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Sustainability Committee's Inquiry into access to inland water in Wales Evidence from the National Trust September 2009

1. Introduction

- 1.1 The National Trust owns and manages a wide range of properties and sites in Wales, from coastline and countryside to houses and gardens. The Trust is the UK's largest non-government landowner with over 50,000ha land in Wales. It is also the UK's largest conservation charity providing access to the countryside for over 100 million visits every year. The National Trust is the largest tourism business in Wales welcoming over 750,000 visitors to its paying properties.
- 1.2 The National Trust's foundation is rooted in safeguarding open space for public enjoyment. Provision of access to the land and water in our care is guided by our Guiding Principles for Recreational Access. These are governed by our Conservation Principles, in particular the principle governing the promotion of sustainable access:
We will conserve natural and cultural heritage for the benefit of society, promoting sustainable access, learning, understanding, enjoyment and involvement in our work to inspire the widest range of people.
- 1.3 The Principles for Access governing the National Trust's management of access in the countryside are:
- The duty and primary purpose of the National Trust in the countryside is to promote permanent preservation for the benefit of the nation. It will regard access as a fundamental way of providing this benefit and as a principal purpose.
 - The National Trust Acts establish its responsibilities for conservation. If serious conflict arises, conservation will take precedence over access.
 - The National Trust will ensure that the countryside retains characteristics which afford the widest range of experiences and will enable people to enjoy access to its properties.
- 1.4 We welcome the opportunity to contribute to this inquiry. We do so as a landowner with a duty to provide recreational access to the public. The National Trust seeks to demonstrate good practice in promoting access and recreation.

2. National Trust and access to inland water

- 2.1 The National Trust owns and manages sections of river in Wales including parts of the Conwy, Machno, Irfon, Cothi, Glaslyn and Alun

Rivers. A number of smaller rivers and tributaries also run through our land, and we own some small lakes.

- 2.2 At present varied water based recreation takes place on the inland waters in our care. This is managed in accordance with the principles outlined above. We also have guidance on specific activities –including canoeing, fishing and diving- to help site managers to meet legal requirements and follow good practice.
- 2.3 We are aware that there may be potential to increase provision for water based recreation on waters we own and manage. We believe that a small number of the priority sites identified by the University of Brighton¹ include National Trust ownership. We would welcome further investigation of these opportunities and would be happy to work with others to develop access arrangements.

3. Canoeing

- 3.1 The amount of available inland water in National Trust ownership and control in Wales is not great. Where canoeing does take place it is low key. At present, we are aware that there is regular canoeing on our waters including Glaslyn and the Conwy at Ysbyty Ifan with less frequent canoeing on other rivers.
- 3.2 More could be done to investigate whether suitable National Trust waters could be made more accessible for canoeists, especially those with a disability, whilst at the same time acknowledging the interests of fishermen and conservation. The activity has few damaging impacts and, provided potential impacts are controlled by permit, licence or agreement, it could take place on more rivers.
- 3.3 Our guiding principles for canoeing are:
 - Canoeists are welcome to pursue a range of paddling opportunities on our inland waters that are compatible with conservation and other water based recreational interests.
 - We will identify new opportunities for canoeing on our waters.
 - We favour a partnership approach to the management of access on our inland waters. This will require close liaison with all associated users, neighbouring owners and other interested parties such as the Environment Agency.
 - We recognise the value of codes of practice and other information produced by canoeing organisations that assist in managing access to, along and from our inland waters and will promote them widely.

¹ A Strategic Plan for Water Related Recreation in Wales, University of Brighton 2008

- 3.4 The National Trust encourages the use of arrangements and partnerships with canoeists and other users of inland waters that reflect recognised codes of conduct.

4. Fishing

- 4.1 The National Trust recognises that the management of fishing can benefit the environment. At present there is fishing at various sites including on the rivers Conwy, Usk and Glaslyn, at Bosherton Ponds and on Cregennan Lakes. Information on where fishing is possible and the necessary permits is available on our website². In some cases the National Trust manages its waters itself, in others they are managed by local clubs or lessees. The type and extent of publicly available fishing can depend on management constraints such as the carrying capacity of the water and surrounding environment, and on historic lease agreements.
- 4.2 Our guiding principles for fishing are:
- Fishing, for both game and coarse species, is welcome on our properties where it already takes place
 - Where fishing does not already take place, a strategic assessment of its likely impacts should be undertaken and a fishery management plan should be prepared.
 - We advocate the concept of sustainable fishery management - the development of fish communities which are appropriate to individual water bodies and can sustain themselves sufficiently to maintain the fishery without artificial stocking.
 - We favour a partnership approach to the management of its inland waters, which requires close liaison with all users of its waters, neighbouring owners and other interested parties such as the Environment Agency.
- 4.3 The National Trust's guidance on freshwater fisheries³ aims to ensure that fishing does not damage nature conservation and other forms of access.

5. Other water based recreation

- 5.1 The Trust also provides for other water based recreation including sub-aqua diving and sailing, although we have experienced very limited take-up of these activities on inland waters in Wales. We follow a similar approach to managing all recreational activities, namely seeking to balance the needs of different users and to avoid negative environmental impacts.

² http://www.nationaltrust.org.uk/main/w-chl/w-countryside_environment/w-activities/w-activities-fishing/w-activities-fishing-findsite.htm

³ The Management of Freshwater Fisheries, Prepared For The National Trust By Vaughan Lewis 2004
http://www.nationaltrust.org.uk/main/w-management_freshwater_fisheries.pdf

6. Legal Rights

- 6.1 The National Trust has the benefit of a team of legal experts who are able to advise on rights and responsibilities in relation to access. They receive numerous inquiries on these issues as staff on the ground are unclear on the current legal situation or have difficulty understanding what is a highly complex area of law. In our experience, the general public are not aware of their legal rights, and many people assume a right to access inland waters which does not exist.
- 6.2 The situation regarding rights and permissions for fishing is generally better understood than that for other recreational activities. This may be because there is long standing system for managing fishing rights, and a strong network of clubs which communicate key information.
- 6.3 At present it is difficult to police recreational access and water use due to the nature of the activities and a lack of resources within the relevant authorities.
- 6.4 We would welcome clear communication of the current legal arrangements for access to inland waters to help landowners and the general public understand their rights and responsibilities.

7. Voluntary Arrangements

- 7.1 The National Trust has been involved in negotiating voluntary access arrangements at various locations in England and Wales. We see this as a beneficial approach which has been successful in improving use of these stretches of water. Voluntary arrangements take significant time and effort to develop.
- 7.2 A key part of these arrangements is to make information available – including remotely- so users can make informed decisions about accessing the water. In our experience, a majority of water users act responsibly, respecting voluntary arrangements and codes of conduct. Providing accurate information on access provision helps to encourage responsible behaviour.
- 7.3 The ability to secure a voluntary arrangement is dependent on the cooperation of land owners. We have experience of access arrangements where access provision has been limited by the wishes of neighbouring land owners. It is not clear the extent to which landowners resist increased access due to misconceptions about what this will entail, or based on previous bad experiences. We see merit in investigating this further.
- 7.4 We recognise that the enforcement of voluntary agreements can be problematic. Not all users are members of or influenced by a recognised

body, and agreements secured with Welsh bodies may not influence users coming from outside Wales.

- 7.5 The Trust has been active in trying to resolve access issues on the River Conwy around Ysbyty village, near Betws-y-Coed. Canoeists use various stretches of the river but this is not supported by all land-owners, partly because of their concern to protect angling interests. The lack of access points for canoeists to enter the river has resulted in disputes with landholders who's land is regularly crossed to gain access to the river. The lack of facilities for canoeists in Ysbyty village—toilets, parking, changing rooms- also creates difficulties and has led to complaints from local residents about anti-social behaviour. The perception locally is that canoeists have a detrimental impact on the village and offer no economic benefits in return. An access agreement for the river was in place in the past but has lapsed. A particular problem was that it was not supported by a code of conduct for water users.

8. Glaslyn River Corridor

- 8.1 The National Trust led one of the exemplar access to water projects which received funding from WAG for 2007/8. The project aimed to improve access to River Glaslyn and Llyn Dinas for water based recreation activities. It also sought to minimise conflicts between water users, in response to concern from anglers and canoeists.
- 8.2 The purpose of the project was to promote understanding and agreement between anglers and canoeists and to allow as much access to the river for all users as possible. The main users were the canoeists and anglers.
- 8.3 A series of stakeholder meetings was arranged. This led to an agreement for access to the Glaslyn River from Llyn Gwynant to Pont Aberglaslyn. This allows for canoeing for 12 months of the year over most of the river. The agreement requires water to be at a certain level. There is a restriction on use during the fishing season (18 Oct to 19 March) in a short stretch of the Aberglaslyn gorge.
- 8.4 Providing information and interpretation was a key part of the project. Access and egress points were identified, and at these points interpretation signs and water level meters were installed. Information for water users and a code of conduct was distributed in leaflets and online. Easily visible information signs educate users of the need to respect the river and all those who are using it, whatever the activity. We believe that this information reduces the likelihood of conflicts.
- 8.5 There were also some infrastructure improvements to allow easier access to the river. At Bethania, a fence and ladder stile were removed, and replaced with sweet chestnut steps down to the river.

- 8.6 CCW's evaluation of the project⁴ reported that: "Most project stakeholders felt that the approach was very successful and new practical access was secured to the length of the Glaslyn from Llyn Gwynant to the Aberglaslyn gorge (approx. 9km). Opportunities for canoeing, sailing and angling were enhanced. It was felt that by formalising arrangements for use by activities other than angling there is less likelihood of confrontation which users would welcome."
- 8.7 Trust staff invested considerable time and effort in liaising with stakeholders and seeking an amicable arrangement. The discussion process and project activities helped improve clarity amongst water users as to what is appropriate. It also improved understanding between different users of the river which has helped reduce conflicts. We are not aware that there have been any significant problems since the arrangements have been in place.
- 8.8 This approach was made easier by the fact that the Trust is the only landowner involved, and as the Trust also holds the sporting rights for the river. This situation may not be very usual in Wales.
- 8.9 Although the project has officially ended there are some ongoing requirements to manage access to the river, including maintaining and updating the interpretation materials, access and egress points. It will also be important not to neglect the arrangement to ensure that it does not lapse.

9. Nature Conservation

- 9.1 Whilst encouraging access to land and water, the National Trust is always careful to manage potentially harmful impacts on nature conservation. The access principles outlined above are applied on a site-by-site basis to allow for the particular conservation needs and significant features. We have prepared detailed guidance⁵ to help manage the impacts of angling on the water and riverbank environment.
- 9.2 Information we have gathered confirms that dogs can cause significant damage to waterbodies. Severe bankside erosion, disturbance of the substrate and chronic turbidity result from dogs. In rivers, trout spawning habitat is threatened. In soft-bottomed ponds and lakes, once turbid, aquatic plants cannot establish or survive, thus depriving the waterbody of a crucial habitat and control on water quality. Silts are stirred up, which can mobilise phosphate and accentuate pollution. To combat erosion, bankside revetments are sometimes installed, with the secondary impacts of modifying natural profiles and processes. There are conflicts between dog owners and anglers over both disturbance and erosion. Analysis of ponds on Hampstead Heath found that dog faeces and urine are the most significant cause of poor water quality.

⁴ Evaluation: Access to Water Exemplar Projects in Wales CCW 2009

⁵ The Management of Freshwater Fisheries, Prepared For The National Trust By Vaughan Lewis 2004
http://www.nationaltrust.org.uk/main/w-management_freshwater_fisheries.pdf

- 9.3 These impacts should be further investigated so appropriate mitigation measures can be applied to access provision and any increase in recreational access to inland waters⁶. Impacts can be mitigated in heavily used sites by providing explanatory information, using natural barriers or providing dedicated ponds for dog swimming to reduce the pressure on more sensitive areas. The Trust has used a variety of approaches to reduce the impacts of dogs on river banks and has prepared guidance on dog walking.
- 9.4 We are not clear whether this Committee inquiry is considering caving, however, it is important to note that caving and access to underground waters has potential to damage these sensitive environments. The National Trust welcomes caving and mine exploration at sites where locally agreed access agreements and permissions are negotiated and put in place. We may apply limits on access where large numbers could or are actively damaging sites and their long term protection is at risk.
- 9.5 We recommend that efforts to increase the provision of access to Wales' inland waters give careful consideration to the potential impacts on nature conservation. Public information and codes of conduct should include details of how to avoid damaging wildlife and special sites.

10. Key issues

10.1 The National Trust recognises the need for greater clarity with regard to access for water-based recreation. Misunderstanding and misinformation can lead to conflicts and deter new users from taking up activities. We would like to see better provision of information on where access is already possible and well promoted guidance on responsible water use. This should include accurate guidance for landowners on the implications of access provision, including liability e.g. for personal injury.

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10.2 The desire for greater access to inland waters is highly emotive. A history of tensions has resulted in a climate of conflict –both perceived and actual- and prejudices. If not carefully managed, consideration of a new right for recreational access could exacerbate this. A particular challenge is the potential impact on the existing system of riparian rights which have considerable commercial value.

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10.3 The water recreation exemplar projects demonstrated the value of bringing together different water users and opening a dialogue. We suggest that an arrangement such as local and national access forums could be used to establish such discussions.

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10.4 We see considerable potential for greater use of voluntary arrangements for access. At present there is no authority charged with seeking to

⁶ Natural England commissioned research into the impacts of dogs on the countryside (Dogs, access and nature conservation English Nature Research Reports, 2005) but this did not consider impacts specific to water bodies.

secure these or to promote this approach. We recommend that CCW and EA are well placed to develop this initiative, and would welcome their leadership to develop access arrangements for more waters. This should start with the significant sites for potential new access identified by the University of Brighton.

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10.5 In addition to voluntary arrangements, we see merit in developing access plans for Wales' main rivers. These would identify areas suitable for different recreational activities. This is an approach which has been successfully developed in relation to the coast by Pembrokeshire Coastal Forum. A similar approach could help accommodate multiple uses and conservation interests on inland waters.

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10.6 We regard codes of conduct for different water users as a vital component of securing and increasing recreational access for a range of users. Issues like those on the River Conwy could be eased if users adhered to a shared behaviour code.

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10.7 Where canoeing is permitted it is important to address the need for points of access and egress. Lack of suitable access points is source of potential conflict and can result in damage- a perception which seems to cause particular concern amongst land owners. A small grant fund to support provision of access points and facilities to support recreational use may be required. Such a scheme could enable local communities to develop facilities which generate income from recreational users.

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10.8 The Water Framework Directive includes reference to recreation which means that there is potential for actions relating to access and recreation to be included in Wales' implementation plans. In our experience there has been very little involvement of recreational bodies and access user groups in the various stakeholder groups related to the WFD, and the draft plans contain little on the promotion of access. We believe that this is a missed opportunity to engage the public in this important legislation. For example, an initiative to make all Wales' rivers clean enough to swim in would be good for the water environment and people's well-being.