

WCA Access Enews

October 2006



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Access climate

October saw the release of DEFRA access studies. This provoked much discussion amongst canoeists, and it seems that broadly paddlers are not happy with DEFRA's findings. Objections are summarised at Snowdonia-active: <http://www.snowdonia-active.com/news.asp?newsid=443>, with the full report available at: <http://www.environment-agency.gov.uk/subjects/recreation/345720/1467794>

This work is still fresh but the WCA submits that even on a simplistic front this work is fundamentally flawed, and will detail this at a later stage. Ultimately as recipients, paddlers will determine the success of this work.

Whether or not this study will be transferred to Wales is yet to be known. However the WCA have already made clear their view that access agreements do not work, and this seems to be accepted at all levels of Welsh politics.

Not only canoeists feel this, anglers do too! The Welsh Salmon and Trout Association has stated that this is not transferable to Wales and has made some strong comments in their newsletter. It would seem that we are all agreed that primary legislation is required in Wales!

WCA submits that without a clear legal framework the conflict is being perpetuated.

WCA is increasingly unhappy with being told and manoeuvred towards being 'the canoe police'. We will not do this; this is not the role of a governing body. We seek to advise on and facilitate canoeing, not restrict it, and to help development of the sport, not hinder it.

Why access is important

Adventure tourism is important to Wales, and failing to clarify the position for public enjoyment of natural resources only fuels conflict and destroys potential for tourism. Earlier this year the Environment Agency released "A better place to play", their water related recreation policy document. Figures in this cite that half the population enjoy being on or around water, and they are looking to boost this number by another two million.

We know Wales is losing paddling visits to Scotland, causing Welsh tourism providers to lose money (see "Free Advertising").

In addition, from an ecological stance of reducing the carbon footprint of recreation, it seems nonsensical that paddlers from all over the UK drive past Wales to head to Scotland.

Trespass – the facts

The only person able to take action against a trespasser is someone who has a legal interest in the land. A brief outline of trespass:

Trespass in its basic form is a civil wrong (a tort), not a Criminal Offence. Trespass can be seen as an invasion of another's property rights without consent. Trespass is actionable per se and it is irrelevant whether the owner actually suffered any damage. It is simply sufficient to show that the trespasser is or was there without consent. Entry on to another's land (or access to or along water) without permission is a trespass; this is the case whether or not the entrant knows that they are trespassing.

WCA is given to understand that there is an Environment Agency incident hotline number printed on all rod licenses that anglers must carry. As many paddlers see the Environment Agency as having a conflict of interests, I don't expect that paddlers are aware of this incident hotline, nor know the number. For reference this is: 0800 807060. Anglers use this number to report canoeing incidents, perhaps canoeists should do the same?

WCA is repeatedly asked for examples of best practise with regards to canoe access. The simple statement is Scotland. For any outdoor enthusiast this is the premium product, and as we constantly remind assembly officials, until Wales makes a presumption in favour of access and legislates on this, Wales will remain a very poor relation.

General News

Welsh National Assembly

WCA has been dashing around various political meetings in the last few weeks; promisingly, it would seem that generally the National Assembly has the will to tackle the access issue.

WCA has been asked to produce a 'manifesto for canoeing'. This is in the process of being completed and will be available in the next few weeks from our website. A preview of the tone follows on the next page:

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Laws leaving us lagging behind the rest of the world

Wales and England are the poor relation in terms of access to water on a global basis. This is due to the interpretation, manipulation and imposition of antiquated legislation in Wales from England. The root cause of this problem is firmly embedded in English Land Law and the way that it has been interpreted.

Attitudes and legislation

The English legal system is, in the main, the backbone of the legal frameworks of Britain's historical colonies, such as Australia. However, in Australia access to water is not problematic, as the law has not allowed legislation to be utilised to preclude enjoyment of water.

Scotland the Brave

Anomalies exist on our own small island. Unlike our Celtic cousins in Scotland, Wales suffers from the imposition of antiquated and unclear legislation in this area.

From 2007, Wales will have the ability to change for the better.

Interestingly, in a recent meeting with a minister, it was pointed out that the Assembly are large riparian owners through their ownership of Forestry Commission land (part of devolved powers and different to England). It would seem that the 'public forests' of Wales have been overlooked with regards to water access. The WCA will continue (as it has been doing for the last year!) to suggest that this should be addressed as soon as possible.

Development on the Alwen

WCA has instructed 'Engineering Paddlers by Design' (EPD) to produce a vision document at Pont Barker on the river Alwen. This weir is extremely dangerous at present and is a massive barrier to fish migration. EPD have now carried out the site survey.



With consent from Rhug Estates as landowners, and working in partnership with Denbighshire County Council and the Environment Agency, we hope to secure the funds to develop this facility into an excellent site for paddling.

The weir receives a regulatory flow of 4 cumecs from a reservoir upstream, and last year this increased to 39 cumecs in peak flows. We hope to create a site that creates in-river features across this spectrum, and hopefully will meet the needs for introduction to moving water through to a good freestyle wave.



The site should be able to support low level competition and act as a reliable training facility in the area.

Obstruction on the Conwy

I have had reports that three North Wales paddlers have cleared a tree (and sheep) from the Conwy.

Clearly these obstructions are not only incredibly dangerous for anyone around the rivers, but also constitute a risk to flooding.

WCA will be seeking advice from the EA legal advisers as to what the EA liability would be regards this, and will report the results when we have them. In the meantime, this is another example of when it might be appropriate to inform the Environment Agency Hotline-0800 807060.

Incidentally, the above section of the Conwy has not had an access agreement since March 2005, and despite this saw heavy use last season. With a few exceptions, it would seem there has been little conflict as paddlers are still respecting the level restriction. Many thanks to those involved!

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More people joining the effort

Over the weekend of the WCA AGM we had two additions to the volunteer team.

Chris Wright from Snowdonia Active was elected to the board of directors. Chris brings a strong understanding of issues to the board and has made sure stories relating to access are reported on www.snowdonia-active.com

In addition Michaela Scrivin has offered to help the WCA with putting a bit of 'polish', to steal her phrase, on our documents – including this newsletter! We hope you enjoy the new layout.

Also at the AGM, the board endorsed the approach currently being taken to access. A presentation on access was given; the slides are available to download here: <http://www.welsh-canoeing.org.uk/webpresent.ppt>

The final point is that we are beginning to see stories hitting the press, and a strong acceptance of the issue within Government circles. Here are a few links for you to have a read on:

Pam Bell refutes that paddlers have any detrimental effect on fish and other river wildlife:
http://icwales.icnetwork.co.uk/farming/farming/tm_method=full%26objectid=17858513%26siteid=50082-name_page.html

Welsh Lib Dem Eleanor Burnham (AM) lobbies for better access rights to Welsh water:
http://www.welshlibdems.org.uk/news_e_detail.asp?newsNo=1922

Give Plaid Cymru some ideas on policies that they should adopt... Scottish-type legislation for water access in Wales?
http://www.www2007.info/main.aspx?Get_Lang=English.
Follow Best Policy Ideas and comment on the Forum.

WHAT CAN YOU DO?

The online petition has stalled! Have you done your bit? Tell your friends and family, your colleagues and co-workers. Remember, we want more than 20,000 signature when we present it:
<http://petitionthem.com/default.asp?sect=detail§=2888>

Free advertising

Who do you know that supplies services to tourists? Which ones welcome paddlers?

WCA is offering any tourism provider who welcomes paddlers free advertising on www.canoewales.com.

The offer is for a small banner that advertises their business to be placed on the relevant river or catchment of [canoewales.com](http://www.canoewales.com)

So if you have a favourite café that you go to get a bun, a B&B that likes paddlers or a gear shop that welcomes wet neoprene we want to know about it.

Send a contact to [Ash](mailto:cwmbychan@aol.com) (cwmbychan@aol.com), or if the service provider wants to do it directly, please ask them to forward their details to the WCA.

Picture request

No canoeing signs: we've all seen them. WCA wants pictures to highlight the situation via media presentations.

If you have or can get any photos of 'no canoeing' signs that the WCA can use, please forward to [Ash](mailto:cwmbychan@aol.com).

Welsh Access Advisory Group

Just a reminder that this group exists! Currently eight paddlers want to contribute, and there is no closing date to be included. If you feel you have something to contribute, even via email, then please drop [Ash](mailto:cwmbychan@aol.com) a line.

Competition Results

Well done to Matthew Gilbert who correctly identified the pictures from last month as the confluence of the Gamlan and the Mawddach.

Enjoy your paddling!

If you don't want to receive this newsletter anymore please send an email to: cwmbychan@aol.com with STOP in the subject line.
If you want anything to be included in the newsletter please email cwmbychan@aol.com or call Ash on 01341 422692.
For information about rivers and lakes in Wales, please look at www.canoewales.com
For incident reporting, please go online here: http://www.welsh-canoeing.org.uk/access/incident_report.htm