Palmer:** That is right. That was the decision of the Scottish Parliament.

[219] **Andrew R.T. Davies:** The other point that you briefly touched on was about capital projects, for example, toilets and car parks. Anne Gray highlighted that the capital projects may not be as extensive as the papers are conveying to us on reading, because they convey that there has been considerable progress with facilities. I think that you highlighted that few private or even local government landowners have contributed to building such facilities.

Could you give me an indication of whether there has been any significant improvement in facilities, such as car parks and toilets, since the implementation of this much wider right of access? Is it that there is a desire to have those facilities, but that you are a million miles away from getting the facilities that you would like to have?

[220] **Mr Palmer:** I think the view from water users, as opposed to land users, would be that we have been a little unfairly treated so far. You will have heard about core path planning this morning, and an immense amount of money has gone into footpaths for people, cyclists and horses—which is fair enough. Mountain bike tracks, for example, have been paid for by organisations like the Forestry Commission, but very little money has gone into provision for water users. We feel a little hard done by, I suppose. We can get grant aid for things like this—I do not want to say that it is all our own money, but it has to be some of our own money. So, with SNH and Sport Scotland, we are involved in a car park on the Spey at the moment, which I heard last week is going to cost £70,000. That is a large amount of money and there needs to be input to its design and someone needs to be there to administer it as well.

[221] **Andrew R.T. Davies:** Would I be correct in saying that the increase in access has not brought about a significant or meaningful increase in the facilities that you would have expected?

[222] **Mr Palmer:** Maybe not. I would point out that facilities for walkers, such as car parks, are sometimes on a riverbank, so we can use them as well. To be fair, there are quite a few of those. However, I know that land was mentioned earlier, but we need to have land access and vehicle parking, but vehicles were not involved in the access legislation at all, which I agree with, but that does cause us some problems.

[223] **Bethan Jenkins:** You mentioned the section 11 power for access authorities to exempt access rights to a particular area. You specifically mentioned in your evidence that it will be used for the fly fishing championships. Is this exemption also applicable to canoeists? Could you expand on how this legislation has helped you to encourage more people to take part in the activity?

[224] **Mr Palmer:** If I could just cover the exemption, that is the first time that there has been an exemption on water, where water users other than anglers are to be kept off a stretch of river. It looks like it will be a few hours, in the morning and afternoon, for three days, which we think is fair enough because it is an important fishing championship and we want them to have peace and quiet. We are happy to co-operate with that. We have not asked for it, but I do not think that we would get the reverse. We have canoe races on rivers, but angling is not stopped when we are on the rivers.

[225] **Bethan Jenkins:** Have you requested such an exemption?

[226] **Mr Palmer:** No, we have not because we think that both can co-exist happily.

[227] **Bethan Jenkins:** The final question that I have is: would it be accurate to say that, in your view, the statutory rights of access and associated code of conduct in Scotland have resulted in an improvement in the understanding of access rights and responsibilities and an improvement in relationships between different water users? Would you agree with those two analyses?

[228] **Mr Palmer:** Generally, yes. SNH undertakes an annual survey that measures understanding of access law and responsibilities and I think that it shows that the percentage of those who understand access rights is going up each year. One thing to add to that is that there have not been droves more people taking to the countryside in Scotland—the increase

has been gradual. There is a feeling that people who were outdoor people before are now taking access more often in a year, rather than there being an increase in the number of new people participating. Getting unhealthy people out of their houses and into the countryside is still quite a battle. The number of people did not double overnight.

[229] **Val Lloyd:** Mr Palmer, thank you for your paper and for taking the time and trouble to share your expertise with us.

[230] That brings to an end the evidence for the short inquiry. I thank all contributors for their time and for sharing their expert knowledge with us. We appreciate it, and it will inform our short inquiry. Thank you all very much indeed.

12.00 pm.

Deisebau Newydd New Petitions

[231] **Val Lloyd:** We now move to the remainder of our meeting. As is usual, we will deal with the new petitions that have come in since our last meeting. We have two to deal with today. The first is P-03-187, asking for the toll on the Severn bridge to be abolished. The petition has been raised by John Warman, and it has 22 signatures. It is straightforward, and I ask for Members' views on it.

[232] **Michael German:** This is a complex issue that is largely to do with the concession to the company concerned and the subsequent arrangements to remit amounts of money, such as in the case of VAT—we do not have to pay VAT on tolls—but the company was given a longer period to collect them. What we need to know is what costs would be payable were the concession to end.

[233] I am happy to write to the Minister to request details of what he has done in the political sense, but I also feel that we need much more background information, either from the Members' research service or by getting an official, either from the Department for Transport or from the Welsh Assembly Government, to provide us with information that we can question. The matter looks simple until you start to delve into it, and I wonder whether we could get more information and a few more witnesses of the factual kind before proceeding.

[234] **Val Lloyd:** Bethan, do you have a view on that?

[235] **Bethan Jenkins:** It would be interesting to have an official give evidence and perhaps add another element of discussion to the committee's proceedings. Did you say that that would be instead of writing to the Minister?

[236] **Michael German:** No, it would be as well as.

[237] **Bethan Jenkins:** I would recommend writing to the Minister, too.

[238] **Val Lloyd:** I think that that is a sensible way forward, because, as Mike has rightly said, it is a complex issue and we need to understand it. Shall we ask MRS to undertake work on it as well? We will also write to the Minister.

[239] **Michael German:** I suggested that we might get an official in, because—I will not say *'éminence grise'* because I am not supposed to say these things—it is the people in the Department for Transport in London who negotiate the concession with the concession holder, Severn River Crossing plc. It would be useful to have an official from the Department for Transport here, because it is not necessarily—

[240] **Val Lloyd:** Which department did you say?

[241] **Michael German:** The UK department, the people who do the negotiating, so that we would at least know the position in respect of what they are doing. We need an MRS background briefing as well to help us when we come to cross-examine that official, because the matter is much more complex and we cannot simply have a superficial look at it.

[242] **Val Lloyd:** Should we get the MRS briefing first, and then move to ask the official?

[243] **Michael German:** It might take some time to get a DFT official to give evidence.

[244] **Val Lloyd:** So we will set both courses of action in train. Are we all agreed? I see that we are.

[245] Next, we have a petition that we have all read about. It is P-03-197, save the Vulcan. This is the Vulcan Hotel—

[246] **Michael German:** It is not a bomber and it is not a bird, Chair.

[247] **Val Lloyd:** It is a pub. The petition has received a considerable number of signatures—5,000. The pub is in danger of being demolished to make way—so the petitioners tell us—for a car park. They do not want the pub moved to St Fagans—it needs to remain where it is now as a living monument, rather than one enshrined in St Fagans. What do you wish to do?

[248] **Michael German:** There was a discussion in Plenary about this issue. The Minister for Heritage has agreed to visit the Vulcan of an evening. As far as I understand the Welsh Assembly Government's position, the issue is about whether or not the building could or should be listed. I wish to question the Minister on this matter. We need more detail on the background, because we were told in Plenary that the pub had no significant features to make it suitable to be a listed building, but we do not have the full details of what makes a building appropriate for listing. So, rather than ask the Minister to appear before the committee, perhaps we could ask someone from Cadw to tell us why this pub is not suitable to be a listed building, and we could also invite those on the opposite side who say that it is worth listing. I am sure that the petitioners could put someone forward to say that it is a building worth listing, and on the other side of the coin the person from Cadw would say why it is not worth listing. That is the only way in which the local authority can act.

[249] **Val Lloyd:** We need to move fairly quickly before it is demolished. We can certainly ask the petitioners to come in. At the same time, shall we invite someone from Cadw to come in for questioning?

[250] **Andrew R.T. Davies:** It is critical that the two parties work in unison, given the timeframe. If nothing else, it will bring clarity to people's minds because there are two differing opinions as to why no action has been taken. Mike's suggestion is sensible.

[251] **Bethan Jenkins:** We could also contact the developers to see whether or not they could include it in their plans, or whether there is an innovative way for them to incorporate the pub into the new development, in order to marry the old and the new. I do not know whether that would be possible, but perhaps we should ask the developers.

[252] **Val Lloyd:** When developers buy something, it may be speculative, and in the meantime the economy changes and other things change. So, we could write to the developers to ask for their current plans and invite someone from Cadw and the petitioners to be

questioned. It is a large petition and we cannot overlook it. There is also a time element.

12.08 a.m.

Yr Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol Updates on Previous Petitions

[253] **Val Lloyd:** The first petition is P-03-107 on the Welsh-language daily newspaper. We are still waiting for a response from Dyddiol Cyf.. Are there any comments?

[254] **Michael German:** Can we hurry Dyddiol Cyf. along and ask whether it intends to give us an answer?

[255] **Val Lloyd:** It has dragged on for a while. We wrote to Dyddiol Cyf. immediately after the meeting where the decision was made, but we have not received a reply. Shall we send a reminder? If we do not hear from them by the next meeting—

[256] **Ms Phipps:** I spoke to a person from Dyddiol Cyf. on the telephone last week, and he promised to send something in the next few weeks.

[257] **Val Lloyd:** We will wait until the next meeting.

[258] **Andrew R.T. Davies:** I thought that we had agreed that it would also go to the Broadcasting Sub-committee, because it also looks into printed media. I have it down to go to the Communities and Culture Committee.

[259] **Val Lloyd:** The Communities and Culture Committee would decide whether or not it would go to the sub-committee. I would not be averse to that, but that would be for that committee to decide. The clerk has some information on that.

[260] **Ms Phipps:** It would be useful if this committee collected all of the information so that it could subsequently be referred to the Broadcasting Sub-committee, so that we could give the final word on the information that we have collected, and perhaps that that committee could take it forward from there.

[261] **Andrew R.T. Davies:** There seems to be an opinion that the Broadcasting Sub-committee is a sub-committee of the Communities and Culture Committee.

12.10 p.m.

[262] **Val Lloyd:** We will send it to the Communities and Culture Committee, and, if it thinks that the sub-committee is the best vehicle, it will pass it on to it.

[263] We now move to P-03-123, on unadopted roads. Some interesting information has returned to us on that. The Minister has been helpful in providing that information. Can we take it any further?

[264] **Michael German:** No, I do not think so.

[265] **Val Lloyd:** I do not think so either.

[266] **Michael German:** The issue is the cash for local authorities to do it. He mentions in his last sentence that hypothecated grants are not provided, so it must come from the local authority budget along with everything else.

[267] **Val Lloyd:** We have pursued the matter vigorously, so we can safely close that petition.

[268] Next is P-03-134, the Welsh honours system.

[269] **Andrew R.T. Davies:** I wonder whether we, as the Petitions Committee, could be more proactive on this issue. I appreciate fully that the First Minister and the Government, rather than the Assembly, are looking at this, but the petition came to us as the Petitions Committee. We could be more proactive in doing our own spadework on this and trying to promote the feedback of information to us, so that we can get a better feel as the National Assembly, given that I am led to believe that the Assembly Commission is not taking this forward any further.

[270] **Val Lloyd:** The commission is not taking it forward. We did put the matter on a discussion forum.

[271] **Bethan Jenkins:** The response was worrying, was it not? There have been only seven comments. I concur with Andrew for that very reason. If we want to try to encourage a discussion, and if we are to come to an agreement or decision at the end of it, we need to be much more imaginative and proactive in how we do it. I do not know whether we can have an informal meeting about a way forward or some sort of initiative. I would be happy to do that.

[272] **Michael German:** It strikes me that we have two choices. Either we are proactive as a committee and produce literature and all the things that we would expect from our external communications service in the National Assembly, or we have the Assembly's external communications service do it. Perhaps we need to ask Non Gwilym what the service proposes to do in order to take this matter forward, then, if the committee is minded to be more proactive, to encourage more responses and to take it out further for public debate, promoting it by using the media, school visits and everything else that we have at our disposal, that is fine. At the moment, we have received about six to eight comments, have we not?

[273] **Val Lloyd:** It has not been many.

[274] **Michael German:** Not many at all; yet, we all know that this is an issue that has generated a lot of public interest. Either we get the commission to do something, or we do it as a committee.

[275] **Val Lloyd:** It would be useful if we took it forward, because I am looking at the letter that we received, dated 19 February, from the First Minister. The last sentence says:

[276] 'I will write to you when I have a firmer idea of what our proposed Scheme would involve.'

[277] Any evidence that we could gather would add to that, would it not? It is obviously in the pipeline; it is being thought about and developed. Anything that we could generate could therefore be passed on.

[278] **Michael German:** We also need to let the First Minister know that we intend to take it out much more widely and take a much more public perspective on this to gauge the public mood and feeling in Wales, using all the facilities at the Assembly's disposal.

[279] **Bethan Jenkins:** I mentioned this in previous meetings, but I do not think that it has been brought forward. I think that Non Gwilym or the external communications team should come before the committee to speak about how they promote the Petitions Committee in general. This particular issue could be seen as part of that. At the moment, I do not think that I

am grasping fully what the Assembly external communications team is doing in relation to that—I am not trying to be critical. If someone from the team came before us, as a committee, things would be clearer. It seems to me that discussions have been going on between one person and another, but that there is a lack of clarity.

[280] **Val Lloyd:** For me to be clear in my mind—I am sorry, Andrew, you did indicate that you wanted to speak.

[281] **Andrew R.T. Davies:** While the First Minister's letter is welcome, he is pursuing it from the governmental point of view, but we are a committee of the National Assembly. The two are distinct institutions. Hopefully, while the two parties would come to the same conclusion, I suggest that there is scope for the institution of the Assembly to exercise its independence, and scrutinise and look into this issue.

[282] I suggest that Matt Dicks, who has just been taken on board in the press office, would be a good complement to Non Gwilym coming to a meeting to discuss the various options that might be available to us.

[283] **Val Lloyd:** I agree with what you say about the distinction between us and the Government but we could still send on any evidence that we collected and feed it in. Therefore the first outcome is to ask Non Gwilym, in her capacity as head of external communications, and Matt Dicks, in his new capacity, to come to give us information. Perhaps we could arrange that. As it is internal, we might be able to arrange it for the next meeting.

[284] We will now move on to discuss petition P-03-152 on the Cefnmawr FlexSys rubber chemicals plant. I think that we have taken this petition as far as we can take it, unless Members have a different viewpoint.

[285] **Andrew R.T. Davies:** Sadly, Chair, I think that you are correct in saying that we have taken this petition as far as we can. We have had a level of correspondence that has given us an understanding of the situation. I think that we could proceed to closing the petition.

[286] **Val Lloyd:** I do not think that there is anything more that we could do with it. The plant has closed, and we are told that the Health and Safety Executive is dealing with it. Is everyone agreed that we close the petition? I see that you all agree.

[287] We now move on to petition P-03-156 on sleep apnoea. Perhaps we could write to the Minister to request further information regarding the timescale. We need to keep this on the front foot because it is a busy time for local health boards with reorganisation. It is something that could be overlooked. Perhaps we should attempt to get something in writing regarding the timescale. Is that agreed? I see that you all agree.

[288] We now turn to petition P-03-162 on improvements to the A40 near Llanspyddid.

[289] **Bethan Jenkins:** It seems to me that there will be a review from the Deputy First Minister; therefore, I wonder whether we could be notified regarding the timescale for the completion of that review, and perhaps notify the petitioner of that.

[290] **Michael German:** I think that we could presume to keep the petition open until we have had the response.

[291] **Val Lloyd:** Yes, exactly. Is everyone content? I see that you are.

[292] The final petition to be considered is P-03-166 on Abertillery and District Hospital. Is there anything that we can do, apart from closing this petition? We have taken it as far as we can. We could obviously let the petitioners have all of the information that we have.

[293] **Bethan Jenkins:** I do not know how we could progress any further.

[294] **Michael German:** The letter from Edwina Hart discusses the guidance, which is £500,000, and not being able to place a market valuation on Abertillery and District Hospital. I know the buildings, and given the size of the site and its location, I would have thought that £0.5 million is probably far less than what you would get for this site. I would have thought that you would probably get more than £0.5 million for the whole site. Although the trust may not be able to sell the site, or whatever it wants to do with it, at the present time, if it did sell it, the money would not go to the trust—in this case, the new Aneurin Bevan NHS Trust—but into the central pot. I think that there is an issue at the bottom end as to who would make the decision: whether the decision will be taken by Edwina Hart to sell it because it would come into her pot, or whether it would be a decision for the local trust. My feeling is that, knowing the site, it is likely to be the central pot. That will not give any local input from the health community or anyone else as to the results, or where the money would go.

12.20 p.m.

[295] **Val Lloyd:** Am I reading this correctly? As I understand it, the main point of this guidance is to reduce the amount that the trust can retain from the sale to £500,000. So, it will get £500,000.

[296] **Michael German:** It will get something, but it used to be considerably more. It was £2 million. Can we write to the petitioners with that last letter from Edwina, point out that the figure is down from £2 million, and ask for any further comments? It is not that I want to keep this open longer than necessary, but I would like to give the petitioners the chance to comment on the letter.

[297] **Val Lloyd:** So long as they are aware that there is little that we can do.

[298] **Michael German:** That is what I am saying. It is for the petitioners to decide what they want to do with it. At least they will know the facts.

[299] **Andrew R.T. Davies:** Would it be pertinent to write to the local NHS trust? The level of money has been changed in the interim—down from £2 million to £0.5 million. What consideration has the NHS trust made, first, when it was making its initial decision on the retention of this money, and, secondly, now that the new guidelines have come in? That is a significant shortfall in expectations; £1.5 million less. I do not know the value of the site, but Mike has indicated that it could be quite significant.

[300] **Michael German:** It could be a very large sum.

[301] **Andrew R.T. Davies:** That might be a material consideration in how the NHS trust will finally dispose of the site. I assume that the asset would remain the trust's asset until the point of sale, and only then would the money be clawed back and reallocated.

[302] **Val Lloyd:** It is clawed back into the health budget.

[303] **Michael German:** But not the local health budget.

[304] **Val Lloyd:** Yes, I accept the point.

[305] That concludes the discussion on the petitions before us today. I have not had any comments regarding updates. Before I close the meeting, I again thank everyone who has facilitated our meeting here today. I realise that it has involved extra work for many people, and we are very grateful indeed for the use of the facilities and the goodwill afforded to us by those who have helped to arrange this. Thank you very much.

Daeth y cyfarfod i ben am 12.22 p.m.
The meeting ended at 12.22 p.m.