

## Sustainability Committee's inquiry into access to inland water in Wales

### Response from the Welsh Wild Swimmers on behalf of the River and Lake Swimming Association (RALSA)



The River and Lake Swimming Association RALSA is an association of clubs and individuals whose members swim in freshwaters throughout the UK. The Welsh Wild Swimmers are members of RALSA based in Wales.

Freshwater swimming has a long tradition throughout the UK and, for many people, is a more enjoyable experience than swimming at an indoor pool. When traditional swimming holes are used it is also a very safe experience.

#### **Waters used**

Freshwater swimmers use a range of traditional sites throughout Wales on virtually all the major river systems and a large number of lakes and ponds however a full list of such sites would be impossible to draw up due to the widespread distrust that swimmers have to those in authority who regard swimmers as either troublemakers or a danger to themselves.

#### **Legal rights**

The present legal status of access to rivers is unclear and unhelpful.

There are only 2 rivers in Wales where the right to navigation and hence swim is guaranteed.

- The Severn downstream of Pool Quay, Welshpool
- The Wye from Glasbury, although the precise status of the section between Glasbury and Hay-on-Wye is open to debate.
- And all tidal sections of rivers except those covered by harbour authorities

In the case of lakes, landowners in Wales normally have the right to prohibit swimming in lakes within their land.

Many landowners, including local authorities and water companies, have assumed that if they allow swimming to take place they could be liable to litigation if a swimmer drowned or was injured. However, the landmark decisions (in particular *Tomlinson v. Congleton Borough Council* 2003) have made it clear that landowners, under civil law, are not obliged to try to stop people from swimming but simply to warn them of any unusual dangers.

Unfortunately due to these misapprehensions “No Swimming” signs are erected and freshwater swimmers have been threatened with being arrested, placed under ASBO's or detained under the mental health act whilst swimming in UK rivers.

Not surprisingly in these circumstances swimmers will retreat to more remote sites where the risks are higher but the chances of being hassled are less.

It is clear that the only way to guarantee the rights of freshwater swimmers is to have a legal presumption in favour of navigation with exceptions where absolutely necessary combined with a set of responsibilities as is found within the Scottish land reform act.

### **Voluntary agreements**

Freshwater swimmers do not tend to enter voluntary agreements because:-

- Swimmers tend not to be members of clubs taking part in organised events
- In large areas of the Valleys riparian land ownership is unknown or doubtful
- Swimming is often carried out on a whim, perhaps an inviting pool will be found whilst out on a walk, indeed, this is an important part of its pleasure.

I am aware of only one formal voluntary agreement concerning river swimming in Wales and this is to be found on the Afon Glaslyn at the Llyn Gwynant campsite near Beddgelert.

There are several lakes where agreements to allow swimming exist, these include Llyn Padarn near Llanberis and Llyn Gerionydd near Betws y coed. However even in these cases it may well be that no formal agreement exists and use is traditional.