



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

**Y Pwyllgor Cynaliadwyedd
The Sustainability Committee**

**Dydd Iau, 12 Tachwedd 2009
Thursday, 12 November 2009**

Cynnwys
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Procedural Motion

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

Pam Bell	Unigolyn Individual
Peter Blackburn	Canolfan Addysg Awyr Agored Plas Pencelli Plas Pencelli Outdoor Education Centre
Pete Bursnall	Cadeirydd y Fforwm Twristiaeth Cynaliadwy Chair of the Sustainable Tourism Forum
Rebecca Cadbury	Clwb Canwio Arberth Narberth Canoe Club
David Evans	Cyd-gynghorydd Addysg Awyr Agored Cynghorau Bwrdeistref Pen-y-bont ar Ogwr, Caerffili, Merthyr Tudful a Rhondda Cynon Taf Associate Adviser for Outdoor Education for Bridgend, Caerphilly, Merthyr Tydfil and Rhondda Cynon Taf Borough Councils
David Liddy	Comisiwn Coedwigaeth Cymru Forestry Commission Wales
Charles Mathieson	Parc Cenedleathol Arfordir Penfro Pembrokeshire Coast National Park
Chris Randall	Y Gymdeithas Canwod Agored Open Canoe Association
Kate Rew	Y Gymdeithas Nofio Awyr Agored Outdoor Swimming Society
Andy Shan	Unigolyn Individual
Peter Wood	Gwasg Pesda Pesda Press

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

Dr Virginia Hawkins	Clerc Clerk
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Meriel Singleton

Dirprwy Glerc
Deputy Clerk*Dechreuodd y cyfarfod am 9.05 a.m.
The meeting began at 9.05 a.m.***Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions**

[1] **Mick Bates:** Bore da. Good morning. I welcome you all to this morning's meeting of the Sustainability Committee. As ever, I have the housekeeping announcements to make first. In the event of a fire alarm, you should leave the room by the marked fire exits and follow the instructions of staff. There is no test forecast for today, so if the alarm goes off, it will be for real. Please make sure that all mobile phones, pagers and BlackBerrys are switched off as they interfere with the broadcasting equipment. I remind you that the National Assembly operates through the media of the Welsh and English languages. Headsets are provided through which you can get simultaneous translation on channel 1, and those who are hard of hearing may also use them to amplify the sound. Please do not touch any of the buttons on the microphones as that will disable the system.

[2] I have received apologies for absence for today's meeting from Karen Sinclair and Lorraine Barrett. Thank you very much.

[3] Today, we have our penultimate evidence session on access to inland waterways. During item 2, we will be hearing from the Pembrokeshire Coast National Park and the Forestry Commission. We have reached agreements about the use of inland waterways on their land. Under item 3 on the agenda, we will be hearing from a number of users who have different interests and experience of using inland waterways and have, through their written submissions, put forward suggestions on how the issues may be resolved.

I am pleased to announce that the Assembly bus—the wonderful Assembly bus that we used for the flooding inquiry—will be out gathering evidence as part of this inquiry. The timetable will be posted to the committee web page. The dates and locations announced today are as follows. On Friday, 20 November, we will be at the Gwydyr Hotel, Holyhead Road, Betws-y-Coed between 11.30 a.m. and 12.30 p.m.. In the afternoon, we will be in Queens Square, Wrexham, between 4 p.m. and 5 p.m.. On Saturday, 21 November, we will start in Guildhall Square, Carmarthen between 9.30 a.m. and 10.30 a.m., moving later to Merthyr Tydfil, where we will be in the Welsh Assembly Government office car park between 2 p.m. and 3 p.m.. Members, if you wish to attend those sessions, please note that, because of the timetable and my availability, we are down to one hour for gathering evidence in each of those four locations. We tried to get a session in Brecon, but it was impossible to give a firm date for availability. If any Members can come forward to say that it would be possible for them to go to Brecon, I would be willing to arrange a further evidence-gathering session there.

9.08 a.m.

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

[4] **Mick Bates:** Our first session, as I said, is with the Pembrokeshire Coast National Park and the Forestry Commission. I invite you to put your name and position on the record, please, and to make an opening statement of a couple of minutes before Members move to questions. I will start with David. Please state your name and position.

[5] **Mr Liddy:** My name is Dave Liddy. I am the visitor management adviser for Forestry Commission Wales.

[6] **Mr Mathieson:** My name is Charles Mathieson. I am the head of recreation and tourism for the Pembrokeshire Coast National Park Authority.

[7] **Mick Bates:** Thank you very much. I invite David to make a brief opening statement of no more than two minutes in length.

[8] **Mr Liddy:** The Forestry Commission owns more than 100,000 ha, largely of forest, but often up to the mountain tops. As you would expect, very often, it owns both sides of many rivers. Given that we are a public body, it might seem easy to release a lot of those rivers into the public domain in a simple and straightforward way: if a public body owns the river banks, off we go.

9.10 a.m.

[9] In 2007, as part of a joint project with the Countryside Council for Wales, the Mawddach catchment, which runs through Coed y Brenin, a large forest block, was set up as an exemplar project to investigate the possibilities of opening up these waterways to what we shall call 'paddle sport'. A steering group was set up to investigate that as a potential catchment. For various reasons, that turned into a rare old bun fight, and the Forestry Commission learned some hard lessons about the difficulties of managing access to open waters in that Mawddach exemplar project.

[10] Most of the catchment has been designated a site of special scientific interest or a special area of conservation, and initially, our colleagues in CCW had some reservations about how we could bring such a highly designated catchment into the public domain. However, we worked long and hard with CCW, and we were able to negotiate a platform on which to move forward. While we own much of the banks of that catchment, when we purchased the freehold, the angling rights were retained by the previous owner, so we simply do not own the fishing rights to the Mawddach catchment. When the Mawddach Conservation Society and the Prysor anglers, who own those angling rights, came to the table to discuss the matter with us, they quickly got cold feet and made our lives very awkward and difficult, first by refusing to talk to us and finally by ceasing all communication with us. Our exemplar project stalled completely at that point, just when we thought that we were finally about to put to bed the issue of whether paddle sports have a negative impact on the conservation value of a river. We thought, 'This is it; we can put it to bed', but because of the intransigence of those angling groups, we were not able to do that. However, that is only one example in this particular catchment.

[11] Nearly every scenario is different. Right through our estate, there are some instances in which we own the angling rights, and we would be able to bring more water into the public domain, but every scenario is different. That would be very resource hungry, and the Forestry Commission does not feel that it is adequately resourced to bring this issue into our current management.

[12] **Mick Bates:** Thank you for that, and for the papers, in which you outlined those issues quite clearly for us. I will now invite Charles to contribute.

[13] **Mr Mathieson:** Thank you, Chair, for the opportunity to give evidence. Pembrokeshire is known as a place for water recreation, but it is more coastal or estuarine, as you see on the screen. We probably have a couple of hundred miles of coast in the national park, and about 30 miles of estuary. Of inland water we have surprisingly little. We have the

Gwaun and Nevern rivers, the Rosebush reservoir, and that is pretty much it for the national park. So, our experience is, I have to confess, very limited. However, we do have experience of managing multiple types of recreational activities in intensively used landscapes.

[14] I feel that what we have to contribute is something to do with demand, first of all. There are two points that I would make concerning demand. The first is that, despite being tiny, the project that we did in 2007 gave clear evidence of the demand for new people to get involved in on-water activities. Llys-y-Frân, a Welsh Water reservoir that lies outside the national park, has access and a great many users. The second is that the south-west Wales recreation audit, which is just reaching its conclusion, has identified canoeing along the coast as the fastest growing activity in the past five years of any of the 30 to 40 sports that it looked at. So, there is demand for unpowered craft.

[15] On provision, we have distinguished between on-water and along the water, and we cannot see how we can negotiate it. That is why we sent in the picture of the Gwaun valley. It is not a river that has much fishing interest, but it has 25 or 30 landowners—and we are not absolutely sure how many. We have very good relationships with our landowners, and we do a great deal of negotiation with them over rights of way and permissive paths. I cannot conceive of us being able to negotiate that with those landowners. If we did, I cannot conceive of us keeping it open. One man with a field who had been refused planning permission somewhere else could close it immediately, and I do not believe that the negotiation would justify the expenditure of public money.

[16] We believe that we could negotiate access onto the water. On the Gwaun valley river, we have car parks right next to the river and one within 20 yards of the river. So, we believe that we could negotiate access if there was funding.

[17] On management, we believe that we have a similar situation to that of managing the coast. We cannot police it or warden it, because it is 180 miles of coast. What we can do is provide a great deal of educational material, peer pressure from the responsible users, and relationship building. That is the most important thing that we want to do. It is not so much policing as relationship building, so that we build a bridge over the Gwaun.

[18] **Mick Bates:** Thank you very much for those opening statements and for your evidence. Broadly, we have five areas of scrutiny for your evidence, and we will start with public rights, and I invite Alun Davies to open the questioning.

[19] **Alun Davies:** Thank you both for your opening statements, which were very interesting. We have received a great deal of evidence in this inquiry on absolutes, if you like, over a clash of rights. I assume that you are familiar with the law as it stands. Do you believe that there is widespread understanding of the law at the moment?

[20] **Mr Mathieson:** I think that there is a group that does not understand and is not aware of the law. There is another group that is aware of it but does not regard it as relevant or justifiable. They are not vandals; they are responsible, law-abiding citizens in other respects, but they just do not see this as a damaging activity. They see it as an anachronism. There is then a group that understands the law, and goes with it.

[21] **Mick Bates:** Do you wish to comment on that question, Mr Liddy?

[22] **Mr Liddy:** No.

[23] **Alun Davies:** I notice on page 3 of the conclusions of your evidence, Mr Liddy, that you are not very positive about how we can resolve this without resorting to legislation. Would that be a fair summation of your views?

[24] **Mr Liddy:** Our experience in this exemplar project was that we set out with the best ends in mind. I have been a member of the local access forum in Wrexham. I have been a mountain biker for 25 years. When we were trying to bring in the Countryside and Rights of Way Act 2000, I witnessed the Berwyn graziers up in arms about the impact that it would have, saying that they would be ruined, but that has simply not been the case. However, without the legislation to bring them to the table and to force this issue through, open access to the Berwyn mountains would never have become the fantastic reality that it is. I live in Llandrillo, which is a tiny village at the bottom of the mountains, and I see that the car park is full every weekend. My village shop is still open because of the people going onto those mountains.

[25] **Alun Davies:** You say in point 2 of your conclusions that

[26] ‘In the absence of legislation...voluntary access agreements are unlikely to be widely accepted. Anglers are unlikely to relinquish what they see as their exclusive right to dictate what activities can take place on the water’.

[27] That is quite a strong and negative statement; you use the word ‘dictate’, for example. I do not want to push you in a particular direction, but you appear to be saying that we can have access agreements only within a statutory framework that forces people to come to the table.

9.20 a.m.

[28] **Mr Liddy:** This puts me, personally, in a difficult position. The Forestry Commission is a Government department, and the findings of this committee represent exactly the way that the Forestry Commission will take things. We took our foot off the gas in driving this exemplar project forward because, at this time, it is a very difficult and sensitive issue. We are not in a position to force this through with the anglers. Perhaps some of my personal views are coming through here. I look across the border at the Land Reform (Scotland) Act 2003. There are no finer fishing rivers than the Tweed and the Spey, yet that Act has brought that legislative framework into being there and everybody has a right of reasonable access. So, everybody has to sit around a table until they have thrashed out what is reasonable for all parties. That is my personal view. The Forestry Commission may not see it like that, and whatever the Assembly’s policy dictates is the way that we will go with it.

[29] **Alun Davies:** Thank you. Of course, anglers will tell you that rivers in Scotland differ considerably from those in Wales. I would be interested to hear your views on that. They say that legislation that might work effectively in Scotland cannot simply be transferred to Wales and implemented in the same way. However, bearing the Scottish example in mind without being limited by it, do either of you, Mr Liddy and Mr Mathieson, believe that we should propose changes to the current legislation to create a different or new statutory framework to regulate access to inland water?

[30] **Mr Liddy:** Yes. As Charles said, there is a range of people with a range of views on the law. It is a long way from being clear who is entitled to do what in relation to access to watercourses. Changes to the legislation could have two impacts: one would be to improve access, and the other would be to reduce the uncertainty about who is entitled to do what.

[31] **Mr Mathieson:** I think that a change would be valuable. If there is a set of responsible people who are ignoring the rules, as far as one knows, I have only one way to advise them, which is to say ‘You must not do it’. I cannot say that they must do it only during a particular season or at a particular time of day. Where I do that with climbers, which is probably the closest analogous group, I get a very good response. Climbers phone me to tell

me where there are choughs nesting, saying ‘You need to restrict this climb because we will cause damage’. That is a long-term relationship; there has been 20 or 30 years of relationship-building through negotiation as equals. If someone does not have a right, I must tell them that they cannot do it.

[32] **Mick Bates:** I just wish to clarify a couple of issues with regard to that question. David, you mentioned that this committee’s recommendations would be accepted and you referred to Assembly policy. Of course, it is the Government that will eventually look at our recommendations and make a decision on what we recommend to it. It is up to the Government. I notice that, in your evidence, you use some quite emotive terms about anglers. Are you particularly interested in the use of water? You said that you are a cyclist, but do you also do a lot of fishing or canoeing?

[33] **Mr Liddy:** Professionally, I have to toe the Forestry Commission line. I own three canoes.

[34] **Mick Bates:** So you are very experienced.

[35] **Mr Liddy:** I did outdoor pursuits instead of an O-level and I come from a background in the outdoors. I am an expert mountaineer, ice climber, rock climber, caver—‘outdoor-stuffer’. That is where I come from and what I do, so to have this role where my personal experience and expectations align with my profession is terrific. I have the best job.

[36] **Mick Bates:** I see that you are happy with that, Alun. We will move to the issue of access next, but I will briefly bring in Angela Burns first.

[37] **Angela Burns:** Thank you for telling us a bit about your background, David. I want to ask you one question. I absolutely understand that everyone has a personal point of view, and I would welcome your point of view as David Liddy; we would be very interested in that. However, I wanted to clarify this. The language in this Forestry Commission report is quite emotive and, with most of the other reports that we have had from Government-sponsored bodies or quasi-Government bodies, even if they have come down on one side or the other, the language has still been very neutral. I think that it is fair to say—this struck me last night when I was reading it—that your report is quite emotive. How much of this report is a Forestry Commission report and how much of you do you think you might have put into it? You mentioned earlier on that you thought that perhaps some of you had come through.

[38] **Mr Liddy:** The head of estate management and our management board had the final edit on this and asked whether I was okay with it, so there is a good deal of Forestry Commission sponsorship of this paper, of which I am very confident.

[39] **Alun Davies:** You say ‘a good deal’, but if they had the final edit, they had the final say.

[40] **Angela Burns:** I think that Mr Liddy had the final edit.

[41] **Mr Liddy:** No. Terry O’Keefe, our head of communications, a member of the senior management team, put the gloss on this and said, ‘Dave, is that all right?’, and I said, ‘If that’s okay for you, Terry, I will go with it’.

[42] **Mick Bates:** I will bring Brynle in here.

[43] **Brynle Williams:** Good morning, gentlemen. We have had conflicting evidence as regards the effectiveness and success of voluntary agreements. What are your views on voluntary agreements?

[44] **Mr Liddy:** Voluntary agreements are a very difficult area but they can be fabulously successful, because they ensure that people are brought in. When you develop relationships for the long term, you are assured that everybody is working for the same win-win solution. If we approached the table as equals, that would be a lot easier to achieve.

[45] **Brynle Williams:** May I ask you to expand on what you mean by ‘equals’? I know that it sounds soft, but I would like to hear what you mean by ‘equals’.

[46] **Mr Liddy:** To go back to the Berwyn graziers, as landowners, their view was, ‘This is my land; get off’. The fact that it was mountain, moor, heath or down and is now covered by the Countryside and Rights of Way Act 2000 has changed things. They have become equals with the recreating public who are able to enjoy those facilities as a right.

[47] **Brynle Williams:** However, the law is the law at the end of the day.

[48] **Mr Liddy:** That is right.

[49] **Brynle Williams:** You mentioned the CROW Act earlier on and you referred to the Berwyn mountains. One of the major concerns is around the idea of free, unfettered access. As I see it, from the beginning, people have understood that the CROW Act gives them a right to roam wherever they want. I am sorry, but it is in the selling of the package, and I am afraid that if we have unfettered access to waterways, people will believe that they can go wherever they want.

[50] **Alun Davies:** Is that cross-examination?

[51] **Brynle Williams:** I am asking the witness his opinion.

[52] **Mr Liddy:** I think that you are absolutely right, and the deliberations of the local access forum in Wrexham, of which I was a member, emphasised the continuing need for education, because all of those marvellous cartoons on the television that were about educating users have gone by the wayside a little and there is a very common perception that you can now go anywhere, because of the CROW Act, and that is simply not the case.

[53] **Brynle Williams:** So I take it that you are not in agreement with having voluntary agreements.

[54] **Mr Liddy:** There are scenarios where voluntary agreements can work, but when somebody has an inalienable right of law, they can simply spit the dummy and say ‘no’, and that has been our experience.

[55] **Brynle Williams:** Can we move on a bit—

[56] **Mick Bates:** Sorry, in view of the point about education, perhaps I could bring Charles in. Your opening remarks emphasised the importance of education. There is a large element of user responsibility with regard to the access issue. Could you reply to Brynle’s question about how unfettered access needs to have a very responsible user term, and how you deal with that in Pembrokeshire?

9.30 a.m.

[57] **Mr Mathieson:** That is fair. To look at the model of the open coast, there is a coastal path all the way round Pembrokeshire and, seaward of it, there is no right of access, but the public and the landowner treat it as though there is one. There is almost never a problem

between the landowner and the user on that land. It is heavily used. We put a great deal of information out about it, but we have come across many people who do not have that information. The balance between problems and benefits is greatly in favour of benefits, whether they are economic, health-related or otherwise.

[58] We can manage the education side, which we have done with the CROW Act. In Pembrokeshire, we have less of a problem with regard to people not knowing what they can do under the Act, because it is pretty plain and obvious and was well delineated by the Countryside Council for Wales. We have had far fewer problems as a result of the Act than I expected. I was worried about it. There have been very few problems, because resources were put in after its introduction to continue liaison with landowners and users, and to build the facilities that were necessary to get onto isolated blocks of CROW land. It is the same sort of thing in this case. I do not believe that the Act is the solution for everything, by any means, but it was a good solution for mountain, moor, down and heath.

[59] **Brynle Williams:** I will go on a little further. If access agreements were easier to facilitate, do you believe that more people would be inclined to use them? If not, why not?

[60] **Mr Mathieson:** We have around 60 permissive paths that go over people's land. They are nearly always on one landowner's land. It is important to have a relationship with the landowner, even where we have a legal right. For example, when there is a public right of way, we almost never enforce that right—I cannot think of a case where we have enforced the opening of a blocked right of way. We do it by negotiation. We much prefer to negotiate and to have voluntary agreements. However, in our particular situation, I cannot see a way in which a voluntary agreement could work.

[61] **Mick Bates:** You are saying that the statutory framework enables agreements to be signed.

[62] **Mr Mathieson:** Yes.

[63] **Mick Bates:** Brynle, do you have further questions on that?

[64] **Brynle Williams:** No, thank you.

[65] **Angela Burns:** What would the voluntary access agreements need in order to succeed? I was just reading your evidence, Mr Mathieson, in which you ask

[66] 'is it reasonable to expect success in negotiating access across private land for launching/recovery?'

[67] You say 'yes', although you said that that was unlikely through voluntary agreements. I was trying to understand the difference between those two answers. I think that I understand, but could you go through it again, for the record?

[68] **Mr Mathieson:** Absolutely. If you look at the map of the River Gwaun, you will see that there are a number of landowners along that river who own one field; a lack of access to that field is all that you would need to block linear access. If the farmer on one farm will not give us access, or will not negotiate granting access, we can probably negotiate somewhere else. The options for where you can have a put-in point and a collection point are limited, because they have to have road access and so on, but they are not totally limited.

[69] At the bottom of the River Gwaun—I am sorry to go back to permissive paths—there is a permissive path from Fishguard. The landowner closed it, and we have tried for 10 years to renegotiate on it. That has blocked a complete line of access routes. He is absolutely within

his rights, and you do not want to take legal action against someone who has given you a permissive path, as that would send out the wrong message. However, it is a real loss. The Gwaun would not be heavily used anyway, as it is a difficult river to use, but it is a good example of the sort of rivers that we have.

[70] **Angela Burns:** You go on to say that agreements can be successful as long as there is 'funding to agree access'. Do you think that voluntary arrangements might be more successful if there was a little more funding behind it all, which would sweeten the pill on all sides?

Mr Mathieson: I realise how difficult it is, particularly at the moment, to suggest additional funding, but if you suddenly had the right to take a canoe down every river in Wales, and there was not the ability to negotiate access across land to get to it, you would make the situation much worse. If you decide that you want the two to happen, the two need to go hand in hand, and there must be the management. It is a long-term investment, as it is with rights of way and the Countryside Rights of Way Act 2000. It is a long-term relationship building and we start from a very difficult situation, so it must be done very patiently.

[71] **Mr Liddy:** Access agreements, with equals at the table, are a terrific example. There are bridleways that go to the summit of Snowdon, which are a terrific mountain-biking opportunity. Everyone complies with the voluntary agreement that is in place, which restricts cyclists to times of year and times of day, because it is in everyone's interest to do so. Everyone approached the table as equals and that is a fantastic example of a good voluntary agreement working. A lot of resources were put into this exemplar project on the Mawddach. There was, largely, only one landowner, which was the Forestry Commission, and resources, of themselves, were not the answer in bringing this debate to an end. As Charles said, they need to be a part of a package.

[72] **Mick Bates:** For the record, David, what was the final outcome and what happens now on the Mawddach?

[73] **Mr Liddy:** Stalemate. We have a long history and a working relationship with both the angling groups in that area, and it is in all our interests to see that that relationship continues. We will have to build some bridges with them, but it is in everyone's interest that we manage the habitats. It is a highly designated area, for which we both have joint responsibility.

[74] **Mick Bates:** Thank you. We will move on now to the environmental impacts since you mention the status of the Mawddach. I invite Rhodri Glyn to ask questions about the environmental impacts of access.

[75] **Rhodri Glyn Thomas:** Mae'r dystiolaeth yr ydym wedi'i derbyn ynglŷn â'r posibiladau o ryw fath o niwed amgylcheddol o ganlyniad i agor mynediad yn gyfan gwbl i afonydd yng Nghymru yn amrywio. Mae rhai pobl yn dadlau y byddai gwneud hynny yn peri niwed amgylcheddol. Pan gafwyd tystiolaeth gan Asiantaeth yr Amgylchedd, nid oedd yn gweld y byddai effaith andwyol ar yr amgylchedd. A oes gan y naill neu'r llall ohonoch farn ar hyn?

Rhodri Glyn Thomas: The evidence that we have received regarding the possible environmental damage that could occur if complete open access were permitted to rivers in Wales varies. Some people argue that doing so would cause environmental damage. When we received evidence from the Environment Agency, it could not identify that there would be a detrimental impact on the environment. Do either of you have an opinion on this point?

[76] **Mr Mathieson:** I have worked for the national park authority for 20 years and I have seen us change our approach to recreation. You are absolutely right; there are different views. We are much happier about activities in sensitive landscapes than we were 20 years ago. We

have seen intensive use of sites, and if they are managed and people behave responsibly and carry out the right activities, it causes remarkably little impact. We have even seen commercial use of sites, with outdoor activity sites and even motorised sightseeing, with boats off the coast in places where I would have been horrified to see that 20 years ago, and yet the birds and seals are doing well. We have changed our approach on evidence, I hope, and we have changed our approach in terms of management, from a code of practice that we hand you, to a discussion, training and information, particularly through the Pembrokeshire outdoor charter, which is run by the Pembrokeshire coastal forum, and I commend that organisation to you. It has brought together a lot of the practitioners and given high-quality information to them so that they start to put peer pressure on the people who do not know about it. That has worked extremely well.

[77] **Mr Liddy:** I am answering the point in item 3 in my conclusions. There is that lack of empirical evidence. However, CCW should take a precautionary principle and proceed with caution. It is not difficult to think of scenarios where the freshwater pearl mussel in the Mawddach could easily be damaged by someone who has tipped out of the canoe, blundering through the gravel in the riverbed. That scenario is quite likely. However, it is not difficult to imagine the right management system similar to that on the Glaslyn, which flows south from Beddgelert, where there is a line on a rock with a tick or a cross. If the water is above the line, you can paddle because, largely, the conservation interests will be protected simply by the volume of water. Every scenario is different, but there are usually ways of managing conservation interests.

9.40 a.m.

[75] **Rhodri Glyn Thomas:** Mae hynny yn dystiolaeth ddiddorol. Mae'r ddau ohonoch wedi gwneud cymhariaeth gyda Deddf Cefn Gwlad a Hawliau Tramwy 2000 a'r ffaith ei bod yn dangos bod agor llwybrau a thir i'r cyhoedd yn gallu gweithio'n effeithiol. A dderbyniwch fod gwahaniaeth sylfaenol rhwng agor llwybrau arfordirol yn Sir Benfro a mynediad i ddyfroedd? Y broblem y gallwn ei hwynebu gyda mynediad i ddyfroedd yw bod gan y naill garfan a'r llall ddiddordebau gwrthgyferbyniol sydd hwyrach yn gwrthdaro â'i gilydd. Nid yw hynny'n wir am y llwybrau arfordirol. Yr wyf yn ceisio meddwl am enghraifft lle y gall fod gan bobl ddiddordebau sy'n gwrthdaro ar y llwybrau, ond nid yw'n codi yn yr un ffordd.

Rhodri Glyn Thomas: That is interesting evidence. You have both made a comparison with The Countryside and Rights of Way Act 2000 and the fact that it demonstrates that opening paths and land to the public can work effectively. Do you accept that there is a fundamental difference between opening coastal paths in Pembrokeshire and providing access to waterways? The problem that we could face with access to waterways is that both groups have differing interests that may cause conflict. That is not true about coastal paths. I was trying to think of a scenario where there could be conflicting interests on the paths, but it does not arise in the same way.

[76] **Mick Bates:** Charles, I think that this is for you.

[77] **Mr Mathieson:** It may not be exactly the same, but you certainly have situations where there is a measure of conflict between coastal fishermen and canoeists and there is also a little between boat operators and divers, as there is an issue between cyclists and walkers. However, with a level of goodwill, they can be managed. I am surprised at how strong the opposition is. I can speak only for Pembrokeshire and say that, on the Haven waterway, which is not so very different from a river, fishermen, canoeists and rowers coexist perfectly happily. It is bigger, there is more room, but I cannot believe that it is impossible for two activities to share the same water.

[78] **Mick Bates:** Thank you very much. We will move on to questions from Lesley, who

will discuss the financial position.

[79] **Lesley Griffiths:** Thank you, Chair. We have received a lot of evidence about regulation and finance and there seems to be reluctance on the part of some to pay for access. What are your views on all water users being required to be registered and pay a fee to use the water? How would you wish to see this implemented and how would you wish to see the money being used?

[80] **Mick Bates:** David, we will start with you. [*Inaudible.*]

[81] **Mr Liddy:** I do not know the best way for people to pay for their use. However, there is a common acceptance in outdoor user groups that you pay. Everyone comes to Coed y Brenin and the only car park is a pay and display car park and the take-up rate is terrific. People realise that there is an asset that they are going to use, which will not maintain itself for free. People are quite willing—and I am one of them—to put money into the pay-and-display machine. With my paddling hat on, when I used to go on the Tryweryn when it used to be chargeable, the first thing that you would do would be to go in, pay your tenner, and you had a little ticket or bib on your canoe that showed that you had paid. It was not an issue. You do not get something for nothing. I have always been willing to pay and that has been my general experience.

[82] There are a number of issues. Access and egress for paddle sports is an important aspect that will need managing and it will not come free or cheap. That is how we will be protecting the banks, which will be more or less sensitive. That is when things like fences and walls will need agreements to manage access and facilitate timing, which will be part of the proper management framework. Those things will not come into being without someone working long and hard on it. That is where the revenues will need to go.

[83] **Mr Mathieson:** Our experience is that people are certainly willing to pay for parking and we have increased our parking and the number of places where we charge for parking to try to bring revenue into the national park authority. Where you have a limited number of negotiated access points, then probably the charging system would work very well. If you have a situation where all rivers are available, I fear that the administration and the bureaucracy that would go with a charging system, and particularly with an enforcement system, would be disproportionate. I think that you might not have any money left at the end of it, but I just do not know. My theory is that it would be a bit like trying to charge for use of the coastal path. If you have loads of places where canoeists can go into the river, and lots of rivers that can be used, it would be terribly difficult to try to police it.

[84] **Lesley Griffiths:** If there was to be a change in the legislation, how would you wish to see the different users held accountable? You have just touched on this point: how do you think that it could be enforced?

[85] **Mr Mathieson:** It would be very difficult to enforce. Unless you have a licensing system, through which you can take the licence away, it is difficult. It is very rare that you see a prosecution in countryside recreation. We have bye-laws over the Milford Haven waterway, but I have never known anyone to be prosecuted under those bye-laws for a recreational offence. If you could take their mooring away or take their slipway licence away, that would be much more effective, but generally it is very difficult to do that. I have seen a much greater effect on most groups from peer pressure and from education and information than I have from threats of enforcement. If you have a network of waterways, as we do, which is pretty dense, it is hugely difficult to try to patrol all of that. I would love to have a method of enforcement, at the end of the day, to deal with the 5 per cent, but I suspect that the reality of it is that the benefit for the 95 per cent is greater than the problem that the 5 per cent will cause.

[86] **Mr Liddy:** I think that it will always be difficult to regulate. When canoeing at the National Whitewater Centre at Tryweryn, if someone you know does not have a ticket, all of the other guys will be saying, 'He hasn't got a ticket' and people will start buttonholing him. Mountain bikers used to be the worst at riding on public footpaths, but now it is a bit of a no-no because others think that they are geeks if they do so. It self-regulates very well because it is not in anybody's interest to break the law, to wind up all the walkers and to get on everybody's nerves. We are all responsible users of the outdoors and that self-regulation through peer pressure has been successful in other scenarios.

[87] **Angela Burns:** Sorry to come back to you again, Mr Liddy, but I just wanted to clarify something. Are you saying that you would be happy to have some form of charging mechanism? Is that the Forestry Commission's view or your view? Is that the same as the evidence that you gave to Making a Splash in Sheffield a couple of weeks ago? I thought that there was a discrepancy between what was said then and what you are saying now. I am not clear whether you are talking about your point of view or the Forestry Commission's point of view.

[88] **Mr Liddy:** I did not make a presentation at Making a Splash in Sheffield. Matt Strickland did, from Environment Agency Wales.

[89] **Angela Burns:** I did not say that you made a presentation. I am just not clear on this.

[90] **Mr Liddy:** I attended that Countryside Recreation Network event personally, not on behalf of the Forestry Commission.

[91] **Angela Burns:** So, is this a Forestry Commission view or your view that we should charge or not charge? I am not clear on that.

[92] **Mr Liddy:** The Forestry Commission recognises—this is the organisational perspective—that things need a proper revenue stream to enable them to sustain themselves in the long term. For mountain biking, that is why we charge for the use of our car parks, because that funds the ongoing maintenance costs of our recreational facilities.

[93] **Mick Bates:** I think that that is sufficient. Thank you very much.

[94] **Leanne Wood:** You have come down in favour of the Scottish legislative system. Earlier, Alun Davies mentioned that we have had some conflicting evidence with regard to the situation in Scotland, that it has not been entirely successful and that the situation in Wales is different because our rivers are different, the fish that are in the rivers are different and the effects of canoeists on those rivers and on those fish are different. You did not respond to that point. Do you have a view on that?

[95] **Mr Liddy:** No, not really. I cannot speak with any certainty on a scientific basis about the difference in the catchments.

[96] **Leanne Wood:** Okay. Mr Mathieson, do you have a view on that at all?

9.50 a.m.

[97] **Mr Mathieson:** It would be the same. I would have to lean on the evidence of the CCW, the Environment Agency, or the National Trust.

[98] **Leanne Wood:** Apart from Scotland, are there any other countries that we should look at or take into consideration when we consider how to approach this issue?

[99] **Mr Liddy:** The French should be considered. You can canoe between 10 a.m. and 4 p.m. The anglers get the twilight sections of the day, and the paddlers get the bit in between. It is very simple and very clear.

[100] **Leanne Wood:** Thanks. Do you know of any other examples, Mr Mathieson?

[101] **Mr Mathieson:** I am not aware of any.

[102] **Leanne Wood:** Okay. Thanks.

[103] **Mick Bates:** Thank you. Do Members have any more questions before we draw this session to a close? I see that you do not. I thank both witnesses for their written evidence and for the clarity of the responses this morning. You have raised some valuable points for our inquiry into access. You will be sent a draft of the transcript before it is finally published.

[104] **Mick Bates:** I now invite the next group of witnesses to the table.

[105] I welcome you to this session of the Sustainability Committee. Thank you for your written evidence and the way in which you have presented it, as well as for putting forward some interesting suggestions on how this issue could be resolved. I will invite you, starting with Chris, to introduce yourselves for the record. When you do that, please name your position and state who you are representing today. After that, we will take questions from the Members. Broadly, there are five areas on which we wish to scrutinise you and your evidence. Given time constraints, I will start by asking one of the panel to respond, and I will then invite others to comment on that response. I might not have time to ask everyone to give a full answer to each question.

[106] I will start by asking you, Chris, to introduce yourself and to state your position.

[107] **Mr Randall:** My name is Chris Randall, and I am the events secretary for the Open Canoe Association. I am here to represent the membership. We are an organisation that promotes the use of the open, Canadian canoe on rivers, and we are very much a family-based organisation that concentrates on paddling the lower grades of water.

[108] **Ms Rew:** I am Kate Rew, from the Outdoor Swimming Society, which I run. We support the enjoyment and encouragement of swimming outdoors, and we try to educate people about where to go and how to do it safely.

[109] **Mr Shan:** I am Andy Shan, and I am just an individual. I am a keen kayaker, and have been kayaking for about three years. I am also a landowner, with a smallholding of about 50 acres.

[110] **Ms Cadbury:** I am Rebecca Cadbury, and I am the membership secretary of Narberth Canoe Club. We are a small, family canoe club in Pembrokeshire. We paddle some of the rivers of Pembrokeshire, as well as the coast and the haven.

[111] **Mick Bates:** Thank you very much. I invite Alun Davies to start the questioning in respect of public rights.

[112] **Alun Davies:** Your papers are quite interesting with regard to what you have to say about public rights. Mr Shan, you say that:

[113] ‘The issue of ownership and the right of access is hopelessly confused.’

[114] You describe it as a vacuum. Kate, you say that the legal position is ‘uncertain, inaccessible and confused’. On what basis do you say that, because the evidence and the advice from our lawyers is that the legal situation is clear?

[115] **Mick Bates:** Since Alun mentioned the two of you, then both of you may answer.

[116] **Ms Rew:** Ever since we started the OSS, we have been looking at the issue of access and we have not found any clarity at all about whether we have a right to swim somewhere or not. There is therefore an assumed right to swim—

[117] **Alun Davies:** Excuse me, but can I stop you there? Have you employed a lawyer to look at these issues?

[118] **Ms Rew:** Yes. We had a law firm in London look at this issue.

[119] **Alun Davies:** It has failed to clarify for you the state of the law, is that right?

[120] **Ms Rew:** It know what the state of law is, but it says that the law itself is unclear and confused—it says that it is piecemeal and complex. There is a mixture of old case law, statutory provisions and local bye-laws—it is not clear that there is a right to swim. For example, on navigable waters, the general rule of thumb is that if the water is navigable that means you have the right to swim. However, it is not certain whether or not the laws relating to that access extend to swimming. With historic rights, it is assumed that if there is a historic right to swim, we can swim, but that might be contradicted by a bye-law. For example, do we have the right to swim in national parks? It is very unclear for swimmers whether we have the right to swim or not.

[121] **Mr Shan:** From my point of view, the law is probably clear in that the landowner owns the riverbank for half of the river. However, the confusion is over whether there is a right to pass a boat over that riverbank and proceed down the river in a boat. That is where the confusion arises.

[122] **Mick Bates:** Rebecca or Chris, would you like to contribute? I think that this is an important point.

[123] **Ms Cadbury:** I felt that I understood the legal framework, but I have not looked into it. However, it is confusing that there are some sections of river where you are allowed to go, and some where you are not. It is a question of when you can get access from a road to a river, so there is a question about access and egress points, which is quite confusing. I also understand that the landowner has the legal right to the riverbank, and I personally feel that the landowner has the right not to have people trooping across his or her land, causing damage. So, this is an issue that needs to be addressed. It is confusing, particularly if small groups of paddlers are trying to take out a group of kids, say, because it is hard for us to know where we can go and where we cannot.

[124] **Mick Bates:** Chris, what is your perspective on this?

[125] **Mr Randall:** The assumed position has always been that the landowner has the right to control the use of that water, in the same way as he has to control the fishing rights. We have always assumed that. However, the recent evidence presented by Douglas Caffin has thrown that into confusion, and the rights need a lot more inspection and testing. Everything is based upon case law, and if you start to go back through the layers of case law, you begin to wonder where the assumption came from for the judges to decide that the historic right of navigation was overridden. From a family point of view, it is very difficult. If someone goes into a shop to buy a canoe and wants to take the family for a quick splashabout on the water

in the nearest park, he or she will not know what their rights are. A lot of families would just assume that once you have got a canoe, you can go where you want.

[126] **Alun Davies:** From your answers to that question, you seem to be saying not that there is confusion but that you just happen to disagree with the law, and that you wish to have the law changed. Kate, you said that you had no right to swim in these areas, which is not very confusing—it is quite clear.

[127] **Ms Rew:** I am sorry if I was not clear. I said that we are not clear whether we have the right to swim or not. When we go swimming, it is not clear whether we have the right to swim or whether the landowner has the right to prevent us in certain cases. I do not think that either party is clear on that.

[128] **Alun Davies:** The evidence that we have had from landowners is very clear, and some of the clearest evidence that we have had—we have had very little clear evidence on this subject, I must admit. From what we have heard over the last few months, the legal position is reasonably clear, it is the implementation of the law and the policing of that law that has led to some confusion. It is one thing to say that the law is that you can only have half of the river, but if you try to measure where that half starts and ends, it begins to get a bit more difficult, which I appreciate. How would you solve the problem? You have painted a picture of confusion in your minds. I do not think that there is confusion in the law, but the way in which the law is interpreted and viewed might be different, which I accept. How do you want to see the law changed in order to clarify matters for you?

10.00 a.m.

[129] **Ms Cadbury:** I would like to see users of the river having a means of accessing it and enjoying it. It is extremely important, as was made clear earlier, that that is done in the context of a framework that allows for the protection of the river and the environment of the river and adequate protection for landlords so that they do not have people trooping across their land to unsuitable access points. Overall, for that to be done, a framework is required. That is what I would like to see coming out of this.

[130] **Mick Bates:** May I clarify that you think that a legal framework is required?

[131] **Ms Cadbury:** It needs to be a legal framework, because the voluntary element is partly creating the confusion. Although the law may be clear, there are situations in which a lot of kayakers know that landlords do not mind them getting on the river, paddling down and getting out at a certain point, so, at the moment, there are confused voluntary arrangements that counteract the absolute nature of the law. That can be very confusing and I would like to see a much clearer framework in its place.

[132] **Mick Bates:** Does anyone wish to add to that?

[133] **Mr Shan:** I would like to be able to sit in a kayak and pass down a river, and feel that I am doing something legal. To describe the situation at the moment, I used the word ‘confusion’, but maybe I meant the word ‘conflict’. I feel conflicted when I kayak. I feel that I have a moral right and that what I am doing is in line with what you would expect modern values to be. As part of the sustainability agenda in the twenty-first century, you would expect to be able to freely paddle down a river.

[134] **Alun Davies:** Why?

[135] **Mr Shan:** It is because that is the situation with other aspects of life in Wales. The countryside of Wales is open; we have access to the mountains and can use them freely. We

can use the coast freely, but it is a different situation with the rivers, through the evolution of the law or the non-evolution of the law. Wales sells itself to the outside world as supporting the culture of its people. It has a strong culture on its mountains, which it promotes and the mountains are available for everyone. On the coast, we have a strong culture, and we promote it, and it is there for everyone. With the rivers, we have virtual fences along their length and they are closed to everyone.

[136] So, for example, the paddleable section of the Wye is 71 km long; if I went from the Senedd for that distance I would reach Swansea. In that length of river, there are about nine access points by which I can access that river, four of which are in public places. That is the only access that I can have to that river. When I am on the river, I do not know whether I am breaking the law or not. Even if I am paddling fully under the Wye and Usk agreement, you have already heard from the Wye and Usk Foundation that it does not represent all the landowners and cannot do so. I can never have legal certainty about what I am doing. The way that I describe it in my mind is that I paddle at my own discretion, so I do not break down fences, I do not trespass and I try to use the very limited number of access points. I accept the conflict that on the river I may be breaking the law in someone else's mind. I try not to disturb anglers; I have never had any conflict with anglers on the river.

[137] **Alun Davies:** Would you accept a voluntary agreement, or even a voluntary agreement underpinned by law, if it did not suit you? I noted in your evidence that you said that you disregard the agreement on the Usk because of the issues around the bridge in Brecon. It appears to me that you are saying that you want the law to suit you.

[138] **Ms Shan:** I want a right of responsible access in the way that I have in Scotland. In return for that, like any citizen, I agree to be bound by the definition of responsible access, a code of conduct on how to behave on the river and reasonable sharing, management and compromise between different parties as to how we use the river.

[139] **Mick Bates:** Thank you for that. I would like to move on to access.

[140] **Brynle Williams:** Having listened to your answer, I wonder whether you are prepared to share the burden of the cost of access to entries, exits and so on in some form.

[141] **Mr Shan:** If there were a cost associated with that, you would have to think about how you would recover the cost. I do not think that that cost should fall on the individual. The cost certainly does not fall on the individual for climbing, walking, sports on the coast, and swimming. I do not know what is so special about kayaking that it should be charged.

[142] In terms of those nine access points on the Wye, four of them can be found in public parks and the rest of them, through the permission of kind landowners, have less than 200m of effectively permissive footpath. If you go to those places, you will see no infrastructure. All that you would see are Wye and Usk Foundation signs, with the logos of the Welsh Assembly Government, the Environment Agency, and the Countryside Council for Wales, telling you the times that you cannot get on the river. We have heard that there could be steps, stiles, changing facilities, and car parks, but there is none of that, therefore, there is no cost at present. However, a change to the law could bring about a change of attitude in the way that we promote our rivers.

[143] In one of my evidence papers that I have submitted, which has not been published anywhere, I talked about the way that Wales promotes itself in relation to its rivers. The point is that it does not promote itself. If you look at Visit Wales, you can go straight from that portal to a fishing website, which is fully functional, has a lot of information, and you can join and get information, including river level information. In terms of paddling, you have to go from that website via another two websites in order to come to one paragraph on the

promotion of Welsh rivers. So, there is no external promotion of Wales, and no promotion of those rivers to the people of Wales. My belief is that you are leaving on the table a vast amount of money that could be leveraged from the asset of our rivers. Therefore, the cost of providing extra access and publicising kayaking is trivial compared with the income that is lost from not promoting our rivers and bringing our rivers fully into the brand—although I do not like to use that word—of the countryside in Wales. Therefore, you have a brand that is made up of the open countryside, the coast, and the rivers. We have fenced off our rivers and lost all of our ambition on promoting those rivers.

[144] **Mick Bates:** You made reference to another paper that you have written about this.

[145] **Mr Shan:** Yes; I had submitted it and I thought that it would be distributed to the committee.

[146] **Mick Bates:** We will have a look and I will send it to Members. I am sorry about that.

[147] **Brynle Williams:** Chair, I would—

[148] **Mick Bates:** I must stop you there, Brynle. We are now going to look at finance and I know that Lesley Griffiths is interested in finance. I will wind up the first questions on rights and then we will come to you on access. I now call on Alun.

[149] **Alun Davies:** I would just like to ask Ms Rew and Mr Randall to answer my question, which I asked earlier, on the sort of statutory framework that they would like to see. From the evidence that you have both given, it seems that you would like to see some sort of statutory framework. I wonder whether Ms Rew could explain to us just how popular open swimming is. I have to say—

[150] **Rhodri Glyn Thomas:** Here we go again.

[151] **Leanne Wood:** He is going to mention his daughter again.

[152] **Alun Davies:** I accept that. My daughter does enjoy it; more so than her father. However, it was dismissed by some landowners last week, or it could have been the Country Land and Business Association—

[153] **Mick Bates:** We have also seen—[*Inaudible.*]

[154] **Alun Davies:** I understand that. That is why I have asked the question.

[155] **Ms Rew:** I think that it is increasing all the time. In Wales, you have a healthy tradition of river swimming. It seems that it still goes on. We have seen a dramatic increase in the number of people who are swimming outdoors. The society now has 7,000 members. There were 20 new mass swims set up across the country this year, including the Great North Swim as part of the Great Swim series, which had 10,000 swimmers. There has been an increase in the number of triathlons that are taking place around the country; there are now over 650 triathlons a year, and all of the people taking part have wetsuits and an interest in swimming in rivers and lakes. We had the great successes of the open water swimming at the Olympics, therefore there is a resurgence in the interest in swimming outdoors. On a media level, a few books have been published, including one that I have written, on swimming outdoors. We now have Robson Green appearing on ITV with *Robson Green: Wild Swimming*, and wild swimming can be seen on the BBC programme *Coast*. Across the board, we are seeing people wanting to engage in the joy, freedom and adventure of swimming outdoors. For years, there has been a supposition that we are not allowed to swim outdoors,

because it is dirty, dangerous and illegal. People are now switching on to the fact that they can do it and that it is a wonderful thing to do. So, I think that we will see an exponential increase in numbers over the next few years, which we welcome. Any place where people know that they can swim stands to benefit in terms of tourism and the health of the population.

10.10 a.m.

[156] **Mick Bates:** The question was about how you would like to see the law changed in order to enhance everything that you have said.

[157] **Ms Rew:** We would like a clear legal framework so that we know where and when we have the right to swim.

[158] **Mr Randall:** A key aim of the Open Canoe Association is to promote the use of the open canoe, and we feel that unless we can get legislation, we will not be able to completely fulfil that aim.

[159] **Mick Bates:** We will now move on to access issues. Brynle, you have the first questions.

[160] **Brynle Williams:** I think that Mr Shan has partly answered my first question, but I would like to hear from the other three witnesses. We have received conflicting evidence with regard to the effectiveness and success of voluntary agreements. What are your views on voluntary access agreements?

[161] **Mr Randall:** Some aspects of them are good and others are absolutely awful. I have paddled using access agreements that allow access for only one day of the year, where everyone must start on the river and get off the river at exactly the same time. As far as environmental damage goes, I think that that is the worst possible thing that you could ask for. It is a completely ridiculous situation. The Wye and Usk agreements have good aspects. However, it is not known as to how the levels on the gauge boards were arrived at, and it is as if there was no discussion as to what those levels should be. The impression given on the website is that we are allowed to be there under their tolerance, and so, instantly, the paddlers feels that they are doing something wrong, but that they are being allowed to do it. Instead of starting out on the premise that you can paddle all year except during certain periods when water levels must be over those gauges, it starts with 'You may only paddle...', as if it was written by a Victorian schoolteacher—that is the only way that I can describe it. So, it is not helping to make paddlers feel at home.

[162] **Ms Cadbury:** There are two points on the voluntary agreements. There are certain large organisations, such as the one at Llandysul, that can take agreements and they can work. However, for a small club like ours, they are largely irrelevant. Agreements can create confusion about the legal situation, and agreements can simply evaporate. We have seen that happen this year at the Teifi tour, which is the one day of the year when the Teifi is paddled from Llandysul down to Cenarth falls. Traditionally, safety provision is made at the key falls, but, this year, at Cenarth falls, permission was suddenly refused and the safety people were not allowed on the bank. As a result, they could not paddle the Cenarth falls because it was unsafe. That is just one day in the year—a big day that is looked forward to by all the paddlers in south-west Wales—and suddenly it was gone. That symbolises for me the whole problem with voluntary agreements.

[163] **Mick Bates:** Andy has already expressed a view on this. Kate, do you have any comments?

[164] **Ms Rew:** We do not think that the agreements would be practicable for swimmers. If

you wanted to set up an outdoor swimming club and just swim in the one place, then, clearly, negotiating access is the way to go. However, a lot of it takes place on an ad hoc basis; people roam, they are movable, and, just like people who go for a walk, where swimmers go depends on the weather and the wind direction. I do not see families getting up in the morning, thinking it is a great day and deciding to go for a swim and then being able to negotiate access so that they can take their kids out. I cannot see that working.

[165] **Mick Bates:** You mentioned all of these large events that take place. How are they organised?

[166] **Ms Rew:** They are organised in the same way that mass runs or marathons are organised, with a phenomenal amount of safety coverage, and practically every one takes place in waters where, during the rest of the year, swimming is not allowed because it is too dangerous.

[167] **Mick Bates:** It is too dangerous?

[168] **Ms Rew:** No, not too dangerous—I was just referring to this constant urge to put up signs that state ‘Danger—No Swimming’. Every triathlete in the land runs past signs saying ‘Danger—Deep Water. No Swimming’, which shows that we are not using our safety signage wisely. Those signs should be reserved for places that really are dangerous, not for perfectly nice lakes.

[169] **Brynle Williams:** Rebecca, you were saying that the day was marred with the swim down from Llandysul—

[170] **Ms Cadbury:** The paddle, yes.

[171] **Brynle Williams:** What was the reason?

[172] **Ms Cadbury:** I am afraid that I do not know. Llandysul Paddlers Canoe Club normally organises the event. I just know that it sent out an e-mail about two days before the event, saying that, unfortunately, it had to advise paddlers that they could not go down Cenarth falls because permission had been refused to use the car park and riverbank.

[173] **Mick Bates:** If possible, Rebecca, could you send us some information on why that was refused? That would be useful for our inquiry.

[174] **Ms Cadbury:** I will pass that enquiry on to Gareth.

[175] **Angela Burns:** What is your view on Canoe Wales making a mandate to not enter into voluntary agreements?

[176] **Mr Shan:** As a member, I understand the position differently. You may hear more from Pam Bell later. Canoe Wales will not enter a voluntary agreement that does not have an environmental basis. I believe that it would be happy to enter into an agreement that had an environmental basis, and set a minimum level with some evidence. As a member, I support that position fully.

[177] **Angela Burns:** So, even if a bunch of landowners wanted a voluntary agreement, you would support Canoe Wales in saying, ‘Absolutely not’.

[178] **Mr Shan:** In the context of what Canoe Wales faces as regards 2,500 km of river, these voluntary agreements would only apply to a small percentage, therefore it would be better to maintain Canoe Wales’s position, and its dignity.

[179] **Angela Burns:** Or the pressure.

[180] **Mick Bates:** Are there any other views?

[181] **Mr Randall:** I think that one point that Canoe Wales was making was that it was being asked to enforce these agreements when it has no power to do so. Canoe Wales was being asked to prevent paddlers who were not members from coming along and breaking the agreement. It has no power to do that, therefore it felt that it was being put in an untenable position.

[182] **Ms Cadbury:** That is entirely how I understand the position. This comes back to the point that I made about voluntary agreements being confusing and difficult—difficult for the individual paddler as well as Canoe Wales. If Canoe Wales finds it confusing and difficult to undertake this, it must be almost impossible for the individual paddler.

[183] **Brynle Williams:** If I may come back in, Chair, last week we heard from British Waterways, and I believe that Canoe Wales pays £160,000 a year to British Waterways for access for canoeists.

[184] **Mick Bates:** This is on canals, by the way.

[185] **Brynle Williams:** Yes, on canals. Yet I believe—and please correct me if I am wrong—that Canoe Wales wants unfettered, no-cost access to other waterways. If you are to have the facilities for parking, and the entries and exits, surely someone has to pay for that. Anglers, for example, pay for their fishing rights, or if you keep a horse, you have to pay for its upkeep. You buy your canoe, but is it not unfair that everyone else is expected to pick up the tab for the other costs? Should you not be contributing to the cost?

[186] **Mick Bates:** That is a very leading question. I will ask for just a brief comment from one of you because I am mindful of the time.

[187] **Ms Cadbury:** Personally, I agree with that. I know that that is not Canoe Wales's position entirely, but, essentially, the environment of the rivers needs to be managed, and all people who wish to use those rivers should contribute to the cost. One of the difficulties is where to set the price and how to collect that charge—I do not claim to have any particular expertise in that respect.

[188] **Mick Bates:** We will return to finance in a moment. Moving on to environmental impacts, Rhodri Glyn has the next question.

[189] **Rhodri Glyn Thomas:** A fyddech yn derbyn y byddai cynyddu mynediad— **Rhodri Glyn Thomas:** Do you accept that increasing access—

[190] **Mick Bates:** Rhodri, arhoswch un funud, os gwelwch yn dda—mae'r tystion yn edrych am y sianel gyfieithu ar y clustffonau. **Mick Bates:** Wait a minute, please, Rhodri—the witnesses are switching to the interpretation channel on their headphones.

[191] **Rhodri Glyn Thomas:** A fyddech yn derbyn y byddai cynyddu mynediad i ddyfroedd yng Nghymru yn cynyddu nifer y defnyddwyr, ac a fyddai hynny o reidrwydd yn cynrychioli bygythiad i'r amgylchedd? **Rhodri Glyn Thomas:** Do you accept that increasing access to waterways in Wales would increase the number of users, and would that necessarily represent a threat to the environment?

10.20 a.m.

[192] **Mr Randall:** Yes, it is likely to increase the number of users, but, no, I do not think that it would increase the impact. Apart from anything else, it would spread the load over many more rivers. You need only look at the River Wye on a Saturday or Sunday morning when all the hire canoes are going out to see the potential impact, particularly on the riverbanks, where people access and leave the river. However, if there were more places where people could go, the impact would be spread out. I do not think that it will have any impact in the river itself. I am a professional fisheries scientist, and I have done a great deal of research on the potential impact. The only relevant paper that I can find relates to some work done in America to look at the effects of trampling on salmon spawning beds. It was actually research on fishermen walking on salmon spawning beds. There are two short periods during which you could damage the eggs.

[193] Other than that, I accept that paddling at incredibly low levels could distress fish or damage bryophytes—mosses on the rocks—and possibly invertebrates and that sort of thing. However, aside from that, I do not think that there will be an additional impact.

[194] **Mrs Rew:** Swimmers tread very lightly. They just step in and swim down the centre of the river. I do not see it having a negative environmental impact; in fact, I could envisage it having a positive environmental impact because, once people become engaged with their rivers and lakes, they want to preserve their health. There are many environmental issues, such as over-consumption of water and how individuals pollute waterways with what they put down sewers and so on. I think that swimming encourages awareness and preservation of the waterways, rather than causes damage.

[195] **Mr Shan:** There are three areas of environmental concern that are being brought to the committee. The first is bank erosion. If I took all the signs away from the Wye and Usk agreement sites—the places where people access and leave the rivers—I would challenge you to find them, because the level of bank erosion is so minimal. Last Saturday, I paddled 20 km down from Brecon to Llangynidr. I was not thinking about it at the time, but I would say that, looking back, half of that river is unfenced to the riverbank. There is livestock by the river, and there are multiple places where livestock comes down to the river and drinks. Compared with that, the bank erosion caused by canoeists is infinitesimally small. The second area of concern is disturbance to spawning fish. Again, there appears to be no evidence that there is a real issue. Dragging a canoe through a salmon nest will clearly cause a problem but, apart from that, if we are not paddling at low levels, that is not an issue.

[196] The third issue is that of shy fish, and specifically sewin. If we cast a shadow on the river, anglers say that they will not be able to catch a sewin in the evening. In response, I give you the example of Nedd Fechan, a tributary of the River Neath. If you go there during the day in the summer, you will see people walking alongside the river, picnicking by the river, jumping in and out of pools and walking under waterfalls and, come dusk, the sewin fishermen there are fishing. So, as a layman, I do not accept that argument.

[197] So, I do not think that any of the three are valid arguments, and I think that even a massive expansion would not create a problem. We have mentioned the River Wye. At Symonds Yat, there are pubs, hotels and an activity centre, people climb and go mountain biking there, there are motorised pleasure cruisers on the river, and, on a bank holiday Monday, there will be hundreds of canoeists there. However, it is an area of outstanding natural beauty that sits cheek by jowl with SSSIs. There are peregrines and I know that people have seen otters there. That is all despite it being the worst example of a hot spot that you could find if you were to open access to the rivers out.

[198] **Ms Cadbury:** Fundamentally, Narberth Canoe Club does not believe that kayaking is environmentally damaging. I accept that the rivers are tremendously under threat, but I think

that that is as a result of a wide variety of things, not just their recreational use. I endorse Kate's point that, if we have a vested interest in preserving our rivers and looking after them, that is their best hope for the future. Opening them up to people to see them and to use them is perhaps one of the best ways of achieving that, particularly if it can also help to bring in revenue streams, which enable the Environment Agency to tackle some of the real environmental problems of rivers, which are caused more by water use, farming practices and the other pressures that we see.

[199] **Mick Bates:** Cwestiwn arall, **Mick Bates:** Another question, Rhodri? Rhodri?

[200] **Rhodri Glyn Thomas:** Na. Fe'i **Rhodri Glyn Thomas:** No. I will leave it there.

[201] **Mick Bates:** Lesley Griffiths has some questions. There were a few mentions of finance earlier, but I think that there is room to travel with this one.

[202] **Lesley Griffiths:** In its evidence to this committee, Canoe Wales stated that it believed that all user groups should not have to pay to get access, and you agree with that, as you have mentioned before. Would anybody else like to add to that?

[203] **Ms Cadbury:** I am not sure that I do entirely agree with that, actually. There could be a mechanism whereby the recreational use of rivers could bring in a revenue stream, but the important aspect is that it should be used to improve the environment of the river. I believe that the Forestry Commission mentioned that paddlers are quite prepared to pay, for example for car parking, possibly even via their membership of Canoe Wales. That is another mechanism that could be used and would require the agreement of Canoe Wales. Kayakers are quite happy to pay but they would like to see that money being used to improve the rivers, both for kayakers and for other recreational users.

[204] **Mick Bates:** That is a fair point.

[205] **Ms Rew:** I think that it would be difficult to charge swimmers. The other thing is that we are looking at the cost of it, but perhaps not the health benefits to the population. We are doing work with a group called the Blue Gym, which is funded by the Environment Agency and the Department of Health. They have invested in getting people outdoors and active. At the moment, swimming is free—that is one of the great things about it—and it is readily accessible to people, and there could be huge benefits for the health and happiness of the population if it were more readily available.

[206] **Lesley Griffiths:** You said that one of the attractions for swimmers is that it is free. Do you think that other users should have to pay?

[207] **Ms Rew:** I think that my view on that would probably be ill informed.

[208] **Mick Bates:** That sounded like a cop-out.

[209] **Ms Rew:** Yes. [*Laughter.*] No, I do not know. I have not really weighed up the pros and cons.

[210] **Mick Bates:** What facilities would swimmers require?

[211] **Ms Rew:** A car park. If there is an outdoor swimming club with a clubhouse, showers and so on, obviously you would have to pay for that, but a lot of the time all we want to do is walk to the top of a hill and jump in a lake.

[212] **Mick Bates:** Not from a very high hill, I hope. [*Laughter.*]

[213] **Ms Rew:** It is hard to see where the charging would come in.

[214] **Mr Randall:** We fully believe that we should pay for the use of any facilities. There would be a cost to implementing some sort of registration and licensing system for individual boats to go down rivers, as I think was mentioned in the previous session. Any income that you took through that scheme would end up paying for someone to go out to check whether people had licences. Then you would have to be able to take some sort of enforcement action.

[215] As far as other uses go, fishing in particular requires a huge amount of management input. The amount of work that the Environment Agency, fishing clubs and landowners undertake to enable fishing to take place is enormous, and that money comes from somewhere. Saying that, even though salmon and sea trout anglers pay a licence fee, the cost of that is hugely subsidised by Government. Already, the cost of maintaining the fisheries service in Wales far outstrips the income from anglers, as opposed to what happens in other parts of the country, where it is pretty much self-funding.

[216] **Mick Bates:** That is an interesting point. Are there any further questions?

[217] **Lesley Griffiths:** If there were to be a change in legislation and people were required to be registered and pay a fee, how should we ensure accountability? How would you see it being enforced?

[218] **Mr Randall:** It would have to happen as it does on the public navigations. We would have to have a sticker for our boats. Of course, you would have to decide whether to license individual boats or individual paddlers, and what happens if you have two or three people in a canoe or two adults and two children? There are many complicated things to ask. Then who is going to enforce it? Are we going to have people standing on bridges looking over, or do you envisage having closed-circuit television cameras on the riverbank checking? If someone does not have a licence on their boat, how do you enforce it? You cannot recognise them.

10.30 a.m.

[219] **Lesley Griffiths:** I do not know whether you heard the previous evidence, but the Forestry Commission was saying that self-regulation and peer pressure work.

[220] **Mr Randall:** That is the best way forward, and that is how it happens in Europe at the moment. People do not paddle outside the times that they are allowed to because they get pointed at and ostracised.

[221] **Mick Bates:** Does anyone wish to comment on that before I move to the final round of questions? I see that you do not. The next question is from Leanne.

[222] **Leanne Wood:** Mr Randall, you mentioned that you are a fisheries scientist. I want to go back to the point about the sewin that we talked about earlier. You heard Andy's view that the situation in Wales with regard to sewin is not particularly different from that in Scotland. We have been told that we should not have the same legislation as that in Scotland because of the issues regarding sewin. Can you tell us your view on that as a fisheries scientist?

[223] **Mr Randall:** I am not a specialist in sea trout. We do have some sea trout in the part of the country where I work, but there are none in such small rivers. There is no commercial aspect to the fishery; it has no value. Certain species of fish are shyer than others and will take

cover once disturbed. At the same time, I have paddled on rivers where the water is incredibly clear, and I have seen fish species that, in theory, should be shy. However, they quickly become accustomed to boats, and so you can paddle over them and they do not move. In other places, fish will just move to one side or the other to get out of the way of the boat, but will quickly return to the spot where they were.

[224] **Leanne Wood:** What would you say in response to the point that rivers in Wales are different from rivers in Scotland, and so the same legislation should not apply?

[225] **Mr Randall:** I am trying to be polite, but I think that that is a load of rubbish. *[Laughter.]*

[226] **Mick Bates:** Very polite. Thank you.

[227] **Leanne Wood:** This question is directed to you all. Do you believe that the legislation in Scotland is working well?

[228] **Ms Rew:** From what I have read, it appears to be working well

[229] **Leanne Wood:** Have you experienced the legislation in action, or is your view based on what you have read?

[230] **Ms Rew:** I have never had anything but a welcome in Scotland when I have been swimming there.

[231] **Mr Shan:** I have not been to Scotland, so I cannot comment on that. However, I have heard, anecdotally, that it is working.

[232] **Mr Randall:** A large proportion of our members go on holiday to Scotland every summer, purely to enjoy that access and freedom to use the waterways. They all come back saying how friendly the anglers were, and how well they co-operated and worked together on the river.

[233] **Leanne Wood:** So, there is no conflict in Scotland anymore between anglers and canoeists.

[234] **Mr Randall:** That is certainly the feedback from our members.

[235] **Mick Bates:** They may be a bit biased. Rebecca, would you like to answer that?

[236] **Ms Cadbury:** I do not have any experience of the situation in Scotland, so it is not really appropriate for me to comment.

[237] **Leanne Wood:** Are there any other countries in the world that we should be looking at to inform our approach in Wales—apart from Scotland?

[238] **Mr Randall:** In my evidence, I mentioned the situation in Belgium and Wallonia in particular. The situation with regard to access there is very good. There is a general right of access, but there are some stretches of river where you can paddle only in the winter, and others where you cannot enter the river at a certain time. There is a good information system, and there are websites that are continually updated to show when people can access certain rivers according to the water level. It works very well. There is a good amount of angling and fishing tourism in Wallonia, with many people coming on holiday from the Netherlands and Germany. It is a good system and perhaps we need to look at having it in Wales.

[239] **Mick Bates:** Are there any other comments on international examples?

[240] **Ms Cadbury:** The contributor from the Forestry Commission mentioned the situation in France, where they have rules based on the time of day, and so on. That would be an appropriate way of dealing with the potential conflict—because the conflict between anglers and kayakers is more potential than real.

[241] **Mick Bates:** Leanne, do you have any further questions? I see that you do not. Angela has a brief question.

[242] **Angela Burns:** You mentioned France. In France, would you be allowed on a river only from, say, 10 a.m. until 3 p.m.?

[243] **Ms Cadbury:** I believe that it is between 10 a.m. and 4 p.m..

[244] **Angela Burns:** Could you paddle a decent length of river in that time to make it an enjoyable day?

[245] **Ms Cadbury:** I think that most paddlers would say that they would paddle for between two and three hours, generally speaking.

[246] **Angela Burns:** Okay. I just was not sure, because you talked about doing 20 km the other day.

[247] **Alun Davies:** It would take us a lot longer to do 20 km. [*Laughter.*]

[248] **Angela Burns:** I was wondering how long it would take to do that.

[249] **Mr Shan:** It would take three hours, and you would do it—[*Inaudible.*] So it is perfectly reasonable to put that. I would say that the way in which you apply that needs to be proportionate.

[250] **Ms Rew:** I am not sure how that would affect swimmers. I am unclear as to how that would work from a swimming point of view.

[251] In terms of other examples from across Europe, I do not know the legal situation, but culturally in France, Switzerland and Germany outdoor swimming is actively encouraged. There was a wonderful situation on the River Elbe where there was something called the big jump, and tens of thousands of people got into this river on one day. There are now 55 recognised bathing spots along the length of the River Elbe. To move towards a situation where you have inland beaches and recognised swims would be a very good thing for the population.

[252] **Mr Randall:** Recently, the UK Government was asked to designate bathing waters, and initially, when it did so, it did not designate a single inland bathing water. The European Parliament has now said that that is wrong and that the UK Government must now designate some inland waters.

[253] **Mick Bates:** That is very interesting. That was a European designation that you referred to, was it?

[254] **Mr Randall:** Yes. The UK Government was asked to designate bathing waters, and all it did was designate waters around the coast. It was then told that the rest of Europe has inland bathing waters and that it needed to designate some too.

[255] **Mick Bates:** Thank you; that is excellent. I am fascinated by your answers—thank you for them—and by your written evidence. If there is any further evidence that you wish to submit—possibly about your experience with fishing, and the European reference that you have just made—that would be very useful. You will be sent a draft transcript for your perusal before it is finally published. I thank you for your answers; I am certain that it has been very useful for the committee to hear the views of users like you. Thank you.

[256] We now move to the second session of people who provided some solutions in their evidence, which I, as Chair, am very fond of pursuing. I invite you to introduce yourselves for the record, giving your name and position. As you have already seen, Members will wish to question you on certain areas, such as public rights, access agreements, environmental impact, regulation, finance and examples from elsewhere in the world. I thank you for your evidence.

[257] **Mr Wood:** My name is Peter Wood. I work for Pesda Press in Caernarfon. We publish guidebooks to outdoor recreation or adventure. There is not necessarily a lot that I can add to the evidence that is given, but I can give an opinion.

[258] **Mr Bursnall:** Bore da. **Mr Bursnall:** Good morning.

[259] My name is Peter Bursnall. I sit on the tourism advisory panel; I have met Rhodri a few times on a previous panel. I chair the sustainable tourism forum, and I am chair of the Wales activity tourism organisation, which is a newly formed organisation putting together best practice across the national parks. I am also a member of the outdoor swimming society—just so that you know; there are a few of us about—and I am a Canoe Wales member. I am not a whitewater canoeist; like the gentleman on my left, I am an open boat canoeist.

[260] **Mr Evans:** I am David Evans, an associate adviser for outdoor education. I work for a consortium of local authorities—Rhondda Cynon Taf, Merthyr, Bridgend and Caerphilly—and I am the chair of the Wales outdoor education advisers panel.

[261] **Ms Bell:** I am Pam Bell. Although I am on the board of Canoe Wales, my evidence was given on a personal basis, as a voluntary access officer. I am only speaking from that personal viewpoint today. I am also a member of the outdoor swimming society and the river and lake swimming association, and I enjoy other watersports.

[262] **Mr Blackburn:** I am Peter Blackburn, head of Plas Pencelli, an outdoor education centre near Brecon, which is owned by Swindon Borough Council. I am also the secretary of the south Wales branch of the Association of Heads of Outdoor Education Centres.

10.40 a.m.

[263] **Mick Bates:** Thank you. I invite Alun to talk about public rights.

[264] **Alun Davies:** Thank you for the written evidence that you submitted. We have had some time to read through it. I am interested in that evidence. Although there is too much to read out, we have heard previously that there is confusion about the law and many of you go further than that in what you say. Mr Bursnall, you say that

[265] ‘...rights have never proven in law and based on a mish mash of legislation and hearsay’.

[266] You seem to be denying that there is almost any law at all to regulate your access to inland waterways. Mr Wood, you seem to be saying that you do not seem to give a damn about it anyway. You say that:

[267] ‘better definition of the legal right of access would not affect my participation in canoe sports (despite threats and objections often from self appointed wardens of fishing beats, none have been able to take action to prevent me kayaking)’.

[268] You do not care what the law is anyway. You will break it if it suits you.

[269] **Mr Wood:** May I answer?

[270] **Alun Davies:** Yes.

[271] **Mick Bates:** Yes, you may certainly answer.

[272] **Alun Davies:** I was not expecting you to agree.

[273] **Mr Wood:** What I am referring to there is the fact that I do not think that anyone has given evidence to point at specific legislation—or there is certainly no awareness of legislation—that states that, other than acts of trespass, there is no criminal reason or other reasons why someone should not pass over land; that is, float over land on water. So, rather like the case of committed hill-walkers or rambles, in these wild spaces, it is difficult to keep out those who are enthusiasts. However, I was putting my position there, as an enthusiast. We travel through these places with a certain level of awareness and we know how to avoid conflict in those spaces. However, tourism has a big impact. It is not the number of committed current paddlers out there who are in dubious access situations. Nothing would change if everyone was to be given free access. However, it is the newcomer to the sport, the tourists from other countries and people from the local communities who might seek to explore their communities who are most affected by—

[274] **Mick Bates:** Thank you. I ask you to draw your remarks to a close. I am mindful of the fact that we have five witnesses and there is very interesting information in your papers. Therefore, please keep your answers fairly brief, as I may not be able to involve you in an answer to every question that is put by Members. Peter, would you respond please?

[275] **Mr Bursnall:** I have followed your progress closely, as I imagine many of us have, and I have read a lot of the written evidence on both sides that points to there being a right in law or not. It seems to be confused, and I imagine that you are confused. Some people say that there is a right in law. There is an article in the Canoe Wales’ Ceufad/Kayak magazine a few weeks ago that demonstrated that that case law does not particularly pertain.

[276] It was interesting listening this morning to Dave and the gentlemen from Pembrokeshire talking about the different categories of user. I would put myself firmly in the category of a professional person who pays his taxes, abides by the law and obeys the speed limit, but because the situation for access to inland water—we talk about rivers a lot, but I would also include lakes—is so inequitable that, if I want to take my kids swimming, gorge walking, or whatever, in Coed y Brenin, which Dave mentioned, which is a place that we go to on a regular basis, I, my wife and my two children, who are under the age of 10, are technically breaking the law as soon as we step off the bank and into the water, where we go paddling, swimming, gorge walking, or whatever, which are all healthy activities. While I understand that some people believe that the law works in a certain way, there is a group of us who are normally law abiding but who think that it is so inequitable that we go with what we feel is right. We are doing no damage. In fact, if I thought that I was doing any damage, I would not access the water. I am an environmentalist. It is not that I am breaking the law in a malicious way; I just think that we have such a terrible situation, which is inequitable to the vast majority of the Welsh public and the visiting public, that I am forced to act in that way.

[277] **Mick Bates:** Thank you; I think that you have made the point. David, from the point of view of a local authority, how do you handle this perceived position?

[278] **Mr Evans:** I am not confused by the law, because my understanding of the law is that riparian owners, if they own the banks, own to the middle of the river. I just think that the law is wrong. Prior to the 1930s, when walkers were not allowed free access to the hills, the landowners would quite rightly have said, ‘There is no right of access; you shouldn’t be doing this’, but we now accept that people should have unfettered access to the hills. Without any problems, I can drive up to the car park at Storey Arms, I can walk up Pen y Fan and no-one tries to interfere or to stop me from doing what I am doing. If I go to do the same on a river, which is also a piece of natural environment, and I want to access it from a public site, I cannot do that because I have no legal right of access. I am not confused by the law; I think that the law is wrong. I would like to see it changed in the same way as it has been changed in Scotland. To my knowledge, it is working extremely well in Scotland.

[279] **Mick Bates:** Pam, there were interesting points in your paper. I thought that I had an understanding of this issue until I read your paper. Did it include evidence from John Bates, a lawyer? He is no relation to me, by the way.

[280] **Ms Bell:** I did not mention it.

[281] **Mick Bates:** Did you not? I am sorry, I thought that you did.

[282] **Ms Bell:** My understanding of the law is that I believe that there is an ancient right of navigation and I do not believe that it has been repealed. That belief is reinforced by the fact that Canoe Wales put out a statement to that effect, going back a good couple of years now, and it has not been challenged. No-one who challenges the right of navigation produces legislation to say that it is not legal. I believe that the ancient rights of navigation are still in force. There is a very interesting paper by Douglas Caffyn that has gone into evidence that explains that a lot better than I could do.

[283] **Mick Bates:** Could I just clarify whose paper this one is, the one that contains the additional evidence? It has a map of the Wye in it and some schematics. Is that yours, Pam?

[284] **Ms Bell:** Do you mean the one with the National Rivers Authority paper in it?

[285] **Mick Bates:** Yes.

[286] **Ms Bell:** Yes, that is my paper.

[287] **Mick Bates:** I read it with interest.

[288] **Ms Bell:** Sorry, I thought that you were asking about my original evidence submission. That paper includes information from the NRA’s regional solicitor.

[289] **Mick Bates:** Thank you.

[290] **Mr Blackburn:** I work in an adult education centre that deals with young people from all walks of life—many of whom are fairly disadvantaged. In a week, apart from building their confidence and getting people to work well together as teams, we also try to develop a respect for the environment. In a centre like ours, canoeing forms one of the four or five important activities that we use. Obviously, at no point would a centre like an adult education centre, which is run by an authority, ever want to be engaged in illegal practices. We go to great lengths to try to ensure that everything that we do is within the legal framework. One of the problems with using rivers for groups is that you tend to use shorter

sections, because people tend to be novices, you want to get on at the right access point and off at the right egress point, so they are very vulnerable to the loss of one of those points. If you lose one point, the section of river may be so long that a group of that nature may not be able to paddle it any more. We have seen that on the Welsh/English border where there are currently some problems at Hay-on-Wye. I know that it is not in Wales—

[291] **Alun Davies:** Yes, it is; I represent it.

[292] **Mr Blackburn:** Sorry; it depends where the border is drawn, I suppose. Where you actually get out at Hay-on-Wye, I think that it is just over the border, but I may be wrong. There are problems with the car parking there. As they have started charging for car parking in the town, everybody has moved to another car park by the river that is free. That is an egress point, so parking vehicles there to take out groups of canoes has become almost impossible. If we lose that egress point, there is not really an alternative to what is a very popular section for groups of canoeists. Many groups only use particular sections. The law is very important to a centre like ours and we need to be very clear that we are acting within the law.

[293] **Alun Davies:** I take it from those answers that the law is reasonably clear. I must admit, Mrs Bell, that I do not accept your points on Roman law.

10.50 a.m.

[294] Things are a bit different now, and the legal framework is reasonably clear. What I get from it is that you do not like it. Mr Bursnall, telling us that you are compelled to break the law is a bit rich. Nobody is compelling you to break the law; I think that you choose to break the law, and to do so knowingly. That is different to not understanding the law or being in some way compelled to break it. I have a young family, too, and I do not ever feel compelled to break the law to provide them with activities during the summer holidays. You have to be honest and blunt about that.

[295] You have all, in different ways, described the current legal settlement, if you like, as an impediment to greater participation in and enjoyment of the water courses in the widest sense. Could you outline to us the positive changes that you would like to see in the legal framework to encourage people? If you are going to be open about being lawbreakers, why should other people abide by the law to enable you to have the access that you choose, demand and take, whether there is the legal framework for you to do so or not?

[296] **Mick Bates:** Let us start with David Evans.

[297] **Mr Evans:** It is a question of natural right and natural fairness. We do not sit here now and argue whether it is morally justifiable for groups of people or individuals to walk over our mountains and hills, because we have accepted that that is a right. I think that our rivers, our coastline, our sea, and other aspects of our natural heritage should be dealt with in the same way. I represent groups of young people who go on the water with local authority centres and other groups, and they are often restricted to small stretches of canal and such. They cannot get onto the rivers and into the natural environment, because they are restricted by the current legislation. Whereas I as an individual might go and paddle a stretch of river where there is no access agreement, I could not countenance a teacher or an outdoor instructor doing that with a group of young people. So, it places considerable constraints on these activities.

[298] **Mr Bursnall:** To some degree, this is not about looking too closely at the law because you are here to decide whether you want to change it or not. The question should be: do we think that 70,000 or so rod licences offer enough of a benefit to Wales plc to negate

access to those resources for the rest of the population? That is the fundamental question. In this day and age, when sustainability, climate change reduction targets of 3 per cent a year, mental health and wellbeing, and obesity are some of the many, pressing issues that we are trying to deal with, do we think that those rod licences are enough of a reason to negate the benefits that we could get from that resource for those agendas? I think that the benefits would be quite considerable.

[299] One example would be, if you were to manage the resource properly, the environmental aspect would be better managed. At the moment, people go where they go because they are ignorant of any issues. Another example would be that communities could develop tourism products for sale, as packages or whatever, to get more people into their communities to make them more resilient and to make us more sustainable. Another would be to look at the mental health of the nation and ask, whether we think that getting out into the countryside is of value? We know that it is of value, so why are we allowing this resource to idle, to be dictated by a small number of people who would still be allowed to access the water when we could open it up to a much larger number of people who would also gain benefit from it? There is an issue of social equity here, and in this, the twenty-first century, that must be one of the fundamental—

[300] **Mick Bates:** Thank you very much. I think that you have made your point on social equity. I am sure that you are looking forward to our recommendations, too. I would remind everyone about brevity, as we are quickly running out of time.

[301] **Mr Wood:** With regard to a change in the law, for clarity in the situation, if you want joined-up thinking in a tourism action plan to encourage more people to take part in water sports in Wales, it is a lot easier to tell them what their responsibilities are and where they may not paddle than to tell them in each and every case in which limited places they may paddle and by which differing rules they must abide in each circumstance. In those terms alone, that is the prime reason for a change.

[302] **Ms Bell:** It is obvious that there are widely differing opinions as to what is the law, and I do not think that that will be resolved without new legislation that clarifies and enshrines what is appropriate as a public right, and not for any particular activities, to access the natural resource in the twenty-first century. So, whatever we believe the law to be, we need to enshrine that in new legislation.

[303] **Mr Blackburn:** There are many local authority centres such as Plas Pencelli across Wales, and there are many private providers, all of which have their own aims and ambitions. One of the issues over the past 20 years has been access to venues for all activities. If you look at caving, climbing and hill walking, in many ways they have not been restricted a great deal, but perhaps people pay more in access fees for parking these days. The activity that stands out is canoeing, because there are very few available venues, and canoeing is very susceptible to changes in water levels. So, if it rains a lot, you have to go down to the canal. If you pop down to the Brecon and Monmouthshire canal, the groups operating on the canal has expanded on a very narrow stretch of waterway. So, it has an impact on the whole experience of young people—it becomes less of a wild experience to being a very controlled experience, which probably also reflects the way in which outdoor centres have moved to a more controllable experience for young people. Increased legislation would only help more access to rivers.

[304] **Mick Bates:** Thank you. We will now move on to access.

[305] **Brynle Williams:** We have heard conflicting evidence on voluntary agreements. For a long time, voluntary agreements seemed to work successfully, then all of a sudden they have been torn up and you do not want them anymore. I would like to hear your reasons as to

why you will not have those voluntary agreements and why you have torn them up. I have heard some of the legal agreements, but you want the law to be changed.

[306] **Mick Bates:** I think that we have got the point. Pam, why have voluntary agreements disappeared?

[307] **Ms Bell:** My experience of these agreements goes back to about 35 years ago. Initially, it was an end user of voluntary agreements, and I found it very difficult to be a paddler because I had to look ahead and think 'Do I want to write a letter and send a stamped addressed envelope, and get a reply two or three weeks later, and will I still want to go canoeing on that day after all that has happened?' It was very frustrating. Going canoeing is just like going out for a walk, a climb or anything else—you want to do it when the time is right, when you have time off work, or whatever.

[308] When I became involved with the voluntary access team as a voluntary access officer, the agreement did not work when I joined. That was one of the reasons why I joined the team, because I wanted to try to improve things on the local rivers. That was about 15 years ago. The agreement was not working then and it never worked in all the time that I tried to get agreements, which was over a period of 13 years up until Canoe Wales withdrew a couple of years ago. It did not work for the paddlers. We could only agree what was given to us. It was usually handed down on the basis of 'If you keep everyone off the water on all of these dates and all of these places, we will not challenge you to go canoeing in these places and on these dates.' An example of that is in one of the pieces of evidence that I submitted. In 1992, the National Rivers Authority, as it was then, put forward evidence of safe paddling levels throughout the Usk and its tributaries. When I joined the access team in 1994, the agreement was that canoeing was forbidden on all the tributaries and the whole of the river above Sennybridge. There was no mention of safe levels—the safe levels according to that agreement started at Brecon, and you could canoe between 18 October and 25 January. There was no mention of safe levels anywhere, except at Brecon bridge. The tributaries were specifically forbidden for canoeing, and, as a trade-off, you could go on the main stem of the river, but you had to keep paddlers off everywhere else for that agreement to stay. That is the type of thing that happened on every river. If we wanted to get people on the water at all—as we thought we were doing then—we had to keep them off everywhere else. Eventually, we found that we were not trying to get people on the river—we were negotiating to keep people off the river, and in order to do that, we were taking what we could get and telling people that they could not paddle.

11.00 a.m.

[309] We found that paddlers did not accept it—I received a letter from one of the local canoe clubs in the Valleys after we had signed a Sundays-only agreement, which was all that we could get, asking 'What use is that to us? We're all shift workers. We work on Sundays'. That is the sort of thing that went on all the time—

[310] **Mick Bates:** Can you draw your remarks to a close? Thank you very much, that was interesting.

[311] **Mr Evans:** I do not think that voluntary agreements have ever worked nor can they. In an ideal world, if we were talking about two equal parties, they could sit and negotiate on a reasonable basis. However, when you have one party that currently has all the legal and financial backing on its side—agreements have worked in cases where, if you had nothing and someone threw you a crumb off the table, you would be grateful for something, but that is not a real agreement. They are subject to being withdrawn, as we heard from the previous speakers, at short notice. I do not think that there is any incentive for the people who currently have the whip hand to enter into a voluntary agreement. Why would they want to?

[312] **Mick Bates:** How do you work your agreements on behalf of outdoor education in Bridgend?

[313] **Mr Evans:** The agreements that we have are that most centres and groups use limited amounts of water. Groups travel either to the Neath canal and paddle on sections of that or on the Brecon and Monmouth canal and they use a couple of small lakes, one at Treharris, which is owned by Merthyr council. Other than that, access to waters for local groups is limited. When I worked in north Wales, where there are a large number of outdoor centres that cater for local groups and for groups from far away, most of us were restricted to taking groups onto Llyn Padarn at Llanberis. So, instead of paddling on all the rivers that were there, you had 10 or 15 groups in little gravel patches dotted around the same lake, which was not exactly a wilderness experience.

[314] **Mick Bates:** Do any of the three other witnesses who have not replied have anything new to add briefly on this?

[315] **Mr Blackburn:** Briefly, the problem is where it is not a negotiated agreement, but is handed down. It sometimes does not reflect the needs and desires of the group. For example, on the River Usk, the grade of the river in between access and egress points may not be suitable for novices. Therefore, it is not a suitable section to use with novices and that more or less negates its use for most canoeing in the context of an outdoor centre. That is where the agreements are not really working.

[316] **Mick Bates:** Angela, do you want to come in on this? I apologise for this, but I have to move on because Members have other meetings to go to.

[317] **Angela Burns:** This is a simple question. If we were to change the law to say that everyone can have unfettered access to all the rivers of Wales between 10 a.m. and 3 p.m., would you be happy with that solution?

[318] **Mick Bates:** I call on Peter to respond.

[319] **Mr Bursnall:** I am not asking for—

[320] **Mr Wood:** Well—

[321] **Mick Bates:** I am sorry, there are three Peters here. I meant Mr Bursnall.

[322] **Mr Bursnall:** I am not asking for unfettered access, I am asking for reasonable access. I do not think that unfettered access is reasonable. We have to manage the resource and that requires a set of guidelines for and behaviours from everyone. We would like a fair, reasonable amount of access to these resources. We do not want to go everywhere all the time. We understand that there are environmental, management and other issues that need to be protected and taken into account.

[323] **Angela Burns:** What if it was 10 a.m. to 3 p.m., seven days a week? Yes or no.

[324] **Mr Bursnall:** That is not the right answer, because there may be days of the week when the water levels are simply not high enough. Unfortunately, a more complex system is needed than that, otherwise we risk doing some of the damage that we do not want to do.

[325] **Mr Wood:** The primary reason why the restricted hours for kayaking in the French Alps work so well is that, during the day, the places are heating up and then water floods into the rivers and they become ideal paddling conditions, but not necessarily ideal fishing

conditions. So, there is a natural split in the ideal conditions for both activities. That is the primary reason why. In Wales, unfortunately, we are weather dependent and our need for a greater number of venues is so that we can, if we need to, move to a different venue because it is more suitable for whatever the weather condition is on the day—due to the wind or the sun—

[326] **Angela Burns:** I will interrupt because I know that time is short. What I understand from the evidence is that you would like a change in the law. That is fine; let us say that we do that, but, in fact, you want a change in the law that allows you to access the waterways wherever you wish. I am getting a nod from David Evans. Is that the truth

[327] **Mr Evans:** Yes, I would. That is what has happened in Scotland. The more complicated that you make the law, the more difficult it becomes to enforce. If you work in the day, as I do, and want to go for a paddle in the evening, you suddenly cannot because the law says that you can only paddle between 10 a.m. and 3 p.m.. Therefore, I cannot do it, which seems nonsensical.

[328] If it is working in Scotland and there is unfettered access, why should it not work in Wales with the same arrangement?

[329] **Angela Burns:** I would really like to listen to Ms Bell's response, because she provided some very good written evidence.

[330] **Mick Bates:** A code of conduct, of course, is absolutely essential to go along with legislation. Individual responsibility is key.

[331] **Ms Bell:** First, I stress that I do not think that anyone is asking for unfettered access. None of us have the unfettered right to do anything. We are asking for responsible access. However, the time to start looking at management mechanisms is when we have established the rights of the public—and that is not just two user groups; there are many other people to consider—and when we have established that common right, we can then start asking whether there is a conflict. You have to put in environmental protection and if there is still a conflict you can look at that conflict and think about whether you need a management mechanism, but you cannot decide on the management mechanism before we have had the situation in place that allows it to apply.

[332] **Mick Bates:** Thank you very much. I now invite Rhodri to ask about the environmental impacts.

[333] **Rhodri Glyn Thomas:** Rhagdybiaf y byddwch i gyd yn dweud na fyddai ehangu'r mynediad i ddyfroedd ac ychwanegu'r niferoedd a fyddai'n dymuno gwneud defnydd o hynny yn cael unrhyw effaith andwyol ar yr amgylchedd. A gredwch y byddai angen gosod unrhyw brosesau yn eu lle er mwyn amddiffyn yr amgylchedd? Y casgliad naturiol i mi fyddai po fwyaf yw nifer y bobl sy'n defnyddio unrhyw beth, mwyaf y bo'r straen a roddir ar y cyfleuster hwnnw. Fodd bynnag, yr ydych yn ceisio dadlau—ac yr oedd y bobl a oedd yn rhoi tystiolaeth o'ch blaenau yn sicr yn dadlau—y gallwn ychwanegu'r niferoedd ond ni fydd yn gwneud unrhyw niwed o gwbl i'r

Rhodri Glyn Thomas: I anticipate that you will all say that expanding access to waterways and increasing the numbers that would wish to make use of that would not have any detrimental impact on the environment. Do you believe that any processes would need to be put in place in order to protect the environment? The natural conclusion that I would come to is that the more people that you have making use of anything, the greater the strain that is placed on that resource. However, you are trying to argue—and the previous witnesses certainly argued—that we can add to the numbers but it will not have any impact on the environment. I just find that quite difficult to

amgylchedd. Caf hynny'n anodd iawn i'w accept.
dderbyn.

[334] **Mick Bates:** I ask Pete Bursnall to answer that question, please.

[335] **Mr Bursnall:** I do not think that anyone would say that there are absolutely no impacts of recreation—not just paddling but recreation on the water—but they would also say that all of those impacts are perfectly manageable with the proper management resource. The Mawddach estuary exemplar project demonstrated very clearly that all of the worries about sites of special scientific interest and so forth were manageable within the recreational context. That was one of its paradigms: it is conservation versus recreation. We have no problems about existing within a framework that says, to protect the resource that we have, we have to behave in certain ways. No-one would argue with that. We all value the resource that we play or work in, or whatever, so we would like to look after it. With rights come responsibilities, and it is very important that we also get those responsibilities correct. I think that Scotland has done a very good job on that in managing those two ends of the same stick.

[336] **Mick Bates:** Does anyone else have anything to add about the environmental impact of recreational activities?

[337] **Mr Blackburn:** In all the years that I have paddled with a range of groups and people I have never known anyone to leave litter behind. I know that that sounds fantastical, but I have never known that kind of impact on that environment. Generally, if you stop on a river it will be in the area that is normally in the flood channel, so it would be on the dry gravel beds on the side. As you go down river, you will see the detritus of civilisation down the side of most rivers. You can frequently pick up numerous footballs, for instance, down some rivers, but there is no engine on the back of a canoe and, therefore, there is no oil pollutant. So, apart from access and egress points, where there may be some pressure, on most rivers in Wales, the number of people accessing the rivers would be not that great and I would think that there would not be that many marks left behind, let us say. In other areas, where there are hire companies, for example, you could imagine car parking facilities and so forth.

[338] **Mick Bates:** Thank you very much. Do you have any further questions on that, Rhodri?

[339] **Rhodri Glyn Thomas:** Nag oes; **Rhodri Glyn Thomas:** No; it is fine.
mae'n iawn.

[340] **Mr Evans:** From an educational point of view, if we are encouraging proper access to the water with educational groups, that gives us a much greater opportunity to teach and encourage young people to use our environment properly than if the only way of going on a river is furtively or by yourself. If you are going as part of a taught group, with a competent instructor, under a proper arrangement, that only helps. There are bound to be pressures, but we can manage those pressures.

11.10 a.m.

[341] **Mick Bates:** Peter Wood, what code of conduct or environmental information have you had as a canoeist?

[342] **Mr Wood:** I have read the Scottish access responsibilities that are published by the Scottish Environment Protection Agency, and that is basically the only information that I have seen disseminated about responsible access.

[343] **Mick Bates:** Peter Blackburn, what do you use in your outdoor pursuit centre as a

guideline on environmental impacts?

[344] **Mr Blackburn:** We attempt to achieve zero impact every day that we go into the natural environment. We do get in a minibus and drive, so you could argue that there is a global impact. We do not litter. When children are engaged in some kind of activity they naturally get excited, and they will talk and chatter and sometimes screech if something happens. In general, someone will be there to act as an arbiter and a calmer, so noise will be kept under control generally. It is difficult for us to have a great deal more of an impact on the river than that. However, if it was a riverbank, I suppose—

[345] **Mick Bates:** I understand your point, Peter. Who pays for the facilities that you use?

[346] **Mr Blackburn:** On the rivers?

[347] **Mick Bates:** Yes, at the egress points, for instance.

[348] **Mr Blackburn:** All of the facilities that we use add up to just a parking space. We get a car parking ticket if we park in Brecon. Parking is free in Hay-on-Wye, but we cannot park there. Those are the only facilities that we use. We always ensure that people have gone to the toilet before going out for the day and at the end of the day.

[349] **Mick Bates:** Peter Wood, may I ask you about the issue of payment? As you are aware, anglers pay vast amounts of money for their angling rights. Should other users, like canoeists, be paying?

[350] **Mr Wood:** The model must be like the model for walking on the hills and on bridleways, but also—

[351] **Mick Bates:** I am interested about the water.

[352] **Mr Wood:** There may be certain situations when a charge could be applied in restricted areas, for example to use lakes that have management plans in place, but those management plans must come after the right to access those lakes. On publicising and disseminating information to everyone, for example to tourists, and publishing guidebooks about these things, these things are subject to change, for instance the cost of paddling on a river or a charge that may be levied for being on a canal, a lake, and so on. As those things are subject to change, it is difficult to put them in writing and to have people understand them outside of when they take part in that activity.

[353] **Mick Bates:** British Waterways has an access agreement that canoeists pay for. On that point, David Evans, do you pay Bridgend for your usage? You mentioned that you go on two canals—do you pay directly for doing so?

[354] **Mr Evans:** No, we do not. The section of the canal that Caerphilly uses is owned by Caerphilly County Borough Council, so, it does not pay for that.

[355] **Mick Bates:** That is convenient.

[356] **Mr Evans:** I do not think that there is any payment for the section on the Neath canal either.

[357] **Mick Bates:** That is interesting. Thank you.

[358] **Mr Blackburn:** I sit on the Brecon and Monmouthshire canal users' group from time to time, and there is a payment that Canoe England makes, which also pays for Welsh canals

in the opinion of British Waterways. That is what I understood when I sat through some of those meetings. So, as we are a member of Canoe Wales, we are allowed to take a group of paddlers on the canal and the access fee is paid by the membership fee. Do you see what I mean?

[359] **Mick Bates:** Yes, I do.

[360] **Mr Blackburn:** Canals cost a lot of money to maintain and even people with powered boats only pay a small amount of what it costs to maintain something like the Brecon and Monmouthshire canal.

[361] **Mick Bates:** I will be inviting Leanne to ask for examples from elsewhere. We have already heard about Scotland, but someone mentioned north America—was it David Evans?

[362] **Mr Evans:** Yes.

[363] **Leanne Wood:** Can I just check that you are all in favour of a change of the law to be similar to that in Scotland? Do you all agree on that?

[364] **Mick Bates:** For the record, everyone nodded.

[365] **Leanne Wood:** We have received some conflicting evidence as to the success and effectiveness of the new legislation in Scotland. What evidence do you have that things are working for everyone concerned?

[366] **Mr Bursnall:** Investment in rivers in Scotland has increased, because the stability of legislation has meant that the risk has dissipated. Communities, businesses and voluntary groups can now invest in the waterways that they use for maintenance, environmental protection, or whatever, because they know where they stand—or where they sit, or swim, or whatever. That has been one benefit. I have canoed in Scotland recently, and I cannot say that I had any problem. In fact, there is a welcome there, because they can see the other benefits to this—not just the payment for access, but the indirect value of tourism and visitors to their economy. That is where people from the UK go to canoe now—we go to Scotland.

[367] **Mick Bates:** There is some anecdotal evidence from hotels that angling revenue is down because of competition.

[368] **Mr Bursnall:** I suspect that some of that is inevitable. I do not think that angling will go away, but it will be balanced out by other revenues coming in from other visitors who use the water in other ways. There is a little bit of hysteria about losing all the angling; I do not think that we will. We might lose a small percentage, but we will gain more than we will lose.

[369] **Leanne Wood:** Does anyone else have views on that?

[370] **Mr Evans:** I just had some information from the Scottish Canoe Association—just a number of bullet points that it came up with to show that it was working well. It said that it now works with Government agencies and angling organisations to promote awareness of particular salmon parasites and other biosecurity threats—because they are no longer in opposition, they are able to sit at the same table and have an input. It says that both angling and watersports contribute greatly to the Scottish rural economy. Angling might bring in more income, but watersports generates a similar amount of employment. In north Wales, there are a number of outdoor centres and other organisations that cater for groups coming to use the water and they are also contributing to the economy, and are doing so year-round.

[371] **Leanne Wood:** We have heard quite a bit about Scotland, but, in your evidence,

Peter, you mentioned land reform and right-to-roam legislation in former British empire countries. I think that you mentioned Canada and New Zealand. We have heard a bit about France as well this morning. Do any of you have any other examples of countries that we should look at before developing our opinions on this?

[372] **Ms Bell:** Norway, certainly; the Scandinavian approach in general is on the basis of rights codified with responsibilities.

[373] **Leanne Wood:** So, is there similar legislation in those Scandinavian countries to what exists in Scotland?

[374] **Ms Bell:** I do not know how it compares with Scottish land reform, but it is on the principle that the rights are there, but are to be exercised responsibly, and there are protections for privacy, and that sort of thing.

[375] **Mick Bates:** David, I think that you mentioned North America.

[376] **Mr Evans:** I have paddled in North America, both in the United States and Canada, and I am not sure what the law is, but there certainly does not seem to be any conflict. Anglers and paddlers co-exist quite happily on rivers and lakes.

[377] **Leanne Wood:** Is there an issue around the size of the rivers? Some of the evidence that we received earlier is that rivers in Wales are smaller, generally, than rivers in Scotland, and presumably that would be the case for North America as well. Do you know about that?

[378] **Mr Evans:** I do not; I would not like to comment.

[379] **Mick Bates:** I see that there are no further questions.

[380] On behalf of the committee, I thank you all for your written evidence and your answers to questions this morning. It has been good to talk directly to so many people who are practically engaged in this. That is part of our inquiry—we wish to engage with as many people as possible, within practical limits. We have received about 700 responses in this investigation.

[381] You will be sent a draft copy of the transcript of this morning's meeting for your perusal before we finalise it for publication.

Cynnig Trefniadol Procedural Motion

[382] **Mick Bates:** I propose that

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

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

*Daeth rhan gyhoeddus y cyfarfod i ben am 11.20 a.m.
The public part of the meeting ended at 11.20 a.m.*

