



Llywodraeth Cymru
Welsh Government

Access to Inland Waterways

**Welsh Government Outline Policy Intent
National Access Forum
05/11/19**

This paper is intended to provide clarity on the Welsh Government's preferred direction of travel for access to inland waters for recreation purposes. It provides some recent background and context but is not intended to re-produce the detailed history which has been comprehensively documented.

Background

Welsh Government is considering the introduction of legislation to provide for wider access to the countryside for the purposes of recreation.

The proposal *to extend Part 1 of CRoW Act access land provisions to rivers and other inland waters (Proposal 14)* was contained in the 2017 Sustainable Management of Natural Resources (SMNR) consultation and has created polarised views. <https://gov.wales/taking-forward-wales-sustainable-management-natural-resources>.

Other Access proposals potentially with a direct or indirect impact in this area are:

- Proposal 11 (removing certain CRoW Schedule 2 restrictions)
- Proposal 16 (responsible recreation applying to on water as well as on land)
- Other proposals to make changes to Rights of Way legislation may impact on access across land to inland waterways

A number of responses were received in favour of legislating for access to water for non-motorised activities, including canoeing and swimming. Many water sports users argue strongly that they already have a historic legal right of navigation on rivers, however, many anglers and other fishery interests refute these rights of navigation; purporting open access to inland waters would create inequality because of fishing licence fees, land ownership and riparian rights, as well as suggesting detrimental environmental impacts to spawning and subsequent fish stocks.

There are currently no general statutory public rights of recreational access in or on inland waters in Wales and very little common law. Fishing and water sports both deliver significant tourism, socio-economic, health and wellbeing benefits for Wales. Introducing public rights of access to rivers and other inland waters would provide greater clarity to all users; however, it would have a range of impacts as well as attracting opposition from many sections of the angling community, land managers and land / riparian owners.

Since 2009, the Welsh Government has advocated voluntary access arrangements (VAAs) and supported the use of these and other opportunities on inland waters through the Splash funding scheme (2008-2014). However, there continues to be



friction between different stakeholder groups, with a limited number of VAAs currently in place.

Current Position and wider policy intent

The Deputy Minister, in her Written Statement of April 2019, which framed the Welsh Government approach to the SMNR Access proposals, stated that:

- ‘Our Natural Resources Policy illustrates that nature-based solutions can support physical and mental health. That is why we are committed, as a Government, to increasing both access to and enjoyment of our countryside for people – to take advantage of the many health and wellbeing benefits that getting outside can bring.
- An accessible countryside supports our efforts to boost Wales as a tourism destination and an attraction for walkers, cyclists and thrill-seekers.’

The Deputy Minister has announced the creation of an Access Reform Advisory Group (ARAG) to look in detail at a number of the Access proposals within SMNR. Others will be progressed by officials with some more limited scrutiny by ARAG.

The need to treat Proposal 14 separately to the main Access Reform processes was also set out in her Written Statement: *“I will also be asking the National Access Forum to give particular priority in 2019 to laying the ground work for the greater dialogue on inland waters issues that is needed. I strongly encourage stakeholders to find a practical joint solution. I have not ruled out future legislation on access, particularly should I not be satisfied of reasonable progression within 18 months.”*

Policy Intent for Access to Water

It is clear that the Deputy Minister wishes to see concerted, collaborative action taken by stakeholders to increase recreational access to inland waters, including the following outcomes:

- Increased and more frequent participation, across a range of recreation types
- More inland waters accessible, more of the time

In working towards these outcomes **constructive engagement** should be facilitated.

The timescale for assessment of action against ministerial aspiration is determined by the remit of ARAG, with clear, identifiable evidence of progress towards Welsh Government’s aims by March 2021. NAFW will report the outcomes of its sub-group discussions, and associated conclusions and recommendations.

To allow for a climate of open debate, legislative proposals will not be introduced within this period.

Principles of Engagement



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Discussions should be led by and driven by stakeholders. However, these discussions may need to be initially facilitated by Welsh Government and NRW as its statutory advisers on access matters.

A sub-group of the National Access Forum should be created comprising a balanced representation of different interests including anglers, canoeists, landowners and public bodies.

This group will be tasked with assessing different options to increase access, while respecting differing views and interests, demonstrating evidence of progress and reporting back to the NAFW regularly.

An initial facilitated meeting will be chaired by WG and NRW to ensure formation, remit and chairing of the sub-group is agreed at the first meeting. A document agreeing this will be produced after the facilitated meeting and agreed by members at the first subsequent meeting of the sub-group.

The areas for discussions and possible options should be agreed at the first facilitated meeting.

These options should then be discussed further and tested against criteria used by the wider Access Reform Programme, namely:

- a. Extent of access
- b. Quality of access
- c. Permanency
- d. Clarity and Certainty
- e. Cost
- f. Monitoring and Enforcement
- g. Equity of Access
- h. Greater efficiency and transparency

Options may focus on extending the coverage of waters covered by VAAs via different means, and legislating for limited access such as named rivers, seasonal access, access based on river level, or other ways of targeting access provision to have most benefit.

The sub-group could also focus on actions and initiatives likely to promote greater co-operation and consensus between different user groups, such as those focussed on monitoring or improving the health of rivers.

For this process the sub-group is not being asked to consider:

- A 'do nothing' option
- Legislation for a general statutory rights of recreational access