

Sustainability Committee

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Access to Inland Water in Wales""

Evidence paper prepared by the Welsh Assembly Government for the National Assembly for Wales Sustainability Committee

Background

1. The Sustainability Committee is currently undertaking an inquiry into access to inland waters in Wales. This paper sets out the Welsh Assembly Government's views on this important issue and also outlines the policy approach and related action the Assembly Government is taking in order to improve current opportunities for the public to enjoy healthy recreation on Wales' extensive waterways, on a responsible and sustainable basis.

Current position on access to waters in Wales

2. Wales has extensive water resources, including more than 3,000 miles of rivers, over 100 miles of canals and over 600 lakes and reservoirs as well as over 700 miles of coastline, including some very important estuaries (Dee, Severn, Conwy, etc). These waters are used for a range of recreational and sporting purposes including riverside and canal walking, angling, swimming, canoeing and boating activity. As well as participation in these activities by the public in Wales, water related recreation is also very important to visitors to this country. For example, Visit Wales estimates that water sports holidays in Wales account for 880,000 tourism trips and £160 million annually in tourism spend. Up to £120 million (Drew Report) of this spend is estimated to be on fishing trips by visitors to Wales (inland and sea fishing).

3. Sailing, canoeing and angling are the most popular activities in terms of outdoor water sports and Wales has some important facilities or centres catering for each of these activities. However, while angling takes place in many locations across Wales, other water-based recreational activities are not yet widely pursued on Wales' extensive water resources, with the exception of canoeing.

Participation rates and surveys

4. The nature of participation in sport and physical recreation in Wales varies. Information from a Sports Council for Wales survey (2004/5) based on 22,000 people reveals that 45% of the adult population in Wales participate in outdoor pursuits. Walking contributes significantly to this figure. Participation in water-based recreation is relatively low (2%). Information from the governing bodies of the different watersports indicate a mixed picture in terms of potential future demand with some growth suggested in canoeing, sailing and surfing, with interest in rowing growing reasonably rapidly. Results from CCW's Welsh Outdoor Recreation Survey 2008 (covering some 6,000 people) also indicate that around 10% of those surveyed would like to participate more in outdoor swimming and in other non motorised watersports. These figures suggest that for most watersport activities, Wales has sufficient water resources to meet current and likely future demand. In respect of Angling approximately 75,000 licences were issued in 2009, an increase of 6% on the previous year.

5. Indeed there is good evidence to show that Wales water resources are an under-utilised natural recreation resource - for example from information contained within the Strategic Plan on Water Related Recreation in Wales, referred to below.

Environmental considerations and access codes/agreements

6. Environmental damage may occur if watersports activities are pursued in very sensitive environmental sites without effective management. A good example of this is the Pembrokeshire Coast which has a rich diversity of wildlife and habitats, much of it legally protected. At the same time a very wide range of leisure and commercial activities take place around this coastline. To manage potential conflicts and to help avoid wildlife disturbance and other problems, the Pembrokeshire Marine Code has been put in place by the Park Authority and County Council and agreed by all the main local tour boat operators, diving, sea kayaking and other sea-based activity clubs, etc. In the Welsh Assembly Government's view, the same kind of voluntary restrictions on access and timing of activity - to avoid conflicts with other users and to protect the environment - can be incorporated into voluntary access agreements on inland rivers in order to assist wider use/access by different water recreation users.

7. This is the case already with the access arrangements put in place by the Wye and Usk Foundation on these two rivers. The Assembly Government believes that similar agreements could help prevent potential damage by water-related recreational activities to fish spawning grounds (redds) and other environmentally sensitive water sites. Indeed well managed water-related recreation can help secure important environmental improvements. For example, angling organisations, landowners and private sector operators have worked in partnership with the Environment Agency to deliver a significant increase in the availability and quality of riverine game fish and coarse fish habitat in Wales.

Legal position on access to water in Wales

8. There is a general right of access to coastal and tidal/estuarine waters in Wales for navigation and fishing - and this is generally well

used for sailing, boating, canoeing and angling purposes. However there is no general right of public access to inland waters. In this case access rights are generally enshrined in common law and are vested in the riparian owners - ie those who own the land alongside the riverbank/lakeshore. Changing this position in order to give the public a legal right of access to all waters in Wales would not be straightforward. Furthermore, the National Assembly for Wales does not currently have the legal powers to introduce such a public right of access. This is because Schedule 5 of the Government of Wales Act 2006 - which provides details of the overall legislative competence of the Assembly - does not contain any matters which would enable the National Assembly to legislate on access to water. The Assembly would therefore need to secure a Legislative Competence Order to insert appropriate matters into Schedule 5 before it could bring forward an Assembly Measure to create new access rights in relation to water.

9. Irrespective of any riparian rights all anglers are required to register and purchase licences in order to participate. The Heritage Netsmen enjoy access and promote Wales' cultural identity and heritage by practising historic fishing methods in a way which is almost unique i.e. use of coracles and other traditional fishing methods. This activity is managed through the use of the Net Limitation Order, which restricts fishing effort and requires Netsmen to pay a fee to the Environment Agency for appropriate licences to enable them to continue to fish.

10. The revenue raised through the management of angling activity and netsman alike contributes to the management, protection and improvement of inland waterways and fisheries.

Position in Scotland

11. In this context, the Assembly Government has also followed with interest developments in Scotland on the water access issue with the introduction there of the Land Reform (Scotland) Act 2003 which provides for public access to the countryside as well as to inland waters. The Act has been backed up by a statutory Outdoor Access Code explaining the rights of the public and those of land managers. The Act and Code are based on three key principles - respect for the interests of others; care for the environment; and personal responsibility (bearing in mind that access to the countryside and to water is not risk-free). While experience to date in Scotland appears to reveal few problems arising from the legislation, Wales has fewer big rivers and many smaller rivers which may not be suitable for a wide range of water-related recreation activities because of their low flows for much of the year. In addition, where a number of water-based activities take place on the bigger rivers in Scotland, for example the Rivers Spey and Tay, access agreements and/or zoning agreements have been put in place or are being considered to help manage potential conflicts between the different user groups.

Welsh Assembly Government approach

12. The Welsh Assembly Government has been keen to secure more opportunities for the public and visitors to Wales to enjoy Wales' extensive water resources on a responsible, safe and sustainable basis. This is wholly in line with the commitment in our One Wales forward agenda to foster a stronger sense of public ownership in the Welsh countryside, urban green spaces and coastline. We are taking this work forward in conjunction with other key partners in Wales, including the Environment Agency, Countryside Council for Wales, Sports Council for Wales, the Forestry Commission and the National Park Authorities as well as representatives of recreation user groups. The Assembly Government considers that increasing and improving access to Wales extensive water resources can bring a number of positive benefits, not least in terms of economic benefits to local communities, encouraging more active lifestyles/healthy recreation and in terms of social inclusion. At the same time it needs to be remembered that access to the water environment has inherent health and safety implications too.

13. In the light of these factors, we have focused our efforts on a range of practical actions in support of improving public access to the water environment in Wales. This agenda is often portrayed in the media as only really being concerned with anglers and canoeists - but the Assembly Government's approach is based on improving access for all, rather than for any one particular user group.

14. Key actions/asures taken to date by the Assembly Government on the water access agenda are as follows:

a. funding in 2007/8 for a series of water access pilot projects

The Assembly Government's Department for Environment, Sustainability and Housing funded 5 pilot projects on different types of waterways in Wales (rivers, a canal and a reservoir) to explore the access and related and management issues involved. The pilots generally delivered on the objectives set for them. One of the projects involved the development of new voluntary access agreements (for canoeing and other user groups) on the Rivers Wye and Usk (including provision of new/improved access/egress points).

b. the development of a Strategic Plan on Water Related Recreation

The Assembly Government commissioned the Environment Agency, Wales to produce this plan and it was published in June 2008. The plan reviews the existing provision in Wales for water-based recreation and identifies a range of potential opportunities and locations for new/improved water access. The main issues identified in the strategic plan for action are now being followed up via an Action Plan (and involving the Assembly Government and key partners: CCW, Environment Agency, Sports Council, Forestry Commission and British Waterways.).

c. introduction of a new water access grant - the Splash Fund

This new grant was devised and introduced by the Assembly Government in July 2008. The Splash Fund is proving very popular and is providing £400,000 per year in grant to support practical projects across Wales securing better public access to waterways. Projects have been supported at a range of sites, including improved facilities for canoe access on the Montgomery Canal; new angling and disabled access facilities at Waun Pond, Blaenau Gwent; a new water sports lake at Llandysul in West Wales; and a new watersports base at

Porthcawl. A full list of the projects funded to date under Splash is attached at Annex A.

d. promotion of voluntary access agreements

Building on the new access agreements on the Wye and Usk, the Assembly Government has been encouraging others to consider implementing similar agreements on other rivers in Wales - for example in correspondence with various angling groups. The Splash fund has also supported a canoe access feasibility study on part of the River Ogmore.

e. establishment of a Round Table on water access

Recognising that there can be conflicting interests in relation to water access, Jane Davison AM, as the Assembly Government Minister with the policy lead on this issue, has been seeking to build consensus between the angling and canoeing interests, encouraging them to work jointly at the local level to secure more voluntary river access agreements such as those on the Wye and Usk. As part of this she has established a 'Round Table' group of water pursuits interests. The group is next meeting on 18 January 2010.

f. water-based tourism - development of Wales' potential

Visit Wales is working to secure opportunities for visitors to participate in a range of water-based activities. Specific activities include management of the Fishing Wales website providing information for angling tourism in Wales, and the promotion of marine-leisure tourism through Wales Watersports International, which proactively markets Wales as a watersports destination. It has also recently finalised a new Paddle-sports Tourism Action Plan 2009-2012, designed to help promote Wales as a destination for canoeists (focussing on coastal and other waters where a clear right of access or an access agreement exists).

g. development of watersports in Wales

Closely related to f. above is the work of the Sports Council for Wales in promoting more public participation in watersports in Wales and in managing key water sports facilities and centres in Wales such as Plas Menai and Canolfan Tryweryn in North Wales and its involvement in the new white water centre in Cardiff Bay. One of the actions in the Creating and Active Wales Action Plan is to develop an outdoor activity forum linked to the physical activity network better to co-ordinate opportunities for outdoor recreation and share good practice.

h. development of inland fisheries

Wales is considered to be a prime location for angling, and in particular for sea trout. The Assembly Government's Fisheries Unit is working closely with the Environment Agency, Wales to develop sustainable fisheries within Wales. The Environment Agency receives £4.1 million a year as grant in aid, including the Sustainable Fisheries Fund (£800,000) for delivering key aspects of the Welsh Fishery Strategy, one of which is the increased participation in angling in order to deliver socio-economic benefits to the wider community. In addition the Agency sold an increasing number of rod licenses in Wales, approximately 75,000 in 2009, generating additional revenue (approximately £1.5 million in 2009) that is reinvested in fisheries management work.

i. fishing and heritage

The Heritage Netsmen enjoy access and promote Wales' cultural identity and heritage by practicing historic fishing methods in a way which is almost unique - i.e. the use of coracles and other traditional fishing methods.

j. EU Convergence Funds and water-based facilities

The Assembly Government is also working with key partners (the Environment Agency, CCW, SCW and others) to help ensure that water-based projects are supported under relevant programmes being funded through the EU Convergence Funds. Examples include projects being developed under the Communities and Nature, Coastal Tourism, Sustainable Tourism and the Valleys Regional Park programmes.

Conclusions/next steps

15. As noted above, a number of practical actions are under way by the Welsh Assembly Government and its key partners to help secure improved opportunities for the public to enjoy Wales' extensive water resources for healthy recreation. The Assembly Governments' view is, however, that there is much more scope for voluntary access agreements to be put in place on many of Wales rivers and lakes. We would welcome the Committee's views on how this might most effectively be arranged and on the related issue of how codes of practice and where these might be most usefully applied in the future as part of this agenda.

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Jane Davidson AM, Minister for Environment, Sustainability and Housing
Elin Jones AM, Minister for Rural Affairs
Alun Ffred Jones AM, Minister for Heritage