



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

**Y Pwyllgor Cynaliadwyedd
The Sustainability Committee**

**Dydd Iau, 24 Medi 2009
Thursday, 24 September 2009**

Cynnwys
Contents

- 3 Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions
- 4 Ymchwilliad i Fynediad i Ddŵr Mewndirol—Sesiwn Dystiolaeth
Inquiry into Access to Inland Water—Evidence Session
- 22 Ymchwilliad i Fynediad i Ddŵr Mewndirol—Sesiwn Dystiolaeth
Inquiry into Access to Inland Water—Evidence Session
- 40 Papur i'w Nodi
Paper to Note

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

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

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

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

Eraill yn bresennol
Others in attendance

Ashley Charlwood	Canŵ Cymru Canoe Wales
Ceri Davies	Asiantaeth yr Amgylchedd The Environment Agency
Richard Harvey	Canŵ Cymru Canoe Wales
Andy Schofield	Asiantaeth yr Amgylchedd The Environment Agency

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

Dr Virginia Hawkins	Clerc Clerk
Meriel Singleton	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 9.02 a.m.
The meeting began at 9.02 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Mick Bates:** Bore da. Good morning and welcome to the first meeting of the Sustainability Committee this term. As usual I have to make some housekeeping announcements. In the event of a fire alarm, you should leave the room by the marked fire exits and follow the instructions of the ushers and staff. There is no test forecast for today. Please make sure that all mobile phones and BlackBerrys are switched off, as they interfere with the broadcasting equipment.

[2] The National Assembly operates through the media of both the Welsh and English languages. Headphones are provided through which simultaneous translation may be received. For those who are hard of hearing, they may also be used to amplify the sound.

Interpretation is available on channel 1 and verbatim on channel 0.

[3] Please do not touch any of the buttons on the microphones as this can disable the system, and please make sure that the red light is showing before you speak.

[4] I have received apologies from Karen Sinclair and Lorraine Barrett, and I believe that Angela is on the way. I thank everyone for their attendance this morning.

9.05 a.m.

Ymchwilliad i Fynediad i Ddŵr Mewndirol—Sesiwn Dystiolaeth Inquiry into Access to Inland Water—Evidence Session

[5] **Mick Bates:** As you are aware, we have already started our inquiry into access to inland water in Wales. This particular piece of scrutiny was sent to us from the Petitions Committee and we have already had one session on the background information that we received when we launched this inquiry in Builth Wells. Today we are taking evidence from the Environment Agency and Canoe Wales.

[6] Throughout this inquiry we will be inviting a number of organisations to give direct evidence. The consultative period has now closed and we received over 500 responses to our consultation. I think that that was the final figure. It is a demonstration of the interest in this particular issue. To cater for this, we will also be holding two round-table sessions to which organisations representing bodies that are deeply concerned about the issue will be invited. We will also use the Assembly bus again and it will visit a selection of locations and we will take as much direct evidence from people as possible. There will also be a session, the organisation of which we will discuss after this meeting, where Members can engage as they did in the flooding inquiry.

[7] I am pleased to welcome Ceri Davies and Andy Schofield from the Environment Agency. I invite you to make your opening remarks and to introduce yourselves for the record: please take approximately five minutes. Thank you for your paper, which we have received.

[8] **Ms Davies:** Thank you. I am Ceri Davies. I am head of the strategic unit Wales in Cardiff, and Andy Schofield is our fisheries, recreation, conservation and navigation manager. We have submitted a paper, which you have received and, hopefully, have read. We have wide responsibilities for managing the environment and we act as an environmental champion. We play a major role in creating high-quality environments through our regulatory and enforcement activities. Earlier on this week you might have seen some of the press coverage around water quality and the general quality assessment results that were produced stating that, with regard to river water quality, 95 per cent of Welsh rivers are of a good or very good quality. Last year, in terms of bathing water quality, 80 out of 81 of the bathing waters in Wales achieved the mandatory standards. Thirty-eight blue flags and 44 green coast awards were issued. So, I think that in the context of this inquiry part of our role is trying to provide that good quality, pristine environment that will encourage people to take part in recreation and enjoy the environment in which they live.

[9] We also provide advice and influence to help others achieve environmental outcomes but, as I have mentioned, one of our primary roles is around protecting the environment. We have clear duties under the Environment Act 1995 to conserve the natural beauty and amenity of the environment, to conserve the flora and fauna and the biodiversity that aquatic life thrives on, but also to promote water and land-based recreation. So, we do all of that and try to do it in a fine balance between managing the environmental impact while encouraging people to use and enjoy the environment in which they live.

[10] In terms of the experience that we bring to this inquiry, there are some key documents. We have covered this in a lot more detail in our evidence, but I will just pick out some of the key work areas that we have focused on. In June last year we produced a plan for water-based recreation with other public bodies in Wales. The plan looks at the supply of, and demand and opportunities for water-based recreation under the current legal framework. The actions are broadly split out into three areas: the sort of initiatives that would be required to build a better evidence base for better future decision making; the actions that we need to fill current gaps in provision for access to existing sites; and also looking at the bigger initiatives and opportunities for raising the profile of Wales through creating centres of expertise. We are currently working with the Countryside Council for Wales, the Assembly Government and the Sports Council for Wales in trying to develop an implementation plan to deliver this strategy over future years.

[11] Since July of last year we have been administering the Splash Water Recreation Challenge Fund, with money provided by the Welsh Assembly Government. We do this in partnership with the Assembly Government, CCW and Sports Council for Wales. The Assembly provides funds of £400,000 a year for three years and what we are doing is trying to use that money to help improve and promote public access to the waters of Wales.

9.10 a.m.

[12] A huge variety of projects have come forward, with around 154 expressions of interest to date, with projects ranging from a DVD on gorge walking right through to help with the development of water sports centres. Currently there is an application in for Llandegfedd reservoir. So, there is quite a big range of activities under that scheme.

[13] We have experience of dealing with access arrangements and we set out in the paper some of the areas where we have been trying to promote increased access—the River Glaslyn, for example, and lakes—based on water level agreements. Obviously, through that process, we have had to deal with dispute resolution and also project support, because of the different interests of the water bodies.

[14] We have quite a large role in angling development and we have developed a range of activities to introduce all sorts of people to angling. We have managed to increase licence sales by 15 per cent over recent years, and we have estimated, through working with Cardiff Business School, that expenditure on fishing in Wales is approximately £150 million per year. So, it brings good economic benefits to Wales.

[15] So, in summary, we have experience under the current legal framework of getting voluntary access in place, mainly on public land, and we intend to continue to work on that basis to promote more and more public land to be brought into access. If, however, it is deemed necessary to introduce additional legislation then, as we have also set out in the paper, in our opinion this would necessitate some major changes in historical land ownership and trespass laws, some additional regulatory and management controls to protect the environment, for example, for environmental matters and also health and safety, and also some significant work and resource to deliver the regime and the change that would be needed under that.

[16] With that, Andy and I are happy to take your questions.

[17] **Mick Bates:** Thank you. Andy, would you like to introduce yourself?

[18] **Mr Schofield:** Yes, my name is Andy Schofield. I am the fisheries, recreation, conservation and navigation strategy and policy manager of the Environment Agency based

in Cardiff. I have been working in fisheries, recreation and conservation in Wales for about 21 years. We have a budget of approximately £8 million spent on fisheries, recreation, conservation and navigation. That also includes some of the project funding that we get from Europe. The rest of the budget that we manage arises from grant in aid from the Assembly Government and we also receive income from the sale of rod fishing licences—that is the biggest chunk of licence sales—with a small amount from net licence sales and some other smaller bits of income as well.

[19] **Mick Bates:** Thank you, both for the paper and the introduction that you have just given us. I will start by picking up on that point you raised, Ceri, about the legal position. Could you start by clarifying the legal position with regards to access to water for particular users: anglers, canoeists and swimmers, for example?

[20] **Ms Davies:** Andy, do you want to kick off on this one?

[21] **Mr Schofield:** Yes, certainly. At the current time our view is that much of the access rights are in the ownership of the landholder, that is, the riparian owner of the land. There are examples where that is not necessarily the case, and it is quite complicated in that some of the rights can have been severed from the land, and by that I mean that they could have been sold off to a third party. So you may find that the actual land and the bed of the river associated with it is owned by one person but that some of the rights—shooting rights, fishing rights, access rights—have been sold or leased to another person. It is further complicated by the fact that you may have different people owning different banks of the river, so you could have different owners of the left bank and the right bank.

[22] There are some pieces of water in Wales where there is a public right of navigation, predominantly the lower reaches of the River Wye and also parts of the tidal Dee and the non-tidal Dee just up to Farndon. Elsewhere it is generally regarded that the water is in private ownership. I say private ownership, but there is also a lot of water and land in the ownership of public organisations, although not necessarily the Environment Agency. We own small pieces, but we are a fairly small landowner in that respect. There are organisations that are bigger landowners, such as the Forestry Commission, which owns something like 50,000 ha of land in Wales, and some water associated with that.

[23] **Mick Bates:** I now understand why it is confusing. Let us start with a very simple question about the ownership of the land. Where is the boundary in the river in terms of ownership? You said that there may be different owners on either side of a river.

[24] **Mr Schofield:** Generally, the legal position, as we understand it, is that the midpoint of the river is the boundary between the two owners. If the river moves, through natural erosion, then the midpoint also moves with it. You do get situations where owners can lose parts of the river if it cuts into somebody else's land, through oxbow lakes and things such as that.

[25] **Mick Bates:** That was a brief overview of the legal position in terms of ownership and the different private and public owners and the limited rights of access. Do you think that that is the source of a lot of confusion in this issue?

[26] **Mr Schofield:** Absolutely. In the way that I have just described it, it is very confusing. Having said that, it is fairly well recognised that, if you want to undertake an activity on somebody else's land, you would need to seek permission. Now, it is generally regarded that if it is public land, there is usually public access to it, but, in a private case, you would have to try to approach the landowner and seek permission. Now, in the way that I have just described it, when you have various landowners—and they can have short or long pieces of water—identifying them is very difficult.

[27] Some activities have been established over many centuries and, therefore, those who take part know who the landowner is and have long-established relationships with the landowner in terms of paying for leases or purchasing of rights.

[28] **Alun Davies:** I find this myriad of different structures difficult to appreciate. I live in Brecon. If I wanted to get my canoe out, for argument's sake, and paddle down the Usk, would I have to ask anybody's permission to do so?

[29] **Mr Schofield:** Strictly speaking, you would. I do not know what the actual position is. Boating takes place on the promenade in Brecon, and I assume that that is council or town water. If you wanted to go down from there, you would be passing over private owners' property, so there is a presumption in law that you would have to seek permission. Now, in that example in Brecon there is an access arrangement that has been put in place by the Wye and Usk Foundation, and under certain conditions of that access arrangement you are allowed to enter the river at certain points and exit it at certain points and, therefore, paddle down it.

[30] **Alun Davies:** I get the train sometimes back to Abergavenny and then get a lift home. If I wanted to paddle home up the river would I have to ask anybody's permission?

[31] **Ms Davies:** You would have to ask permission to access the water for a start. So, if you were going over people's private land, you would need to ask.

[32] **Alun Davies:** What I am trying to get at is that we talk about these legal structures but in actual, practical terms, to what extent do these legal structures create the practical issues that we are discussing? To what extent are they enforced or enforceable?

[33] **Mr Schofield:** Basically, you would have to seek permission from the riparian owners, and there would be several dozen riparian owners between Abergavenny and Brecon, some on the left bank and some on the right bank of the river, so that is one difficulty. If you were to go on that water without their permission then our understanding is that you would be trespassing, basically, and that is a civil matter. It is not a matter for the Environment Agency or any other public body to get involved in. The only time that a public body would get involved is if there was a breach of the peace or aggravated trespass or if damage to the environment was caused by your actions.

[34] **Alun Davies:** In practical terms, to prove trespass you have to prove that a person is on your territory, so the owner would have to prove that I was on their side of the midpoint, for argument's sake.

[35] **Mr Schofield:** Yes, they would.

[36] **Alun Davies:** How enforceable is that?

[37] **Mr Schofield:** It is very difficult to enforce, which is why there have been very few cases where an owner has been able to enforce it.

[38] **Alun Davies:** So we have all these legal structures but, in practical terms, there is a great deal of access available simply because of the difficulties of enforcing any legal structures or statutory frameworks that might exist. Is that right?

[39] **Ms Davies:** I should point out that landowners are content with a lot of the activity; they are content to let it happen. So we do not want to paint too bleak a picture. There is a lot of activity going on on water that the riparian owners are happy to allow without entering into legal agreements.

9.20 a.m.

[40] **Alun Davies:** I do not want to labour this, but the point that I am trying to make is that we have a legal framework, which we understand, but, in practical terms, to what extent does practice reflect the legal situation? In my experience, practice does not reflect the legal position at all.

[41] **Mr Schofield:** In practice, I think that there are many owners who object to people using their water, so conflicts arise as a result. In very few of those cases is it actually taken to the next step of those owners actually, as you say, taking somebody to court and suing them for trespass and for any loss that they may have incurred on that water.

[42] **Alun Davies:** Because it is practically impossible to do.

[43] **Mr Schofield:** It is also really costly to do that.

[44] **Mick Bates:** I would like to bring Lesley and then Brynle in on this. We will discuss policing later on.

[45] **Lesley Griffiths:** Looking at the paper that you submitted in relation to your strategies and policies, what are you doing within those strategies and policies to encourage, promote and increase access to the waters?

[46] **Mr Schofield:** In terms of what we are doing, across the board, across all activities, we undertake an element of promotion. For example, on the River Wye, where there is a public right of navigation and we are the navigation authority, we have produced a guide to canoeing, which contains access and egress points and features along the way, so that people can canoe and paddle down the river. We have done the same thing in terms of fishing. However, of course, the fishing guides cover the whole of Wales, because we have more detail about who owns what and where, and where fishing is available.

[47] As Ceri has alluded to, we have been administering the Splash grant scheme. We do not make the final decisions on who gets the grants; that is done as a panel. So, we have been able to provide some funding—pretty much for the first time in many years—so that individual projects can be taken forward. Some of those are delivering new facilities, some are providing new equipment, in some cases it is training, and in a few instances we have provided funding through the Splash scheme so that new access can be negotiated, where possible. So, for example, on the upper Wye and the Usk rivers where there is not a public right of navigation, the Wye and Usk Foundation has been trying to put in an access arrangement.

[48] We have got involved in trying to help in terms of dispute resolution and negotiating access. We own what is probably the most popular site for paddle sports in Wales, which is the National White Water Centre, Canolfan Tryweryn. That is managed under agreement with Canoe Wales. It is a highly designated site in terms of its conservation status and obviously we have to manage some of the activities that take place there as well. That is done very successfully.

[49] **Ms Davies:** Yes, I will just confirm that what we try to do is use that experience to work with others, others in public land ownership, to look for agreements that they can set up for their land to allow greater access. As Andy said, Tryweryn is quite a delicate and sensitive environment and yet, by proper management and control of the whitewater rafting activities, we have been able to balance the risk to the environment while allowing access for the water sports centre. So, we are trying to use that to develop that experience and take that out to

other public landowners.

[50] **Lesley Griffiths:** How do you measure the success of the policies?

[51] **Mr Schofield:** When it comes to fishing, we are able to measure that in various ways because we license the anglers who fish and, therefore, we can communicate directly with our customers in that respect. Across England and Wales there are 1.3 million anglers, so you have a huge database, if you like, and customer base with which we can communicate and get that sort of information. We can undertake some focused market research in that area, and that is what we have done, because we have a duty to maintain and develop fisheries and we also have a duty to promote angling. So, we undertake that market research to identify where the gaps are and where the potential is for growth.

[52] A few years ago, for example, the Assembly, when it first came into existence, looked at the value of fishing to Wales and, as a consequence, provided us with extra funding to develop fishing and fishing tourism, which we have done very successfully through applying for European funding. We have been able to monitor how successful that is, hence the figures that we have—we know that fishing brings about £150 million a year into the Welsh economy.

[53] **Lesley Griffiths:** What about other users, apart from fishing?

[54] **Mr Schofield:** Other users are very difficult, because you do not have the same degree of control and measurement, if you like, over who is there. None of the other water activities are measured. The countryside council has been doing some recent research in that respect and is in the process of publishing a report. I do not have the data to hand to go into that but, hopefully, the council will be able to refer more to that. That gives a breakdown of what sort of activities people are undertaking. It is a very difficult area to quantify and it is an area that we have identified within the strategic plan and implementation plan where we need to try to gather more information.

[55] **Lesley Griffiths:** Do you think that the legislation regarding access to inland water should be changed?

[56] **Ms Davies:** I think that our view is that, at the end of the day, we will work under the legislation that we have. What we are trying to promote is that we think a lot more can be done in terms of public land ownership, perhaps, before we move to that stage. In terms of new legislation, as I mentioned earlier, to set up the legislation in the first place, to make sure that it is proportionate, not too burdensome and targets the right areas, and to then establish management, control and enforcement, is a big step in terms of resources.

[57] So, our position is that we have demonstrated through the activities that we have been involved in with partners that you can improve and gain access through the public holding of land, and we would like to push that much further forward first, to ensure that we have done as much as we can on that side. There is much more that we can do with local authorities that have some quite significant land holdings. We have worked well, as Andy has said, with the Forestry Commission, CCW and the National Trust but, again, local authorities own a lot of land that borders onto rivers and we are sure that there is more that we can do in that respect.

[58] **Lesley Griffiths:** Do you think that it should be changed?

[59] **Ms Davies:** At the moment, no. Our view is that we should explore more, continue with the current legislation and improve that access through public land and, through that, use those demonstrations to the private landowners to give them the confidence that they can reach voluntary arrangements and agreements, because we can manage the impact on the

environment and their concerns in that regard.

[60] **Lesley Griffiths:** You state in your evidence that there is a clear demand from a range of activities for access to water in Wales. Given the targets in the strategic action plan, do you believe that that could be achieved without a change in legislation?

[61] **Ms Davies:** I think that we are aiming to push this through by working more with the public authorities and getting more buy-in from local authorities to get involved with us on more voluntary access.

[62] **Mick Bates:** I have just a couple of points there. Ceri, you raised this issue of local authority ownership. Do you have evidence about the land and what access local authorities already provide?

[63] **Ms Davies:** Yes.

[64] **Mr Schofield:** When we were producing the strategic plan, there was quite a lot of background research and data gathering, and we got information, for example, from the Ministry of Defence, the Crown Estates, the Forestry Commission, National Trust and British Waterways, because they had access to the data and were able to supply it in electronic format. We could then map it. That showed that large areas of mid and upland Wales are in public or semi-public ownership, if I can call it that.

[65] **Alun Davies:** Can you give us some examples?

[66] **Mr Schofield:** The point that I was going to make is that the Forestry Commission owns lots of the upland areas, including the Wye and so on. They are not necessarily areas that people would want to access, because the streams and so on may be too small and may not be conducive to different types of water activity. Another example is the Glaslyn river in Snowdonia, in north Wales. The National Trust is the single owner of a large stretch of the river and two of the lakes, so, as part of one of the pilot projects that the Assembly supported two years ago, an access arrangement and agreement was put in place there. That is one example.

[67] The problem that we had when we were trying to gather that information was that getting electronic data relating to the land ownership of the 22 local authorities was very difficult. We got maps if we were lucky, but a lot of them just did not have their ownership data in a format that we could make use of.

9.30 a.m.

[68] One thing that I have suggested—we said in the implementation plan that we would try to tackle this—is taking two local authorities, for example, and trying to work with them to see if it is possible to identify what they have and what the scope might be. Our view was that, if we identified one of the more urban local authorities, in the south Wales Valleys perhaps, and one of the more rural local authorities, we could compare what the potential was in the other 20. However, it would take some time to achieve that.

[69] **Mick Bates:** You leave me with the vision that local authorities do not know what land they own.

[70] **Ms Davies:** This is about having the information in a useable format so that we can take it forward.

[71] **Mick Bates:** Okay, is the information there but not formatted to your dataset?

[72] **Ms Davies:** Yes.

[73] **Brynle Williams:** I find it hard that we opened this question session with trying to establish who owned what. We have spoken of public ownership, we have spoken of local authorities, we have spoken of various people, but the one group of people that we have not discussed is the fishing clubs and so on. I understand that they own vast tracts of river riparian rights. There is an awful lot of work that they put into this but it has not been mentioned here as extensively as public rights and access and egress from the river. You say that you would like to know who owns the river and where. I would have thought that it would have been reasonably easy to find out—I have been supplied with information here—where clubs own vast tracts of fishing rights. We are very concerned about everybody else's rights, but these people have paid an awful lot of money for these rights. Landowners, as part of their property, legally own it and yet we seem to be talking about opening up their access. They do not seem to be in this equation, from what I have heard this morning.

[74] **Mr Schofield:** I do not think that we have said that we want to open up their access. When I was referring to riparian rights, I was alluding to people who are members of fishing clubs. You are right to say that many clubs and local organisations have, over the years, bought fishing rights and that they have been developed over centuries. We are not just talking about the last 20 to 30 years. Going back to the tenth century, rivers were split into fishing beats, for example. So, we are talking about something that is ingrained in history.

[75] Of course, we recognise that fishing is the one sport where we have details of who owns what and where, but it is not a definitive list. We do not know who owns every bit of water. On some rivers it is relatively straightforward, because you have one or two fishing clubs that own most of the water there. However, in some cases, you have fishing clubs that have bought the fishing rights, or they lease the fishing rights from the riparian owner, and very often it is identifying the riparian owner that is the issue, not the owner of the rights over that, because fishing clubs have widely advertised the fact that they have the fishing rights on a particular stretch.

[76] **Mick Bates:** You refer to ownership of the water. The water itself is not subject to any ownership, as I understand it. Can you just confirm that we are not talking about water, but about land?

[77] **Mr Schofield:** It is ownership of the rights associated with that.

[78] **Mick Bates:** Right, so the water itself is not subject to ownership as such, but the land is.

[79] **Mr Schofield:** That is correct. It is the rights over that piece of land and, of course, it is the bed of river that constitutes the piece of land.

[80] **Mick Bates:** So, what about the fish in the water?

[81] **Mr Schofield:** The fish in the water? There are two scenarios here. In a lake that is in single ownership, those fish are private property. They belong to the owner of the water, because they cannot escape and go anywhere. If the fish are in a river, they are deemed to be wild creatures and, therefore, cannot be owned. So, the fish do not belong to anybody when they are in the river. So, if someone was to stock some fish, they would, while in a bucket, belong to someone, but as soon as they leave that bucket they are wild creatures and, therefore, cannot be owned. If somebody takes those fish illegally, there are different provisions within the theft Act to cater for those two situations.

[82] **Mick Bates:** We will be looking at policing later, but as regards the situation with water itself, within an enclosed body like a lake, did you say that there is a different context to that of water in a river?

[83] **Mr Schofield:** Only with regard to the fish and other structures within that water, because they are in a person's single ownership.

[84] **Mick Bates:** The other issue that you raised was on the rights of public navigation. How were they established and are those rights in statute?

[85] **Mr Schofield:** Yes, I think that it was the Wye Navigation Act 2002 that established the Wye navigation authority and, in order to manage that, we have a Wye navigation advisory committee, comprised of people in the local community, to advise on how we should best manage activities there.

[86] **Mick Bates:** How extensive are these public rights of navigation?

[87] **Mr Schofield:** Basically, they extend into all tidal waters, so the estuaries would be included within that. It is the public rights up to, I think, Hay-on-Wye or Glasbury, but I think that a landowner above Glasbury allows people to go from Hay down. My understanding as regards the River Dee—it is not controlled by us in that case—below Farndon, which is above Chester, is that the access is controlled by Chester City Council.

[88] **Mick Bates:** There are a lot of issues there.

[89] **Rhodri Glyn Thomas:** I think that we have established one or two things, one of which is that ownership is very difficult to prove. You have ownership of various banks, in terms of rivers at least, but lakes are different. In terms of rivers, you do not have ownership of the water. You have rights to use the water in certain circumstances. There is little or no policing of what happens in terms of rivers and lakes in Wales, or that is what I have taken from your evidence. In your written evidence, you claim that there is a perceived increase in demand for access. Now, perception and reality are normally two different things. Are you telling us that people seem to believe that there is an increased demand for access or is there an increased demand for access? The wording of your written evidence suggests to me that you are saying that a lot of people seem to think that there is an increase in demand but that it is not there in reality.

[90] **Ms Davies:** I think that the situation is based on our experience. So, we are using our experience at Tryweryn, where the agreements were set up and that centre was put in place, and the demand has increased; it is now a really popular place. Again, in Llandysul, there is a great demand for access. So, when the arrangements and agreements are put in place we see the demand rise and, from that, we can see that people are looking to use the water more.

[91] **Rhodri Glyn Thomas:** So, is the increase in demand not perception but reality? Is there an increase in demand?

[92] **Mr Schofield:** Yes, but quantifying it is very difficult.

[93] **Ms Davies:** It is difficult without a mechanism for having licensed people.

[94] **Rhodri Glyn Thomas:** I accept that, but that is different from saying that it is a perception rather than a reality. So, there is an increase in demand, but are you telling us that you do not believe that there is a need for a change in legislation to cater for that increase in demand? Do you believe that it is manageable within the present situation?

[95] **Mr Schofield:** We have only had the strategic plan for the last two years, with the public bodies and other organisations working together to try to crack this problem. We feel that there is more that can be done without having to resort to changing the legislation, before you go down that route and all that that incurs.

[96] **Rhodri Glyn Thomas:** Could you just elaborate a little on what you believe can be done within the present context, without changes in legislation?

[97] **Ms Davies:** Shall I start off on that one?

[98] **Mr Schofield:** Yes.

[99] **Ms Davies:** I think that it comes back to the point about trying to get this good information base about what is available in public ownership for people to use. The first stage—that is one of the first actions resulting from the strategy plan—is to try to establish a good plan around what is publicly accessible and available for people to use. We should then move that into looking at agreements—we have set out examples in the paper—and take those out to the organisations that own that land, in order to try to get agreements in place to allow access and use of the land and the water. We would then put in place the necessary management actions, through codes of practice that would govern the use.

9.40 a.m.

[100] We have mentioned some of the access arrangements that we have been involved in negotiating, whether on our land or other land, and there is usually a requirement to have some management action in place, whether it be on flow level or certain areas and certain times where people can do things and then the times when they cannot. So, it is really about trying to set all that out so that we maximise public land ownership opportunities. Our feeling is that moving to change the legislation is a big issue. A lot of work and resource will be required to do that. The first thing that we want to do is try to sort it out, knowing what there is currently and what could be made available, based on our current experience.

[101] **Mr Schofield:** There are some other alternatives that could also be explored, perhaps using some of the existing legislation. For example—I am not a lawyer so I do not want to go into the details—the national parks Act makes provision on increasing access within the national parks. That is associated with a requirement to pay compensation to landowners, which could be a sticking point, because I am sure that it would be extremely costly.

[102] There is a possibility that access could be dedicated under the Countryside and Rights of Way Act 2000, but that raises some issues. The benefits of that would be that it would reduce some of the liabilities imposed on landowners relating to people's safety and so on. However, once the dedication was in place, my understanding is that it would be irrevocable. You cannot go back on it and that dedication remains when the land changes hands. As Ceri said, public land in Wales could also be explored.

[103] **Mick Bates:** I think that Brynle has some further points to raise on access.

[104] **Brynle Williams:** May I move on to access agreements? How do you rate the effectiveness and success of voluntary access agreements?

[105] **Mr Schofield:** There are a few such agreements in place, such as those relating to the Glaslyn, the Wye, Tryweryn, Llandysul and Ogmores. Those are a few of the more significant ones. What makes them successful? You have to have willing partners and people willing to negotiate on both sides of the argument—the people wanting the access, and the riparian owners and those who own the rights. Where they have been successful, there are usually

some environmental protection initiatives built in, and, in most cases, they are based on a sort of ‘paddles off’ flow, if I may call it that. So, when the water levels get to a particularly low point, canoeing or other activity is not permitted. There are various ways of demonstrating that; there are web cameras or you can have signage on the side of the river. On the Glaslyn, for example, there is a simple system, which is just a sign with a green tick and a red cross beneath it. If the water is lapping on the green tick, you can go into the water, but if it is on the red cross, you cannot.

[106] Some agreements put seasonal restrictions in place as well—during the fishing season, for example. That runs from the beginning of March in most instances through to October, and that is when fishing will take place. In the winter, there is then access beyond those points.

[107] There is also a need for clear ingress and egress, which is true of those sites where it does work. That is because not only do you need access from A to B along the water course, you also have to have legal access to get to the water course to be able to enjoy it. That can create quite a lot of conflict. Even with the public right of navigation on the Wye, there is a limited number of places where you can access the river legally. Riparian landowners whose fields and so on are being crossed do not take to that particularly kindly in many places. Where there is single ownership, such as on the Glaslyn or Tryweryn, it makes life an awful lot easier in making the changes.

[108] Where it has not worked, the obstacles come down to mistrust between the parties trying to negotiate. A lot of that is borne out of a lack of awareness of each other’s needs and requirements. There is an issue with who should pay for access. Should there be any payment for access? It is really an issue for the riparian owner to decide whether to impose a charge for people to access and use their right. Given that lack of awareness and respect, I think that there is sometimes a willingness for people to concede either way. Some might relax their rights and others might say, ‘Okay, yes, we accept those conditions and we will go on and use the land’. I feel that that is probably the way forward. If both parties are willing to do that, over time at least the trust will come back, and that is essential to the whole process. If access agreements are to work, people have to trust one another and stick to the agreements when they are put in place.

[109] **Brynle Williams:** Further to that, what are your views on Canoe Wales making a mandate not to enter into voluntary access agreements because it believes that they are unsustainable and ineffective?

[110] **Mr Schofield:** I think that that is more a matter for Canoe Wales to answer.

[111] **Alun Davies:** What is your view?

[112] **Mr Schofield:** Okay, I think that Canoe Wales is quite right not to enter into access agreements. It is the governing body of the sport, just as the Welsh Salmon and Trout Angling Association is the governing body of game fishing in Wales. The Welsh Salmon and Trout Angling Association would not expect to sign access agreements so that people can go fishing. That is done at a local level through local groups, be they syndicates, private individuals or local clubs. I think that the same should apply to other forms of access. We are talking about canoeing, but there are lots of other activities that take place as well, such as swimming, rowing, scuba diving and gorge walking. However, I know that we are focusing on the angling and canoeing, because, if we can bring those parties together, we can make progress.

[113] **Brynle Williams:** The problem is that the anglers have already spent an awful lot of money, which, in effect, has given them access to the river bank. Then, all of a sudden, they

are expected to open it up willy-nilly to everybody else for nothing, effectively. That is my understanding of it, anyway. They have paid large amounts for access to fish.

[114] **Mr Schofield:** Yes. We have invested heavily in that as well and worked with them to improve the environment around the rivers of Wales. There are numerous examples that I could give on that front.

[115] **Mick Bates:** I want to go through our main issues. Angela is dealing with the financial side of it, you might say, but we will take the environmental issues first.

[116] **Angela Burns:** Could I just ask a tiny supplementary question on that? I appreciate the view about Canoe Wales, but, in your experience, has there been any reluctance to enter into agreements at a local level from local canoe and angling clubs? In other words, are the governing bodies leaning on all the participants in the sports to say, 'We are not talking to each other because we are having a showdown at the Assembly'?

[117] **Mr Schofield:** There has been a reluctance to enter into agreements, and that is the overall answer to the question. I cannot say whether governing bodies have been leaning on the people locally as to whether to enter into those agreements. That is up to them to determine.

[118] **Angela Burns:** It is just that, having read quite a chunk of the evidence, it seems to me that it used to work quite well and then it has suddenly stopped working over the last few years.

[119] **Mr Schofield:** You will obviously have the opportunity to ask Canoe Wales, but I think that one reason why is that, in the past, there were those 14 access agreements, which were mentioned, and people seemed to think that they worked quite well. I think that the situation has moved on. Canoe Wales clearly has issues over the legal right of access, and that is one of its issues, but another issue is that it feels as though it should not be the one to sign the access agreements, because it does not have control over all canoeists. An awful lot of canoeists are not members of Canoe Wales. It would be taking on liability for a range of people over whom it does not have any direct control.

[120] **Mick Bates:** A couple of interesting points were made there about legal control. On the environmental impacts, Leanne is next.

[121] **Leanne Wood:** In your evidence, you say that recreational activities may have adverse impacts on the spawning success of individual fish but that there is little empirical scientific evidence to demonstrate that significant damage does occur. Is that because the research has not been carried out, which would answer the question, or because the research that has been done has found no adverse impacts?

9.50 a.m.

[122] **Mr Schofield:** Very little research has been carried out, and that is true across the world, as this is an expensive area of research. It would be useful if we could carry it out and resource that. The work that is quoted very often is a paper that the agency produced a few years ago, but that was based on the opinions of the managers and was not research carried out on the ground. It is a valid technique, because the people who were asked were the scientists and the knowledgeable people. That paper said that, provided that the recreational activity was undertaken in suitable conditions and in an appropriate manner, the risk of damage to the environment by much of it was very low.

[123] **Ms Davies:** May I just add to that? We work on the basis that the river is a changing

environment and, particularly in floods, it can be quite vigorous. There is the opportunity for risk to the environment, especially on ingress and egress to the water, particularly people wading through it, but then the river also has the capacity to cope with that because of its normal natural environment. So, many of the controls to protect the environment involve looking at low-flow conditions, as Andy said earlier, and at particular times when the environment may be more sensitive—if fish are spawning, for example.

[124] **Leanne Wood:** Okay. If access rights were expanded and the numbers of people using the river annually went up significantly, do you think that there would be any significant impacts on the environment?

[125] **Mr Schofield:** It may well lead to an impact. We would have to try to assess what degree of risk that increase would pose. As a consequence, perhaps we could bring in regulations through bye-laws that would control where, how and when the activities might take place. That is currently what we do with fishing. Any fisherman will tell you that we have some very complicated bye-laws that have evolved over many years, and their purpose is to control where, when, and how people can fish—particular techniques may be used at certain times, using a certain size of hook, for example. All those are designed to protect the fish at particularly susceptible periods of their lifecycle.

[126] So, if there were to be an increase in recreational activity, yes, we would get concerned and would have to look more closely at introducing further regulations. There are laws to protect spawning fish at the moment.

[127] **Leanne Wood:** When you say that you would have concerns, can you tell us what kind of things you would be concerned about? What would the impacts be?

[128] **Ms Davies:** To use Tryweryn as an example, to open that up, we would have to monitor the numbers carefully to see what the impact was on the environment, to see whether we needed to introduce controls to ensure the right balance between the potential impact and the number of users, and then to put mechanisms in place to limit the number of times that people are there, the duration, or the flow levels. So, it is a case of monitoring the environment and putting protection in place to balance the impact of recreational access.

[129] **Leanne Wood:** Would it depend on the particular stretch of water that you are talking about whether you needed to introduce regulations to limit the number of people using a particular stretch at a particular time? It would depend on the local circumstances, would it?

[130] **Ms Davies:** Yes, and, as Andy has said, that is why there is a range of different bye-laws to protect whatever environment you are trying to protect. Whatever it is sensitive for, you would use different mechanisms to apply that protection.

[131] **Mr Schofield:** One issue that often gets raised is the risk of transfer of diseases, parasites and inappropriate non-native species through recreation. As recreational activity increases, the associated risks increase. As particular things like climate change take effect, we start to see new species evolving, so we do not know what is around the corner. It would be very difficult to tackle that through legislation. That is more about education and raising awareness so that people are aware of the risks.

[132] The people who use rivers, whether they are canoeists or anglers, want to maintain the high-quality environment that they have, which is why they come to use it. Once they are aware of the situation, they will steer clear. For example, once a canoeist is aware of the potential to disturb salmon or sea trout in the act of spawning, he will stay away. Where we have got flow-level agreements, they are more inclined to abide by them, but the issue is to raise that awareness so that they know the potential damage that they could be causing.

[133] **Leanne Wood:** Okay, thanks.

[134] **Mick Bates:** Angela is next, on the financial side of this.

[135] **Angela Burns:** Thank you for your paper, which I found very interesting. I just want to explore a couple of the financial aspects quickly, because any new legislation that might be brought in will have an enormous cost element. Of course, there is no point in just bringing in legislation; you then have to be able to police it and monitor it, and that adds more costs.

[136] I am afraid that I missed the early part of the meeting due to an unavoidable incident, so I do not know whether you have already covered this, but could you tell me what your views are on having all users of water registered?

[137] **Ms Davies:** We said at the start that the first thing that we are looking at is a phased approach, with public access and voluntary agreements in the first instance, looking for areas where the streams are too small to support certain activities, perhaps, and certain landowners.

[138] **Angela Burns:** Sorry, I may not have made myself very clear. How about if we said that every angler and canoeist had to pay £100 a year, and every gorge walker £50 a year because they do not do it so often? What about that kind of registration?

[139] **Mr Schofield:** I think that a system like that would have some merits. It would remove an area of conflict that occurs between the users at the moment.

[140] **Mick Bates:** Yes, but anglers already pay.

[141] **Mr Schofield:** Yes, and that is what I am saying. That is the point that I was trying to make. It would level the playing field on that particular point, which is one of the most contentious points when it comes to negotiating access. It is often argued by the anglers that they pay for their permits, their licences, and they pay through their taxes; the canoeists sometimes pay for access but, generally, it is through taxes that they pay. So, the licensing issue is an area of contention.

[142] **Angela Burns:** To turn this on its head, what if we said nobody had to pay anything?

[143] **Mr Schofield:** In that case, we would be out of pocket quite heavily and would be unable to undertake some of our statutory duties.

[144] **Ms Davies:** The point is that anglers pay us to provide the level of protection to the environment. So, having the licence does not give them carte blanche to fish anywhere; it is about us using that funding to police the system, to ensure that the fish stocks are protected, and to give the guidance that we mentioned earlier about practice. So, that is the basis of the current system for angling.

[145] **Angela Burns:** So, just to be absolutely clear on this, are the moneys that are received to do with this sport almost always poured back into the environment, into protecting it, into developing it and so on?

[146] **Mr Schofield:** Yes.

[147] **Angela Burns:** What about the separate moneys for—I am afraid that I do not know much about fishing—putting fish back into the river?

[148] **Mr Schofield:** We do not use the money to stock the rivers.

[149] **Angela Burns:** No, you do not do that. So, you use it to protect the environment.

[150] **Ms Davies:** To protect the environment, to apply the management and controls, and for the enforcement to ensure that we are protecting fish stocks.

[151] **Angela Burns:** Did I catch earlier on that it is about £175 million?

[152] **Mr Schofield:** We bring in about £150 million of revenue into Wales, but through the licensing system—in ballpark figures, as the numbers are increasing—70,000 licences are sold to residents in Wales, bringing in about £1.3 million a year. That is about a third of our core budget, excluding Europe for fisheries, and excluding European-funded projects.

[153] **Angela Burns:** So, removing that licence might do enormous, incalculable damage to the environment in the long term, unless the Government had bottomless pockets, which, as you know, it does not, because of the pressures on the budget elsewhere. That is great. That has answered my questions. Thank you.

10.00 a.m.

[154] **Mick Bates:** Are there any other sources of income that you have considered using so that we could support your desire to increase quality of water, access and so on?

[155] **Mr Schofield:** That is obviously the million dollar question. We have looked at—

[156] **Mick Bates:** Can we find a million dollars? [*Laughter.*]

[157] **Ms Davies:** We wish.

[158] **Mr Schofield:** We have looked obviously at the licensing system, which helps fund fisheries, and we have other activities. The agency spends its budget of about £95 million a year and the fisheries is a small proportion of that. The rest of that money, or an awful lot of it, is spent on improving the environment anyway, making sure that we have the water quality and the water quantity needed so that people can enjoy the rivers.

[159] If we were looking at new sources of funding, that obviously becomes very difficult. You would look at things like taxation, which probably is not an option, or provision of additional grant in aid; if that comes in, it has got to be taken from somewhere else, so someone else has to pay for that.

[160] I have mentioned—this is purely a personal view and I raised it at a waterways conference recently—the point that Welsh Water, when it gave everybody their water rates back, included a rebate of, I think, £22 per household. I asked people in the office about it, and they did not realise that they had received it. So, if you could take a portion of that and put it into some sort of trust fund for Wales, you have potentially 1.5 million households each contributing a few pounds. That starts to build up a reasonable amount of money. I do not know whether it is legally feasible, and how you would administer it would be tricky—people would, perhaps, have to opt in or opt out of it—but if we are going to find some new money we have to find some new means of raising it.

[161] **Brynle Williams:** In looking at new money, is there any merit in licensing canoes and kayaks and so on, to draw a certain percentage of revenue back in that way?

[162] **Ms Davies:** If that were brought in, depending on what it is that you were controlling, in terms of the impact—whether it was access arrangements or protection of the

environment—that money could fund it in the way that the angling income protects the biodiversity interest at the moment.

[163] To add another point, I think that, as an environment agency with the wide responsibility that we have, we look for other opportunities on flood schemes, for example. When we are developing flood schemes we will look at both the biodiversity interests and the recreational interests. So, if we were building a flood defence, could we also build in a walkway or a cycleway, or access points if it is crossing public land, to facilitate that? So, it is about using the wider pot of money, if you like, to provide benefits on the recreational and biodiversity side. Again, we are also encouraging local authorities, which spend money on similar sorts of schemes, to look at incorporating these things, because they often come at very little or negligible extra cost. So, it is about looking for all those opportunities, too.

[164] Again, on the water framework directive side, a lot of the measures that we are putting in place to deal with improving the ecology of rivers in the future will be around the sorts of things that might provide for recreational access and use. We can build those in as well in terms of removing obstructions and all the rest of it, and we can, at the same time, bring in those sorts of access points.

[165] **Angela Burns:** What you have just said is very interesting but I guess that it all depends on being able to contain or monitor the use. For example, if a fishing club has a beat that its members fish, it is not okay for a strange angler to wander down to chuck his or her hook in; that is not okay because the club has paid for the beat and it is looking after it. It is a bit like a football club in the middle of a game not wanting a rugby club to wander onto the pitch. All these access points and so on are great when there is consensus, but it will have to be monitored. You might come to a wonderful agreement that says, ‘You guys are going to use it then and you guys are going to use it then’, but unless there is either mutual respect, which you spoke about earlier, or real understanding or policing, there is still nothing to stop the rogues from transgressing on either patch, is there? So, the financial element of it has got to be tied into the monitoring element.

[166] **Mick Bates:** Thank you. I think that the point has been made.

[167] **Rhodri Glyn Thomas:** We are coming to the end of your evidence, and you have stated quite clearly that you do not believe that a change in legislation at this particular point is appropriate, and you have referred to what can be done within the present arrangements. Therefore, I take it that your view is that there is a basis for reaching a voluntary agreement. I am not talking specifically here about voluntary access agreements, because it is clear that those do not work. You believe that there is a means of coming to a voluntary agreement about access to waterways in Wales, but you have not referred to Scotland, where there is legislation on this issue. Have you looked at the situation in Scotland? Has the situation there changed, improved or deteriorated as a result of legislation?

[168] **Mr Schofield:** That depends on who you speak to. [*Laughter.*]

[169] **Rhodri Glyn Thomas:** That is the evidence that we have been given.

[170] **Mr Schofield:** It is not something that we have looked into in a great deal of detail. The issue of access is not necessarily an agency issue. The Land Reform (Scotland) Act 2003 makes Scottish National Heritage and the local authorities up in Scotland the regulators of access; they are not our equivalent.

[171] **Ms Davies:** Our interest is really in protecting the amenity and the biodiversity interests, so we are interested in maintaining the biodiversity of that location.

[172] **Rhodri Glyn Thomas:** But on that basis, do you believe that a voluntary agreement is possible?

[173] **Mr Schofield:** If sides are willing to talk then, yes, it is possible; getting people to talk is crucial to the whole debate. We have demonstrated that in some areas. Yes, some of the voluntary access agreements are not without problems and people will try to breach them, but as long as the majority sticks to it, hopefully a bit of peer pressure will bring more people to abide by it.

[174] **Rhodri Glyn Thomas:** I want to clarify this. What you are telling us is that, in terms of our inquiry, we have to come to a judgment about whether it is possible for the various interested groups to discuss access and its impact with one another. The only other option we have is to enforce it through legislation. So, we must come to a judgment as to whether the interested groups are going to be prepared to discuss with one another how they can share that amenity.

[175] **Ms Davies:** What I would say is that there are examples where that has happened, so it is possible. As Andy said, sometimes they are not without some problems in the inception and, perhaps, in the running, but it is possible. There are agreements there and there is lots of permissive activity going on as well. So, it is really about trying to push forward on some of the voluntary agreements.

[176] **Mick Bates:** The message seems to be that you would recommend voluntary agreements. I think that that is what it comes down to.

[177] **Ms Davies:** Yes.

[178] **Alun Davies:** If people would talk to each other, there would be peace in the middle east. [*Laughter.*] The reality is that this inquiry is taking place, and we are in this situation, because the ideal that you have drawn for us simply does not exist in practice. That is where we are, that is why we are here today and that is why there was legislation in Scotland—we could not reach that point without it.

[179] I find your evidence this morning very curious in many ways. You are right in a lot of what you say in theory, or in abstract, but in some ways it has been entirely divorced from the reality that we have heard about in some of the evidence. I am not convinced by your arguments about public land meeting the demands for access that we are seeing and that we foresee. I am not at all convinced by the argument that you have made this morning. I am not sure that Forestry Commission land somewhere will solve the issues of access across Wales. I am not convinced either that the local authority route will, at the moment, meet those demands either.

[180] To what extent are you driven by the desire to meet the demands that the public appear to be making? You seem happier to be managing the existing framework than actively looking to proactively enable people to enjoy access to the waterways.

10.10 a.m.

[181] **Mick Bates:** Is that part of your remit? Let us establish that first.

[182] **Ms Davies:** Promoting a sustainable environmental way of doing it is part of our remit. Again, it comes back to our interest and responsibility here being about protecting the environment and making sure that it is sustainable recreational access as opposed to just promoting recreation for recreation's sake.

[183] What I was gunning at in terms of public land was not just about getting it all into recreational use and then that is it. It was about using that to demonstrate that we can reach voluntary agreements and, with that, move out into private land ownership. We recognise that, even if you take into account all public sector land, much more of the land is in private ownership. It is about demonstrating that it can be done, that voluntary agreements can be reached and that it can be workable, before moving to the point of enacting legislation that will be costly and resource intensive. That is what we are saying: it is not that public land is the be all and end all, but it is about demonstrating that it can be done through agreements.

[184] **Alun Davies:** We know that it can be done—intellectually, we can appreciate that—but the problem, of course, is that, in practice, it is not happening. There is enormous discontent, which is why we are here today and why the evidence that we are receiving is probably entirely contradictory to that. People are saying, ‘Yes, there might be voluntary agreements in place in particular places, but here and there it is not working’. Without the statutory framework within which people are compelled to make these agreements, it appears to me that we are not actually reaching those agreements, by definition, because we would not be having this inquiry if that system worked.

[185] **Mick Bates:** I do not think that there is call for comment on that point. Clearly, the point has been made that our judgment is going to be based on this evidence and on what we hear when we scrutinise the Minister. However, based on your experience, you are telling us that changing the legislation is going to be difficult, or it could be, but that voluntary agreements are what you would recommend as the best way forward to complete your promotion of sustainable recreation on water. That is what you are telling us, is it not?

[186] **Mr Schofield:** Yes, and there are other activities, as I mentioned earlier, that could be brought in alongside that. We do not want to give the impression that opening up Forestry Commission land will solve all the problems; it is certainly not going to do that. However, when you add Forestry Commission land to the Ministry of Defence land, to Crown Estates land and to all the other bits of public land, you start to build up big areas of land. I could show you the maps. It is not going to crack the whole issue, but I think that that, alongside some other voluntary access agreements that are taking place on private land and, potentially—as one other area to explore—a code of conduct that everybody signs up to, it could achieve it. To my mind, there does not have to be legislation, if we could get the parties around the table and if we could reach agreement, with that then being fed out to members and publicised widely. Getting that message out about how people should behave could be part of our role, with the other bodies that are involved in the debate.

[187] **Mick Bates:** I think that we have got the point. I will come to you finally, Angela.

[188] **Angela Burns:** This is a really brief point. I got the impression from what you were saying that you would like to see the voluntary agreement method tried more before turning to legislation. You are not saying no to legislation, but the point that I got from you is that you have only had two years of having a go at it and that you do not think that that is long enough for you guys to be involved in helping to deliver the solutions.

[189] **Ms Davies:** Absolutely, and I think that, as we have said, part of this is about getting the evidence base right for where we need to go in the future. We feel that there is a lot more that we can do, with other bodies, to move it forward before getting to the point of legislation.

[190] **Alun Davies:** For how long do you think that we need to fail before we legislate?

[191] **Ms Davies:** I would not say that we are failing. What we are doing here is trying to move forward and provide the evidence over a reasonable period of time. The implementation plan that we are developing with the Assembly Government, the Countryside Council for

Wales and others is looking at getting evidence in place over the next couple of years to drive policy forward—

[192] **Alun Davies:** So you are saying two years.

[193] **Ms Davies:** Yes, in terms of getting that evidence base in place.

[194] **Mick Bates:** I have seen a voluntary agreement in operation, aided by the Splash fund, which in your opening remarks you pointed out is £400,000 a year. There has to be a recognition that it may be necessary to legislate but also that voluntary agreements do work where there is sufficient financial support. That is what I am picking up from your written evidence. Clearly, Splash does work.

[195] **Alun Davies:** So, we are back to Aneurin Bevan, are we, and stuffing their mouths with gold? Is that what you are saying?

[196] **Mick Bates:** That is uncalled for.

[197] **Ms Davies:** No; it is about facilitating discussions. Sometimes there are issues that need to be looked into that take time and money and it is about providing some of that support, if you like, for those negotiations and discussions to take place.

[198] **Mick Bates:** You have also exposed the inequality of the financial support, because anglers already pay; people with vessels and others do not. Finally, and this is finally—

[199] **Rhodri Glyn Thomas:** This is more of a comment than a question. I know that time is running out but I think that it is important that we clarify our position as a committee holding an inquiry into this issue. We have to be clear in our own minds, if we are to go down the voluntary avenue, that the interested parties are prepared to sit down to discuss this. If they are not prepared to do that, the only option that we have is to recommend legislation. That is the basis of our evidence gathering.

[200] **Mick Bates:** We have only just started. Canoe Wales is about to give evidence; that is a question for them. I will draw this session to a close. Thank you both for your written evidence and for your answers to questions this morning. If you have any further information—mapping, I think, was mentioned—will you send it in? Thank you. A copy of the record will be sent to you.

10.18 a.m.

Ymchwilliad i Fynediad i Ddŵr Mewndirol—Sesiwn Dystiolaeth Inquiry into Access to Inland Water—Evidence Session

[201] **Mick Bates:** Thank you for your written evidence, which I read with great interest, especially some of the introductory references to the legal situation. I invite you to make an opening statement and to place your names and positions on the record. We will start with Richard.

[202] **Mr Harvey:** First, thank you for inviting us here today. My name is Richard Harvey, the chief executive of Canoe Wales. With me today is Ashley Charlwood, who is the head of strategic projects for Canoe Wales.

[203] As I am sure that you are aware, Canoe Wales is the national governing body for paddle sport in Wales, recognised as such by the National Assembly via the Sports Council

for Wales. We are a membership organisation and a company limited by guarantee, managed by a voluntary board of directors. As I am sure that you have heard in evidence this morning, we manage the National White Water Centre, Canolfan Tryweryn in Bala, and have done so for the last 10 or 15 years.

[204] We are quite a diverse sport. I suppose that you can compare us to something like athletics in that we have many disciplines. We are an Olympic sport and we are also a form of tourism, a form of employment and a general recreation.

10.20 a.m.

[205] However, while we represent our members, we also feel that we represent the interests of canoeists in Wales and have advocated their interest. As Ashley and our paper indicate, this issue is more complex than just the emotive issue of angling versus canoeing, and it is probably more of a public interest access issue. With that in mind, I would like Ashley to take it forward and start you down the route of why we are here.

[206] **Mr Charlwood:** Thank you for allowing us to discuss at such a high level what is a pretty complex issue. I think that we would like to start by saying that over the last 60 years, we have attempted to be as diligent as we can. We may have been misled in our actions. We tried to secure private solutions for our members when perhaps we should have sought clarity on the legal situation much earlier. So, if we have caused any misunderstanding or erosion of public rights, we would like to take the opportunity to apologise now.

[207] We can go into the wider interpretation of law and our perception of it later on, but we are fully committed to providing information today and after the committee, if you feel that that is appropriate.

[208] **Mick Bates:** Thank you. You hit the nail on the head for me about the legal situation. Why, in your opinion, is there such confusion regarding legal access to water for different uses?

[209] **Mr Charlwood:** It started a long time ago.

[210] **Mick Bates:** With the Magna Carta, according to your paper.

[211] **Mr Charlwood:** Many sections of the Magna Carta have been repealed. There is one clause of the Magna Carta that is still in place today, and it suggests that people's traditional rights should be protected. Continuing down that line, there are other pieces of statute that are still on the books today; there are some relating to the upper Wye where there is a perception that there are no navigation rights. The modern piece of legislation does not say that; it says that a position cannot categorically be formed on the upper Wye. However, there are still pieces of statute that are live that have not been repealed in the modern legislation.

[212] If we carry on, we can say that land enclosures in medieval times made static possession clear and encapsulated sporting rights, sustenance fishing, fishing rights and so on. The highways Act was then introduced to give rights of passage over land, which included footpaths and highways, to enable the public to move around over the land. That is held in a definitive map, so everyone knows the situation. As water is covered by a public right of navigation, it is a different legal structure. That has largely been ignored. Even today, if we ask for a definitive position, which I understand a Welsh Assembly Government Minister did in 2004, it has never been possible to have a definitive map. That has led to our position and the fact that we cannot categorically say whether you can or cannot use a particular piece of water. It is up to the individual because, as a governing body, we cannot say and advocate that you use a particular piece of water under public rights. Neither can we say definitively that

you cannot.

[213] Therefore, our position has had to be that the individual has to make his or her own choice on how to take it forward. If that involves securing a private arrangement for a private individual, that is fine, but can we associate the public right or the public requirement for access to water with a private agreement? We feel that we cannot. The current framework may be there, and many of our members argue that we should just be getting on with it because there is an existing right, but we feel that we would not be fully diligent if we did not go down that route to explore what those rights are.

[214] Does the Magna Carta give us the opportunity or a framework to manage the environment under which modern recreation is taking place today? The answer to that is clear. There were no plastic boats or composite boats, people swimming and gorge walking, people going up and down, and people rowing backwards in narrow boats then. What we are doing today is very different to what the public right is. The public may well be entitled to do these activities without any environmental protection. Is that where Wales wants to be?

[215] **Mick Bates:** We are going to collect evidence so that we can come to some judgment on that. I used the word ‘confusion’ as regards the legal situation, and your reply to my question showed the detail. With regard to the Magna Carta, until that is tried and taken, say, to the House of Lords, you do not have a definitive answer as to whether your statement is correct or not.

[216] **Mr Charlwood:** No, the public does not have that certainty.

[217] **Mick Bates:** What changes do you think are necessary to legislation in order to clarify the issue?

[218] **Mr Charlwood:** I do not think that is for us to determine; I think that it is for the legislature to decide. We can offer information about paddle sports, but I would not like to tweak things for swimming or gorge walking. The fundamental problem at the moment is that we are working from a position where there is a presumption that there is no access. If we started with a presumption in favour of public access, we would be able to work a framework that creates more parity with the rest of the world.

[219] **Mick Bates:** In this session, you can be more helpful than that about changes to the law. Surely, with your experience, and from some of the words in your paper, you have clear views on removing the confusion and making access issues much clearer.

[220] **Mr Charlwood:** We benchmarked other countries around the world where there is less conflict and less confusion. There are different ways in which this has been done. New Zealand did it in 1892 with a Queen’s Chain. Scotland did it in 2003, and Scandinavia did it in 1994. There are elements of each one of those commonsense pieces of law that say that if you are responsible, you have a right and this is how you are expected to behave—you need to respect the environment that you are in and other people’s interests. That accounts for both land managers and users and private rights holders.

[221] **Mick Bates:** Thank you. I think that we had better move on because I know members have many questions.

[222] **Angela Burns:** I am now completely confused over one particular issue. If you take away the water, you have a field or a bank and soil underneath. You talk about the Magna Carta and who owns what, but in the United Kingdom, the law of property is one of the most tried, tested and proven laws available. You own your house, your garden and your field, and

you happen to own the river at the end of it. Forget the water, because I understand that that comes from elsewhere, but the actual soil—the actual river bank and the river bed—is either owned by one person, or by two if there happens to be a boundary line. Whether it is owned by a private individual or a government body is neither here nor there. With all this talk of Magna Carta, are we challenging the property laws of the United Kingdom and saying that we do not understand property ownership?

[223] **Mr Charlwood:** No.

[224] **Angela Burns:** Water is different—I understand that.

[225] **Mr Charlwood:** Private ownership and the stuff that has been encapsulated in the land Act is categoric.

[226] **Angela Burns:** So if the river—

[227] **Mick Bates:** I think that that is clear. We have established that the legal position is that ownership is up to the midpoint, either side.

[228] **Brynle Williams:** I would like to move on to access agreements. We have received evidence in the committee that voluntary access agreements can be very effective. Can you give us the reasons for why the voluntary access agreements have been aborted by Canoe Wales?

[229] **Mr Charlwood:** Access agreements are private. By definition they are agreements between two parties that satisfy a private right. As Andy said in his evidence, while we can address issues privately for our members, we cannot address the public interest. While there is a lack of clarity over whether the public can or cannot have access in the first place, we are very aware that we could be creating a position whereby people are accepting an interpretation, rather than bringing clarity to a situation. In effect, we would be negligent in saying that you can only have access under certain terms.

[230] I accept that on the land there is an absolute position regarding negotiating access—other than for those public rights such as ferry points and traditional wharfs, which allow people to reach the water. There is a need, perhaps, where there is high density use to look at access arrangements if there is something outside Tir Gofal or the other mechanisms that allow public access to the river bank. Once people get on the water, we cannot give a definitive position, and that is why we cannot sign a voluntary access agreement.

10.30 a.m.

[231] **Brynle Williams:** Would it not be beneficial to all if the various bodies like yourself could come to a common access agreement without having to legislate? We have been discussing evidence regarding potential legislation. Is an arbitrary way better than the legislative way?

[232] **Mr Charlwood:** Let us just go back to some statistics. The Environment Agency tells us that half the population like being in, on or around the water, so who represents the interests for a picnicker and creates an access agreement? Who represents the interests of a swimmer? Who represents my daughter when she goes to the Forestry Commission in the summer on a hot day and wants to splash her feet in some water? These are all being challenged by the lack of clarity. Is there an opportunity for a single body or a conglomerate of bodies, other than legislative bodies, to represent the public? I know that that is rhetoric, but that is the situation.

[233] **Mick Bates:** We will cut through that as we move through this session. I have Rhodri and then Alun.

[234] **Rhodri Glyn Thomas:** I would like to clarify your position on this because, in reading your paper and listening to your evidence, it seems to me that you quite like the situation where there is ambiguity and no clear definition of the position. You talk of the Magna Carta and the fact that people may or may not have a right—it is not proven—and you seem to be comfortable in that position. Brynle asked you whether you sincerely want to be in a position where you have an agreement with other users of waterways in Wales about access or whether you want to continue with the situation as it stands, where there is conflict because nobody knows what the position is?

[235] **Mr Harvey:** There are a number of levels to that.

[236] **Rhodri Glyn Thomas:** It was a ‘yes’ or ‘no’ answer—I do not know about levels. It is a simple question: do you sincerely as an organisation want to come to an agreement with other users of waterways in Wales about access?

[237] **Mr Charlwood:** We need a change.

[238] **Rhodri Glyn Thomas:** I take it that that is a ‘yes’.

[239] **Angela Burns:** I think that that is a ‘no’ if you want legislation.

[240] **Mr Charlwood:** We need a framework to remove the conflict.

[241] **Rhodri Glyn Thomas:** Would that be voluntary or through legislation?

[242] **Mr Charlwood:** Voluntary will not work.

[243] **Rhodri Glyn Thomas:** That means legislation. Thank you, that is clear.

[244] **Mick Bates:** That is very clear. I think that we will draw this part of the session to a close. Thank you for that answer.

[245] **Alun Davies:** One of the difficulties I have is that we seem to have a clash of rights. Some people want to engage in a particular activity—fishing for argument’s sake—and others, such as yourselves, want to engage in a different sort of activity. You seem to be arguing that you should have priority and that your rights are more important than others. I say that because the exercise of your rights deprives other people of the ability to exercise their rights, and that is my concern. If, for example, a fishing club or angler has invested in a particular part of a river or body of water, and they are bringing in people to use that body of water, as they have done for generations, or years or decades, their ability to continue to do that is, at best, disturbed, or taken away from them because of the activities that you want to promote. It means that your rights, if exercised, take away the rights of somebody else.

[246] **Mr Charlwood:** Can I answer that with the clarity that you asked for in evidence? What is the difference between perception and reality? With the CROW Act 2000 there was a perception that the hills of Wales would be overrun with people in red Gore-Tex affecting the hillsides. The reality is that people are using the mountain sides. The perception is that Wales is different to the rest of the world. I have been to Slovenia this year and had a fantastic day paddling on beautiful rivers in the morning and then, in the afternoon, catching enormous, metre-long marble trout in rivers with rafts still coming down them, which were smaller than the river Wye. The perception of change is that the rivers cannot be co-operatively used but the reality is that it is not an either/or situation; it is an and/and situation. Yes, there is a need

to modify people's behaviour so that they show a little bit more respect towards other people's use of the resource. In Scotland, prior to the legislation, they circulated a DVD on how people should interact on the river, which included small, sensible points about how to pull out of the river to allow other people to continue to use it for their enjoyment. Let us not forget that coracles, which are ancient vessels, were used to catch fish. How can you have a vessel for catching fish if it is impacting upon them?

[247] I do not know enough about the intricacies of fish behaviour, but when I have been paddling, I have been asked by anglers to paddle through a certain swim because the fish need to be aggressive in order to catch them. If they are stationary, they are lazy. That is why, in Scotland, they take a springer spaniel and throw it into the water to move the fish out of the swim. So, we have to be clear about the difference between the perception of change and the reality of sharing.

[248] **Alun Davies:** It is that issue about sharing that is taxing us because the danger is that the impact, shall we say—not the intention—of these activities is not to share but to disturb and to remove.

[249] **Mr Charlwood:** I hate focusing on canoeing versus angling because I do not think it is a canoeing versus angling debate. We manage the National White Water Centre. Up until 2005, we could not use the stretch of water under Environment Agency ownership down to Bala, which is about 7 km and very narrow. In 2005, the Environment Agency made a bold move and said, 'We own this 6 ft strip. Irrespective of any objection, we will let canoeists go down the river'. Since 2005, many boats have used that stretch of water, because it is a lower technical grade.

[250] At that time, there was a perception that it was going to be bad. The number of fish caught on the lower river since 2005 has steadily increased at the same time as the number of boats going down that part of the river has increased. The interesting point is that it is a dam-released river, so the only time you can go fishing is the only time that you can go paddling. So, they are co-operatively using it.

[251] In management, we have decided on key weekends of the year, particularly at this time of the year, early in the morning on a Sunday, not to send people down the river because the quality of the salmon fishing is so high that there are more anglers and, therefore, there is a greater health and safety risk, because you do not want lots of lines going across the river. That is something that we have locally solved for the management of that river. We advocate that that would need to be the case on any other rivers.

[252] **Mick Bates:** That is interesting. Just before you continue, Alun, I would make it clear to you, the witnesses, that the question of rights will be put to the anglers as well, to ensure that the way we are going to reach our judgment is the best way forward on this.

[253] **Alun Davies.** Thank you for your answers. I just want to complete this line of questioning. Are you prepared to pay for this access or do you believe you should not have to?

[254] **Mr Charlwood:** We removed the charge for using Tryweryn because, fundamentally, water-related recreation does not remove anything from the water. There are issues that need to be resolved around getting into and out of the water, but that also allows diversification of income from landowners. So, taking the Forestry Commission model, do you pay to use their mountain bike trails? No. Do you pay for their car parking? Yes. There is a clear model that is good for the landowner from a liability point of view, but it is also an inclusive model that allows people to make a choice about how they use that natural resource without being overly prescriptive.

[255] **Brynle Williams:** Let us take the fisherman right out of this. On that point, we badly need facilities for your sport to enter and exit rivers. There is a need for changing facilities, toilet facilities, and simple basics. Who is expected to pay for that? Should there be a levy on your members to put these facilities in place, not everywhere, but in certain places? Should we be having—I do not know what you would call them—a canoe highway between point A to point B with facilities at both ends? Who is going to pay for those facilities?

10.40 a.m.

[256] **Mr Charlwood:** On the payment angle, a huge amount of grant-in-aid funding is levied at the moment on the public for the natural water resource. You could argue quite clearly that there is an exclusive benefit for that.

[257] There are highways Acts that allow people to get to the water and the access—be it footpaths, wharves or bridge—is already funded through the local authority. Those are commonly used today by paddlers. CCW tells us that 10,000 to 15,000 people canoe every weekend in Wales. They are not causing massive degradation to the environment; there is statute that would allow that to be prohibited under bylaws and I think that the Environment Agency alluded to that. There are needs in certain hot spots where bank reinforcement may be appropriate or where there is high density use that may require changing facilities, but is that not an opportunity for diversification of income in the local economy? That may already be provided for. I do not know enough, because we are not in the fortunate position of being able to do it, but there is certainly European funding available for that. I am sure there are other grant funding structures that are available for that.

[258] The Splash fund has had £400,000 a year for the last two years, and there is another year to come. Could that be matched against European funding if our position on legal rights was available? I do not know. I am perfectly aware that it raises more questions than we can answer, but the reality is that there are structures in place for funding mountain biking, there are local access fora, as local authorities have duties under the Countryside and Rights of Way Act 2000, and there are all sorts of existing funding streams. We are not looking at exclusively developing paddle sport facilities. Let us look at multi-use. What is good for a paddler to get to the water is great for a disabled angler to get to the water. What about picnicking? Hot spots will draw in picnickers, who would benefit from barbecue sites, and from—in the appropriate locations—toilets, car parking and so on and so forth. There is not a clear-cut case that there is no money available. It might just mean a slight tweak in what we are doing. The rest of Europe does not discriminate between water and land. England and Wales does, although Scotland does not. So, there are funding structures already in place that we may be able to access.

[259] **Brynle Williams:** Do you think, though, that your sport should be contributing a certain amount through levies, through each canoe or—

[260] **Mr Charlwood:** We contribute through taxation, though, do we not? As I think that we have already said, sport has changed recently. Take mountain bikers—how would you levy a fee against a mountain biker for a mountain bike or a rambler for a pair of walking boots? Non-mechanically propelled sports and participation sports generally do not get levied because their impact is so minimal. From our point of view, if we levied our members, we would be discriminating against the groups that choose not to be a part of our association, because they are not competitors or coaches, but just people going out for a paddle with their children. Why would they join us?

[261] **Brynle Williams:** One of the problems that I find is that, up in north Wales, there seems to be a certain degree of conflict between landowners and the illegal elements that

exist, regrettably, among paddlers. How do we deal with that? It is quite a serious aspect of the sport and it is a shame that that small minority are causing a lot of problems for your sport and association. How do we reach those people?

[262] **Mr Charlwood:** Surely, the way to manage anyone is to give them positive opportunities. If there were a clear framework, then there would be every reason for local groups to take ownership of a certain stretch of river and work with local owners. We do that now. Up in north Wales where we need boat passages over stone walls, where there is one stretch of the Llygwy that has very clear rights, we work with the farmer there. We pay the farmer. We install stone walls, and we replace his fencing because of the impact of people using the land. It is possible to do it and it is possible to mitigate the impacts.

[263] However, where there is an absolute 'no', you have an asymmetric balance of power, and you are never going to be able to stop people taking de facto access and manage their behaviour on the land.

[264] **Mick Bates:** I would like to move on, Brynle. Rhodri is next, then Alun.

[265] **Rhodri Glyn Thomas:** I just wanted to clarify your position. Earlier, when I challenged you on this issue, you said voluntary agreements do not work and you have just described to us how a voluntary agreement can work and should work.

[266] **Mr Charlwood:** Okay, let us split the difference then. Voluntary agreements do not work for securing access. Voluntary agreements work for managing participation or activity.

[267] **Rhodri Glyn Thomas:** Okay, I accept that. So, in terms of your position, you believe that there should be free access to waterways in Wales for everybody and, therefore, individual anglers and angling associations should not pay for access to waterways in Wales. Is that right?

[268] **Mr Charlwood:** Sorry, can you repeat that?

[269] **Rhodri Glyn Thomas:** You have given evidence to say that you believe that waterways are an amenity to which people should have free access, so does that include anglers and angling associations? Do you think that they should not pay licence fees?

[270] **Mr Charlwood:** That is a suggestion that I have made in the paper, because there are two, if not three, levels of payment from an angler. There is a statutory one for the rod licensing, which is for the management of the sport, and I am sure that Andy drilled down through the reasons behind that earlier. There are also sporting rights, and the lease of the right to be able to fish on that land. There is also taxation.

[271] So, you ask about removal. I look at my five-year-old girl and, in an ideal world, I would love for her to have the opportunity to do paddle sport, to swim or to go fishing on an absolutely equal basis. That is my own view. I am sure that is shared by quite a few people.

[272] **Rhodri Glyn Thomas:** Do you believe there is sufficient financial assistance available, other than through raising money through licensing or registering, to allow that?

[273] **Mr Charlwood:** If other countries in the world can make it work, I do not see why Wales cannot.

[274] **Alun Davies:** Was that 'yes' or 'no'? Would you want unfettered access, which would include access for anglers and fishers, without any need to pay for licences?

[275] **Mr Charlwood:** Sorry, I think that ‘unfettered access’ needs clarifying, because that is a bit of a myth. Responsible access—

[276] **Alun Davies:** Okay, but we are talking about the payment issues here and your position on that. You were not clear in your answer to Rhodri. Is your answer ‘yes’ or ‘no’ in terms of access for fishing?

[277] **Mr Charlwood:** For accessing the water? Yes. Why discriminate against one party?

[278] **Alun Davies:** That is fine. I just wanted clarity on that.

[279] **Mick Bates:** Could we move on to the environmental impacts, please? Leanne is next.

[280] **Leanne Wood:** If we were to change the legislation to allow greater access, do you think that that would significantly increase the number of people using the river? Or do you think that it could help to reduce crowding at particular points during the year, so that use is spread out through the year rather than being concentrated in the summer, say?

[281] **Mr Harvey:** I do not think you would be looking at an instantaneous increase of people. Much as with CROW—I think that Ashley has already alluded to this—if you were to introduce sensible, variable legislation to allow access, you would not be looking at an explosion in the number of users. Maybe that is a bit difficult for me, on behalf of Canoe Wales, to accept, but you are not looking at an explosion in the numbers taking up these activities. What you are looking at is a framework for the future to manage additional activities. We are aware that we are the tip of the iceberg. There are other activities. The Chair mentioned earlier gorge walking coming into the equation. I think that it was also mentioned in the previous evidence; I think that it was a point that Angela may have picked up. We need a framework to allow for the additional activities that are going to come into place. We also need to be in a situation where we can manage them sensitively and, let us be honest, put the environment and the environmental needs at the top of the tree. On that basis, we are quite happy to receive environmental red and yellow cards to tell us that we should not be on a particular water at a particular moment in time. We do not have that clarity at the moment.

[282] **Leanne Wood:** On what basis do you say that you do not think there will be an explosion in the number of users? How do you arrive at that conclusion?

10.50 a.m.

[283] **Mr Harvey:** I think that we can draw on the fact that the majority of access that is being taken up at the moment is on a de facto basis. So, you already have that cohort of people who are going out there and doing it already.

[284] **Leanne Wood:** Do you think the situation could just continue as it is, then?

[285] **Mr Harvey:** I think that it will continue as it is and, just to address your other point, I think that you probably will see a dissipation in the use of honeypot sites.

[286] **Leanne Wood:** Okay. We have had some evidence in committee that the number of people using water at a certain location is controlled, and if open access were allowed, numbers could increase drastically and there could be a detrimental impact on the environment. Do you think that the number of canoeists on a particular stretch of water should be controlled? If so, how could we go about controlling that?

[287] **Mr Charlwood:** I think that it comes back to how people undertake their recreation. If we look at the water-related recreations, paddling is probably the most nomadic of the sports. If you travel from Birmingham to Wales and go to your river and find that the water level is too low, it is a long way to travel back. So, you are probably not going to be as responsible because currently you will face conflict wherever you go, but there is always somewhere in Wales, pretty much, where there are good conditions for paddling. If people know where those places are, then they can go to them and be environmentally appropriate in pursuing their recreation.

[288] Is there a certain capacity to rivers? We see a lot of people paddling at the National White Water Centre. Not 1,000 or 2,000—a lot. The result is, largely, that it is self-managing because canoeists are a bit like hill walkers. Some people go for the social aspect; some people go for the peace and distance. We have a beautifully diverse range of natural resources that we could allow people to use. I think that the capacity issue needs looking at locally to address local hot spots but, as Richard said, we are not going to see an explosion in users.

[289] **Leanne Wood:** How would you control those local hot spots, though? What practical things could you do to introduce control mechanisms?

[290] **Mick Bates:** Are you for voluntary agreements?

[291] **Mr Charlwood:** While we may have differences of opinion over the way that WAG has taken over the agreement that we negotiated on the Glaslyn, there is some really good, fundamental information there. I think that the Environment Agency would say that as the water level increases, the impact on the natural resource is not from recreational interests. It is from the dynamic and powerful water environment that is going down there. The capacity of the river is much higher than when the water level is lower. So, there is absolutely no reason why we could not look at a national framework and say, 'These are the lowest appropriate levels for paddle sport on a particular river and, actually, it enhances your quality of participation'. There would need to be empirical evidence that the environmental damage or risk is there. We have a few places in Wales that use water levels in the guise of environmental protection, but they are actually about maintaining the quality of fishing. It is a subtle difference. Where you can share, why not share? Where there is an environmental impact, use a yellow card.

[292] **Angela Burns:** You have just made a real dig there, saying, 'Oh, they are pretending it is for environmental benefits but really it is to preserve fishing'. I also picked that up in your submission when you, basically, accused the Countryside Council for Wales, saying, 'Oh, the reason it does not allow us access, poor thing, is because it is under-resourced'. I think that that is pretty poor on your part, because these are statutory and independent bodies. Surely, if the EA or the CCW have said something, it is because they have operated within their remit. It may not be something you like, but that does not mean that you should denigrate them or cast aspersions on them. I am just slightly concerned, because I read your paper with great interest and, as I say, you were very clear in your view that if CCW had more money, it would probably let you do more. You have just made the same comment and I would like that explained, because I am quite sure that you do not mean it.

[293] **Mr Charlwood:** CCW is under a lot of pressure on a lot of water courses as it does not necessarily have the resource—by that, I mean the human resource—to address each and every water course on a piecemeal basis. Where we fail in Wales, it is because there is no high-level sieving, if you like, of the impact as there is in Scotland. The precautionary principle kicks in, which says, 'We do not know, so no'. It was meant to be a positive statement about the Countryside Council of Wales, that it should be resourced appropriately, as with the Mawddach project, where, initially, CCW said 'no' but then it managed to resource each individual area and found that there was not a conflict between the environment

and recreation.

[294] So, it was not a dig at the Countryside Council of Wales; it was just a recognition that because there is not that high-level sieving, the precautionary principle kicks in. It puts a lot of pressure on individual officers, who have been very focused on the environment rather than on recreation. There are 14 disciplines within canoeing and they all look very different and they all have different impacts on the environment. How can somebody who is an expert in bryophytes also be an expert in how canoeing works? The round-table project on the Mawddach allowed CCW to understand that if it was a case of an open boat or a kayak or a squirt boat or any one of the various disciplines, it could rationalise the impact that recreation makes on the environment.

[295] **Angela Burns:** Could you then explain your comment to Leanne that environmental standards are used as a ruse to protect angling?

[296] **Mr Charlwood:** If we go back to the Wye, we started negotiating on the Wye in the late 1980s, and the clause about the water level was specifically inserted to protect the quality of fishing. The WAG agreement that has been slightly reworded, but the fundamental reason for the water level that is set and maintained on the Wye at the moment is to protect the quality of fishing. I am happy to provide the paperwork in evidence.

[297] **Angela Burns:** I would be interested to see that.

[298] **Mr Charlwood:** In fact, I think that it might already have been submitted to the Petitions Committee.

[299] **Mick Bates:** It has. Did you accept that water level agreement?

[300] **Mr Charlwood:** We accepted it at the time.

[301] **Mick Bates:** You did.

[302] **Mr Charlwood:** Under duress.

[303] **Mick Bates:** You accepted it. You are beginning to build us a little bit of a picture about the framework that you would like to see, and then you accept that the voluntary issues kick in at local management levels. That is the kind of overall strategic position that I am getting from you.

[304] **Mr Charlwood:** It is about the need to secure access and then the need to manage access. Local agreement is definitely the way forward for managing this. Securing access needs to be at a far more strategic framework level.

[305] **Mick Bates:** I think that is a fair assessment of where we are at the moment. Alun, and then Lesley, please.

[306] **Alun Davies:** I was quite interested in the point that Angela has just raised on the countryside council because you said in your evidence it is a

[307] 'Recognised technical expert in environmental and recreation management.'

[308] I am not convinced that it is under-resourced. It may well be that it knows a lot about the impact of this recreation on river courses and the environment, and it may well be acting in the best interests of those water courses. Have you considered that?

[309] **Mr Charlwood:** Yes, and I have had discussions with CCW at policy level. Wales is under an EU directive for environmental protection, with relation to sites of special scientific interest and special areas of conservation. The species involved, with very few exceptions, are not unique to Wales, and yet the reality on the ground is that the interpretation in Wales is very different from that in other European countries, which interpret water-related recreation as benign in their effect on those same species.

[310] **Alun Davies:** It might well be that we seek to give the Welsh environment greater protection.

[311] **Mr Charlwood:** That may be.

11.00 a.m.

[312] **Alun Davies:** Do you consider that that might be the case?

[313] **Mr Charlwood:** It may be.

[314] **Alun Davies:** Do you consider that might be the case?

[315] **Mr Charlwood:** Yes.

[316] **Lesley Griffiths:** You said that you did not want to dwell on the relationship between canoeists and anglers, but I am starting to realise it is quite an emotive issue. The committee has had evidence from angling bodies, which I would like your views on.

[317] One of the things is that anglers feel that they have to abide by laws, otherwise they get fined or even a custodial sentence, but they feel that that does not happen to canoeists. What are your views on that?

[318] **Mr Charlwood:** It comes back to the fact that the legal situation for anglers and terrestrial sports is very clear, while, for canoeing, it is not. As I alluded to earlier, there are a lot of our members who are fearful that in going down this route, we may get an absolute overarching restriction on their activity. Our position as a governing body is that we believe that people participating in our sport should be responsible and there should be a framework under which they operate.

[319] **Lesley Griffiths:** They also feel that where they rent their fishing rights, they are quite within their rights to tell a canoeist to clear off if they want to.

[320] **Mr Charlwood:** I am not sure that that would be borne out by their deeds. Private rights generally are held subject to public rights, as in a footpath passing over a field, if we use the analogy of water going overland. I am not a constitutional lawyer, but there is a perception and an accepted position that may or may not be correct.

[321] **Mick Bates:** You lost me a little bit on that last response.

[322] **Mr Charlwood:** How can I clarify?

[323] **Mick Bates:** I think that, basically, there is an inequality that we have already seen in the written evidence—we have not taken oral evidence yet from the anglers—about this position that Lesley has just brought to your attention in that you do not pay, but, if you are fishing, you do. I just wanted to clarify this point. I noted in your paper that you suggest removing all payment. I think Angela made this point earlier. Are you putting that forward as a real solution to the whole issue of rights and payment?

[324] **Mr Charlwood:** I am purely benchmarking what has happened in other countries. Scotland removed rod licensing because they felt that it was appropriate. Scandinavia did exactly the same, and we often try to emulate some of their ethics. We cannot remove the private rights part of the way that allocation of rights is undertaken, so we cannot be exactly the same as other countries around the world. In terms of achieving inclusivity, there is a statutory barrier to angling. Trying to clarify a little more about the, 'We do this; you should do that' kind of thing. I know that Andrew Church gave his voluntary access brief. He wrote a paper in 2007, after doing the Brighton studies on voluntary access agreements, which is about negotiating recreational access under asymmetrical power relations. The conclusion is that, basically, it is very difficult to do.

[325] **Mick Bates:** It is. Of course, the evidence from Brighton, as well the international examples, show that registration of all vessels was something that was widespread. In the United States, for example, there was a very clear example of registration of all vessels.

[326] **Mr Charlwood:** In some country parks, yes, just the same as they license some walking and climbing activity.

[327] **Mick Bates:** Even so, what about the principle of registration for vehicles? At the moment, if I am an angler, subject to my rod licence paying for the rights of both access and fishing, then the bye-laws govern what I can do. I do not see, at the moment, a position of fairness in that your access is totally free. There is absolutely no way I could identify a canoeist if he was considered to be breaking the law because there is no registration on him.

[328] **Mr Charlwood:** Can I identify you as an angler?

[329] **Mick Bates:** Yes, because I have a rod licence.

[330] **Mr Charlwood:** Visually, as you are undertaking your pastime?

[331] **Mick Bates:** Oh, visually. But there is a legal position, is there not?

[332] **Mr Charlwood:** Yes, there is, which has been accepted—

[333] **Mick Bates:** I would be identifiable on the particular stretch of water that I fish. As you well know, the practice is that people do recognise and understand who fishes which stretch. In your case, if a canoeist did some damage or was being reckless, there is no way I could recognise him or her through legal registration, is there? It would just be a canoeist passing by who did some damage.

[334] **Mr Charlwood:** The same as a cyclist or a walker, yes, absolutely.

[335] **Mick Bates:** It is absolutely the case. In the particular case of access to water, if you were registered and then there were a complaint against your use of that facility, that registration would enable people to take action, would it not?

[336] **Mr Charlwood:** It would.

[337] **Mick Bates:** Absolutely. Thank you.

[338] **Mr Charlwood:** May I expand just very quickly?

[339] **Mick Bates:** Very quickly, please, yes.

[340] **Mr Charlwood:** If you then choose to license canoeing, how do you license a swimmer, or my daughter who wants to splash in that same piece of water?

[341] **Mick Bates:** I will look forward to the evidence when we take it from them, because that is what we are about, remember, on this committee.

[342] **Mr Charlwood:** Yes, sure.

[343] **Mick Bates:** That is what we are doing.

[344] **Rhodri Glyn Thomas:** May I come back to the point you made about agreement? Your view was that legislation was needed in terms of access, but voluntary agreements were possible in terms of management.

[345] **Mr Charlwood:** Correct.

[346] **Rhodri Glyn Thomas:** That was your view. What evidence do you have that legislation is effective? What evidence do you have that management actually works? From what I have heard this morning and from the evidence we have had from various bodies in terms of written evidence, there is no policing at all of waterways in Wales, to all intents and purposes. Anybody can do whatever they want. So, what evidence do you have that legislation actually works?

[347] **Mr Charlwood:** Legislation for securing access?

[348] **Rhodri Glyn Thomas:** Yes.

[349] **Mr Charlwood:** Apart from England and Wales, pretty much the rest of the world uses legislation to secure access. France uses a voluntary mechanism on a global basis across the country to manage canoeing and angling. So, canoeists are asked to get on the water after 9 a.m. and get off the water before 6 p.m. because the best times of the day for fishing are in the early hours and in the late evening. That is adhered to. It is on a voluntary basis. It is enforced because people have a sense of stewardship where they do not want things mucked up by their counterparts. I would suggest that there is an example of statutory securing of access and then a management mechanism that is entered into voluntarily.

[350] **Rhodri Glyn Thomas:** Do you believe that it works effectively? You said it happens in most countries.

[351] **Mr Charlwood:** In France, absolutely. The Ardèche is way more popular than the Wye as a tourist destination, and it operates under those remits with hundreds of thousands of people and a lot of fishing activity.

[352] **Mr Harvey:** There is a co-operative mechanism when people feel they have a vested interest in co-operation. We are not putting in this isometric position, as Andrew Church would put it.

[353] **Mick Bates:** I find these comments equally interesting, so I will check up on the world situation. We have evidence; I cannot recall the details at this moment. However, you just used the word 'voluntary' and the way that that operates effectively. That seems to fit very well with the responsible access that you referred to earlier. So, a lot of these international examples possibly do require voluntary agreements. Is that the case?

[354] **Mr Charlwood:** I will restate what we said earlier. With a legal framework, there is the opportunity to manage the activity voluntarily.

[355] **Rhodri Glyn Thomas:** I am a little confused because you are talking about voluntary agreements and co-operation, but, at the same time, you are asking for legislation. If it can be effectively developed through voluntarily agreements and co-operation and the people with a vested interest conform to the agreement, why do you need legislation?

[356] **Mr Charlwood:** It comes back to the nuance with water—we have nothing to secure the right to use the water. So, it would be like saying to you, ‘Without any highways Acts you can voluntarily drive at 30 miles an hour where there is a need to’. It is not practical.

11.10 a.m.

[357] It needs a framework. I am trying to think of the analogy for voluntary use of cars. You queue voluntarily. There are elements of your behaviour that are common sense, and I suspect that with the right framework—to relate to Scotland—you create a common-sense framework. The amount of local management is actually relatively small, but there may be hot spots and certain user groups. For example, I know that in Scotland, on the Tay, there are a couple of commercial rafting companies that have entered into voluntary agreements with the local economy under a framework. So, yes, they have a right to be there. They can then negotiate what best suits that local environment. So, there are two very distinct parts to this, which are the securing of the ability to use the natural resource, and the management thereof.

[358] **Rhodri Glyn Thomas:** Okay. So, is your view as an association that there needs to be legislation in terms of access; management can be agreed on a voluntary basis, but that access through legislation should be free to everybody?

[359] **Mr Charlwood:** There may already be legislation that gives us free access, so there needs to be clarity over the legal position.

[360] **Rhodri Glyn Thomas:** So, should that position be clarified in law and should it be free to every user?

[361] **Mr Charlwood:** The ideology is that it should.

[362] **Mick Bates:** Finally, do you have anything to add on the financial situation, Angela?

[363] **Angela Burns:** I think that some of your arguments have been very disingenuous and I just want to address a couple of them.

[364] The first is that I think that it is absolutely crystal clear in law as to access. When I talk about access to a river, I am talking about whether or not you are allowed to park in a lay-by and walk down a footpath and pop into the water, or whether you have the right to walk across a farmer’s field and get into it, or jump off a bridge and get into it. That to me is access: you are either doing it from a public piece of property or you are doing it from a private piece of property. If you are doing it from a private piece of property, unless you have an agreement with whoever owns that property, tough luck. I would not walk into Alun’s garden in order to jump into the river at the bottom of his garden. That is just the common law of trespass. So, that is the first point.

[365] The second point is that you say, ‘Yes, but’. We have talked about the anglers, canoeists, and so on. Then you say things like, ‘We have to protect all people because there is no one here to defend the rights of so and so’, and you have kept using your daughter in an analogy. She wants to pop into the water and have a splash, so what about all those swimmers? I think that that is a very disingenuous argument because there may be a few swimmers around who will swim seven miles, turn around and come back seven miles. I have

young children. If I want to take them swimming in a river, I will go to a public access point—it might be one of the Splash projects that the Environment Agency has put together—and I and my children are going to be swimming and splashing about in a fairly contained area. I would think the joy of canoeing is that you can get into a canoe, take off and do seven miles, 14 miles, 20 miles, and come back.

[366] So, I think that to say that you are fighting this on behalf of everybody is a bit of a red herring, because I think that the reality of swimmers going in at a place that they are allowed to go in and doing that journey and coming back is very small. We are talking about 15,000 people going canoeing. What we are really talking about here is whether or not the canoeist, kayaker or paddler has the right, I guess, to go down a public bit of river, cross a private bit of river and then perhaps go on to another bit of public river, turn around and come back, or do whatever the sport involves? That is the real issue and that is why I think that we have to focus on whether it is about the canoeing and angling rights. I guess it would also be about somebody who has a motor boat who can do that kind of journey crossing from public to private, public to private, and public to private land. Would I be correct in saying that?

[367] **Mr Charlwood:** I agree with you 100 per cent about the rights of land ownership. We are not differing on that at all. Where I differ with you is on the point of hitting the water—if you use a public access point, the current legal interpretation under civil law is that you may be trespassing against somebody's fishing rights. The rights of land are clear and the rights of water are clear, but whether you have the right to use that water space to occupy is not clear. So, you are trespassing whether you are in a boat, on foot, taking your dog there, or whatever. It is a trespass against a private right, or it may not be.

[368] So, I accept point number 1 absolutely. On the land, there is absolute clarity over what is trespass. On the water, because it is defined on a different legal basis—a public right of navigation—that is where the clarity is different. So, whether I choose to do three miles or three metres, whether I am in a boat or on foot, I still do not know what my rights are.

[369] **Angela Burns:** Therefore, because that water is going to be owned by somebody, be that the state or a private individual—if it is owned by the state it is in public ownership—then would it not make the case for having a licensing agreement for all users of the water?

[370] **Mr Charlwood:** The water is owned by nobody. It is an entirely different item. The Mawddach is a classic example of this. The Forestry Commission, and so WAG, own the land. They do not own the fishing rights. They do not own the mineral rights. It is not just sporting rights we are talking about here; there are many more private rights than just angling.

[371] **Angela Burns:** So, I come back to the fact that you do know who owns that stretch of water, unless you are not going to—

[372] **Mr Charlwood:** I can find out who owns the land, but there is no repository for who has private rights. I cannot go to a piece of paper or website or anywhere and find out who owns that fishing right, that mineral right, that sporting right. It does not exist. So, from the land, I can absolutely do it, but from the—

[373] **Rhodri Glyn Thomas:** Yes, but you have to have access.

[374] **Angela Burns:** Absolutely.

[375] **Rhodri Glyn Thomas:** You have to have access and, therefore, the only access to that piece of water is on land. Whether you are fishing from a boat or fishing on the bank of a river, you have to access the water. Irrespective of who owns that bit of water, in terms of accessing it you have to access it across private land.

[376] **Mr Charlwood:** There is ‘access to’ and ‘access along’, and there is a difference.

[377] **Mr Harvey:** There is a differential between the physical act of getting to and then putting your craft in the water, and a difference in terms of parcels of land, passing through from one to the other. It would be very simple if all we had to do was make an arrangement at the top and an arrangement at the bottom. I think that we would be irresponsible if we were just going to look at it in those particular terms.

[378] **Mick Bates:** Could you just clarify one issue you mentioned when you discussed the issue of rights and access? Is there a precedent in law that establishes what you told us, that you would be trespassing against the right of a fisherman on that stretch of water?

[379] **Mr Charlwood:** There is a piece of case law, I think, from the late 1970s.

[380] **Mick Bates:** I just want to look it up.

[381] **Mr Charlwood:** You might know better than me.

[382] **Mr Harvey:** Not enough to quote it. It certainly has been submitted. I am sure you have had references to it.

[383] **Mick Bates:** I am sure it is something I have read but I—

[384] **Mr Harvey:** Douglas Caffyn would certainly have brought it up in his evidence. It is actually known as ‘the notorious case’ among lawyers, so we are aware of it. We can certainly submit that to you if you think that would be of interest.

[385] **Mick Bates:** I think that we had it somewhere, but it would be very useful for us as a committee to have that piece of case law to establish this. Is ‘trespass’ the correct term?

[386] **Mr Charlwood:** Yes, it is a civil tort.

[387] **Angela Burns:** I have one last question because I am doing the finance bit. We have hammered to death the issue of access to water and everything in and around it, so we are back to the licensing.

[388] I believe that with rights come responsibilities. Anglers, angling clubs, other people who use the water on a club-type basis will usually pay rent to somebody, and they will be licensed by somebody else. I do not know who anglers pay their licence money to, but they pay their licence money. The Environment Agency then has the ability to deploy that. So, would you not agree that we should license everybody who wants to use the water on a non-casual basis? So, dangling your toes over the edge is casual, but if you want to put a craft on it, whether it is a motor boat or a paddler, or whether you want to fish it, then you should be licensed because that brings the rights and the responsibilities together.

[389] **Mr Charlwood:** Can we just clarify that when we started the Petitions Committee procedure it was for non-mechanised use of inland water, not motorised.

11.20 a.m.

[390] That is an entirely different argument, which has different implications for the environment. The licensing issue is a difficult one because, unless you are managing a natural resource explicitly for someone, how do you reallocate that charge? If I use a bridleway, which I pay for through my taxation, it does not matter whether I walk along it, cycle along it,

take a horse along it, or whatever. It is not discriminatory because there is no different impact. Yes, it needs managing and looking after, but it is not managed solely for a single interest.

[391] The licensing structure for rod angling is there to protect and enhance the species that anglers wish to fish for. So, they are deriving a direct benefit from the management of salmon, trout or whatever within that environment. As a canoeist, if I put my boat on the water, how is that water course, a natural resource, being managed for my benefit?

[392] **Brynle Williams:** Well, you have entry and access points. There are lots of possibilities.

[393] **Angela Burns:** And, environmentally, you want to be in clean water and safe, deep water.

[394] **Mr Charlwood:** There are European directives under the water framework directive that deal with all those issues. That is for the benefit of all the public. Where I am using a water course that is specifically managed—such as a canal, which is clearly there for navigation—I agree that a charge would be appropriate. If I use a natural resource, I am not asking for it to be kept clear of trees because I undertake that at my own risk, and I am not asking for certain boulders to be put in certain places to create nice features, so why would I pay a licence if it is not being managed for my benefit? I would not want it to be managed for my benefit, because the reason we go canoeing is to enjoy the natural resource, the natural environment.

[395] **Angela Burns:** However, it is owned by somebody who has already put all the money into making it accessible. Maybe I am just being dense, but I do not get your argument at all. Somebody else has already put money into sustaining that. Say a horse rider wanted to go across somebody's field, and the owner of the field had already put an awful lot of money into opening up their field or forest, making bridleways through it, if that horse rider trashed it or did something to destroy it, causing the person who had done all the work inconvenience, we would all be sitting here talking about that. We would all have a problem with that.

[396] In this instance, we have the Environment Agency—although it is not really a part of this because this is all about angling and canoeing, is it not? So, we have anglers sitting here, who have put all this money into looking after what may be only a tiny stretch of water. I do not have any idea of how long these water courses go on for, but the anglers have put the effort and the money in and then along comes someone else, saying, 'It is my right to use it, and actually I do not really have much concern about what I might do to it'. It is a bit like having a public park with a gang of people playing football, and along comes another gang saying they want to play at the same time on the same bit.

[397] **Mick Bates:** Angela, can you close those remarks, please? I think that you have made the point clearly.

[398] **Angela Burns:** I just do not understand it and I would like to.

[399] **Mick Bates:** Could you give just a brief response, please, as I need to wind the session up?

[400] **Mr Charlwood:** To take up your horse-riding analogy, if there is a field that has been farmed for years and a bridleway across it is offered so that a horse rider can use it, should the horse rider be licensed? We are talking about a particular recreation that has accepted a mechanism. I do not know the details, but does it clearly state in the conveyance of deed that there is not a public right of navigation? When we buy a property, we undergo a search process that says whether there is a public right across the land. In conveying the private right

of fishing, has it ever been stated in those rights that there is no public right?

[401] There is an assumption, and this is the fundamental point. If there is a public right and people have developed the land, they are perfectly entitled to do so but they have developed it for their interest. They may have developed it in spite of the public interest. We have never said that people should undertake their free right of access. We have said that there may be such a right, and that individuals must make their own decision based on the evidence that is available to them in the public domain.

[402] **Angela Burns:** 'No' to licensing.

[403] **Mick Bates:** Thank you. I think that this has been a very thorough session. Thank you for your written evidence and for your responses this morning. As a committee, I think that we need to see the case law. I know that we have it somewhere, but if you could furnish us with that, it would be very useful for us. Have you found it?

[404] **Mr Harvey:** I have the submission that was presented to this inquiry by Douglas Caffyn. The gentleman himself has a much thicker paper that I am more than happy to forward to you for further scrutiny. If I could leave you with that today, I would be more than happy to send further evidence.

[405] **Mick Bates:** Thank you. It will be very useful.

[406] **Rhodri Glyn Thomas:** On the further evidence that you could share with us, you say in your paper that benchmarking from other countries around the world suggests that there is local income to be generated to manage any land-based requirements, to minimise the impact of water-related recreation. That seems to be crucial to the point that you are making about free access. It would be useful if you could furnish us with evidence on that from other countries.

[407] **Mr Charlwood:** You can come to the National White Water Centre in Wales and see it, because we have done it.

[408] **Rhodri Glyn Thomas:** You say 'benchmarking'. If you have benchmarked, you have the evidence. So, can you share that evidence with us?

[409] **Mr Charlwood:** Sure, yes.

[410] **Mick Bates:** We do actually have that in the first submissions, in fairness.

[411] **Alun Davies:** It would be useful to see that so that we have a comparative study.

[412] **Mick Bates:** It would. A draft copy of the transcript will be sent to you. I doubt whether there will be any changes, but let us know whether you are happy with it. Thank you.

11.27 a.m.

Papur i'w Nodi Paper to Note

[413] **Mick Bates:** I ask Members to remain for a moment, as we have item 4 to complete. The paper to note is the forward work programme. The committee will note that our scrutiny of the Minister on the issue of access will now take place in the next session and that included instead will be two round-table discussions open to a wider body to come here and discuss with us. I am very aware of the organisations involved, but I think that we have to take

evidence from a broader group of people as well.

[414] Thank you. I declare the meeting closed.

Daeth y cyfarfod i ben am 11.27 a.m.
The meeting ended at 11.27 a.m.