

**Sustainability Committee's inquiry into Access to Inland Water in Wales**  
**Written Evidence from British Waterways**  
**September 2009**

**1. Introduction**

- 1.1. British Waterways is a not-for-profit public corporation which cares for the network of canals, rivers, docks and reservoirs across Britain. It owns and manages 2,615 km of navigable inland waterways in the UK of which 75% are canals. It is accountable to the Department of the Environment, Food & Rural Affairs in England and Wales and to the Scottish Government (Transport, Infrastructure and Climate Change) in Scotland. We work with a broad range of public, private and voluntary sector partners to protect and find new uses for the nation's historic waterways.
- 1.2. Our priorities in England and Wales, agreed with Government in their Strategic Steer, are:
  - 1.2.1. maintaining the network in satisfactory order
  - 1.2.2. achieving shared Government/company longer term vision of moving towards greater self sufficiency through the growth of commercial business and other funding sources
  - 1.2.3. delivering a range of additional public benefits that are not indivisible from maintaining the network.
- 1.3. The Department of the Environment, Food & Rural Affairs broadly favours the first as a priority, especially as this has a strong linkage with the delivery of many public policy priorities such as regeneration, sustainable landscapes and communities and public health, but recognises that a balance has to be struck with the other two, as all are clearly important.
- 1.4. The last decade has seen a widely acknowledged waterway 'renaissance' with canals being reinvented as agents of rural and inner city regeneration whilst offering some of the greenest recreational facilities available in the U.K.
- 1.5. In parallel paddlesport is growing in popularity within the UK population and a safe, affordable, enjoyable and environmentally friendly way of getting exercise and enjoying the great outdoors. Wales with its diversity of coastal areas, lakes, rivers and inland waterways combined with its close proximity to a large percentage of the UK population is ideally placed to become a focus for the UK paddlesport visitors.<sup>1</sup> The existing tourism product is currently mainly focused on current enthusiasts at intermediate/advanced level with limited opportunities for supervised paddlesport, taster sessions or introductions to paddle sport.
- 1.6. Canals can provide an ideal gateway to the sport. They have the ability to provide more family orientated canoeing / kayaking and the opportunity for the creation of packages of

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<sup>1</sup> Wales Paddlesport and Tourism Action Plan 2009 -13 Cartwright Associates (September 2009)

outdoor activity, combining canoeing with other forms of boating activity, cycling, walking etc. We will continue to welcome and facilitate use of the canals in Wales for paddlesport.

- 1.7. However if more use is to be made of the canals by paddlers they will need encouragement which other stakeholders are better positioned to deliver. For example “Wales Paddlesport and Tourism Action Plan 2009 – 13<sup>2</sup>” stated that long distance canoeing will continue to be restricted to those with the initiative, confidence and knowledge of where they can go until packaged information for formally promoted routes, including information on canoe hire, baggage transfer, accommodation and access points, is made readily available. The same plan identified a number of factors that would encourage paddle sport visitors and support local businesses. These included integration of paddlesport and tourism providers; a paddlesport tourism education programme; canoe trails; marketing and capital investment (e.g. creating products that encourage paddlers to stay longer).
- 1.8. We would welcome the opportunity to extend our work with a range of partners to make our waterways even more accessible to paddlesport.
- 1.9. British Waterways owns and manages the Llangollen, Montgomery, Swansea and Monmouthshire and Brecon Canals in Wales. Where practicable we also work in partnership with others from the private, public and third sectors to bring derelict waterways back to life for the economic, environmental and social well being of the adjacent communities.
- 1.10. Both the Montgomery and Llangollen Canals are trans national. The latter crossing the border more than once.

## **2. Legal rights**

- 2.1. British Waterways’ legal rights are enshrined and defined in the original enabling legislation, the 1962 and 1968 Transport Acts and successive British Waterways Acts.
- 2.2. Under section 22 of the British Waterways Act 1995, British Waterways has general environmental and recreational duties to further the conservation and enhancement of the natural and built environment including geological or physiographical features of special interest and buildings, sites and objects of archaeological, architectural, engineering or historic interest.
- 2.3. In considering proposals we also have to have regard to the desirability of preserving public access to towing paths and open land and especially to places of natural beauty or for visiting or inspecting any building, site or object of archaeological, architectural, engineering or historic interest.
- 2.4. In dealing with “remainder waterways”, those that were neither categorised as cruising nor commercial waterways in the Transport Acts, we also have to take into account the desirability of protecting them for future use as cruising waterways, or as areas appropriate for other public recreational use.
- 2.5. There is no requirement that recreational facilities made available by British Waterways should be made available free of charge. Indeed we are required to maximise, as far as practicable, revenue from our activities by charging a market rate for our services and whenever practical directly charging our customers for the benefits received consistent

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<sup>2</sup> Wales Paddle sport and Tourism Action Plan 2009 -13 Cartwright Associates (September 2009)

with prevailing market rates. We should only resort to grant-in-aid to fund activities where, in agreement with the Secretary of State, there are wider social benefits or it is impractical or not cost effective to charge directly for services provided.<sup>3</sup>

- 2.6. All the income generated is, of course, reinvested in the waterways. British Waterways does not distribute profits.
- 2.7. In Wales British Waterways' ownership includes the angling rights over the majority of the canals it manages. Ownership of such rights to parts of the Montgomery and a short section of the Llangollen are unclear.
- 2.8. In England and Wales British Waterways encourages use by paddlers and currently charges an annual licence fee for non BCU members of £35.57 (inclusive of VAT and a prompt payment discount). The BCU pays a block licence fee of around £60k per annum on behalf of its members which then allows its members free access to our waterways. The fee is based on their membership numbers.

### **3. Would we like to see any changes to your legal rights?**

- 3.1. No. The canals of Wales differ from natural or near natural watercourse in that they are entirely man made structures with managed water supplies. Their infrastructure is costly to operate and maintain; requiring regular dredging to maintain navigable depth, bank protection to reduce erosion, structures for navigation, etc. The Water Framework Directive and climate change will place increasing pressure upon water resources which is likely to further increase costs in the short to medium term.
- 3.2. While paddlers are less reliant upon the navigation structures and depth of water than other boaters they nevertheless benefit from both and should therefore continue to contribute, however modestly, to the stewardship of the canals' infrastructure.
- 3.3. The waterways are used in a variety of ways and by a wide range of users. Some of the uses may compete and occasionally that can lead to conflict. Increasingly we seek to regulate these uses, for the benefit of all users, through licence conditions rather than byelaws. While access in Scotland is controlled to a degree through the Access Fora and Access Codes the case study below demonstrates that a reliable means of getting information to users is required together with investment to provide the facilities needed to meet demand and manage out potential problems.
- 3.4. The trans national nature of the canals in North Wales could further confuse and confound potential users should different licensing apply in England and Wales.

### **4. Legislation that exists in other countries that could be used in Wales**

- 4.1. In Scotland there is a right of access to land and water which includes canals within British Waterways' ownership and management. As a statutory body British Waterways has to retain its ability to undertake its duties and this ability is specifically preserved within the Land Reform (Scotland) Act of 2003. Access to structures, including locks, is excluded.
- 4.2. Access to the water has generated additional use of the canals (and connecting lochs) by paddlers creating added value for local communities and the Scottish Parliament in line with their ambitions for a healthier, greener, fairer country.

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<sup>3</sup> <http://www.defra.gov.uk/environment/water/iw/pdf/framework-for-british-waterways.pdf> Department for Environment, Food & Rural Affairs Framework Document for British Waterways 18th February 1999

- 4.3. However that level of use brings with it real challenges for the managing landowners. The large numbers of walkers and paddlers in the area during the peak summer months has caused conflict with the 'paying' users of British Waterways' various toilet and shower blocks. The Forestry Commission, the riparian landowner for much of the route, has had to deal with incidents of littering and 'toileting' problems at shore side camping spots. There is therefore a risk that the clean and untouched wilderness experience (the sense of place) that paddlers seek could be endangered if things continue as they are.
- 4.4. These issues are being tackled through the development of a series of informal campsite facilities (Trailblazer's Rests, composting toilets and fire pits), as described in the case study below, to encourage overnight camping in appropriate and concentrated areas to reduce problems and to maintain standards for all users. At the same time use of waterside businesses, such as pubs, cafes and B&Bs, will be encouraged through the installation of secure 'canoe hitches' so that paddlers are confident they can safely leave their equipment and local communities enjoy the economic benefits.

## **5. Voluntary agreements**

- 5.1. While the right to free access has been established in Scotland British Waterways continues to issue licences to paddlers, with the support of the Scottish Canoe Association and albeit free of charge, so that demand can be monitored and information about safety, other users and the location of facilities can be provided. Modest charges are made for the key providing access to the toilet and shower blocks on the canal.
- 5.2. The same operating costs are being incurred without the benefit of an off setting income. In addition British Waterways will be investing £150,000 as partners in the Great Glen Canoe Trail to provide the necessary facilities to accommodate the increased use. While the benefits to society outweigh the costs many times, these are sums which British Waterways can no longer make available for the maintenance of the waterway infrastructure.

## **6. Key issues for recreational access to inland water in Wales.**

- 6.1. The waterways of Wales have great but unfulfilled potential for the delivery of a diverse range of public benefits which in this context will assist in delivering the Welsh Assembly Government's aim of a healthy, prosperous, sustainable nation.
- 6.2. Notwithstanding that over the last twenty years British Waterways has dramatically increased its efficiency and effectiveness<sup>4</sup> work commissioned by British Waterways from the accounting firm KPMG (British Waterways Status options review – June 2008) confirmed that an extra £30 million is needed every year to allow Britain's network of canals and rivers managed by British Waterways to reach a 'steady state' of maintenance in which repairs are routine and the long-term decline of the network is prevented.
- 6.3. These figures take no account of the potential impact of legislative changes such as the Water Framework Directive, climate change or the continually rising expectations of the users of the waterways.

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<sup>4</sup> Commercial income is now almost three times what it was in 88/89; grant has reduced by 20% and now represents just 40% of turnover, staff numbers have reduced by 28% and boat numbers are up 67%; informal visit numbers also continue to rise, up 17% in the last 3 years

- 6.4. To unlock the full potential of the waterways therefore requires a step change in both their resourcing and the extent to which that potential, alongside their intrinsic worth, is recognised and valued by society at large.
- 6.5. During 2009 British Waterways is holding a conversation with the public, stakeholders, staff and customers about the future of Britain's waterways and their role in modern society. The wider role of waterways will also be emphasised in the forthcoming refresh of UK Government policy on inland waterways – Waterways for Tomorrow – which applies to both England and Wales and is due to be published in early 2010.
- 6.6. “Wales’ Strategy for Water Related Recreation 2008 – 2012, A Better Place to Play in Wales” suggested that, just as “Waterways for Wales” established a “Made in Wales” approach to the regeneration of canals, so too there is the potential to establish a “Made in Wales” approach to canoe access to non tidal inland waters and the role the canals could play in creating a new tourism and recreation product.
- 6.7. The artificial nature of the canals, their operational demands, and the trans national nature of the canals in North Wales will all need to be taken into account in the debate leading to that approach.
- 6.8. Our experience in Scotland has shown that with the right product there will be a significant increase in use and therefore in benefits for local communities and businesses. The growth in use of the Great Glen has taken place despite limited promotion by public authorities. Provision and management of the facilities required by those new users can be challenging and really needs to be considered in advance. However our experience in Scotland has also shown that those challenges can be met if a broad range of stakeholders and beneficiaries are willing to work in partnership and pool their resources.
- 6.9. Market research in 2006 by Mintel and Visit Scotland (‘Sporting Activities in the Great Outdoors’ and ‘The market for extreme / outdoor sports tourism’ respectively) demonstrated that the market for adventure sports (of which canoeing and kayaking are a part) transcends socioeconomic groups, ages and gender. The Visit Scotland report also found that Scottish breaks involving adventure sports tended to be short breaks, with an average of 4 nights spent away from home, tended to be taken in the shoulder months of April and September and participants demonstrated a preference for camping.
- 6.10. The average Great Glen paddle expedition of between 3 and 5 nights fitted the profile perfectly. Assuming the research is equally applicable to Wales a series of canal trails along the Monmouthshire and Brecon and Montgomery Canals could fit the bill just as well. Similar investment to that described in the case study would create new uses for the waterways and benefits for paddlers and local communities alike.
- 6.11. In Wales British Waterways has already been investing in paddlesport facilities through the WAG “Splash Fund” and is currently working with Canoe Wales to identify opportunities on the Montgomery Canal for training facilities including links with the schools curricular.
- 6.12. We would like to see the canals of Wales fully integrated into the Paddlesport and outdoor activity “offer” with the necessary sustained investment in facilities and services for them to meet their potential and deliver the economic, environmental and social benefits demonstrated by the example of the Great Glen Ways.
- 6.13. We would also wish to see continuation of the licence not only to provide a modest contribution to the cost of providing the services and infrastructure enjoyed by the paddler

but also as a means of reaching and communicating with the user so that competing and complementary uses can be managed for the benefit of all users.

## **7. Great Glen Ways Case study:**

- 7.1. In Scotland the model on the Great Glen Ways is an exemplar of partnership working between British Waterways, the Scottish Canoe Association, Forestry Commission, Scottish Natural Heritage and the riparian local authorities.
- 7.2. Following the successes of previous partnership projects on the Great Glen Ways (The Caledonian Canal, Great Glen Way long distance route and the Great Glen Mountainbike Trails) the Great Glen Canoe Trail will see the creation of a dedicated waymarked trail for paddlers using the Caledonian Canal and the associated lochs within the Great Glen. It will be the first Canoe Trail in Scotland and an excellent example of the sustainable economic use of the country's cultural and natural resources.
- 7.3. The development of custom designed and manufactured 'Canoe Hitches' is specifically aimed at extending visitors' dwell time in the region through facilitating use of local B&Bs, hostels, cafes and pubs, thereby benefiting the fragile economies of the remote settlements. Similarly the creation of a waymarked trail is likely to encourage paddlers to stay in the region for several days at a time instead of making day trips by car.
- 7.4. As there are currently no designated long distance canoe trails in the UK (outside Northern Ireland) it will help raise Scotland's profile as a provider of world class facilities for outdoor pursuit.
- 7.5. British Waterways Scotland, Highland Council, Scottish Natural Heritage, Forestry Commission Scotland and the Scottish Canoe Association commissioned an Action Plan report in Summer 2008 in order to scope the requirements of a formal canoe trail. This report and earlier ones from Forestry Commission Scotland established that currently approx. 2,500 paddlers use the Caledonian Canal and the waters of the Great Glen each year and are spending around £725,000 pa directly in the local economy on items such as food and accommodation, equipment hire and general tourist services.
- 7.6. Evidence from the SCA and Highland activity providers suggests that there is a growth in numbers of as much as 25% p.a. – this is believed to be largely as a result of the preferential access legislation in Scotland, the suitability of the Great Glen for paddle expeditions and the excellent word of mouth publicity from existing users.
- 7.7. This growing number of paddlers, whilst being welcome, brings its own pressure to the infrastructure of the Great Glen – for example, informal camping and toileting all require management and the existing infrastructure, such as canal toilet blocks intended for the boat traffic, is operating beyond capacity, with particular pressure during peak summer months.
- 7.8. The GGCT will address these issues through the installation of a series of informal camp sites with open sided shelters, fire pits and composting toilets – these 'Trailblazers' Rests' will focus the informal camping along the route and help to minimise damage to more environmentally sensitive areas.
- 7.9. Importantly the GGCT will also see the development of paddler-friendly low level access pontoons at each of the Caledonian Canal's locks and bridges (canoes and kayaks must portage around each lock for safety) these, along with canoe-accessible pontoon walkways, will improve access to the water for users of all abilities.

- 7.10. The GGCT will also see the creation of dedicated car parking facilities for paddlers at either end of the Glen and specially designed 'Canoe Hitches' which will allow paddlers to secure their equipment overnight whilst they use local food and accommodation businesses.
- 7.11. As well as the development of an Interpretive plan for the route based on the existing Great Glen Ways' interpretive strategy, there will be termini markers at each end of the Trail, a website to sit alongside the existing Great Glen Way site, a trail map and guidebook and marketing elements including a Canoe Festival, promotional DVD and press launch.
- 7.12. The project partners have links with the managers of Northern Ireland's Canoe Trails and will use their experience to inform the development of the GGCT. The project will be monitored on an ongoing basis by the managing / landowning partners, with the assistance of the SCA and Highland activity providers.
- 7.13. A formal review has been included in the project and, to co-ordinate the project, a project officer will be recruited to commission and oversee the work.

**Ends**