

Written evidence submitted by British Canoeing (AB24)

1. *Executive Summary*

- 1.1 This is the submission of British Canoeing on the Agriculture Bill.
- 1.2 The Agriculture Bill represents the UK's first major domestic agriculture policy in 45 years, and is an unprecedented opportunity to revitalise our countryside in a way that meets the needs of people, farming, food and the environment for generations to come.
- 1.3 During the passage of the Bill, we are looking for clear commitments from government that public funds will be directed towards delivering goods, particularly improvements in public access to the countryside for all users.
- 1.4 It is our belief that any post-Brexit subsidies to landowners should recognise the need for public money to bring improved public benefits, specifically **public access on and to water**.
- 1.5 We **strongly** support an amendment that has been tabled by Gareth Thomas MP for the report stage of the Bill, which would compel landowners in receipt of public subsidy to *'not restrict access for any person on any inland waterway or lake which forms part of that land for the purposes of open-air recreation'*.
- 1.6 British Canoeing supports proposals put forward by Greener UK for the Government establish a regulatory baseline of minimum standards required of farmers who receive public funds for delivering public goods.

2. *About British Canoeing*

- 2.1 British Canoeing is the national governing body for paddlesports in the **UK**, ranging from the recreational participant to the international athlete. The purpose of British Canoeing is to inspire people to pursue a passion for paddling for health, enjoyment friendship, challenge and achievement.
- 2.2 British Canoeing has 38,500 members in England and there are a further 25,000 members of clubs. There is a strong club base with 384 affiliated clubs and 160 approved centres. There are around 1000 commercial centres operating in the UK, with an estimated 2.1 million people engaged in paddlesport each year.
- 2.3 For in excess of 50 years, British Canoeing (and formerly BCU [British Canoe Union]) has tried to secure sustainable use of inland waterways, in ways that do not threaten their natural beauty or wildlife. Through the 'Clear Access, Clear Waters Campaign, British Canoeing is lobbying for changes to legislation in order to confirm a consistent and fair general right of public access on water.
- 2.4 Access to our network of waterways in England and Wales is as vital for our athletes and teams competing for Team GB this summer in Tokyo as it is the many thousands that participate at the grass roots of our sport. Access to water for all is absolutely fundamental to the continued growth of paddlesport in the U.K.

3. *Context*

- 3.1 British Canoeing would like to see fair and equitable access to our countryside for all sustainable recreational pursuits on land **and** water. Currently less than 4% of rivers in England have an

undisputed right of Navigation. Access on over 90% of all waterways in England has been contested for decades; paddlers and swimmers are excluded from enjoying these spaces for fear of threat or challenge by landowners or other user groups.

- 3.2 The Government policy of favouring locally negotiated voluntary agreements has failed to secure any increase in access on water for recreational users. Pilots in Wales and repeated attempts in England have demonstrated that voluntary negotiation of clear, consistent, fair shared access along **55,423km** of waterway is unachievable. This was the exactly the case prior to the Countryside & Rights of Way Act, as relying on landowners to voluntarily grant open access to ramblers or climbers elicited very little return.
- 3.3 This year marks the twentieth anniversary of the Countryside & Rights of Way Act (2000) which granted the freedom to roam on many of our mountains, moors and heath - but excluded access to water. Now, with over 2.1 million people canoeing¹ each year and a further 2.1 million preferring to swim in rivers and lakes², **it is time that the adequacy of access to our waters in England was reviewed.**
- 3.4 The Government has set out its objectives in the 25 Year Plan, to be the first generation to improve the natural environment. It is vital therefore, that in addressing how our land is managed in future, that the Agriculture Bill does not overlook opportunities to promote public greater access to our countryside and therefore enhance our ability to **engage and protect** our green and blue environments.
- 3.6 British Canoeing believes it is vital to ensure that management and protection of water environments is not lost within the Bill; farmers and land managers have a significant impact on waterways and a vital role to play in securing their future.
- 3.7 British Canoeing **strongly** endorses responsible, respectful behaviour by all paddlers. In pursuing greater open access, we too have a vested interest in ensuring that paddlers accessing the water are respecting the land, causing minimal impact on the environment and abiding by the countryside code.
- 3.8 *It is important to note* that where there is evidence that damage or disturbance would occur to our native wildlife, for example spawning fish and nesting birds, British Canoeing would endorse temporary restrictions on specific waters. Any measures to protect wildlife must be evidence based and guided by the principle of taking the least restrictive option. They should be determined through consultation and overseen by an appropriate, independent authority.

4. *Strengthening the Agriculture Bill*

4.1 *Compel landowners in receipt of public subsidy to not restrict access for recreation on inland waters.*

The new agricultural payment scheme should be used to welcome responsible, sustainable uses, such as unpowered boating and swimming. The payment of future subsidies should be conditional on the landowners or estate managers not restricting responsible use of the river for recreation. It could also provide financial incentive to those wishing to create new access points to the water, from the land.

4.2 *Improve maintenance of existing Public Rights of Way*

¹ Arkenford (2018), Watersports Participation Survey
<https://www.rya.org.uk/SiteCollectionDocuments/sportsdevelopment/2018-watersports-study-exec-summary-final.pdf>

² Sport England (2017-18) Active Lives, <https://www.sportengland.org/know-your-audience/data/active-lives>

The new agricultural payments regime should be accompanied by a new and improved regulatory regime that drives improvements to the maintenance of existing public rights of way for all users of the countryside.

4.3 Enhance the Public Rights of Way Network

The new agricultural payments regime should result in a public rights of way network that is enhanced, through improvements or additional routes, where these are needed most.

4.2 Compel landowners in receipt of public subsidy to not restrict access for recreation on inland waters.

4.2.1 The Gareth Thomas MP amendment, which has been tabled for report stage, aims to ensure that landowners who are in receipt of payments from the public purse, cannot seek to restrict or inhibit responsible recreational water users for the purpose of 'open air-recreation'.

4.2.2 The Amendment would ensure that users comply with any existing restrictions (such those that exist in Schedule 2 of The Countryside & Rights of Way Act).

4.2.3 The amendment is seen as a helpful stepping stone that would help encourage landowners and estates who have traditionally resisted any usage of waterways for recreation beyond Angling.

4.2.4 It is recognised that further changes to legislation would be required in future; such as amendments to restrictions currently set out in Schedule Two of the CRoW Act (that restrict the use of vessels on CRoW land. This would be consistent with proposals under consideration by the Welsh Assembly.

4.2.5 The Gareth Thomas MP Amendment:

Clause 2, page 2, line 35, at end insert— “(4A) Financial assistance may only be given for or in connection with a purpose under section 1(2) if the owner of the relevant land takes the action described in subsection (4B). (4B) The action is that the owner of the relevant land will not restrict access for any person on any inland waterway or lake which forms part of that land for the purposes of open-air recreation, if and so long as the person— (a) exercises that right of access responsibly, and (b) observes any restrictions which are imposed in— (i) section 2 of, (ii) Schedule 2 to, or (iii) Chapter II of the Countryside and Rights of Way Act 2000. (4C) A person does not exercise a right of access responsibly if their conduct while exercising that right is not in accord with the provisions of any code of conduct issued under section 20 of the Countryside and Rights of Way Act 2000. (4D)

For the purposes of subsections (4A) and (4B), “relevant land” means land which includes the land on which the activity under section 1(2) of this Act takes place or is to take place, or land which includes the premises on which the activity under section 1(2) of this Act takes place or is to take place, and includes any inland waterway or lake.”

4.3 Improve maintenance of existing Public Rights of Way

4.3.1 The new agricultural payments regime should be accompanied by a new and improved regulatory regime that drives improvements to the maintenance of existing public rights of way.

- 4.3.2 The Highways Act 1980 requires landowners and managers to keep clear rights of way on their land. This duty, which will remain unchanged when the UK leaves the EU, is currently reinforced by the system of cross-compliance. This requires landowners and managers to, among other things, fulfil legal obligations for rights of way as a condition of receiving payments from the public purse. The Government has committed to ending cross-compliance in its current form and suggests it will establish a new, simplified regulatory regime. However, as published the Bill lacks clarity on the Government's plans for regulation and how this will be linked to payments for farmers – a shortcoming that must be addressed to help ensure rights of way are kept clear
- 4.3.3 Rights of way are the primary means by which people can get outdoors. They often provide the route to the water for paddlers and swimmers. British Canoeing would at the very least expect the Bill support an existing network that is better maintained so that people can access the countryside with certainty and confidence. This will also help secure continued public consent for supporting farmers from the public purse.
- 4.3.4 As well as guaranteeing the long-term funding for farmers and land managers, British Canoeing supports the proposals put forward by Greener UK, that the Bill must make it clear that receipt of public payments for public goods should be dependent on adherence to a regulatory baseline. This should safeguard basic standards of agricultural practice relating to the protection of the environment, public access and animal welfare.

4.4 Enhance the Public Rights of Way Network

- 4.4.1 The new agricultural payments regime should result in a public rights of way network that is enhanced, through improvements or additional routes, where these are needed most. This could include new rights of way and launch/landing points that enable people to access the water safely and sustainably.
- 4.4.2 As published, the Bill states that public access is one of the public goods for which financial assistance could be given to farmers (Clause (1)(1)(b)). However, the existing text ('supporting public access') does not guarantee that funding would deliver new routes where they are need, or enhancements made to paths to make them more accessible.
- 4.4.3 During the passage of the Bill in the last Parliament the Ramblers proposed the amended wording below to strengthen the commitment from Government that public funds will be directed towards delivering real improvements in public access to the countryside. British Canoeing supports this principle.

Clause 1, page 2, line 9, leave out "supporting" and insert "enhancing"

Member's explanatory statement

This amendment would have the effect of ensuring that financial assistance could be provided to improve the accessibility of existing public rights of way. It would also ensure that financial assistance could be provided for the creation of new public access opportunities where these are most needed.

5. Conclusion

- 5.1 British Canoeing believes any post-Brexit subsidies to landowners should recognise the need for public money to bring improved public benefits, specifically enhanced public access on and to water. We support finding ways that incentivise landowners to welcome canoeists; by targeting future subsidies into provision of access points and not challenging or obstructing passage along water.
- 5.2 Creation of new public access opportunities for recreation, leisure and tourism, and enhancements to access infrastructure have enormous potential to deliver not only rural growth but a range of benefits, including improvements to public health, well-being and an increase in public understanding of and support for the environment and farming. These multiple benefits maximise value for taxpayers' money and provide demonstrable evidence of public gain from subsidies for land management.
- 5.3 The Gareth Thomas MP amendment would be a helpful stepping stone towards securing greater uncontested access on inland waterways for responsible recreational users.

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