

15 MARCH 2018

## **A Joint Statement on Access from the Board of British Canoeing, Ivan Lawler and Pam Bell**

**The Board of British Canoeing is pleased to issue this joint statement with Ivan Lawler and Pam Bell, which outlines our plans and proposals to address the challenges around access and the right of navigation in England.**

### **1. An AGM Motion**

In February, Pam and Ivan stated their intention to present a motion to the AGM (the Draft Motion), to encourage the Board to take more positive actions in campaigning for changes in legislation and clarity of access to inland waterways in England.

Within the last few weeks, Pam Bell and Ivan Lawler have discussed their concerns with members of British Canoeing's Access Advisory Committee and the officers of British Canoeing. Through these discussions it became apparent that plans were already in place or being formed, to address many of the concerns that were to be raised at the AGM. These specific points are identified and addressed within this joint statement. The draft AGM motion is attached as Appendix 1.

There were further discussions with the CEO, Chair and Vice Chair of British Canoeing about these matters which led to the agreement to issue this joint statement. This clearly outlines the commitment of the Board of British Canoeing to address the matters of concern that were raised by Pam and Ivan on behalf of members.

*Stronger Together* is the 4 year strategy for British Canoeing. It advocates strongly that the best way to achieve the significant ambitions within the strategy is for all parties to work together and operate as a more united British Canoeing. The strategy encourages all who share its ambitions to regard themselves as a part of British Canoeing, to work as one team with each individual, club or committee playing their own part in its delivery.

The Board wishes to thank Pam and Ivan for demonstrating this collaborative approach and committing to work alongside the board, the staff, committees, clubs and volunteers to bring about the changes we all want to see and as outlined in this statement.

### **2. The current position in the UK**

In clarifying the issue of jurisdiction between the nations over matters of access it should be noted that the Federal Agreement between the four bodies is currently under review, and it is likely that under the new agreement each nation will govern access and facility policy on a devolved basis. However, recognising shared principles, and that rivers do not respect national boundaries, our intent would be to work co-operatively where an issue involves more than one nation.

We recognise that in Scotland, a very workable and practical way forward was established through the Land Reform Act 2003. The Welsh Assembly legislates in the area of countryside access for Wales, and a petition for legislation similar to the Scottish Act is currently under consideration with them. The British Canoeing team supported Canoe Wales in their response to the current Welsh Government consultation on the public use of the outdoors in Wales, which we hope will result in clarifying and extending public rights of navigation on rivers.

### 3. The current position in England

Access legislation for England is the responsibility of the Westminster Parliament, and we believe that legislation for open access with a code of conduct would work for England.

**The Draft Motion requested that the Board of British Canoeing should “Make an unequivocal commitment to campaign for legislation to secure open access for all recreational users of water and waterside, accompanied by a code of conduct.”**

Acting for the membership of British Canoeing, the Board is pleased to confirm that it intends to be proactive in establishing clarity and to play its part in bringing about changes to legislation which recognises fair, shared, sustainable open access to water.

The membership consultations on our ‘Stronger Together’ strategy clearly signalled the very high priority members place on access and, in the course of 2017, the board resolved to take a stronger stance and new approach to achieving ‘*fair, shared, sustainable open access*’.

Whilst British Canoeing is not in a position to offer legal advice to its members, British Canoeing has seen evidence which suggests that there is a strong case for an historic right of navigation on non-tidal waters in England, allowing responsible access to rivers that are physically navigable. This position is strongly contested by other parties who regard certain rivers or parts of rivers as privately owned and who believe that canoeists and other water users have no such general right of navigation. Clearly, British Canoeing is unable to accept this position but our intention to invite Parliament to legislate is an attempt to bring an end to any conflicting views or uncertainty regarding the law in this area.

British Canoeing will protect existing rights, proven or otherwise, working with relevant partners where possible.

### 4. Recent approaches

We have sought to make our position on access clear publishing a [‘Position Statement’ on Access<sup>i</sup>](#) and a policy on [‘Shared Use Agreements<sup>ii</sup>’](#). The team of dedicated regional and local volunteer Access Advisors has worked closely with the staff team, to support paddlers on local access issues, to champion the cause for greater sustainable access and to promote good environmental practice on and off the water. There are many examples of where this approach has been beneficial.

There have also been several attempts to negotiate ‘Access Arrangements’ at a local level, with the aim of finding a balance between the river users and maintaining environmental sensitivity. Some of these have been successful such as on the Cumbrian Greta/Mid Derwent. However, we recognise that many have been viewed as limiting and unnecessarily restrictive.

British Canoeing recognises that parties cannot enter into access agreements that are binding on others, but that there may be circumstances where it would be beneficial to endorse a local arrangement which meet the criteria outlined within our guidance on ‘Shared Use Agreements’. This is a difficult balance to achieve, and British Canoeing will not endorse any arrangement that fails to meet our criteria for ‘fair, shared sustainable open access’.

British Canoeing has achieved some positive impact by leasing and purchasing land and assets<sup>iii</sup> for the benefit of canoeists. Land on the Wye at Hoarwithy, Symonds Yat Rapid, Ripon, Washburn and on the River Dart is protected by British Canoeing and managed by committed local volunteers. At

each of our sites, we have worked to promote shared use with other users and to protect the environment.

**The Draft Motion requested that British Canoeing should “Carry out a comprehensive review of its activities in England and Wales and identify and resolve any contradictions and/or conflicts between its current activities and its policy and aspirations in access, the new UK Agreement and in representing the public in regards to paddlesport.”**

British Canoeing is committed to carrying this comprehensive review of its activities and identify and resolve any conflicts. We will ensure that the policy towards fair, shared open access is not compromised by the operations at any of the ‘Places to Paddle’ assets in England. In 2018 we will undertake a review of policies and practices and then promote the findings to inform future initiatives and to resolve any contradictions or ambiguity and follow best practice aligned to the new Charter.

## **5. It is now time for a change of approach**

Despite this commitment and good work by staff, volunteers and paddlers, the Board has recognised that we need to change our approach if we are to achieve greater clarity and bring about much needed changes in legislation.

Now maybe a really good time for a fresh approach as Brexit is opening up the opportunity to influence policy and legislation and the new DEFRA 25 year plan for the environment, sets out an agenda which is shared by paddlers in striving for cleaner waterways and oceans.

*Stronger Together*, the strategic plan for British Canoeing 2017-2021, also signalled the need for a new approach and targeted investment.

**The Draft Motion proposed that; “British Canoeing should carry out a review of existing information to identify suitable rivers for a navigation case.”**

In 2018, we have committed British Canoeing resources to delivering a digital solution to provide information on where to go canoeing; where to park, launch and portage. This has been much requested and will be a positive step forward in providing paddlers with the information they need to go canoeing. More work will also be completed to create and launch inspiring canoe trails in new locations as well as long distance trails and challenges. This year we expect to surpass the 2021 target of 150 published canoe trails.

Another positive development this year will be to launch a digital ‘Rivers Database’ for cataloguing historical records evidencing public rights of navigation. As a part of this development, more volunteers will be recruited to play their full part in researching ‘Historical Rights of Way’ and helping to populate the definitive map before 2026. We will then be in a better position to use the growing body of evidence on historic navigation to develop our understanding of the strength of our case for the general rights of navigation and the PRN on specific rivers.

## **6. An Access & Environment Charter and Campaign in 2018**

Most importantly, in 2018 we will be launching a new Access and Environment Charter, backed by a campaign, to raise the profile of the issues paddlers face and press the government for positive change in legislation.

It is planned that the Charter be launched in the second half of 2018 and be backed by strong coordinated campaigns which will impact locally, regionally and nationally. Production of the Charter

and management of the campaign will be resourced centrally, but success will require the efforts of the whole paddling community to unite and champion the cause.

The new Charter, which is already in development, will clearly set out the beliefs of the organisation and a clear vision for a future of *'fair, shared, sustainable open access.'*

Twelve consultation events on the Charter are taking place throughout February and March, and this will be followed up with an electronic survey to all members to gather views and to assess support for the Charter and the campaign.

- We are clear that our Aim is to bring about *'fair, shared, sustainable open access to water'*.
- We will campaign for universal clarity through new legislation to give definitive, open access to water.
- We will lobby ministers and DEFRA for further support to confirm a consistent general right of access to water in Britain and develop opportunities for canoeing.
- We will campaign for a positive change in the current status quo. The lack of clarity over the law creates a barrier to progress.
- We will promote strongly that paddlers have a beneficial impact on waterways and in protecting our environment and that canoeing contributes toward improving mental & physical wellbeing and supports the local economy.

The campaign will be the activation of the Charter; inspiring and coordinating the efforts of local clubs, members, volunteers and individuals in profile raising, lobbying and environmental action such as clean ups. Some of this work is already happening in pockets, but this new campaign will bring new capacity, commitment and energy to demonstrating how important canoeing is to the environment, to local communities, the economy and peoples' physical and mental wellbeing.

It will be important that all within British Canoeing are seen to be involved and proactive in promoting sustainable behaviour. The profile of canoeing must be raised to demonstrate how paddlers are good for the environment and part of the solution, not the problem.

In 2018, more resources on invasive non-native species will be developed and shared, there will be better promotion of the importance of 'Check Clean Dry' and initiatives developed and promoted to tackle plastic pollution.

## **7. A Commitment to Bring About Change**

**The Draft Motion requested that; *"British Canoeing should properly resource this campaign work and address resource constraints."***

The Board is committing to provide strong leadership in championing the cause at the highest levels within government. Work has already begun to build our political presence and in aligning with organisations who share a similar agenda.

The Board of British Canoeing will ensure that the Charter and campaigning work is properly funded and resourced.

We are aware that the trustees of the Canoe Foundation have begun to consider how the work of the charity can be refocussed on access and environmental issues. Members, clubs and partners will then be encouraged to donate to the Canoe Foundation knowing that these funds will be ring fenced by the Trustees to invest in access, environment and facility projects.

However, whilst a lack of legislative clarity exists, we must that acknowledge conflicting views exist and that a legal challenge could arise at any time. We will approach this on a case by case basis, using the evidence and the available expertise to make informed responses to legal challenges.

We will use British Canoeing resources to employ appropriate legal support as required and also take appropriate action to anticipate where resistance may occur.

We will also create a mechanism for members of British Canoeing to contribute to a separate and ring fenced “Access Campaign Fund.” This concept will be tested through the consultation process.

A constraint in the past has been the inability to fund such actions from our limited reserves and so creating an additional ring fenced fund could assist greatly in taking legal action if we have to do so.

## 8. Reporting progress

**The Draft Motion requested that the board should; “review and report progress against the matters raised within the Draft Motion annually at the British Canoeing AGM.”**

The Board confirms that it fully intends to report the progress of this work each year at the AGM as part of the Annual Report and the within the monitoring process for Stronger Together. These reports will be circulated to all members in England though various channels



**Professor John Coyne CBE**  
**Chair of the Board**



**Ivan Lawler MBE**  
**President**



**David Joy**  
**Chief Executive**



**Pam Bell**

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<sup>i</sup> <https://www.britishcanoeing.org.uk/go-canoeing/access-and-environment/access-to-water/>

<sup>ii</sup> <https://www.britishcanoeing.org.uk/go-canoeing/access-and-environment/access-to-water/>

<sup>iii</sup> <https://www.britishcanoeing.org.uk/go-canoeing/places-to-paddle/british-canoeing-places-to-paddle/>