

**REGIONAL FISHERIES ECOLOGY & RECREATION ADVISORY COMMITTEE
MEETING: 28 OCTOBER 2004**

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TITLE: FUTURE OF ACCESS TO WATER

RECOMMENDATION

The Committee is asked to:

- (a) endorse the Agency undertaking strategic planning for water based recreation;
- (b) note that the Minister has asked us to take forward the cost-benefit analysis and facilitation of voluntary access agreements work on the four pilot sites;
- (c) advise on our potential future role in canoe access work;
- (d) comment on the tools which could be used to facilitate canoe access.

Members should note that none of the above is possible without new funding.

1. INTRODUCTION

- 1.1 We have a statutory duty to promote recreation on or near inland and coastal waters. We also have an Access Policy (see Annex 1) that states:

“The Environment Agency will promote sustainable increased access where it will not adversely impact on existing uses and users, or the economic and conservation value of the site, and associated area, now or in the future. Subject to resources, we will encourage access where managed solutions can be found to remove adverse impacts.”.

- 1.2 Our own exemplar site is the International White Water Centre on the Tryweryn in North Wales. This site is an example of how activities and the environment can flourish side by side and:

- is designated as a Special Area for Conservation for otters, bullhead and salmon
- has 80,000 visitors a year who contribute £2.8 million to the local economy
- provides the best white water for canoeing and rafting in the country
- is being extended from 2.5km to 7km and with a change in the water release regime means that the salmon trap on the site, which was going to be abandoned, now catches around 40 salmon a year for the hatchery and provides better water for canoeing.

- 1.3 Our Corporate Plan states “We will ... support the implementation of the Countryside and Rights of Way Act 2000. We will follow up the recommendations in the Government-commissioned report *Water Based Sport and Recreation – the facts*, and contribute to work on meeting the Government’s target to improve the nation’s health by increasing the proportion of people taking regular exercise to 70 per cent by 2020”.

2.0 CONTEXT

- 2.1 Brighton University has completed research work on behalf of the Countryside Agency into the role voluntary access agreements can play in opening up rivers to canoeists. The Secretary of State for Rural Affairs, Alun Michael, has asked the Agency to take forward the results of this work.
- 2.2 Brighton University indicated that the next steps would involve cost-benefit analyses on the four pilot areas (the Wear, Mersey, Teme and Waveney) and facilitation of negotiations between users in order to deliver voluntary agreements at these sites. It is recognised that this will only be possible with new funding.
- 2.3 Access agreements that already exist are often supported by fisheries organisations to enable them to manage the impact other users have on their activity. In the Brighton University work, the proposed agreement on the Waveney is supported by the anglers for this very reason.
- 2.4 We have a major interest in the future of these access agreements. We also have the experience, and access to skills and people, necessary to facilitate their delivery. However, we do not have the funding to deliver the proposed next stages and will only take forward additional work if new funding is made available.
- 2.5 This paper presents a route forward for us on canoe access which fits with our wider duties, policies and plans. Previous papers to Committee (see Annex 2) have generated a considerable debate on the issue.

3.0 WHAT DO WE NEED TO CONSIDER ?

- 3.1 The work by Brighton University covered many issues including:
 - Policy frameworks
 - Strategic planning for water – related sport and recreation
 - Cost-benefit analyses for pilot areas and facilitating delivery of agreements
 - Other options for canoe access.

Policy Framework

- 3.2 Our approach to canoe access agreements must be informed by our legal and policy positions. The following statements set out our desired position:
 - We support Government in its desire to increase access to water, which will also help to deliver social, economic and environmental benefits. This access should provide opportunities for all
 - We want to see access increased where it is sustainable and fits with our Access Policy. The use of management solutions, such as restrictions on use related to times or flow levels, should be considered to protect existing uses, users and the environment
 - We want to see others, such as governing bodies, local and regional authorities and land managers, deliver aspects for which they are responsible. We cannot achieve results without the help and will of others.

Strategic Planning for Water Recreation

- 3.3 *Water Based Sport and Recreation – the facts* identified the need for strategic planning for water-related sport and recreation. This would use supply and demand information to identify where there is unmet demand and suitable sites to address this. These would then be highlighted within the planning system. The system would equally identify where uses, and areas, should be protected for existing users. Any planning of this nature would require significant involvement of relevant individuals, such as landowners, users and governing bodies, to achieve a level of consensus. Sport England delivers this level of planning for many formal sports, but there is nothing of its kind for water-related sport and recreation.
- 3.4 We want to see this planning put in place to steer any future access work. We have agreed with Defra in our Corporate Plan to pilot this work. At present we do not have the resources to do this work but recognise its value.

Cost-benefit analyses for pilot areas and facilitating access agreements

- 3.5 We recognise the value of benefit-cost analyses but are concerned that this work might absorb resources that could be better used to conclude well developed voluntary access agreements on the pilot sites. In some cases cost-benefit analysis will be a useful tool in presenting clear business cases for justifying progress or the cessation of work.
- 3.6 Voluntary access agreements may work in some circumstances but we want to do further work to develop a set of tools for securing access. However, we should seek to gain the benefits from work done so far recognising that we should:
- focus on what is possible
 - look to work with those who want to make agreements work
 - bring in others who can help with funding and negotiations
 - ensure that a body of expertise is developed which can be shared with others.
- 3.7 We also propose that our role must be one which facilitates and provides the tools rather than gets involved in the detail of negotiations.

Options for Canoe Access

- 3.8 Methods other than “voluntary agreements” need to be considered so we have a set of tools that could be applied to increase access in different circumstances. Alternatives to be considered include:
- the possible use of Section 16 of the Countryside and Rights of Way Act (CROW). Under this section of the Act landowners can dedicate access to their land. It may be possible to do this to land under rivers and then remove the restrictions of use, set out in the Act, to allow it to be used for more than just walking
 - the identification of where statutes establishing rights of navigations still exist but are not recognised, known or used
 - creating incentives for land owners to provide access
 - the purchase of strategically important sections of water.

4.0 A WAY FORWARD ?

4.1 We believe we are the best placed body to take forward the work on access agreements.

4.2 Our proposals for a work programme are detailed in Annex 3 and are based on the assumption that new Government funding is made available over an 18 month period. In summary the programme involves us in:

- undertaking the strategic planning role for water based recreation role
- concluding the cost-benefit analysis and facilitation of voluntary access agreements work on the four pilot sites
- developing a set of tools to help achieve access for canoeists.

5.0 CONCLUSION

5.1 Our legal duties, operational experience and wider water management remit mean we need to be involved in the issue of canoe access to water.

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Head of Recreation and Navigation
September 2004

Proposed Work Plan

Up to April 2005

- pursue agreements on sections of the Mersey and the Waveney. These are seen as having most potential. At the same time keeping alive the discussions on the Teme and Wear
- produce guidance setting out how Section 16 of the Countryside and Rights of Way Act could be used specifically to provide canoe access
- investigate whether there are legal rights of navigation, created through statute, that still exist. This would not look at disputed common law rights.
- seek legal advice on the application of the National Parks and Access to the Countryside Act, 1949, with regard to the creation of access orders of compulsory purchase of strategically important sites.

April 2005- March 2006

- pursue agreements on sections of the Teme and Wear
- monitor and report on access already created
- investigate the delivery of strategic planning for all water related sport and recreation in a Region, possibly the North-West. This should be taken forward using the database created by Brighton University and delivered with DCMS, Sport England, Local Access Forums, users and landowners.
- produce a digest of canoe access sites where access is realistically deliverable and sustainable and create a centre of expertise on the issue
- identify and pursue sources of funding to assist in the delivery of increased access and possibly provide incentives for landowners.