



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

**Y Pwyllgor Cynaliadwyedd
The Sustainability Committee**

**Dydd Mawrth, 21 Gorffennaf 2009
Tuesday, 21 July 2009**

Cynnwys
Contents

- 3 Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions
- 4 Ymchwiliad i Ddŵr Mewndirol: Sesiwn Dystiolaeth
Inquiry into Access to Inland Water: Evidence Session
- 21 Mesur Llifogydd a Rheoli Dŵr Drafft Senedd y DU—Cymeradwyo'r Adroddiad
The Draft Flood and Water Management Bill—Approval of Report

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
Brynle Williams	Ceidwadwyr Cymreig Welsh Conservatives
Leanne Wood	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Yr Athro/Professor Andrew Church	Prifysgol Brighton University of Brighton
Dr John Powell	Prifysgol Swydd Gaerloyw University of Gloucestershire

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

Dr Virginia Hawkins	Clerc Clerk
Meriel Singleton	Dirprwy Glerc Deputy Clerk

Cynhaliwyd y cyfarfod yn Sioe Frenhinol Cymru, Llanelwedd
The meeting was held at the Royal Welsh Show, Builth Wells

Dechreuodd y cyfarfod am 10.35 a.m.
The meeting began at 10.35 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Mick Bates:** Good morning, and welcome to the first of several meetings today in this building on behalf of the National Assembly for Wales. I will commence the meeting by reading out the remarks that I have to read out at any public meeting, with which you will all be familiar, and I will then give a brief background to the meeting today and how our meetings are held within the Assembly. Then you will hear the opening remarks as we launch our consultation into access to inland waterways in Wales. We have two distinguished guests with us who have prepared papers that they will present to the committee this morning. Committee members will then question the witnesses on any line that they wish. Many of you will be aware that the consultation ends on 19 September. We have an extensive list of people to whom we are sending our consultation questions. We will then, throughout the next term, which runs from September to Christmas, take evidence from as many bodies as possible. The committee will then produce a report and make recommendations to the Government. That is the outline in brief, and I will now draw attention to the matters that I am required to draw attention to, as this is an official meeting of the National Assembly for Wales.

[2] In the event of a fire, you should follow instructions from the ushers and staff. There is no fire alarm test forecast for today. Please ensure that all mobile phones, pagers and BlackBerrys are switched off, as they interfere with the broadcasting equipment. There is a fine, which I will send people round to collect—not really. The National Assembly for Wales operates through the media of English and Welsh. Headphones are provided through which simultaneous translation may be received. For those who are hard of hearing, they may also be used to amplify the sound. Please do not touch any of the buttons on your microphones, as this can disable the system, and make sure that the red light is on before you speak.

[3] I have received apologies for absence from Karen Sinclair, Lorraine Barrett, Lesley Griffiths and Rhodri Glyn Thomas.

10.39 a.m.

Ymchwiliad i Ddŵr Mewndirol: Sesiwn Dystiolaeth Inquiry into Access to Inland Water: Evidence Session

[4] **Mick Bates:** As I have already explained, today we are launching our inquiry into access into inland waterways in Wales. We have issued a call for written evidence, copies of which are available on the committee web pages and from Assembly staff here today and throughout the week on the stand. In order to set the scene, we will hear from two academics who have produced reports on this topic.

[5] Before we start the meeting, it may be useful to clarify the position of this committee. The Sustainability Committee is one of four scrutiny committees in the National Assembly for Wales, which is a separate entity to the Welsh Government. Those of you who are familiar with the show site here will know that there is a palatial building not far from here that has ‘Welsh Assembly Government’ written on it. It is quite separate from the National Assembly for Wales, which has a presence here on behalf of the Assembly Members. Our specific task is to scrutinise the actions of Welsh Ministers. The four scrutiny committees, along with the Audit Committee and Finance Committee, undertake the same job.

[6] We agreed to undertake this inquiry as it is an issue that affects a great many people across Wales. We hope, as a result of gathering evidence from a broad range of relevant parties, that we will be able to make recommendations to the Government on this subject. This meeting is also being transmitted live throughout Wales now.

[7] I welcome Professor Andrew Church of the University of Brighton, and Dr John Powell of the University of Gloucestershire to the meeting. I will ask them both to present their evidence today, and I invite Professor Andrew Church to start.

[8] **Professor Church:** Thank you, Chair and committee members, for inviting me to speak here. I submitted a two-and-a-half-page paper as evidence to this committee last week, which can be found on the Assembly website. I will not give a PowerPoint presentation; I will just speak to that paper and perhaps enlarge on some of the key points. For those of you who have not seen the paper, it sets out where I and my colleagues draw our evidence from. We have been involved in a series of projects on water recreation over the last 10 years, which started with a major scoping study for the Department for Environment, Food and Rural Affairs in 2001, called ‘Water-based sport and recreation: the facts’, in which we looked at a wide range of issues. Usually, at that point, when the scoping study has been done and has established some of the issues, the academics step out.

10.40 a.m.

[9] Fortunately, we were not allowed to do so. We included in that scoping study seven

options for tackling access issues, one of which was voluntary agreements. Following the publication of that report, the Countryside Agency, as it was then, came back to us and asked, 'Do you think that voluntary agreements are feasible?', and we said, 'Well, you probably need to do a case study'. So, we were asked to look at the feasibility of voluntary agreements, and that was our second project. Some of these projects are colloquially known as Brighton 1, 2 and 3, and that was Brighton 2. After that, we thought that we would step out and that that was surely the end of the line for academics. We concluded that voluntary agreements were feasible, although they were very challenging and could be expensive. At that point, we were asked to try to implement some voluntary agreements. So, we then did our third study, which was purely in England at that time, looking at the issues of implementing voluntary agreements.

[10] Our most recent piece of work has been to construct a series of strategic plans for different regions and a strategic plan for water recreation in Wales, which was launched in 2008, and I am sure that many people here have looked at that. I will talk very briefly about the plan and then some of the key points in my evidence. In the evidence, I list the types of information that we have gathered to construct the strategic plan for water recreation in Wales. We gather information but also stakeholder views from a variety of sources. I recognise many faces in the audience from the workshops that we held around Wales in 2007. The aim of that process is to identify gaps in provision for water recreation and then priorities and opportunities for filling those gaps. It is a non-statutory plan, but we feel that it has value in several ways. It can certainly guide national Government institutions investing in water-related recreation, and I am sure that many of you are aware of the Splash projects that have all been funded this year to a total of £800,000. The exemplar projects that the Welsh Assembly Government has funded represent another £900,000 being directed into water-related recreation. We also hope that the plan is useful for local organisations, and particularly local authorities that want to increase local people's opportunities to use local water. Finally, we hope that the plan provides a framework for private investment ideas, which often crop up unexpectedly, and for directing private investment into a particular location. However, the plan concludes, as the Petitions Committee did, that there are very strong feelings that the current access situation needs to be remedied in some way. We also felt that, given that Wales already seems to have examples of good practice in this area, there was an opportunity for a distinct Welsh solution that tries to balance increased access with the existing uses of inland waters, in particular, owners' rights and environmental constraints. In the plan, we list a series of rivers on which we think there are opportunities to increase access. The WAG exemplar projects have already made some progress in those areas.

[11] We also note that there are several key sites for water-related recreation in Wales that are of strategic national and international importance and which need maintaining and developing. The key conclusion that is of interest today is that there are several approaches that can be taken to increase access: voluntary agreements, legislation, buying land, and so on. John Powell will talk through some of those. All of them have their strengths and weaknesses. Our view would be that whichever approach is adopted, it will need to be accompanied by strategic direction and management, so that we do not just get an increase in access but, accompanying that, we get high-quality, strategic facilities with secure access in the right location, especially in doorstep locations, so that people new to water-related recreation get the opportunity to take part.

[12] In the evidence, we try to go through what we see as the four key management interventions that need to accompany an increase in access. First is good, new facilities, and that is not just car parking at the ends of new-access stretches on a river, for instance; it may be, ideally, toilets, changing facilities and sports facilities. The regional recreation plan that we are currently working on is in north-west England. We have done Wales and south-west England, and we are now working in north-west England. One of the issues coming up there with regard to facilities is the demand for more space for canoe touring and, accompanying

that, good-quality campsites, resting places, and picnic stops that landowners support and help maintain and which might generate an income stream for those landowners. So, that is another issue coming through that was not mentioned in our written evidence.

[13] The second strategic intervention relates to guidance, and planning guidance in particular. Many local authorities are interested in developing water recreation opportunities and under Technical Advice Note 16: 'Sport, Recreation and Open Space', water is part of open space. Local authorities have to address that through the local development plan process. Our interactions with them seemed to suggest that a number of them would welcome guidance on what is appropriate use, and on what size of water body would support particular types of activity, to help them plan for the use of water.

[14] A third intervention relates to codes of conduct. If an increase in access is to be successful, it will have to be culturally accepted. For it to be culturally accepted, people will have to perceive some sort of formality in relation to the increase in access around codes of conduct, which indicate how people should behave on water and on land and, in particular, what craft are suitable or unsuitable for use on rivers.

[15] The final point on intervention is that we feel that access, where possible, should be for 365 days of the year—that should be the goal. Obviously, allowances should be made for closure, whether for environmental reasons or for sporting events. We note with interest the recent press release from the Angling Trust on navigation and the problems of navigation on narrow and shallow rivers. That seems to suggest that the Angling Trust might be interested in ideas around access on wider rivers. We can certainly identify, using Environment Agency data, water-depth conditions; the issue is whether we can identify width conditions, which are what seems to be of interest to the Angling Trust. Those are the four strategic management interventions that we feel are necessary.

[16] One final challenging issue that was raised by the Petitions Committee is licensing and registration. You are certainly aware of the advantages and disadvantages of that. In our workshops, the issue of payment and policing—for want of a better word—very much seems to be the sticking point for many anglers and landowners, and licensing and registration would go some way to addressing those. However, those also have their restrictions and raise difficulties for users. So, whatever approach is taken to improving access, if it is accompanied by that sort of strategic direction and good management, you will develop the high-quality facilities that people want on their doorsteps, and, hopefully, establish cultural acceptance among Welsh people of an increased use of water bodies in Wales.

[17] **Mick Bates:** Thank you, Professor Andrew Church. That is extremely useful information. I am grateful for that précis of your detailed paper. We will now move on to Dr John Powell from the University of Gloucestershire. I am grateful to you for providing a copy of your notes. All of this information is available on our website. Are there hard copies for the public?

[18] **Ms Hawkins:** Yes, some hard copies are available.

[19] **Mick Bates:** There are some hard copies of the presentation here. I welcome Dr Powell to the committee.

[20] **Dr Powell:** Today, I will talk about a piece of work that we carried out for the Countryside Council for Wales in 2006-07. The aim of that research was to explore a range of alternative approaches for managing recreation on inland waterways in Wales. In doing so, we looked at other countries to see what they had done: we looked at European countries, the USA and further afield at Australia, just to find out how the management system operated and to look at rights of use and rights of access.

[21] We found two issues: the first related to access to water—

[22] **Mick Bates:** Sorry to interrupt, but could someone move the microphone a bit closer to Dr Powell? There are also problems with the projector. I am mindful that perhaps the audience cannot read all of the items that come up on the screen. Thank you; that is quite clear, although I see that the microphone is in the way now. Never mind; a certain law, beginning with ‘s’, comes into play.

10.50 a.m.

[23] **Dr Powell:** There are two issues: the first is the access issue, regarding who has ownership rights and who has the use rights to the water itself, and the second issue is the management of users. We talked to around 35 different people who represented different organisations. We talked to anglers and representatives of swimmers, sailing and canoe organisations, as well as the Welsh Assembly Government, the Countryside Council for Wales, the Environment Agency and so on. One factor that came across quite strongly in many of the interviews was that the interviewees tended to conflate the access and management issues when they need to be separated and considered as completely different issues. I intend to talk about the access and rights issues first, and secondly, to talk a little about the different management options regarding how you might manage users.

[24] On the ownership and use rights, I will give an overview of the situation in Europe. England and Wales are unique in that people do not have a statutory right of access to inland waters, for the most part. In many other European countries, there is a right to travel by boat on inland waterways. For example, in France, there is a right of passage on all waterways that are classified as state domain, and even on private waters what they call ‘common-sense rules’ apply. In many of the Scandinavian countries—Finland, Sweden and Norway, for example—there is a right of public access to all inland waters or all land and waters. In Finland, for example, it is called ‘every man’s right’, which means that you can go anywhere on land and water as long as you do not cause damage to other people’s property.

[25] In Wales, it is a bit different, as you are well aware. There is no public right of navigation on inland waters. There are some rivers that have rights of navigation, but they are quite limited in number. Canals and the coastal or estuarine waters have rights of navigation, but for the most part, there is no right to take a craft down inland waters. Angling is mostly in private hands: landowners own the fishing rights and either let them or use them themselves in some way. Of course, this has not stopped recreation taking place. In Wales, we have what I would call ‘tolerated use’: angling occurs, but anglers tend to have to pay for their recreation, and there is also a lot of canoeing going on and there has been for a long time. For example, there is a Welsh rivers guide that has been out since 1998 and it lists 200 rivers on which people have canoed. The fact that they do not have the right to canoe on those rivers is another issue. Canoeing and all forms of outdoor recreation are increasing in popularity. People have more leisure time and the equipment is better—canoes are now made of plastic and therefore they do not break so easily—so many more people are interested in accessing the outdoors and getting involved in canoeing.

[26] I will now describe some alternative approaches that came out of our study that might have some potential for use in Wales. First, I will start with what is called a ‘statutory right of navigation’, which is one option. It has been talked about a lot in England as well as in Wales. Some canoeists have even said that we have to have a statutory right of navigation on all inland waters or they are not going to talk to anybody. However, when we talked to those with interests in canoeing, angling and swimming, we found that people were not quite so strident in their views. There was definitely a feeling on the angling-interest side, as well as among canoeists, that the recreational water resource could be shared more equitably between

the different interests.

[27] Looking at this statutory right of navigation, what we are talking about is a legal right to navigate inland waters. It would require a legislative change, which is always difficult. However, as for its benefits, it would clarify the legal position for all waterway users, and it would avoid extensive negotiation with numerous landowners. We found that a key concern in Wales is that the large number of owners of land that adjoins rivers would make any kind of negotiated agreement very difficult. A right of navigation avoids the need to hold such negotiations.

[28] There were also some suggestions that public land, such as Forestry Commission land, offers a lot of potential to create rights of access. In fact, when we were doing the study, the Forestry Commission was looking at a couple of sites, such as Coed-y-Brenin in north Wales, as potential areas to develop canoeing and kayaking.

[29] There are various potential weaknesses in this approach, however, particularly in the form of possible opposition from landowners and fishing interests. More important than that, perhaps, is the fact that a right of navigation would not necessarily solve the problem of access; it would not provide physical access to the water, which is what recreationists want to engage in their activities.

[30] Canoeing interests also expressed the concern that it might not deliver what they want. It could create conflict with other users through creating a kind of open access resource that is not regulated properly. It could even restrict access if the right of navigation were limited by time or area in some way. The concern was that a statutory right might leave them worse off, and there is always the possibility of increased bureaucracy and the fact that the use of many stretches of river is currently being tolerated.

[31] An example of a statutory right is the land reform that has happened in Scotland. Many people point to Scotland as a model of what could happen in Wales, and in England, too. Land reform is not a common approach. The only other areas that we found where this has occurred are in central Europe since 1990, where there has been a huge change in governments and ownership of resources since then. There are some examples there of the public being granted new rights of access.

[32] In Scotland, the Land Reform (Scotland) Act 2003 created rights for any person to be on, or to cross, land and inland waters for specific purposes, such as outdoor recreation. It requires every landowner to use and manage the land, and execute their ownership of it, in accordance with and with respect for access rights. Most importantly, the Act has been accompanied by an outdoor access code, which sets out the behaviours expected of landowners and recreational users. Potentially, some kind of land reform could improve the current situation for landowners and clarify users' responsibilities, and it could also influence behaviour in all forms of outdoor recreation. For example, you could incorporate a code of conduct into the education system to educate people to be aware of countryside issues and to make them more responsible.

[33] That approach, too, requires legislative change and a code of conduct, and it does not necessarily solve the access problems. You will still need to negotiate and manage conflicting activities pursued by people who will want to use the same stretch of water. Potentially, there could be strong landowner opposition to such a reform. Also, the situation in Wales is different to that of Scotland, where this approach has been taken. For example, there are more landowners here and the rivers tend to be smaller and shorter.

11.00 a.m.

[34] There are a couple of other alternatives. One of which is the dedication of land. Section 16 of the Countryside and Rights of Way Act 2000 allows for the permanent dedication of land for public access. It does not prevent the landowner from selling, letting or developing that land, and it also allows for closure or restrictions on access for up to 28 days a year. The only example that I came across of that being used is on the river Mersey in England, where three local authorities and four golf clubs dedicated land next to the Mersey to enable a canoe trail to be developed on the river. So, it gives landowners some rights, it allows the landowners to have some control over the activities and it absolves the landowners of liability. It has been suggested that this could be a potential way forward for public land or that it could be used where there are so-called hot spots of activity, that is, small areas where there is a lot of interest in having access or where there is a lot of conflicting use, where only small amounts of land might need to be dedicated. On the downside, it is potentially expensive—there may be conflicts where fishing rights have been sold or leased. The dedicated land may not be in the right place; you may get a patchwork approach or you may not get the land that you want or require.

[35] Another approach that has had limited use in England is a statutory access agreement. This comes from the National Parks and Access to the Countryside Act 1949, as amended by the Countryside Act 1968. It allows local authorities to create access agreements in relation to inland waters. I know that it has been used in the Peak District for walkers' access, but I am not aware of it being used for inland waters so far. Swimming interests were interested in that approach; they suggested that it might help to provide some designated swimming areas. The conservation interests that we talked to were quite interested. They thought that it might be helpful, particularly with sensitive sites such as land designated as a site of special scientific interest, where damage could be prevented by requiring consent for particular activities using this approach, or sensitive areas could be protected by giving access to other areas. So, it would keep people away from sensitive sites. One of its strengths is that it allows for enforcement; it allows local authorities to take action by designating specific areas. Again, it can be useful for dealing with hot spots of activity. The weakness of this particular approach in Wales is that local authorities lack resources. It is a local authority type of activity and requires resources in order to carry it out. In addition, it is only capable of addressing one section of a river at a time. Another, more important weakness, perhaps, is that the 1949 Act currently requires access agreements to offer compensation if there is damage to the land or property.

[36] Moving away from the statutory approaches, there has been a lot of interest in water access agreements, or voluntary access agreements as they are more commonly known. These are unique to England and Wales. We did not find any examples in other countries. There are already examples of voluntary access agreements and quite a lot of them are what you might call 'spate agreements' or 'minimum flow agreements', where anglers and canoeists have got together and agreed to allow canoeing take place when there is a minimum flow in the river, so that the angling interests are not affected. The anglers and canoeists whom we talked to who had had experience of these agreements stated that they can be effective in dealing with local situations, and that they can also be very flexible and easily altered when conditions change. The big attraction is that you can tailor them to specific areas and local characteristics. You can have different types of agreements in different places.

[37] The fact that they are negotiated at the local level also makes them more likely to be sustainable. If agreements can be made for the long term rather than the short term, they can deliver benefits to landowners and various users of the water. For example, you can use them to control numbers, because, when people get to know about the agreements, they know what is expected, and it makes things easier all round. A similar approach has worked well in mountaineering, where cliffs and crags are accessed by climbers. Local agreements mean that climbers do not go to certain places during the bird breeding or nesting season. So, there are good examples of where they work on land as well as on water.

[38] As for the weaknesses, short-term agreements can make things worse, as they do not create certainty. Some agreements have been broken, and there is a lingering sense of mistrust, particularly between anglers and canoeists, and concern that one side or the other will break the agreement. Where you have large numbers of riparian owners, it can be quite difficult and resource intensive to negotiate these kinds of agreements. The big problem that we found was a lack of trust between the conflicting interests, which has led to a limited use of these kinds of agreements in Wales.

[39] That is all that I will say about rights and access. I will just say a little now about the management of users. The institutional framework is really the key. What legal rights do people have to use the water? Having given people some kind of access rights and some kind of physical access to the resource, you then have to manage those users. Many uses may conflict, particularly angling and canoeing. It is quite often the case that anglers and canoeists want to use the same sections of river because they are the most attractive, whether for game fishing or for the more exciting white-water uses.

[40] I will just run quickly through a few different management approaches, the first of which is zoning. There are two types: time zoning and area zoning. Time zoning is exactly what you would expect. It limits a particular use to a particular time. That can be seasonal, as currently happens in some places: anglers get to use rivers from the spring to the autumn, and canoeists in the winter, when there is more water anyway. Time zoning can take place on a daily basis. For example, there are certain rivers in France, such as the River Allier, where you can use a canoe only between 10 a.m. and 5 p.m.. Therefore, you can have different approaches to time zoning. You can use it to protect sensitive areas and to keep different users apart where the uses might conflict. In some places, this has been shown to increase participation. These approaches are widely used in the USA. In fact, most states have some kind of zoning on their inland waters.

[41] Area zoning, as you would expect, is a matter of designating certain areas of water for particular users. It is also often used to protect sensitive sites by separating users, particularly powerboats from non-powered craft, or fishermen from powerboats. The problem with most of these zoning approaches is that they require active enforcement or policing. Area zoning has been used much more successfully on still waters, such as lakes and reservoirs, than on rivers. There may be difficulties in applying some of these approaches in Wales, especially on rivers, given that you have very small, narrow rivers and so it will be quite difficult to separate users.

11.10 a.m.

[42] Another alternative is canoe trails. These are used quite extensively in the USA, and we also came across an example in Northern Ireland, namely the Lough Erne canoe trail, which has recently been set up. It is 50 km long and was set up at a total cost of £49,000. There are at least three other trails under development in Northern Ireland. Setting up a canoe trail is really just a way of identifying a stretch of river that is available for canoeists and of providing the physical resources to allow people to access the river—in other words, to get onto the water and to get off it. That includes car parking, signage, and interpretation boards. Usually, the aim of setting up a canoe trail is to help local development by marketing not just the canoe trail but other attractions in the area. So, it can provide a focus for local partnership. In the States, the processes are very much bottom-up. They are used for managing conflicts and protecting sensitive sites, and they can also be used to inform and educate the public about a wide variety of countryside issues.

[43] There has also been quite a lot of discussion about permits. By ‘permit’ I mean a time or location-limited permission to engage in a specific activity. They are widely used to control

numbers and to manage potential conflict. To a certain extent, having to pay for a permit will put some people off. In Wales, it would certainly require a national approach. A key characteristic of canoeists, and anglers to a certain extent, in Wales is that they will move from one river to another and will not go just to one place. They may go to one river one day and to another river in a completely different location the next. So, a localised approach using permits would not work; it would have to be a national approach. Permits would also require some kind of enforcement or policing.

[44] Fees and licences are slightly different from permits. They are quite widely used in other countries. In some states in the USA, even small craft such as kayaks and canoes have to have a registration permit and the owners have to pay an annual licence fee. For example, in Ohio, you have to have a licence, and it lasts for three years and costs about \$15. There is an issue with bureaucracy and the cost of setting something like that up, but it provides a source of income, which can be used for improvement, restoration programmes, or to pay for ranger services or policing. You can adjust the fee structure to favour certain groups or to eliminate certain types of activity, and having some kind of licence and registration system enables you to identify problem users. However, if you go down that route, there have to be some clear benefits to those paying the licence fee.

[45] Another alternative is management planning, and various approaches are used in different parts of the world. For example, in Belgium and France, there are river contracts, which are five-year contracts, and local partnerships to manage a whole catchment area and not just the water. There are river corridor management plans in New Hampshire, which look not just at the river but at a broader area of land around the river. They tend to be bottom-up partnerships. They are very good at improving communication between different interests. You can incorporate recreation into much more holistic management plans.

[46] There are some river trusts in Wales; we came across at least three. There is some kind of management planning—and again that is a bottom-up process—but they tend to be driven at the moment by angling interests. However, that provides some potential to deal with conflict from a local up to a catchment level.

[47] I will just give you a final summary of the key points on rights and access and the management of users. On rights and access, Wales has the potential to take a unique and innovative approach by looking at best practice elsewhere and adapting it to the particular characteristics of Wales. The other point to note is that any rights of use that are granted are of limited use unless the access issue is also dealt with. You have to provide access to get onto and off the water for different kinds of users, such as swimmers, anglers and canoeists. The institutional framework in which you operate is crucial.

[48] On the management of users, once you have given them some kind of access, it is clear that one approach will not work everywhere. You need a toolbox of techniques that you can call on and adapt to the local conditions. The study that we undertook showed a range of local, catchment and even national options.

[49] **Mick Bates:** Thank you for your presentation, John. I remind members of the public that your presentation is available in hard copy and on our website. You mentioned the Petitions Committee, and I will just give a bit of background information on that. Petitions are sent to that Assembly committee, which is a good example of democratic engagement. As you are aware, it cannot always reach a conclusion, as was the case with the petition on banning plastic bags. This committee was invited by the Chair of the Petitions Committee to undertake further work on that petition. We have so far always taken up such offers, which is why this committee initially discussed this inquiry and gathered evidence for it. We hope to make our recommendations within the next few months.

[50] I thank you again for your presentations, which were of top quality and gave us all an excellent introduction to the issue; I am mindful that we will learn a lot as this inquiry progresses and as we take evidence. I will start with the first question. The one thing that struck me in both presentations was the requirement for investment. Among the options that you both discussed were the resource requirement and the inability of local authorities to provide the necessary moneys. Do you have an example from your studies, John, of how investment can be used to the best advantage? Where is the best place to get that investment?

[51] **Dr Powell:** We found that there was good information, particularly in the USA, on the cost of providing access to boat launches, car park facilities, and egress from and ingress into the water. However, we did not find any information really on the benefits that such investments generated. There is potentially a lack of understanding of the benefits that may be generated in the local economy by investing in this kind of activity—and Andrew may have come across some information on that—particularly when you give different users greater certainty about what they can and cannot do, as it is likely to increase the levels of use.

[52] **Mick Bates:** What about raising the funding to improve access to car parks, as you mentioned?

[53] **Dr Powell:** Again, in the USA, because much of this takes place at the state level, different states have done all kinds of things. There have been examples of state-level fuel duties, which are fed back into restoration or improvement projects. In some states, you can pay extra money for a car licence plate that says, ‘I support angling’ or ‘I support canoeing’, and that money can be fed back into improvements. So, there are approaches that have been tried and tested, but you have to be able to channel the money into water improvements. The problem that we have come across in the UK is the difficulty of raising money that is, essentially, ring-fenced for improvements.

11.20 a.m.

[54] **Professor Church:** One important point that I would like to stress, from comparing our work over the last year with that of other people in Europe who have worked on similar issues, is the huge amount of money that will be spent on water-related issues in the next 20 years, from flood defence through to the water framework directive, and, in areas of southern England, on rainwater harvesting and other issues to deal with water stress. We did a piece of work for DEFRA on the possible recreational user benefits of the water framework directive because, obviously, to justify the large sums of money that will be spent on the water framework directive, the Government and the European Union are keen to identify the benefits. The picture that we got was quite surprising. The recreational users that feel that they will benefit from effectively cleaner water are anglers, river and lake swimmers, and triathletes—obviously the last two immerse themselves in inland water. There were concerns from boaters and some canoeists that there could be some serious issues with the water framework directive as certain waters have to be closed off to be improved over a certain period. So, there were short-term concerns there. Other sports looked at water quality as an issue that is slightly from yesterday, which surprised us. There were surfers and kite surfers saying, ‘Actually, compared to 15 years ago, a lot of waters are a lot cleaner—not all, but a lot—and therefore we don’t see huge benefits from the water framework directive, although there will obviously be some’. Clearly, if the money for the water framework directive, flood defence and for issues to do with water stress is spent in the right way and takes account of recreation from the start, and involves recreational users in the planning, then I would argue that there is some opportunity to design projects in the right way to deal with some of the issues in terms of facilities and access, and particularly ingress and egress for water-related recreation.

[55] **Mick Bates:** I do not know whether you saw *Countryfile* a few weeks ago, which

mentioned this new thing, swim and hike, where you hike across to the edge of a water course and then you put all your clothes in the bag on your back, which is waterproof of course, and swim across to the exit point. That just shows how dynamic the recreational pursuits of this generation are. The water quality issue is something that we note with interest.

[56] Brynle has some questions, and then Angela.

[57] **Brynle Williams:** Good morning, gentlemen. Our Chair has brought up the matter of financing and so on. I am very interested in the canoe trails. I think that that is where the finance should possibly be put in. I think that the cost of putting facilities in for every entry and exit point on the waterways would be prohibitive at the moment. On the finances, would it be possible, if we were to start with the canoe trails, for us to start by putting in the right facilities at either end? We have talked about access to waterways, but I have heard a lot of comments this week, from right across the board, that exiting the waterways is another major problem. A certain degree of damage is being done to landowners' properties on exiting waterways. That is where I think that canoe trails could help, if we could get those right. You have partly answered this question, but we have to get this money from somewhere: are we looking at the right way of starting this, by looking at canoe trails first? With trails, you can say, 'Right, we'll start at point A and finish at point B'. However, before we get anywhere, the major point is that we have to look at everybody's point of view before a penny is spent on it, and I think that that is what this committee is doing.

[58] **Mick Bates:** Thank you very much for that point. Gentlemen, in your response to Brynle, would you look at the issue of liability as well? I think that that was hinted at in the first part of your questions to our witnesses today, Brynle. Andrew, would you like to start?

[59] **Professor Church:** The point that I wanted to stress is that whichever approach you take to improving access, good-quality strategic facilities will be essential. I would argue that that would include good-quality canoe trails, in a strategic network running throughout Wales so that most people would live near a trail that they could use regularly.

[60] The key issue with any water sport is that major strategic facilities such as canoe trails can draw people into the sport, but planning for recreation thinks of progression, advancement and skill development, and, in the case of canoeing, that might not be provided for by trails, but just good access to shorter stretches of white water of grade 3 and above on which people can develop their technical skills. A good network of canoe trails is, however, essential to drawing people into the sport. Undoubtedly, that brings with it costs in good-quality ingress and egress, as well as issues of liability. On the Mersey canoe trail, that was dealt with by golf clubs, for example, by dedication. Liability is a major concern for landowners. There are major costs for landowners in ensuring that they can show that they are addressing risks so that they avoid being sued. The issue of liability, unfortunately, is still with us, and it will probably be settled according to case law. At the moment, you can point to cases that suggest landowners' liability may not be as onerous as is sometimes suggested, but, again, it is an area in which clarity is lacking.

[61] **Dr Powell:** I must admit, I do not know about the issue of liability. There are rivers on which long-distance canoeing takes place. The Wye is a good example of a river on which people can canoe just over 80 miles, from Glasbury near Hay-on-Wye right down to Tintern and beyond. To my knowledge, there has not been an issue with liability, even though you have canoeists on that river almost every day at some point. It is something that has to be looked at carefully.

[62] In terms of potential investment costs, you would need a number of canoe trails to cater for the different types of canoeist, such as a family that would want to go out with the kids in summer on a one or two-day trip, or, as Andrew noted, the expert canoeist who would

want white water and more exciting trips. You could have a network of canoe trails funded through some kind of system of permits. That would have to be done at the national level to enable people to use any canoe trail. It could generate income. It would certainly make the situation more certain for those who are looking for places to canoe, and it is likely to increase the level of use. However, you have the issue of policing and enforcing such a scheme, and of providing a service and ensuring value for money for those who buy a permit.

[63] **Brynle Williams:** The other matter of grave concern, which you touched on in your paper, is that of riparian owners and fishing clubs and what have you that have paid out vast amounts of money for fishing rights on rivers. There is the matter then of other people using that facility.

[64] **Dr Powell:** When we talked to people, there was certainly a sense of, 'Why should the canoeists get the resource for free when we have invested money in improving the river for angling or other uses?' There was a perception that if canoeists increase their use of the waters, then the costs have to be shared more equitably.

[65] **Leanne Wood:** You said that permits would only work at a national level. Which national level were you talking about, and why would it need to work at that level?

11.30 a.m.

[66] **Dr Powell:** I was talking about a Wales-wide approach. A characteristic of canoeists is that they go where the water is, so a river may be running high in south Wales, and when the level drops, the canoeists will want to go somewhere else. So, over a weekend, they may go to two or three different places. If you had a permit system for every single river, or even for parts of Wales, you would have a much more difficult enforcement problem, because people tend to move around across the whole of Wales to canoe.

[67] **Mick Bates:** The atmosphere in here is very heavy. I understand the problems with the sound outside coming in, but we need to open the door for a few minutes to get some fresh air in. Can that be seen to, please? I hope that I do not have to get permission from someone to get a key. We need to get a draught through for a moment to change the air in here. Thank you very much. We may have to compete with the sound from outside for a few moments, but it is in the best interest of our health. It will be good to get some air through here.

[68] **Brynle Williams:** It is a good job that nobody is smoking.

[69] **Mick Bates:** What do you mean? I cannot see anyone smoking.

[70] **Angela Burns:** Thank you both for your papers and for the enormous amount of information, which I have tried to get through in time for this meeting. I have a series of questions, which are all vaguely linked. They are about matters for clarification. I think that it was you, Professor Church, who mentioned in written evidence the amount of people who take part in water-related activities and that it is hard to get a definition. You say that 45 per cent of the Welsh population take part in outdoor activities; I was trying to work out, once you took out those who walked and those who angled, what that came down to in terms of other people who use the water. Do you have any numbers to give us? I do not know how many anglers there are in Wales and how many other water users, such as canoeists, rowers and so on, there are. Could you give us rough numbers?

[71] **Professor Church:** Rough numbers of who participates in each sport?

[72] **Angela Burns:** Yes.

[73] **Professor Church:** A water sports and leisure participation survey has been done every year for the last seven years by a variety of bodies at a UK level. It is funded by bodies such as the British Marine Federation. We have looked at its methodology, and it is pretty consistent. It is in its seventh year and, for the first time, it separates out the data for Wales, and it can give you all the numbers for each particular activity. The one annoying thing about it is that it only looks at angling from a boat or angling from a coastal shore; it does not look at angling generally. However, if you want up-to-date figures, that is the source to get them from. I have a copy with me, but you are asking me to remember the figures off the top of my head.

[74] There are different ways of measuring participation. The survey that I am referring to looks at whether people participate at some point in a year. The figures are much higher than when Sport England asks people, 'Have you participated this month or this week for at least 30 minutes?' If you look at the measure of how many people have participated at some point this year, around 2 per cent of the adult population participated in canoeing. It is harder to pin down participation in angling. Using a variety of data sources, you may get up to around 5 or 6 per cent, but that figure is less reliable, because it has to be drawn from a number of sources. As I said, it is not consistently in that dataset.

[75] There is interesting material in the survey in relation to our discussion on licensing and permits and what sort of challenge they would pose. The latest water sports and leisure participation survey that I referred to looks at boat ownership, and from what I can work out, you are talking about 15,000 to 20,000 homes in Wales owning a canoe or kayak. A lot of other people take part in the sport, but do not own one. So, it gives you interesting data, not just on when and how many times people take part, but also on who owns the equipment, which, if you are looking at issues of licensing and permits, needs to be considered. If you were to create a system, how many people would take part in it? Therefore, all of the data are there. If you look at any boating activity, you will see that around 5 to 7 per cent of the population take part over a year. The really popular water-related activities are the ones for which the water forms a backdrop. They are coastal walking, cycling and sitting on the beach.

[76] **Angela Burns:** The reason why I asked the question, and why I would like to know the numbers for angling, rowing and canoeing, is that if we might think about legislation by statutory instrument, and I have never been very fond of using the law to allow or prohibit a very small group of people from doing something. That is why it is quite important to know the numbers. I am not fond of excessive law, and we are a nation of excessive law, which is why I am keen to know how many people partake in this. Having read your research, it is clear that rowing is the only activity that is growing rapidly out of all of the sports that you list, and that slow growth is predicted in canoeing. Diving is not really applicable to rivers—I am a diver and I do not know of any divers who have ever dived in a river. We dive in quarries, and we do it off the coast, but rivers tend to be a little boring. The other activities are very coastal orientated. I would be very grateful to have that kind of detail if you have it to hand.

[77] I have a few more questions just to clarify on—

[78] **Professor Church:** May I just add a point of information on that?

[79] **Angela Burns:** Yes.

[80] **Professor Church:** I am sure that you will get this evidence in your inquiry. Countryside Council for Wales has commissioned an outdoor recreation survey for Wales done by Ipsos MORI. I know that the data are in and that Countryside Council for Wales is checking them. One of our recommendations—our strategic priorities—was to improve

information on just what you are talking about, that is, levels of participation. That survey should achieve that. What I hear anecdotally is very interesting; it has revealed some scale of latent demand—in other words, people wanting to take part in activities but not currently doing so. The results of that survey should be available before the end of the year. It is a crucial piece of information for you, but it is only about Welsh demand. I am conscious, working in north-west England at the moment, of the high demand that also comes out of the Liverpool-Manchester conurbation into north Wales.

[81] **Mick Bates:** Countryside Council for Wales representatives will be our first witnesses in the next session. Hopefully, we will have an indication of Welsh demand. However, you raise an important point about cross-border issues. For us in mid Wales, the west midlands is a massive area of demand. You may continue, Angela.

[82] **Angela Burns:** I will continue on the clarification route. I think that there were a couple of points that I wanted to raise from Dr Powell's presentation. You made the comment about canoeists being for or against a statutory right of navigation, and I got the impression that the body was for it, but that the individual members of the body may be more relaxed about it. Have I misinterpreted what you have said?

[83] **Dr Powell:** We talked to the Welsh canoe association, as well as local canoe clubs and organisations. There were differences of perception about how useful a statutory right might be. From talking to local canoe associations, we found that they were familiar with certain areas where they would go regularly, and had they reached agreements, which may have been informal agreements, with landowners and fishing interests. They felt that there was a lot of potential for local level agreements to be made, which you might call voluntary agreements or water access agreements, and that a statutory right of navigation may make things worse because, at the moment, you have tolerated use. There is a lot of canoeing taking place. As I indicated, this book, 'The Welsh Rivers: The Complete Guide to Canoeing and Kayaking the Rivers of Wales', which has been out for 10 years or more, refers to 200 rivers that can be used for canoeing. There is concern that if the Assembly were to create a statutory right, there would be so much opposition that it is likely that the right would be constrained either geographically or in relation to the type of activity that could take place or when it could take place. There was definitely a perception that that was perhaps not the right route.

11.40 a.m.

[84] **Angela Burns:** My final question, following the clarification theme, is as follows. You said that statutory agreements would allow for compensation. Do you have a view about how you might be able to get compensation or pin a compensation claim on an individual who has, for example, hurled something at a canoeist or a canoeist who has gone through a spawning ground or something at the wrong time of year? It is easy to sue a body, but how do you get hold of individuals to check things through?

[85] **Dr Powell:** That would be extremely difficult. It only related to the agreements that were made under the National Parks and Access to the Countryside Act 1949, and they have only been used in a very limited way in the peak district, and a difficult time was had sorting out how to determine the compensation that should go to a landowner whose property might get damaged. So, it is a very difficult issue.

[86] **Alun Davies:** I am interested in your comment, Dr Powell, that creating rights of access can be unpopular. I can understand some entrenched interest in opposing it, but the Countryside and Rights Of Way Act passed by the UK Parliament in 2000 has been extraordinarily popular. The legislation that we are progressing as a Government in Wales on creating a national coastal path is very popular. Certainly, our experience is that, when these rights are created, people use them. So, I would be interested to hear your view on why a right

here would be less popular among the population as a whole.

[87] My more detailed question to you is as follows. We have received research from the Countryside Council for Wales that indicates that voluntary access agreements rarely work. If the council's experience is that a voluntary code does not provide the access that I believe most people in Wales would like to see, do you see any alternative to our going down the statutory route?

[88] **Dr Powell:** There are many issues there. There are definitely examples of voluntary agreements that have broken down in England and in Wales, but I do not believe that that should be a reason for discarding that approach. There are huge benefits in developing local agreements. As I said in the presentation, you can tailor them to the local situation. They are very good for small stretches of river or hot spots, where it is obviously going to be much more difficult to use a voluntary agreement if you are trying to create, for example, a canoe trail, which we were talking about earlier. Where you have large numbers of landowners or users on a particular stretch that are in great conflict, agreements can be extremely difficult to implement. They will not work everywhere, but there will be situations where a voluntary agreement will produce a much better result if it can be made a long-term agreement. One of the problems with voluntary agreements is that many of them are made in the short term. There is a lack of trust between the different groups making the agreements: the canoeists do not trust the anglers to maintain the agreement and say that they can walk away at any point, and the anglers do not trust the canoeists to keep to the agreement. So, there are a lot of problems with some of the agreements that currently exist because of their short-term nature and the lack of trust that exists, but I do not believe that they should be discarded.

[89] **Alun Davies:** Why do you believe that they are better than a statutory framework?

[90] **Dr Powell:** I am not saying that they are better; I am saying that they might be more applicable in certain locations. You have a potential array of different approaches. The main concern that we came across with creating statutory rights was that the rights of use would be constrained in some way. If there is a general statutory right of navigation on inland waters in Wales, it would not be as good as the access that canoeists currently have. That was the perception of certain people with whom we spoke. There was a concern that land may be fenced off, which would make access difficult. When granting navigation rights, you do not deal with the access issue, but you still have to provide access and negotiate between landowners, anglers, canoeists and other potentially conflicting users.

[91] **Alun Davies:** I am surprised that you think that a statutory code that does not exist would be a worse option than the current situation. We are in a position to create a statutory code and a statutory framework of our choosing—we can acquire the powers to do so. Therefore, the issues that you have addressed are practical rather than philosophical. We can create the statutory framework into which management of access will have to be incorporated. I accept your point that the right can be absolute, but how you implement that right can be subject to terms and conditions; I have no issue with that. However, I am surprised that you think that a right that does not currently exist would be a second-rate option.

[92] **Dr Powell:** There is a huge amount of uncertainty about this. People look at Scotland and the Land Reform Act (Scotland) 2003 and say, 'That is brilliant; it works and that is what we want.'. However, others say, 'We might not get that because there will be a lot of opposition in Wales; we may not get something that is as good as what Scotland has'. So, the uncertainty is causing people to worry about this kind of approach.

[93] **Alun Davies:** I can appreciate that, but if we took the Scottish approach and learnt the lessons from Scotland, we could say that we had legislated to do specific things to enable people to enjoy recreational activities throughout Wales. We would then manage that and

learn those lessons. Do you think that such an approach could work?

[94] **Dr Powell:** You would have to look into it in more detail. The institutional framework that you create will dictate, to a certain extent, how you manage the use.

[95] **Angela Burns:** Could I just clarify something, Chair? I thought that one of you had said that the Scottish model did not work. Did I mishear that?

[96] **Mick Bates:** It was an opinion.

[97] **Dr Powell:** That model has only been in operation for four years, so I do not think that there has yet been a formal evaluation of its effectiveness.

[98] **Angela Burns:** I am sorry; I misheard, but I wanted to clarify that.

[99] **Dr Powell:** I think that it is working well.

[100] **Brynle Williams:** I wish to return to the access issue. Alun mentioned the CROW Act 2000 and how successfully that worked. There is a slight difference there because the CROW Act 2000 already covers formal footpaths and bridal paths, and it is just a matter of opening those up and ensuring that they are maintained. However, now that we are tackling access to water, serious problems relate to entry and exit to and from waterways. In my constituency, I have received many complaints about users of waterways parking up anywhere on the side of the road and by the time anything can be done about it, they have moved on and it is not known where they will exit the water.

[101] We also have agri-environment schemes, as you know, such as Tir Gofal, under which much emphasis is placed on the maintenance of riverbanks by fencing them off to stop pollution and to keep livestock out and so on. One of you touched on fencing and whether we can erect fences on the sides of riverbanks. The other point relates to fishermen and a rather unique situation in that, unlike with footpaths, some fishermen have fishing rights on rivers. Again, in my constituency, I believe that there is a canoeing school that uses part of the river. Will people be allowed access if they attend such a school?

11.50 a.m.

[102] I accept what you said that, if we go down the statutory route, it could be very dangerous. I think that this has to be worked out between everybody, including the water users, such as canoeists. I would like your view on entry and exit and how it will be policed. There are serious issues around this and, in some cases, we need to consider access for blue-light services, if they were ever needed. We have had a few tragedies. I think that it was last year on the Severn that a father and two children were lost. Another thing to remember is that people use the water more during the busy summer season, especially in north Wales. How do you see this being policed to the satisfaction of everyone, not just that of the landowner?

[103] **Mick Bates:** On enforcement issues, who would like to kick off?

[104] **Dr Powell:** Enforcement was an issue that came up quite regularly, particularly when talking to landowners and the angling interests. A major worry with agreements is that they get broken. Some of the angling interests we talked to said that they would be much more willing to negotiate agreements and work with canoeists if there was some kind of registration process that enabled them to identify problem users. So, they would like some kind of national registration or licensing of craft to allow people to use Welsh inland waters, with a registration number on the boat. They felt that that would go a long way towards dealing with a lot of their concerns, especially if you are to use management techniques such as time

zoning or area zoning, preventing certain uses at certain times. A fisherman could then identify a boat in breach, so there is a level of enforcement there and there would probably be a higher level of self-policing if canoeists realised that they could be identified, which would lead to a fine or to their having their permits revoked. There would be an element of self-policing.

[105] **Professor Church:** Problems on riparian land, whether with car parking or with people launching inappropriate craft, will not go away if you do nothing; in fact, they will probably get worse. I am sure that the technology of many water sports is such that more people can buy equipment and want to use it. So, those issues have to be tackled. As I have said, in future, I think that flood defence, the water framework directive and agri-environment schemes may even represent a source of income for providing good ingress and egress facilities. However, it is not just about providing a set of steps; it is also about toilets and car parks to go with them. One of the other actions that we called for in the strategic plan was to establish some sort of legal clarity. I think that the fear among some riparian owners is about the legal issues raised by providing these facilities. In all the work that we have done, we have never really been charged with that. We often end up having to go to speak to people to get their take on it, but it would be very interesting if there was a committee that could pick this up and try to provide some clarity on liability issues, both on the water and on riparian land. I think that a lot of landowners and water-related sports clubs of all types would benefit from some sort of legal clarity on that. To be clear, these issues will not go away, and some sort of action is required.

[106] **Leanne Wood:** Could you explain the difference between a permit and a licence? Which of those options would be better at preventing damage or ensuring that compensation could be paid for any damage?

[107] **Dr Powell:** I differentiate between the two by saying that, with a licence, you pay a fee to register your craft to enable you to use it, but a permit allows you to undertake a specific activity at a specific place at a specific time. So, permits can be used at a very local level to control particular uses. You can limit, for example, the number of permits that you give out daily or over a season. The example from the USA is the Boundary Waters Canoe Area Wilderness, on the border with Canada, at Minnesota. There, you have to have a permit to access the water. You can either buy a permit for a single year, or for a specific trip, you have to buy a permit for a certain number of days.

[108] So, you could use permits at a very local level, but licence fees and registration are linked, and you would want to use those on a much larger scale. You would not want to try to register boats on a small scale, at the local level, because that would not work. It is the kind of thing that you might use at the national level, by determining that anybody who canoes or kayaks in Wales must have a licence, which involves getting a registration number.

[109] **Leanne Wood:** You have just talked about crafts there, but what about swimmers?

[110] **Dr Powell:** Yes. It is very difficult to license or register swimmers.

[111] **Mick Bates:** Obviously, that is where ID cards come into their own. [*Laughter.*]

[112] **Dr Powell:** If you want to control swimmers, localised permitting might come in. Swimmers tend to congregate at certain specific points and do not tend to stray far. If you wanted to control them tightly, you might require them to have a permit to swim at a particular location. Policing or enforcing such a scheme, however, could be difficult and expensive.

[113] **Mick Bates:** Do committee members have any further points to make?

[114] **Angela Burns:** I just want to ask another question, which, again, is to Professor Church. From my reading of your 'A Strategic Plan for Water Related Recreation in Wales', would I be right in observing that it is very focused on everything that you can do on water apart from fishing?

[115] **Professor Church:** No.

[116] **Angela Burns:** It is more about developing cycling, swimming, rowing, and all the rest of it, in estuaries, regional parks, environmental parks, and the hydro centres or 'hubs' as I think you call them. However, I do not see much about how you develop fishing as a sport. It seems to me that there is fishing, and then there is everything else. I am not quite clear on that.

[117] **Professor Church:** The plan was to look at the full range of water-related recreation, including activities that have received a lot of attention in the past and those that have received very little. It was important to address that balance by ensuring that we looked at the full range of activities.

[118] Many of the generic strategic actions and opportunities that we identified apply to angling. It is about clarifying the legal situation and giving good information. Fishing Visit Wales is certainly a source of information, but there are other opportunities to expand on and give people reliable information. That is particularly so with angling, as it fits in very strongly with what we say about inclusion and drawing people from deprived communities to water-related recreation.

[119] The other point that we make is that Wales has some waters of strategic national and international importance that need maintaining. They include certain rivers for fishing, as well as white water for canoeing, and kite-surfing locations on the coast. I would argue that angling is very much a part of the generic recommendations, and there are a few things in there that relate specifically to angling as well.

[120] One important point to make, which comes back to ingress and egress, is that, for successful initiatives in future, whenever you invest, you will have to think about a range of users. For instance, if you are building ingress and egress points, can you develop them in such a way as to allow angling there? If you are developing riparian locations from which to launch canoes, can they be developed as beaches, from which swimming can be monitored and properly surveyed? I think that the emphasis in the plan on a range of activities is important because, when people take action for one water sport, they should ask themselves what other sports could benefit at the same time, so that you maximise the return on any investment.

[121] **Angela Burns:** Your concept of hydro centres is very interesting, as a user who boats, swims, fishes, sails, and everything. It is a brilliant concept, because one of the real problems with doing any of these outdoor sports is that you do not have the back-up facilities with you, whatever it is you choose to do. I can definitely see that there are places around Wales where that concept could work extremely well and help to enhance tourism. After all, tourism is a key strength of ours. I would support this. Thank you for your interesting paper.

12.00 p.m.

[122] **Brynle Williams:** I have a point to make, briefly. We are looking at access to inland waterways in Wales, but is it being looked at over the border in England? In my region of North Wales, we get a lot of people visiting from Merseyside, Manchester and Birmingham, towing trailers with half a dozen canoes or kayaks on them. They come on a Saturday, go

straight onto the river and bang, they are gone, irrespective of who is policing it or looking at where they are going, or anything. This is an important issue. A lot of people come from over the border to use Welsh rivers. If we go down the levy or registration route, will they pay the same over the border or will they come in illegally? There are vast numbers in North Wales, and it is a serious problem in my region. Racks of kayaks are being towed out on the weekend. People park their cars and unload the kayaks over walls and fences. I have received complaints from residents about people changing into wetsuits in front of them, which underlines the importance of what you said about the lack of toilet facilities and other simple amenities. This is an important issue, and we will be taking evidence on it.

[123] **Mick Bates:** Would you like to respond briefly?

[124] **Dr Powell:** It just shows the value of the resource that you have for canoeists.

[125] **Professor Church:** The reason that these people come is because the Welsh outdoor environment is attractive for what they want to do. There are probably more water recreationists in the south Lancashire conurbation and the Birmingham conurbation combined than there are in Wales. That creates significant demand in Wales. We have been asked to look at this in the strategic plan for the north west and in the midlands, so we will take account of that.

[126] Introducing permitting or licensing would clearly raise a real issue. I presume that you would want to charge the English more. [*Laughter.*]

[127] **Mick Bates:** The level of enthusiasm that we have seen this morning is now getting a little too high.

[128] I will end this first session of our inquiry into access to inland waterways in Wales by thanking our two witnesses for their papers and for giving us a reference point to which I am certain we will return in the future in our inquiry and, eventually, when we scrutinise the Minister on the Government's attitude. I remind everyone that this process will carry on until December, by which time I hope we will have satisfied ourselves that we have taken enough evidence.

[129] In our flooding inquiry, we piloted the use of the Assembly bus to take evidence from people all over Wales who had been affected by flooding. Some of you will not have heard of the bus, but there is a picture of it over on the wall to your right. In this inquiry, to satisfy the interests of all users in Wales, it is my intention to identify locations in Wales to which we could send our bus to gather evidence—with the assistance of the people in the audience today, I am sure. That will be recorded and published as part of our official evidence for this inquiry. Should you wish, you may look at our website to see the evidence that we gathered about people's experience of flooding, including how such experiences could be improved and resolved so that they do not arise again. We will do the same for this inquiry.

[130] In a moment, when I have closed the meeting, we will launch a report on carbon reduction. However, if anyone who has attended this meeting—and I thank you for doing so—wishes to wait behind to give me clues about where best to collect evidence for this inquiry, I would be grateful.

12.04 p.m.

Mesur Llifogydd a Rheoli Dŵr Drafft Senedd y DU—Cymeradwyo'r Adroddiad The Draft Flood and Water Management Bill—Approval of Report

[131] **Mick Bates:** There is one further item of business, which is to approve our report on

the draft flood and water management Bill. Do Members have any comments on that?

[132] **Alun Davies:** I have no comment on the substance of the report, but I am anxious for our debates and the report that we will agree to be conveyed not only to the Welsh Assembly Government but also to the United Kingdom Government. I am anxious for any amendments to the legislation to be introduced very quickly in the new session.

[133] **Mick Bates:** Thank you for that comment, Alun. Are there any further comments on this draft? I emphasise to Members that when we scrutinise the energy Bill, the planning Bill and the climate change Bill, our responses are sent to Westminster.

[134] **Alun Davies:** Before we adopt this report I am anxious that we should agree to review progress made in this regard. I have significant concerns about the Cave review and about any increase in the privatisation of the water industry in Wales. I have significant concerns about the future of the Glas Cymru model. I would like to have a further evidence-taking session on this in the autumn.

[135] **Angela Burns:** I agree with Alun. This took me slightly by surprise; I thought that we were going to discuss this in a little more detail.

[136] **Mick Bates:** If you wish to, carry on.

[137] **Angela Burns:** I share those concerns completely. I understand that this has to be on the draft flood and water management Bill itself. I just wonder whether we can put in anything that protects our position as a country. I have two concerns: first, I am not sure whether it does protect our position as a country, and, secondly, I am concerned that this Bill will not make it on to the statute books because of the general election that will be called at some point in the early part of next year, in which case all of this work here might go up in smoke. That must not happen. Some of it needs to be held back for Wales. I just wonder what we can do to protect that.

[138] **Mick Bates:** In terms of what we can do, Angela, to protect our position, we have already gathered evidence and sent our report to the relevant Minister in Westminster and to the Welsh Assembly Government. In terms of the Cave review, as we have already decided in committee, we have invited Professor Cave to give evidence. As we note in our draft report, the Cave review does not currently form part of the draft Bill.

[139] **Alun Davies:** It will.

[140] **Mick Bates:** It may do at some stage in the future.

[141] **Angela Burns:** It will.

[142] **Mick Bates:** Angela's very wise comment about the progress of this draft Bill through Parliament was that it may be interrupted by a little thing called a general election. I am certain, given all of our views, that the Cave review—and, by the way, the Walker review on pricing—will not form part of whatever does eventually go through Parliament during this session.

[143] However, that does not alleviate the concerns that Alun has raised about the future of the Glas Cymru model. We have already made our views very clear to the Welsh Assembly Government and, as I say, Professor Cave has been invited to this committee to give evidence on his report. We have grave concerns, and, although, for the moment, his suggestion about privatisation is only for non-domestic users, I feel that we need to discuss the principle in more detail to arrive at a conclusion that suits the situation in Wales best. I think that that

remains our primary cause: we want to arrive at a solution that serves the people of Wales in the best way possible.

[144] **Angela Burns:** Could we think about adding one more recommendation? As I understand it from talking to various people in Westminster, the Government may try to put through a draft flood and water management Bill lite. If it does that, and decides to chop out some of this and to just concentrate on key areas in order to get a Bill through before a general election, will we be able to look at whatever it is that it will have slimmed down due to the issues around the Cave and Walker reviews that Alun mentioned?

[145] **Mick Bates:** Absolutely. You know that it is always my intention for us to scrutinise Bills of Parliament, and to send our opinion there. We will continue to do that, and we will do that for any version that is slimmed down to meet Pitt's recommendations. We will certainly respond to that, Angela. I guarantee you that.

[146] **Alun Davies:** I support the points that Angela is making. Clearly, Angela, the re-elected Labour Government—[*Laughter.*]—will continue with this process following next year's general election. In the meantime, it is important that we seek the powers necessary for the Assembly, rather than the Assembly Government, to safeguard the position of the Welsh water industry.

[147] **Mick Bates:** Thank you very much for those comments. With that, we will stop the discussion before it becomes a full-blown party political broadcast.

[148] Once again, I thank you all, including our witnesses, for your attendance this morning. If there is any other information that the witnesses feel would be pertinent to our inquiry, please send it along. A draft transcript of this meeting's proceedings will be sent to you for your perusal, and if there are amendments, please let us know. I declare this meeting closed. Thank you all very much.

*Daeth y cyfarfod i ben am 12.10 p.m.
The meeting ended at 12.10 p.m.*