

Wednesday 29th September 2010
The Sustainability Committee's Report into Access to Inland Water

<i>Cynnig NDM4541 Kirsty Williams</i>	<i>Motion NDM4541 Kirsty Williams</i>
<i>Mae Cynulliad Cenedlaethol Cymru:</i>	<i>That the National Assembly for Wales:</i>
<i>Yn nodi adroddiad y Pwyllgor Cynaliadwyedd ar Fynediad i Ddŵr Mewndirol yng Nghymru a osodwyd yn y Swyddfa Gyflwyno ar 16 Mehefin 2010.</i>	<i>Notes the report of the Sustainability Committee into Access to Inland Water in Wales which was laid in the Table Office on 16 June 2010.</i>
Kirsty Williams: I move the motion.	
<p>The motion was tabled by me on behalf of the Sustainability Committee. Before I move to the process and the content of the report, I wish to place on record my thanks to the previous Chairs of the Sustainability Committee, who were responsible for taking this report through the committee—Mick Bates and Mike German. I also wish to thank all members of the committee, past and present, who contributed to the report, as well as the staff of the Sustainability Committee for their hard work, advice and support in producing the document that we have before us today.</p>	
<p>Before I move on to the main recommendations of the committee's report, I wish to say something about the inquiry itself, which was, as I believe my colleagues on the committee will attest, one of the most difficult that we have ever undertaken. The background to the inquiry is a petition from Canoe Wales, calling for a Bill to,</p>	
<p>'provide and permit access to and along non-tidal water'.</p>	
<p>At its core, this report seeks to address the rights of people to access one of our most valuable natural assets, namely inland waterways. I am told that the committee thought long and hard about whether it wanted to take on the issues raised in the petition, and decided, finally, that it would. However, I do not believe that committee members realised and anticipated at the time the strength of feeling involved with this issue, on both sides of the debate. I believe that they were truly shocked on some occasions by the tone of some of the evidence that was received, as well as by the amount that was received.</p>	
<p>From the start of the inquiry, the committee was made aware of the sensitivities surrounding the issues that it was considering, and the entrenched views that were held on this subject. The committee has tried, throughout the inquiry, to ensure that everyone with an interest in the issues around access to inland water had a fair and equal chance to put their views to committee. The committee agreed at the start of the inquiry that it would look at all the evidence that was given to it in an objective and open minded</p>	

way, and would not come to the inquiry with any preconceived ideas. This has been a difficult inquiry to complete because of the complex issues that it raises. The committee spent a long time considering its work; indeed, it took nearly 12 months for the committee to produce this report. It took that time to ensure that the recommendations that we are making and highlighting today are fair and workable, and provide a long-term solution to the issues raised.

I wish to take this opportunity, on behalf of the committee, to thank all those who gave evidence. It was the largest body of evidence that the committee has ever received, with over 600 people submitting written evidence, 200 giving their comments on camera at the Assembly bus, and 35 witnesses appearing before the committee in formal evidence sessions. The majority of the evidence that was received pointed to the fact that the situation as it exists, namely that access along non-tidal water is illegal without the permission of the owner or owners of the river bed, is unsatisfactory to many of those who own the riverbed, have rights over it, and to those who use the water.

Although there were many claims that the legislation regarding access to water in Wales is unclear and unproven, there were just as many claims that the legal situation is clear and well-defined. Our own lawyers were able to clarify the situation for us, but the fact remains that many people feel confused by the legal status of water access. However, it is clear that demand for water-based recreation is growing and that the potential for conflict between users and landowners is likely to increase as well. The evidence that we received pointed clearly to the fact that the current situation regarding access to inland water is not sustainable, and that clear direction needs to be given to land owners and recreational users on ways to move forward.

It is important to note that the committee believed that free and open access to all inland water in Wales, called for by Canoe Wales, is not appropriate or feasible. The committee also did not come to the conclusion that the Scottish model, brought about by the Land Reform (Scotland) Act 2003, would work well in Wales for a variety of reasons, including the different legislative background and practice that has historically existed relating to access in Scotland. However, we do believe that access agreements are the way forward in Wales, and that is why they form the basis of our recommendations in the report.

The committee decided that access agreements are not appropriate or required on all stretches of inland water, and that our recommendation on agreements should only apply to those stretches where there is currently, or where there is potential for there to be, high levels of usage by different users. Our recommendations fall broadly into two categories: what we can do under our current powers, and what can be done with further legislative powers in this area.

Currently, the committee is recommending that the Minister increases her encouragement of the establishment of voluntary access agreements, and that land and water owned by bodies such as the Forestry Commission, the

National Trust and local authorities should be used to set up pilot agreements. We are also recommending that, unlike agreements that have existed in the past, the agreement should be for the landowner to grant access to everyone after consultation with all users, rather than agreements having to be reached with several different groups at once. These agreements would be underpinned by a national code of access that clearly states the rights and responsibilities of landowners and water users. The agreements would also include statements of any restrictions on the use of the water, whether that be particular times of year or the state of the water and so on. We have also recommended that access to inland water across land and the provision of facilities such as car parking should be included in the Government's new Glastir arrangements.

While we are sure that these voluntary agreements will prove successful on land owned by public bodies, we feel that this is only an interim measure and that legislation is needed to ensure that agreements are brokered in the most equitable way possible, and that all parties are able to have an equal voice in the negotiations around access. We are therefore recommending legislation to set up a designated body that will identify where agreements are needed and broker those agreements. While we believe that the majority of appropriate inland water will be covered by agreement, we are recommending that if, after a period of time, no access agreement can be negotiated, the said designated body should have the powers to impose a right of access.

We believe that these recommendations, coupled with requirements for their environmental impact to be monitored and for the establishment of a licensing system for unpowered craft, similar to that which already exists for water owned by British Waterways, will resolve many of the issues that were highlighted during this lengthy inquiry.

While we are pleased that the Minister has accepted some of our recommendations, we are extremely disappointed that others have been rejected. Although she has accepted our recommendation on encouraging the setup of access agreements on land owned by public bodies and bodies such as the National Trust, it is disappointing in the extreme that the Minister does not consider that the type of access agreements outlined in our report needs to be piloted. In the absence of support for that approach, she has not offered an alternative approach to deal with this situation.

3.40 p.m.

We are also disappointed that it was felt that the Glastir scheme was unsuitable to fund access to inland waterways and associated facilities. We urge the Minister, in conjunction with her Cabinet colleagues, to look at other sources of funding in the rural development plan to enable these facilities to be put in place.

It has not been possible to please all those who gave evidence to this inquiry. Undoubtedly, some think that we have gone too far, while others think that we have not gone far enough. However, we were seeking solutions that

would stand the test of time and we believe that the 13 recommendations that we have made offer a solution to the issues raised during the inquiry. There are no quick fixes. It will take time, patience, a lot of hard work, goodwill and co-operation to get it right. If the full suite of recommendations were taken forward, Wales could offer outdoor, healthy recreation based on and around our many fantastic rivers and lakes, not only to the citizens of Wales, but to an increasing number of visitors from across the world.

The Minister for Environment, Sustainability and Housing (Jane Davidson): I thank the Sustainability Committee for its work on the inquiry into access to inland water. The inquiry has helped to draw attention to the many benefits of increasing access opportunities and has helped focus discussion on the way forward. I am certainly not aware of another committee that has had three Ministers address it, as this committee did when it looked at this issue.

The findings and recommendations of the committee were not entirely unexpected, because, as a Government, we had recently consulted many of those interested in this subject during the development of our water-related recreation strategy, and we continue to engage with key representatives at round-table meetings. Therefore, we know that our approach has been welcomed by stakeholders. It is important that it is based on sound research and dialogue, and is focused on the areas that can deliver the greatest benefit. Creating new opportunities by encouraging local access agreements remains our priority.

We have explained in our response to the committee our views on the appropriateness and feasibility of introducing new legislation in this area and are in agreement with the committee that this is a matter for the medium to long term, depending on the success of the current approach. There may be an opportunity, following the referendum, to determine how that might be taken forward. To drive forward the current approach and to encourage consensus on access to water, we have established round-table meetings, which I chair. More recently, a sub-group of the round table has been established to facilitate local agreements. We have also provided in excess of £1.2 million over three years to support practical action to increase access, which has supported 57 projects throughout Wales so far.

We are in complete agreement with the committee on the provision of adequate information to the public. We are currently working on an internet-based map of existing water-related recreation opportunities, and the Countryside Council for Wales is also establishing a small working group to create a code of conduct on access to water that will be published and promoted by the end of this financial year.

As the Chair of the committee has said, there are certain areas on which we do not feel that we can agree wholly with the committee. We do not believe that licensing all unpowered craft is a feasible measure to implement. Not only would the initial outlay be significant, but enforcement would be disproportionately costly and might also deter participation by the less frequent user.

There is the matter of Glastir and the inclusion of provisions in the higher level scheme. As an Assembly Government, we were keen to include this originally, but we had to concede that, based on legal advice, it did not fall within the conditions set down by Europe. We are continuing to look at other avenues of European funding, for example, under axis 3. It is also important that we all understand that there are a number of interests, from angling, land-owning and canoeing, that have put on hold or otherwise slowed down potential projects since the Petitions Committee first agreed to undertake an inquiry. Since then, the potential introduction of new legislation has, depending on their point of view, either encouraged or alarmed those with an interest in the inquiry and this debate.

We do not want uncertainty over this to lead to inaction, and so we have sought to be clear as a Government that there are no plans to introduce legislation at this time. I have made it clear today, and in my response to the committee, that current policy will be evaluated according to the extent, quality, security and clarity of access opportunities. Such a review will mean that a future Assembly Government will be in an excellent position to determine the need for legislation. We believe that a line should now be drawn under this so that we can all focus on moving forward with local access agreements.

I now want to hear contributions from other Members before I say a little more, later in the debate.

Angela Burns: I welcome the opportunity to speak on this report from the Sustainability Committee, having been one of the Members involved from the beginning. It is important to make clear that the Sustainability Committee looked at this issue afresh; we did not simply carry on from the Petitions Committee's report. I also believe that all members of the Sustainability Committee went into the inquiry with an open mind.

During the gathering of evidence, the inquiry received more responses than for any other that we have conducted, and it is fair to say that, at times, witnesses' feelings ran high on both sides of the debate. Therefore, I thank the clerking team and the previous Chairs, Mike German and Mick Bates, for their enormous amount of work and for the steer that they gave to this inquiry.

When we looked at all the responses, it was clear that only a limited number of issues were involved. We may have had 8,000 or 16,000 signatures, and more than 400 responses, but the issues outstanding were fairly simple. I believe that the committee addressed them all in its recommendations. We quickly came to the conclusion that the status quo cannot continue, and we took that into account in our thinking. The popularity of water sports is increasing, and therefore the competition for access to Wales's rivers is becoming harder. The anglers and the clubs who have paid for rod licences and river conservation for decades have legitimate concerns, and the current state of affairs, with antagonism and conflict between the groups, cannot be allowed to continue. The Welsh Conservatives welcome the Welsh Assembly Government's acceptance, in full or in part, of many of the 13

recommendations. For my part, I am delighted by the commitment to support and promote voluntary access agreements, following recommendation 1, and legislation to pursue that, following recommendations 5 to 8.

Other good recommendations include producing a national code of conduct giving clear rights and responsibilities to all users and landowners, and providing a website with clear and up-to-date information about which stretches of water are accessible. I am pleased to see that they have been accepted. However, I regret that a national licensing system for unpowered craft, which featured in recommendations 9 and 10, was rejected. That would also have dealt with the licensing and registration of not-for-profit companies that operate on the water. My concern, and that of my colleagues, is that without licensing and identification, the enforcement action for unlawful behaviour will become difficult. Voluntary regulation is always something to strive for but, in this emotionally charged situation, I believe that it could become hit and miss.

I see that my time is almost up, so I will close on a personal note. I urge all those who love Wales and our waters and who wish to enjoy them to use this report, which was reached with cross-party and unbiased opinion, as a method of drawing a line under all the previous hurt and conflict. That way, we can all move forward in a constructive, collaborative and cogent manner to use our waters for the benefit of all, without one group's wishes, desires and enjoyment overriding those of another.

3.50 p.m.

Brian Gibbons: The Chair of the committee summed it up in her contribution. This may be an area where fools rush in and where wise men fear to tread. The move by the Petitions Committee may have been one of the wisest of all: asking someone else to take a detailed look at the subject. I am glad, as Angela said in her contribution, as did the Chair, that the committee's approach was to take a fresh look with no preconditions or preconceptions. When reading the report, you certainly get a feel for the difficulties that the committee faced in trying to come up with a fair and just solution. There is goodwill on both sides of this argument, even though it generates strong and passionate views—quite intemperate at times. However, there is enough goodwill on all sides to provide a way forward.

I approach this debate from the perspective of my engagement with the Afan Valley Angling Club in my constituency. It is a long-standing engagement that has been very constructive. Indeed, I was proud to accept honorary life membership at the club's last annual general meeting. Therefore, I do not think that it would be fair or correct for me to come to this debate from the perspective of both parties having equally legitimate interests. That is not the basis on which this issue should be resolved. Angela is right in saying that the engagement with the rivers of Wales, particularly by the angling fraternity, is about more than the mere use of those rivers. Anglers have been investing and developing the river resource here in Wales for well over 100 years in some instances, and we must recognise that. The Afan Valley Angling Club has been in existence for over 50 years, and its initial work involved going to

the coal board and to the steel companies in my constituency to express concern about the quality of the environment and the water. Indeed, in some respects, its members were the original eco-warriors. I can imagine them going to those big industries and being treated as somewhat odd, worrying about the quality of the water when, economically, so much depended on those industries. Many of the people who made up those angling committees were steelworkers and coal miners themselves, and they still remain at the heart of the angling club. However, the anglers persisted and, indeed, prevailed because, in September 1998, thanks to their work, in partnership with others, the first salmon in 150 years was caught in the Afan river, by Colin Walton. For people who doubt the veracity of what I am saying, that same salmon is on display in the lobby of Neath Port Talbot's civic buildings in Port Talbot. That salmon is the embodiment of the anglers' work, and it is evidence that they cannot be treated as mere users of the water. Their investment has been significant, which must be acknowledged in any discussions or resolution.

I accept that there are other reasonable demands for the use of the waterways of Wales, but I do not think that the dispute can be resolved on the basis of giving all users unconditional or unqualified access to the waters. That would simply not be acceptable. Many of the recommendations of the committee and the Minister suggest that there is a constructive way forward, and the Minister's announcement of a code of conduct in the not too distant future is a part of conditional and regulated access to the waters of Wales. If we build on the goodwill, we may be able to address this issue.

Finally, I am not convinced that the requirement for licensing or for membership of some organisation should not be the basis on which people access the waterways. Many people can avail themselves of certain facilities only on condition of membership or licensing, and I think that that should apply in this case. Intermittent use should not be a reason to oblige individuals or organisations not to be members of a club or to partake in activities in a regulated way.

Darren Millar: I am also pleased to participate in this debate and to congratulate the committee on its work. It was a difficult process. I know very well about the work that the committee did in coming up with the recommendations. I also know all too well from my own experience in my own constituency of the challenges and conflicts that sometimes arise between people who want to use our inland waters for different recreational purposes.

We have some fantastic inland waterways, and that is one reason why people come to enjoy recreational activities on them. We should be proud of them and we should recognise that in this debate. Our inland waterways draw literally hundreds of thousands of tourists into Wales on an annual basis. As we all know only too well, the great thing about Wales is that we have a lot of water and a lot of inland waterways. I, for one, feel very strongly that there should be sufficient space on our inland waterways to accommodate all those who want the opportunity to enjoy recreational activities.

We have heard from all sorts of people this afternoon, on all sides of the Chamber—saying 'all sorts of people' is probably a little unkind. [*Laughter.*] We have heard from Members on all sides of the Chamber that we must not allow our waterways to be monopolised by one group, and that there are all sorts of activities that people want to enjoy. However, we know that the current situation in some parts of Wales is unacceptable and unsustainable. There are conflicts, for example, in the Dee valley in north Wales, as well as in the Conwy valley, and they have been ongoing for some time now. Unfortunately, they are escalating. Discussions between the people who want to use those waterways at the same time are heated, and the police and others have had to be called to deal with some individuals—on both sides of the argument, the angling side and the canoeing side—who have behaved inappropriately.

Given that many of the angling associations around the country pay significant sums of money to gain access to Welsh inland waterways and permission to fish, I feel strongly that it is appropriate for the committee to suggest that licences be paid by those people who want to canoe or use other unpowered craft on our waterways. We know that licences generate a significant sum of money in Wales, which is reinvested in the protection of our landscape and waterways. That is critical to the future success of tourism in Wales. We know that £100 million-worth of tourism in Wales is generated on the back of angling alone. It is therefore important to protect our landscape from some of the damage that can be done by unpowered craft, and I have seen some of that damage at first hand.

I would be grateful, Minister, if you could respond in more detail on why you think that licences are inappropriate. I read your response with interest. You can obtain occasional use licences to fish, so why should you not be able to buy an occasional use permit to grant you access to a Welsh inland waterway so that you can spend a day in your canoe? I feel that you have not responded appropriately to that very important recommendation by the committee, Minister, which was arrived at following careful consideration of the evidence.

I welcome the introduction of a national code of conduct, although I question how it will be enforced. At the moment, existing powers are not being used to prevent inappropriate access to waterways. For example, during spawning periods, gravelled areas and shallow parts of rivers are being trampled by people who are uncaring about the environment and about the impact that that has on fish stocks.

Therefore, we need to tread carefully, Minister. I am very pleased that you have accepted most of the recommendations, even if only in principle in some cases. I ask you to look again at the issue of licensing, because it is important for the success of our recreational activities on Welsh waterways in the future.

4.00 p.m.

Leanne Wood: This has been one of the most interesting inquiries that I

have been involved in with the Sustainability Committee and it is certainly the one that has attracted most public involvement. As others have said in the debate this afternoon, committee members have heard very strong views on the subject and it was not easy for us, as committee members, to reach unanimity when drawing up our conclusions.

There is no doubt in my mind that the committee was hampered by the devolution settlement. Some of the recommendations that we may have wanted to make were outside the scope of the Assembly's powers. We took a great deal of evidence on the state of play in Scotland and were advised that we would not be able to go down a similar route, because we did not have the same powers. We do not have legislative competence to implement some of our agreed recommendations and the Minister's response states that, should next year's referendum result in a 'yes' vote, the Assembly would have competence in the future. That question of competence helps to show the difficulty that the committee faced in trying to recommend solutions to the problems that had been brought to our attention.

I do not think that I have been involved in a committee inquiry that has attracted so many different representations from different interested parties. We were overwhelmed with submissions, mainly from people involved in two specific related recreational activities. We tried hard to ensure that we did not take sides and that we approached the issues in question in an impartial way. That was not easy. In some ways, it was always inevitable that we would not be able to please everyone with the recommendations in our report.

I have received a fair bit of correspondence on this issue since the committee's report was published, highlighting that many of the issues have not gone away. I can only hope that all of those involved will try to make voluntary access agreements work. They can only work if there is a will to make them work on both sides. However, if what we have proposed does not work or if our recommendations cannot be implemented in full, it could be that, at some point in the future, access to inland waterways will have to be looked at again. Do not get me wrong—I hope that we do not have to go there, but if we do I hope that, by then, we will have had success in the referendum on extending the Assembly's powers. That will mean that there will be more legal options available to those looking at this again and we can then go forward in a way that will suit more people and all sides of the argument.

William Graham: It will come as no surprise certainly to the Chair and committee members that this report was acknowledged as being honest, with balanced recommendations, but, sadly, so many of the fundamental principles outlined in the recommendations have not been accepted by the Minister. It is vital that the Assembly Government reconsiders its stance on many of the points. You will be aware that over the past years, Canoe Wales has promoted 'paddle where you wish' on its website. The Minister refers to agreements, but we are also aware that the only arrangements that canoeists will consider are often those that are similar to those on the rivers **Wye and Usk**. There are few provisions and I understand that they are not signed documents and are therefore probably difficult to enforce.

Darren Millar: Do you regret that significant sums of money—in fact, over £100,000—have been given to Canoe Wales in recent years by this Assembly Government and that it has been campaigning for policy change on the basis of that investment?

William Graham: I certainly share your reservations on that award and the aims of that association. However, we should reconsider licensing. The case for anglers to be licensed remains—it is well documented and should be extended to others. The Minister is fully aware that coarse fishermen generally return their catch to the water and it is certainly a growing practice among all anglers in these days of depleted stocks. Anglers care for and respect the environment and their pastime depends on clean, unpolluted and, at certain times of the year, undisturbed waterways. I am sure that the Minister would acknowledge that the serious decline in salmon and sewin in Welsh rivers means that a number of fisheries are no longer rated. The Minister will be well aware that disturbance to salmon and sewin during spawning season can often lead to them abandoning their breeding habits. Anglers naturally become part of an army of volunteers caring for and conserving our waterways, working to reverse the decline in our fish stocks and restocking stretches of water that have been reclaimed from pollution.

People who have riparian rights have major responsibilities for our water. They are required to pass on water flow without obstruction, pollution or diversion. They accept flood flow across their land, even if it is caused by inadequate capacity downstream. They maintain the beds, the banks and the trees and shrubs that grow along the land. They clear debris, even if it does not originate on their grounds. All users of our waterways must be treated equally; they should be tasked with contributing to maintaining the natural resources that they seek to use, whether that means protecting the environment or financing its maintenance.

You propose a code of conduct without fully explaining by whom or how the promotion, enforcement and policing of this code will be financed. There does not seem to be much mention of the control of parasitic organisms and the potential for cross-contamination in United Kingdom and European waterways. Members will know that angling makes a significant contribution to the Welsh economy. The report suggests that it is as much as £150 million a year. Comparisons with Scotland are misleading. Scottish rivers are much longer and have much smaller populations in relation to the area of land mass. However, a direct comparison may be made with off-road mountain bikers, who, once they have been provided with access to defined areas, regard the use of areas where access has not been granted as acceptable, leading to much anti-social behaviour.

Along our road network, we have established bat and squirrel bridges, and toad and dormouse tunnels. One wonders whether such features will become a necessity along the waterways, purely to protect the habitat of much of our water-based wildlife.

The Minister has placed great emphasis on the success of the round-table approach, but she seems not to have acknowledged that it is not a truly

representative or accountable body. The Minister has a reputation for being evidential, and throughout her career here she has shown her regard for accountability and transparency. I hope that, when she reconsiders some of the recommendations, these attributes will be paramount.

Rhodri Glyn Thomas: Yr wyf innau yn dechrau drwy gyfeirio at waith y Cadeiryddion sydd wedi bod ar y pwyllgor—Mick Bates yn gyntaf, sef y Cadeirydd pan benderfynwyd ymgymryd â'r ymchwiliad hwn. Fel y cyfeiriodd Brian Gibbons, gellid bod wedi osgoi hynny'n rhywydd iawn, ond gwn fod Mick yn teimlo'n gryf bod angen edrych ar y pwnc hwn yn fanwl, gan ystyried y dystiolaeth i geisio ffordd ymlaen. Daeth Mike German i gadeirio'r ymchwiliad, ac yr oedd yntau'n benderfynol o gael ffordd ymlaen yn y mater hwn.

Rhodri Glyn Thomas: I, too, begin by referring to the work of the Chairs of the committee—Mick Bates, initially, as he was Chair when it was decided to undertake this inquiry. As Brian Gibbons has mentioned, it would have been quite easy to avoid it altogether, but I know that Mick felt strongly that we needed to look at this subject in detail, considering the evidence to seek a way forward. Mike German came to chair the inquiry, and he, too, was determined to find a way forward in this matter.

Daeth y pwyllgor i benderfyniad yn weddol fuan o wrando ar y dystiolaeth nad yw'r sefyllfa bresennol yn gynaliadwy. Mae hynny'n mynd at wraidd yr adroddiad hwn. Dangosodd yr holl dystiolaeth a dderbyniasom nad yw'r sefyllfa bresennol yn gynaliadwy a bod yn rhaid gwneud rhywbeth amdani i ddatblygu cytundebau ynglŷn â chael mynediad i ddyfroedd yng Nghymru.

In hearing the evidence, the committee came to the decision quite soon that the current situation is unsustainable. That goes to the heart of this report. All the evidence that we received demonstrated that the current situation is unsustainable and that something must be done about it to develop agreements regarding access to waters in Wales.

Mae'n ddrwg gennyf ddweud, Weinidog, nad wyf yn gweld yn eich ymateb i'r adroddiad unrhyw gydnabyddiaeth o'r ffaith nad yw'r sefyllfa bresennol yn gynaliadwy. Yr ydych fel pe baech yn meddwl bod modd parhau gyda'r sefyllfa bresennol. Yr ydych yn sôn am god ymddygiad sydd wedi'i seilio ar yr hyn sy'n digwydd ar afonydd Gwy ac Wysg, ond nid yw'r afonydd hynny'n cynrychioli'r rhan fwyaf o ddyfroedd Cymru. Mae'r sefyllfa'n amrywio'n helaeth. Rhaid wrth degwch, ac mae hyn yn mynd at yr argymhellion ar drwyddedu. Wrth

I regret having to say, Minister, that I do not see in your response to the report any recognition of the fact that the current situation is unsustainable. You seem to think that we can carry on with the current situation. You refer to a code of conduct based on what is happening on the rivers **Wye and Usk**, but those rivers are not representative of the majority of Welsh waters. The situation varies widely. There must be fairness, and this goes to the recommendations on licensing. With licensing, you place a responsibility on the people who use those waters not only to access them

<p>drwy ddedu, yr ydych yn gosod cyfrifoldeb ar y bobl sy'n defnyddio'r dyfroedd hynny nid yn unig i gael mynediad iddynt a mwynhau'r profiad o fod yno, ond i dderbyn cyfrifoldeb hefyd am gynnal a chadw'r dyfroedd hynny a sicrhau y gwneir gwaith ar yr isadeiledd.</p>	<p>and enjoy the experience of being there, but also to accept responsibility for the maintenance of those waters and ensure that work is done on the infrastructure.</p>
<p>4.10 p.m.</p>	
<p>Nid wyf yn derbyn am funud eich dadl nad yw hyn yn ymarferol i'w weithredu. Mae'r holl dystiolaeth a glywsom yn dangos yn glir nad oes modd parhau â'r sefyllfa bresennol. Fel y dywedodd William Graham, yr ydych yn ymfyrydu mewn bod yn Weinidog sy'n gwneud penderfyniadau ar sail tystiolaeth. Gallaf ddweud wrthoch, yr oedd yr holl dystiolaeth a dderbyniwyd gennym yn dangos yn glir bod angen gweithredu ar y mater hwn.</p>	<p>I do not accept for a minute your argument that this is not practical to implement. All the evidence we heard clearly shows that the current situation cannot continue. As William Graham said, you delight in being a Minister who makes decisions based on evidence. I can tell you that all the evidence that we received shows clearly that action is needed on this issue.</p>
<p>Cyfeiriodd Brian Gibbons at bwynt eithriadol o bwysig wrth sôn am gymdeithasau pysgotwyr yng Nghymru. Maent yn gymdeithasau sy'n bodoli nid yn unig er mwyn sicrhau mynediad i ddyfroedd, ond hefyd er mwyn cynnal y dyfroedd hynny. Os bydd pobl eraill am gael mynediad at ddyfroedd—ac yr ydym yn hapus iawn â hynny; mae'r adroddiad yn dweud yn glir ein bod am weld y mynediad at ddyfroedd yn cael ei ymestyn i bawb—rhaid iddynt dderbyn rhywfaint o gyfrifoldeb am y dyfroedd hynny. Byddwn yn eich annog, Weinidog, i fynd yn ôl unwaith eto at yr ymateb yr ydych wedi ei roi i'r adroddiad hwn, ac efallai i ddarllen yr adroddiad unwaith eto er mwyn gweld y dystiolaeth a gyflwynwyd. Nid oedd yn ymchwiliad rhwydd. Yr ydym wedi cael ein beirniadu, oherwydd, fel y dywedwyd yn gynharach, yr oedd rhai pobl yn teimlo nad oeddem wedi mynd yn ddigon pell,</p>	<p>Brian Gibbons referred to an extremely important point when he talked about anglers' associations in Wales. These associations exist not only to ensure access to certain waters, but to maintain them, too. If others want access to these waters—and we are very happy for that to happen; the report states clearly that we want to see access to water extended to all—they must accept some responsibility for the those waters. We urge you, Minister, to reconsider the response that you have given to this report, and perhaps to read the report again to see the evidence that was presented. It was not an easy investigation. We have been criticized, as was stated earlier, because some people felt that we had not gone far enough, while other people felt that we had gone too far. However, the reality is that we have come to decisions that were reasonable according to the evidence, offering as they did a way forward to ensure access to Welsh</p>

<p>ac yr oedd pobl eraill yn teimlo ein bod wedi mynd yn rhy bell. Fodd bynnag, y gwir amdani yw ein bod wedi dod i benderfyniadau a oedd yn rhesymol ar sail y dystiolaeth, ac a oedd yn cynnig ffordd ymlaen i sicrhau mynediad at ddyfroedd Cymru i gynifer o bobl ag yr oedd yn dymuno hynny, ac a oedd hefyd yn estyn cyfrifoldebau i'r bobl hynny er mwyn sicrhau bod y dyfroedd hynny yn parhau i fod ar gael i bobl yn y dyfodol.</p>	<p>waters to as many people as want it. They also offered to extend the responsibilities for those people to ensure that those waters will continue to be available to people in the future.</p>
<p>Nick Ramsay: I agree with a great deal of Rhodri Glyn Thomas's contribution. I also welcome the opportunity to respond to the Sustainability Committee's consultation on access to inland water. It is clear that a great deal of work has been done over the last few years in this area. As we all know from the correspondence that we have received from people on different sides of the debate, it is an emotive issue. I welcome the work that the committee has done in trying to deal with this and move forward.</p>	
<p>I welcome the Minister's response to recommendations 1, 2, 11 and 12. I am pleased that she acknowledges that there are conflicting interests in relation to water access that much is certain, and that codes of conduct can be an effective and cost-effective way of influencing the behaviour of water users. It is, however, misleading to suggest that the majority of water users are 'rarely part of an organised group'. Anglers are almost always, or often, members of clubs or fishing organisations, and various canoe organisations, such as Canoe Wales, have associated members. Therefore, to view these as disparate groups of people who are not involved in an organised system does not do the situation justice. These issues have been of concern to my constituents.</p>	
<p>I also think that it is incorrect to state that the Sustainability Committee was dealing with the needs of only a minority of participants. Anglers make up the vast majority of those who take part in water-related recreational pastimes, and I think that the last major economic survey put the value of angling in Wales at around £75 million. Since then, the Welsh Assembly Government has measured an additional £36 million of income generated.</p>	
<p>Minister, you have claimed that canoeing is informal and occasional. As William Graham said earlier, it is not simply a case of comparing Wales directly with Scotland. We have a different type of river system to that of Scotland, and a different type of usage. Depending upon the river, or the lake, participation in canoeing can be frequent. I cannot quite understand why you have objected to the recommendations on a licensing system. As some other Members have said, this is a wasted opportunity. There is an argument, surely, to say that those who use our waterways and who are sometimes involved in their degradation should in some way contribute to the maintenance and wellbeing of the inland waterways. Therefore, some system—either payment for access or a licensing system—that</p>	

acknowledges this would be a good thing.

At the moment, there is an imbalance in the economy in this regard. Anglers will have to realise that if they want to enjoy being on the river using someone else's asset—although we recognise anglers' right to do that—they must realise that they also have an obligation and a responsibility. As riparian owners have invested significant amounts of time and money in purchasing and maintaining fishing rights, they have an interest in seeing that this is achieved. I have received a great deal of correspondence on this issue since I was elected. I am pleased that so much work has gone on in the committee. I looked at the report in some detail, and the amount of evidence taken by the people involved in that committee over that time is a tribute to the committee. I urge you, Minister, to take note of the recommendations and to do your best to implement them as well as you can.

The Minister for Environment, Sustainability and Housing (Jane Davidson): I have listened to Members' contributions with interest. It is worth restating that the majority of the recommendations in the report have been accepted by the Assembly Government. It seems that the main point of difference is the fact that we, as a Government, believe that licensing fees and registration should be considered as part of local arrangements—something we specifically said in our written response, but which not one of you has referred to in your contributions today. Therefore, we have not agreed to the idea that there should be a national system of licensing. However, in response to recommendation 9, we have said that licensing fees and registration should be considered as part of local arrangements. We know that there are a number of arrangements being looked at the moment. The sub-group on access arrangements has met several times since January and identified 14 stretches of river and other bodies of inland water where an access agreement would be desirable. Members of the group have been tasked with identifying relevant local interests in order to facilitate discussion. The group will report back at the next round table meeting in November.

The second point is that, although this debate and Members' contributions today have focused primarily on two sets of interests—anglers' and canoeists'—there are, of course, a far wider set of interests that would want to have access to water recreation. The Assembly Government is absolutely mindful of issues to do with the management of angling activity, the revenue raised and the fact that it contributes to the management, protection and improvement of inland waterways and fisheries. I was with Merthyr Tydfil Angling Association earlier in the week. Fishing is heavily regulated and legislated for with regard to the extraction of wild fish from rivers and associated enforcement. That is paid for from the fishing licence fee. However, the licence itself does not relate directly to or allow for access to rivers and lakes. There is substantial investment from the Assembly Government. For example, some £4 million goes into the fisheries strategy.

I hope that Members will find it helpful that we are reviewing the membership of the round table group. It is clear that there needs to be better representation of riparian and landowning interests, and I want to be assured that we have the correct balance of user groups. I also want to ensure that, if possible, we are able to continue the Splash fund into next year. As I have

said, to date, we have funded 57 projects, which have been as varied as all-terrain wheelchairs for Barry beach, an educational DVD on responsible access for gorge walking and new Get Hooked on Fishing schemes across Wales. However, having had many good and exciting projects so far, a future fund should have a more strategic focus.

Another area that I feel has not been investigated fully to date is the potential for access to Wales's extensive reservoirs. We have had very positive correspondence with the managing director of Dŵr Cymru Welsh Water on our position on opening access to some of the organisation's inland water assets. The round table group will be updated on progress in November. There is much work to be done. Research, including the Countryside Council for Wales's survey in 2008, shows that there is a demand to take part in swimming and other non-motorised water sports and that there is huge potential to increase levels of participation. So, following the committee's inquiry and this debate, we hope that we can move on from building consensus between the user groups to establishing trust between them, leading to strong local agreements that every Assembly Member supports for the benefit of all types of users.

4.20 p.m.

Kirsty Williams: I begin by thanking all colleagues across the Chamber for their contributions to this debate. Again, I stress that we have a very precious resource in our inland waterways, one that, if handled correctly, can provide not only immense personal satisfaction, health and recreation benefits, but a useful contribution to environmental management—that was very much the focus of Brian's contribution this afternoon—and an economic return to the Welsh economy, as clearly stated by William Graham and Darren. It is clear to me, who came to this debate—thankfully, in some ways—after it had all been concluded, that the status quo is not an option and is not sustainable. The current situation is helpful to no-one who wants to enjoy our waterways. The Minister is right to say that, this afternoon and during the inquiry itself, the debate was very much focused on anglers and canoeists. They are not the only people who wish to use our waterways. People who enjoy outdoor swimming, as well as other individuals, want access and we would do well to remember that this is not a them-versus-us argument; there is a plethora of people who want to enjoy our waterways. The current situation helps no-one. If we do not tackle this problem the situation will deteriorate and the conflict will become deeper. Having said that, a blanket granting of access would not be helpful either, as identified by the committee, nor a way of negotiating access agreements that does not treat people as equals when they come to the table. At the core of what we are recommending is an approach that respects the principles of rights and of the responsibility that goes alongside those rights. Once again, I am disappointed that the Minister has failed to come up with any evidence on why the approach that the committee has suggested is not achievable.

Leanne rightly highlighted that we are stymied once again by a lack of legislative competence, and that there is so much more that we could do if that competence lay with us, which is yet another good reason why people should vote 'yes' in the referendum next year.

I accept that there are legal restrictions on what is and what is not possible via Glastir. As the Minister has not truly addressed this in her response, will she look again at axis 3 to see whether we could find some funding for access via the rural development plan? I also stress the importance, in progressing with the round table arrangement on which she has placed so much emphasis this afternoon as the way forward, of ensuring that that round table arrangement is fully inclusive and takes on board the views of all of those who have an interest in this particular area?

I close by thanking, once again, the people who took the trouble to give evidence to the committee during this inquiry, the members of the committee, and, foremost, the National Assembly staff for their professionalism in providing support to the committee via the clerk, deputy clerk, the researchers and advisers. Once again, their services have been second to none and a credit to us as an institution. Thank you very much.

The Deputy Presiding Officer: The proposal is to note the committee's report. Does any Member object? I see that there are no objections; therefore, the motion is agreed in accordance with Standing Order No. 7.35.

*Derbyniwyd y cynnig.
Motion agreed.*