

EA Canoe Access Briefing Note and Questions and Answers - October 2006

Access to Water – General Lines to take

- Research has shown that overall supply meets demand.
- Pilot projects have shown that voluntary agreements can deliver increased access to inland water.
- Voluntary approach delivers access where it is needed.
- Written agreements means everyone should be aware of the terms and conditions, and their responsibilities
- Backed up by the regional strategic plans, we believe that this approach represents the most sustainable way forward
- Defra and the Environment Agency will be working hard to deliver regional plans over the next couple of years.
- 99% of landowners were receptive to the idea of voluntary access.

Our Toolkit provides stakeholders with detailed guidance to help them to increase access elsewhere.

What the report shows

The report shows that access agreements can work. To make them work there is a need for some guidance and this will be one of the outcomes of the project with a tool kit being available to everyone on our website. Putting agreements in place will be easier if it is supported by local, regional and national government bodies and agencies, and by those who represent user groups.

Each agreement will need to take into account the specific local requirements of all users and owners. Owners and local communities can tailor agreements to deliver their specific needs. In return for access landowners would like users to abide by the agreements to make them sustainable in the long-term. Ideally, owners would like users to contribute to the upkeep of rivers. There is a need for more evidence of wider social and economic benefits of permitting canoe access.

Also in some cases dedication under section 16 of the Countryside and Rights of Way Act 2000 (CRoW), showing it is an option landowners may wish to use.

99% of the landowners approached in this project were willing to consider canoe access and over 70km of new voluntary agreement have been created.

The Wider Benefits

It is important to note that agreements bring wider benefits than just access. They can provide owners of rivers with the ability to manage the varied uses of their river. This includes the delivery of shared codes of conduct between the owners and different users.

Having an agreement in place also allows for the management of Health and Safety, and risk. Associated with this is the development and provision of facilities, such as, recognised car parking and access and egress points.

The ability to promote the access available, and any requirements of users set out in the codes of conduct, means that all users know what is available and what is expected of them.

Benefits of access agreements

- The fact that agreements can be used by owners of rivers to help manage the varied uses of their river.
- Recognising and respecting different uses of the river environment and helping those interests to work together to provide shared codes of conduct between the owners and different users.
- The management of Health and Safety, and risk.
- The provision of facilities, such as, recognised car parking and access and egress points.
- The ability to promote the access available and any requirements of users set out in the codes of conduct.
- The popularity of canoeing is increasing. Through agreements suitable access can be developed that it is available to all, not just the more experienced canoeist, but increasing opportunities for a range of people to be encouraged to participate in active outdoor recreation.

These benefits do not exist where use is tolerated or where it takes place without any right.

Where we go next

Our next step is to deliver Strategic Planning for water-related sport and recreation to identify where new access opportunities would be best placed to deliver access for all in a sustainable way. The opportunities identified will also deliver the wider social and economic benefits that recreation can bring.

We will produce these plans in partnership with the key stakeholders and seek the delivery of opportunities by those who own or manage the land, with the support of those who hold the financial resources needed, such as the Regional Development Agencies. We will maintain, and make available, a "toolkit" of methods, guidance and good practice and help where we can with delivery.

We are not going to start work on delivering access on another list of rivers.

Q & As

A) Statutory right of access

Haven't the demonstration projects proved beyond doubt that a statutory right of access to inland water is the only way to deliver a secure and sustainable solution?

No. Earlier research has shown that overall supply meets demand and in light of this evidence I consider that strategic planning is the most appropriate way forward. By undertaking strategic planning it will be for the regions to determine what additional access is required in their area and where new demand may be created. Canoeists have an important role to play to ensure that this process takes account of their needs.

B) Why isn't there going to be a statutory right of access to inland water similar to the one in Scotland?

Earlier research has shown that overall supply meets demand and thus the case for a statutory right of access has not been made. A statutory right of access would be extremely complex and would need to take account of existing rights (e.g. fishing rights) and health and safety and operational issues.

C) Wouldn't it be easy to introduce a statutory right of access to inland water since you have already introduced a statutory right of access on land?

It would be extremely difficult to introduce multiple use legislation (assuming canoeists would not wish to be the sole beneficiaries). Even with a statutory right of access to the water, voluntary agreements would still be necessary to cover the need for canoeists to have access and egress points and to carry out the works needed to facilitate access.

D) Why is the public denied access to 98% of rivers in England and Wales?

The public is not denied access to 98% of rivers. Our research has shown that canoeists have access to 34% of the major areas of inland water in England and that overall supply meets demand. Also it's fair to say that other members of the public, such as walkers and anglers have access to significant amounts of rivers.

In Wales the responsibility for promoting recreation, including access to rivers, lies with the National Assembly for Wales and the Welsh Assembly Government.

E) Why weren't more of the demonstration projects located in the areas suggested by the British Canoe Union?

Two of them (the River Wear and the River Teme) were but only because they met the detailed, objective criteria against which all rivers were considered. Criteria included lengths of water suitable for touring, environment constraints, urban and rural locations, socially deprived areas, high fisheries interest etc

F) How much has it cost to introduce the Countryside and Rights of Way Act 2000?

The cost of the open access programme up to the end of March 2006 was approximately £69 million. We also funded the Countryside Agency's Access Management Grant Scheme for access authorities. Expenditure totalled £1.04m in 2004/5 with a further allocation of £4.2m over 2005/6 and 2006/7. It is estimated that ongoing costs for dealing with any applications for restrictions, access works implementation and monitoring will amount to some £13 million in 2006/7.

G) The Voluntary Agreement Process

The BCU has tried for over 40 years to negotiate voluntary access agreements but the vast majority have been found to be unsustainable and have not worked. Why does the Government insist on promoting them?

A voluntary approach is the best way forward since the four demonstration projects have clearly shown that voluntary agreements can work. They allow access to be developed to take account of environmental and physical constraints, ensuring that health and safety concerns of users and landowners are dealt with so that access can be provided for everyone, not just more experienced canoeists. Agreements also provide a basis for providing formally agreed points of access to the water and promoting links with local services such as parking, showers and other community facilities.

H) The four demonstration projects cost thousands of pounds - wouldn't it be cheaper to have a statutory right of access to water?

No. The aim of the demonstration projects were to test approaches and tools for setting up voluntary access agreements. Negotiations in the past have often taken a fairly random approach to negotiating agreements, with little structure, support or guidance provided to support the efforts of local volunteers. We will provide canoeists and other local people with a model templates and guidance that can be applied in other areas.

If asked -

CORE COSTS – 200K (in addition to the staff and consultant costs)

120k Mersey portage, access points, signage & promotion

45K Waveney portage, access points, signage & promotion

20K Wear portage and signage

10K Teme access point & signs

(28km access on the Mersey) Significant large scale engineering works were required to put in a number of the access and portage points that would cope with the power of this river and the range of river flows)

(On Waveney 13 access/portage points were needed in addition to health and safety signs and promotion of the route)

I) What funding will be provide to support voluntary agreements in the future?

Earlier research has highlighted that there a number of potential avenues for canoeists to obtain funding (e.g. the aggregates levy fund, lottery etc). The bulk of the costs of the demonstration projects were for necessary capital expenditure in providing safe access from, and to the water. These would still be needed if there were a statutory right of access.

J) Access agreements will always fall short of a statutory right of access

Since research has shown that overall supply meets demand we need to adopt a strategic approach to developing any new access that may be required to deal with imbalances in supply and demand across different regions. This will enable us to encourage resources and effort to improve the provision of water-related sport and recreation to be targeted to suitable areas where it is most needed.

K) Anglers aren't interested in access agreements

This is not true. We have been encouraged to learn of the number of local angling associations that have contacted the consultants and the Environment Agency expressing an interest in developing access agreements. In fact, in some instances, we have seen more positive involvement from angling groups and other users on some rivers, than local canoeing representatives.

L) The report clearly shows that implementing canoe access agreements is an extremely complex process – surely a statutory right of access is the only logical way forward?

The evidence does not support the need for a statutory right of access. Agreements provide an opportunity to take into account the needs, attitudes and differing constraints on each river. They provide a basis for all with an interest to work together to agree the details of access arrangements that can be sustainable in the long-term.

We remain committed to adopting a voluntary approach and believe that the strategic planning process will deliver real benefits for sport and recreation in the areas where it is needed most.

M) The research has shown that the Consultants failed to put agreements in place on some stretches of water – doesn't this prove that a statutory right is the only way forward?

Whilst we fully accept that the research has identified a number of difficulties with the voluntary agreement process these reflect only a few experiences. In almost all cases it was possible to obtain access so long as this could be provided to take account of landowners and communities fears on liability, impact on the environment and health and safety.

N) Craft licensing/identification of users

Do you have any proposals to introduce a craft licensing system?

No. We are not convinced a licensing system is necessary. Where a properly managed voluntary agreement is in place a scheme would be unnecessary. If water users abuse the agreement landowners will no doubt withdraw them.

O) Who would pay for any craft licensing system?

Although we may be prepared to investigate the opportunities, it is likely that such a scheme would be bureaucratic and costly to introduce and maintain. All costs would have to be met by water users.

P) Post Agreement Monitoring and re-negotiation

Although the Environment Agency may continue to support local stakeholders in their management of the four agreements there are no plans to extend this work other than by providing guidance in the form of the toolkit and through the strategic planning of water-related sport and recreation in each region.

Q) Strategic Planning

What is the aim of strategic planning?

The aim is to identify need and ensure that access to water is provided in the areas where supply doesn't meet demand or where it is appropriate to create new demand.

R) How will strategic planning be delivered?

Initially the Environment Agency will focus on developing strategies for the South West and Anglian regions before developing strategies for the rest of England. The EA will establish a steering group with the main stakeholders in each region which will develop policies and guidance relating to the provision of all water-related sport and recreation, including canoe access.

S) Why is the Government focusing solely on canoeists?

We are not. The aim of the strategic planning framework is to develop policies and guidance for all forms of water-related sport and recreation on inland and coastal waters, not just canoeing.

T) Do Local Access Forums have a role in improving access to water for sport and recreation?

Yes. Local access forums will provide an opportunity for representatives of users and land managers, and other relevant interests, to advise on the improvement of public access to land in their area for open-air recreation and the enjoyment of that area.

U) Next Steps

Will Defra be taking forward all the report's recommendations?

Some of the recommendations have already being taken forward by Defra e.g. strategic planning - others do not fall to Defra to lead on but could be undertaken by the canoeists themselves (e.g. research on the value and benefits of canoeing).

V) Why does the Environment Agency give priority to anglers over other users?

It doesn't. In addition to its responsibilities for fisheries the Agency also has a duty to promote the use of inland and coastal waters and associated land for recreational purposes.

W) What is the role of the British Canoe Union, and how are you tackling their concerns?

The British Canoe Union is the governing body for the sport of canoeing and kayaking in the UK. It represents the interests of canoeists at all levels and is a member of the International Canoe Federation. Aspiring to a statutory right of access

to water is formal BCU policy but the organisation is also co-operating with the Environment Agency in work on developing a strategic approach to improving recreational access to inland waters. The BCU has a membership of around 53,000 but there are some 1-2 million people who canoe occasionally.

X) Are voluntary access agreements the only option to provide additional access to rivers for canoeists?

No, as we have demonstrated on the Mersey, landowners do have the opportunity to dedicate land, with higher rights for non-powered craft under section 16 of the Countryside & Rights of Way Act.

Licensing arrangements for access are in place on a number of rivers, such as the Dart in Devon.

There are also a number of discretionary powers that local authorities have to compulsory purchase and provide land for the amenity needs of communities – where they can demonstrate the need. Although these powers are not widely used, there is no reason why they could not be applied to providing access to sections of water.

Y) What can we say to anglers who think canoeists will impact on fish populations?

Technical report W266 concluded that canoeing does not impact on fish populations.

However, many landowners and anglers still have concerns about the effects of recreational access on fish, particularly the effects of disturbance of gravel beds from recreational access, whether this is a fisherman wading, canoeists carrying their boat during low flows to 4x4 crossing rivers using gravel beds.

Several research studies cited in 'Impact of Recreation on Wildlife' 1995, have shown that shock and trampling can damage or destroy salmonid eggs, crushing or displacing them for predators to eat, or to be deposited in unsuitable sites where they are unlikely to develop,

Some fishermen are also concerned that any recreational activity within the river, such as groups of canoeists could disturb or stress to salmon and sea trout when they are returning up rivers, reducing their energy reserves to get to the upper reaches where there are suitable gravels to spawn.

There is no evidence that this is the case, however terms of access agreements can be drawn up to respect and safeguard these concerns for the landowners and fishermen agreeing to share their section of water.

Z) What is the situation now for canoeists? Eg, are there certain rivers that canoeists are only allowed to access or do they need permission from landowners?

Canoeists can use sections of navigable waters and sections of rivers which are tidal without permission, so long as they gain access to them using public rights of way and highways.

More questions to be answered –

If a canoeist is caught on a river without permission, what happens?

This is an issue between the landowner and the paddler as it is trespass which is handled under civil law.

Why can canoeists in Scotland and others part of Europe paddle anywhere - and canoeists in England and Wales can't?

The law associated with land ownership is different in Europe. The Land Reform (Scottish) Act 2003 gave a right of access to water in Scotland

Have we come across any problems with the pilots?

What will be the benefits of voluntary access agreements for:

- canoeists?
- Anglers?
- Boaters?
- Anyone else? Landowners?

What are the disadvantages of the voluntary access agreements for:

- Canoeists?
- anglers?
- Boaters?
- Anyone else? Landowners?

What will the BCU splinter group (have they a name?) say about these voluntary access agreements and why are they opposed?

Voluntary canoe access works.

We've spent two years working with 400 landowners to show how they can agree to allow people to use their rivers for canoeing.
99% were willing to consider this opportunity.

The project has created 70km of new access.

A variety of water is needed to build on what's already available.

This is good news:- it allows landowners to better manage various uses of their rivers and it provides paddlers with more water to go on.

In return the paddlers need to respect the agreements and codes of conduct that are put in place.

our next step will be to pilot strategic planning in SW and Anglian. working with all stakeholders we will create a plan that shows where we and stakeholders consider new opportunities can be created and identify the social and economic benefits these can bring.

We then hope that people will use the toolkit developed through this project to put these opportunities in place.