

To:	Mick Bates AM Chairman, National Assembly for Wales Sustainability Committee	Date:	14 <sup>th</sup> September 2009
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## **NFU Cymru submission to NAfW Sustainability Committee's inquiry into access to inland water in Wales**

NFU Cymru responds on behalf of 25000 farmers, managers, partners and countryside members in Wales. Many would be owners or occupiers of land that abuts waterways and are the actual owners of the river or lake bed.

1. NFU Cymru believes that the way forward on the issue of access to inland water in Wales must be through sensible managed voluntary access between two agreed ingress and egress points on a river or lake. There should be no question of allowing a statutory right of access to inland water in Wales.
2. What is important to our members and should not be overlooked by the committee is the access to and from rivers and lakes and how this would be dealt with in the first place before even considering access onto the water itself. Such access if permitted would clearly have a potentially adverse effect on our members' farming and other activities particularly if this is 24 hour unlimited access.
3. We would also point out that it is essential that the conservation value of rivers and lakes should be taken into account as part of this inquiry. Many Welsh rivers are sites of special scientific interest and the owners and occupiers have statutory responsibilities to protect these interests. This may not only be in the river itself but on adjoining river banks and land.
4. Our members also have major concerns about potential increased liabilities that changes to the law would bring. In particular there is a real risk of creating hotspots where potentially large numbers of unmanaged users who are not members of any association would congregate on these rivers and lakes, who would control such activities?
5. The following paragraphs briefly summarise a number of other concerns that NFU Cymru have over access to inland water in Wales and believe that the committee should also take into account as part of this inquiry.
6. A river will have multiple owners from source to the mouth and opposite banks more often than not have different owners and occupiers.
7. Farmers, landowners and occupiers have generally worked amicably and constructively with angling interests to allow access. Unfortunately the experience in general of our members is that the same cannot be said for relationships with canoeists. There are many reports of trespass, abuse towards members and blocking of gateways.

8. The Committee will also be fully aware that Wales is a small country with a large population swelled by visitors at certain times of year and what may be able to be achieved in terms of access in some other countries without these same pressures would not be possible in Wales.

9. NFU Cymru President, Dai Davies wrote to the Minister for the Environment, Sustainability and Housing, Jane Davidson on the 20<sup>th</sup> May 2009, regarding access to water for paddle sports in Wales. In her reply dated the 15<sup>th</sup> June 2009 the Minister referred to your inquiry but also said, “**At this stage, however, the Welsh Assembly Government’s view is that new legislation in this area would be both complex and controversial. Instead I favour an approach based on supporting practical action to improve public access to Wales’ superb and extensive water resources (rivers, lakes, reservoirs and canals) for healthy recreation – and for benefit of all recreational uses.**”

10. NFU Cymru would agree with this approach to an extent but would point out that it is **improving** public access that is the point not necessarily increasing access. Getting things right through negotiated voluntary agreements is the way forward regardless of how difficult they may be to get in the first place. If a river is unsuitable or access points are not available by negotiation for access for paddle sports then it should not be used for such a purpose.

11. Many Welsh rivers are short spate rivers and therefore totally unsuitable for access for such recreational use. Access for emergency services must also be a major consideration.

12. The Minister pointed out in her letter to NFU Cymru on the 15<sup>th</sup> June the complex nature of any legislation that would be required to increase statutory access to inland waters in Wales. NFU Cymru is of the firm belief that an act similar to the Land Reform Act 2003 (access section) as operational in Scotland would not work in Wales. The National Assembly for Wales’ powers in relation to granting access is not entirely clear, and it may be that this issue is currently a matter for UK Government.

13. Experience shows that having a statutory right of access will not work particularly if the code of conduct that goes with that access is unenforceable. Whilst significant resource may be available to initially set up a statutory right of access history tells us that subsequent problems are often ignored and resources are not available to properly enforce legislation, it is our members who would bear the costs and have to deal with these subsequent problems.

14. To conclude NFU Cymru is firmly of the view that access to inland water in Wales should be dealt with through voluntary agreements between landowners, riparian owners and those seeking access to Water. We trust that our views as the major representative organisation of farmers and landowners in Wales are taken into account as part of this inquiry and are happy to provide further information on any of the issues touched upon within this paper.