



a better
place to play

Putting pilot voluntary canoe access
agreements in place

Summary report

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Introduction

In 2004 the Minister for Rural Affairs, Landscape and Biodiversity asked the Environment Agency to seek to secure voluntary canoe access agreements on four rivers in England (Mersey, Teme, Waveney and Wear), which had featured in an earlier feasibility study carried out by the Countryside Agency.

Research by Brighton University in 2001 found that unmet demand in England for recreational access to inland waters was not widespread. However, there are ‘hotspots’ where demand is greater than supply, particularly for whitewater paddlesports and canoe touring.

The feasibility study for the Countryside Agency concluded that additional access to rivers could be provided through voluntary arrangements, but that more advice and guidance was needed. We therefore asked Brighton University to:

- test and demonstrate the processes involved in negotiating voluntary agreements for access to new lengths of water on all four pilot rivers;
- develop a ‘toolkit’ to support the negotiation of more agreements in the future;
- determine the reasons in cases when negotiation is difficult or fails, and whether there are ways of overcoming these issues in the future.

This work has now been completed and this summary report outlines the main findings and recommendations resulting from this initiative.



Overall findings



1. Voluntary agreements work

This study has demonstrated that, in the vast majority of cases, approaches to securing canoe access by voluntary agreement are successful.

During the process of securing more than 70 km of access arrangements on the four pilot rivers, there was very little opposition to access with 99 per cent of land or riparian owners willing to consider canoe access.

Agreement has been achieved in principle for the following:

- River Mersey: 28 km from Stockport city centre to Carrington – touring water with a number of access/egress options;
- River Teme: 2 km of whitewater around Ludlow – including four weirs;
- River Waveney: 33 km from Brockdish (east of Diss) to Ellingham (east of Bungay) – touring water with a range of access/egress points with access to overnight camping and other accommodation;
- River Wear: 9 km from Houghall south of Durham to the Sands north of Durham. The upper section of this agreement provides waters appropriate for

70 km

of new canoe agreements is an important result in itself, the real significance of our work is that agreements have been achieved on all the pilot rivers.

canoe training (particularly slalom). Downstream in the Durham peninsula, the agreement provides, for the first time, a firm legal basis for managing the multiple shared use of an already crowded river.

The key to achieving negotiated solutions is to identify scenarios that recognise and enhance the interests of all major river users. There is a need for clarity and certainty in the terms and conditions established for canoe use, with clear lines of communication between the different groups and interests involved. Agreements developed in this way reduce existing conflicts between different river users.

2. Many previous attempts to negotiate agreements have floundered through a lack of clear processes, resources, strategic support and guidance


While 70 km of new canoe agreements is an important result in itself, the real significance of our work is that agreements have been achieved on all the rivers studied. This suggests that the processes developed in this work can provide voluntary agreements on a scale not previously considered possible across a range of river types and situations.

The British Canoe Union (BCU) and others have expressed concerns about the potential of voluntary agreements to provide access. The study found that these concerns are based largely on the limited results and experiences of local volunteers and an often random, under-resourced approach to negotiating agreements. It also became clear during the study that canoeists now have much higher expectations on the level of access that any agreement should provide than before.

3. Riparian owners have the opportunity to tailor agreements to their individual requirements and concerns. Together with local stakeholders, they can also develop specific terms and conditions to ensure that access is sustainable and compatible with other uses

Each canoe agreement is specific to the section of river where it is negotiated. The terms agreed reflect local conditions and the requirements of those who own the legal rights over the riverbed and banks.

In general, owners are not implacably opposed to canoeing, though there are some exceptions. They want canoeing to be regulated so that it fits in with, rather than disrupts, other activities and uses of the



A national approach for achieving canoe access agreements needs to be combined with successful negotiations at a local level.

river. Obtaining the confidence of land and riparian owners is the cornerstone to negotiating successful and sustainable agreements. Such confidence is based on:

- clear terms and conditions in the agreement including provision for inspection, maintenance and repair of signs and structures;
- clear understanding of their legal position in relation to liabilities (occupier, riparian and environmental);
- clarity over the social, economic and environmental costs and benefits of allowing canoeing;
- positive contact with local canoeists and their representatives;
- agreement from their fishing tenants;
- an agreed procedure for withdrawing from the plan if necessary.

4. Canoeists hold the key to developing and sustaining agreements

To build landowner confidence, it is essential to develop and maintain trust and co-operation at the local level.

Canoeists need to respect any terms and conditions on which agreement for access are granted in order to

maintain and encourage the confidence of land and riparian owners.

Land and riparian owners expect the BCU (as the national governing body for canoeing) to:

- support agreements that provide a contractual right of access;
- encourage those that it represents to do likewise.

This is a major issue for canoeists because showing support for the agreements involves restricting canoeing to stretches of water where there are agreements in place. It also involves abiding by those agreements, even where they are more restrictive than the canoeists would like.

Use of other sections of river without the permission of land and riparian owners, combined with national media coverage of the BCU's campaign for legislation to provide access to all inland water, has resulted in a number of land and riparian owners questioning the commitment of canoeists to ensuring that locally negotiated arrangements work. For voluntary approaches to work, it is important that the BCU at all levels:

- emphasises its full commitment to the arrangements to its members;
- acknowledges the importance of access



happening in accordance with any terms and conditions in the voluntary agreements.

Lack of commitment will have a serious effect on the confidence of land and riparian owners about the voluntary approach and thus their willingness to enter into access agreements.

5. Anglers are concerned about equality as much as exclusivity

Most anglers believe that conflict arises from unequal expectations over the use of inland water. They suggest that this can be addressed by promoting greater equality such that users of canoes, kayaks and other unpowered watercraft contribute in some way towards the management and protection of the water environment in the same way as the rod licensing process. They argue that, if this does not happen, those who pay for access to waters should have a major say over who gets access, where and when (and that other users should respect this). These concerns are shared by many riparian owners.

The provision of some form of licensing arrangements for unpowered watercraft would allay the concerns of riparian owners and anglers about their current

inability to identify who is on the river. In addition, the income from licences could be used to support the development and management of canoe agreements.

The financial issues are contentious, but riparian owners on many rivers currently derive significant incomes from angling and wish to ensure that these incomes are not jeopardised. Many anglers leasing sections of water confirm that they would require significant reductions in their payments if boating activity compromised their use of the river.

6. Canoe agreements can be negotiated but require local approaches informed by an appropriate 'toolkit' of resources

A national approach for achieving canoe access agreements needs to be combined with successful negotiations at a local level. It is also clear that local approaches require specific types of support if they are to succeed. Such support includes:

- model terms and conditions that can be applied to any given situation;
- a library of examples of successful agreements;
- support by government and its agencies at local, regional and national levels.



7. Local, regional and national government bodies and agencies have an important role to play in supporting the development and implementation of canoe access agreements

If canoe access agreements are to be sustainable, there must be sufficient agreements in place to meet the reasonable demands of canoeists without putting undue pressure on land and riparian owners. This requires a strategic approach to target improvements to the provision of access. This approach needs to be:

- embedded in local and regional land use, rights of way, sporting and environmental planning processes;
- backed with local and regional political and financial support.

Regional supplementary planning guidance is needed to encourage the provision of wider access to water resources in statutory land use planning processes. This guidance should give clear information on the social health and wellbeing, economic and environmental costs and benefits of access. Its aim should be to influence local priorities and plans to recognise the need to provide for canoe access.

Local access forums can potentially have a useful role to play in advising on improving access to water within their local areas. However, the extent to which forums can take on this role will depend on their local priorities and interests, which vary considerably between different forums.

8. Dedication of access land under the Countryside and Rights of Way (CROW) Act 2000 offers a new opportunity to provide canoe access

Dedication of land (including riverbeds and banks) for public access under section 16 of the CROW Act 2000 provides opportunities for access to many waters for canoeing and other boating activity. This potential has been realised by a number of riparian owners on the River Mersey, who have dedicated their riverbanks and bed (with an appropriate relaxation of the restriction preventing use by unpowered watercraft) as a means of allowing canoe access without increased occupier liability and without incurring the need to become involved in special canoe agreements.

Dedication under CROW addresses most of the main concerns expressed by land and riparian owners (see above) and is an appropriate mechanism for



99%

of land or riparian owners are willing to consider canoe access.

generating canoe access in a range of situations. However, many owners remain wary of interventions of this type, particularly in terms of the perceived restrictions placed on their ability to manage and control their property.

Monitoring CROW dedications may assist other owners who may consider dedication of this type.

9. Voluntary approaches cannot secure access in all circumstances

Of the more than 400 riparian owners contacted in this study, 99 per cent were willing to consider access. In addition, many angling clubs were prepared to discuss the terms upon which canoeing might take place, even if they had severe reservations about trialling such arrangements.

But while some land and riparian owners might not object to canoes navigating their stretch of river, they may not agree to any access to or from their property. This could render some stretches of river inaccessible, especially if there is a need to carry boats round an obstruction. Thus voluntary approaches will inevitably have some limitations.



Approach to negotiating agreements

The approach taken to negotiate agreements is central to their potential success. In the past, approaches have been largely ad hoc and unsystematic. This project has applied conventional business and marketing models to develop a comprehensive and systematic ‘critical path’ from identification of the need for an agreement through to acceptance and long-term operation of an agreement.

Successful implementation of agreements depends on how rigorously the preparation phase is undertaken. A dynamic process is required to develop a mix of possible options from which the access offer can be developed.

An **agreement implementation framework** has been developed to help guide the process of negotiating and implementing agreements. The framework consists of two phases:

- preparation – data collection and analysis to identify the ‘**access offer**’ for a particular river;
- implementation (‘**agreement adoption process**’).





Case study

canoe

agreements

Access offers have been drawn up for all four pilot rivers, allowing the implementation phase to begin. This has progressed at different rates on each of the rivers, with all rivers now at the trial stage.

Lessons learned

During the study, the following technical and process issues became apparent.

- Canoe agreements do not cost much to achieve, but they do require time and good leadership/championing. Many small voluntary organisations are in this position, i.e. they have little money but plenty of time and strong leadership.
- When negotiating agreements, good communications are required to keep all stakeholders 'on side'.
- Canoeists and canoe clubs need to build up local knowledge and keep up-to-date with issues relating to land ownership in order to identify opportunities to develop routes/facilities for mutual benefit.
- There is a pressing need to provide a reliable measure of the social and economic value and benefits of canoeing to local and regional communities and to stakeholders.
- The lack of information on the value and benefits of canoeing adds to an inertia by local authorities to become involved in initiatives that are not seen as a statutory duty, responsibility or that go beyond their normal scope of experience. It is therefore



vital that local authorities (local access forums) are convinced of the tools, mechanisms and potential benefits of supporting the development of canoe agreements.

- There are issues about the management of long-distance linear agreements that cannot be addressed easily by individuals or groups of riparian owners.
- Licensing arrangements for unpowered watercraft (including canoes) would address the concerns of many riparian owners. An annual fee for registration could also contribute towards managing the water resource and access to it. This would address some of the injustice felt by most anglers.
- There is a lot of misunderstanding about riparian rights, as well as a wish by some landowners to claim rights they do not have or to deny rights that appear to be part of their property.
- The development and implementation of local agreements provides an optimum opportunity for issues such as safety, access, sustainability and infrastructure to be properly addressed whilst delivering maximum benefit to users, local communities and the environment.

- While it is possible to identify the owners of property and riparian rights, it can sometimes be difficult to secure their explicit written consent for a canoe agreement.

Measures to achieve the conditions necessary to secure agreements

- By undertaking a regional strategic planning exercise for all water-related sport and recreation to:
 - highlight priorities and potential benefits;
 - provide policy direction to encourage local authorities, local access forums and other local stakeholders to become involved in supporting and helping to deliver new access opportunities.
- Produce and disseminate a toolkit that provides guidance on model terms and conditions for canoe agreements.
- Establish and promote the social and economic value and benefits of canoeing to local and regional communities and to stakeholders.
- Develop specific supplementary policy guidance within each regional strategic planning exercise to address social inclusion and other objectives by encouraging the wider availability of water space.



- Commitment from the BCU (and other paddling organisations) to positively participate in supporting the negotiation, implementation and management of local voluntary agreements. This should include actively encouraging their members and other canoeists to respect the terms and conditions of local agreements and some system of dealing with members who knowingly trespass on water for which no rights exist or abuse local access arrangements.
- Prepare information and guidance on the benefits of canoe access for national and regional funding organisations to highlight opportunities to provide a wider availability of water space as a means of addressing social inclusion and to ensure sustainable provision of access to inland waters.
- Support for local stakeholders to help manage existing agreements and to influence the negotiation and development of new ones.
- Set up an archive of existing agreements with list of available grants and other support for implementing new agreements or developing existing ones.
- Work towards making information on water flows in rivers that are, or could be, subject to canoe agreements more widely available to the public as

- a catalyst to encourage a broader range of sustainable and responsible access to high quality water.
- Develop a clearer understanding of the perceived impact on fisheries and wider biodiversity interests from various recreational activities. Promote the accepted management approaches to address these concerns.

The Countryside Agency's feasibility study highlighted the need for a strategic framework for planning water-related recreation in England.

Efforts put into this project have been particularly worthwhile. Properly constituted consultation is vital to success alongside efficient maintenance and implementation of any agreement, and this is optimistically viewed as a building base from which greater access and imaginative opportunities will progress.

Dave Gladwell

Chairman of Earsham Fishing Club

- Prepare clear guidance on:
 - occupier liability under CROW dedication and licensing arrangements for access to waterways;
 - the interpretation of environmental and fisheries protection legislation as it relates to CROW dedication and licences.
- Evaluate licensing options that may provide greater accountability and could encourage contributions towards the management of the resource.

Recommendations

Support for the acceptance and monitoring stages of agreements

As far as resources allow, the Environment Agency should seek to help evaluate and support the implementation phase and a review process on the four case study rivers. Completing this work would also allow us to determine how we can continue to assist in developing the necessary materials and support services.

Guidance and support services

Some of the measures identified above require the provision of information, advice and possibly training in a form suitable for those seeking to negotiate agreements. This guidance and support will be

delivered through the production of the toolkit and developed further through the strategic planning process.

Specific guidance on the use of CROW dedication to achieve canoe access

- The Mersey case study demonstrated the value of CROW dedication to various land and riparian owners in certain situations. CROW dedications have a broader application both to other rivers and to other types of water. However, the potential of this legislation to provide access for unpowered craft may not be fully realised without public guidance on dedicating land for the purpose of providing access to water.

Strategic guidance

The Countryside Agency's feasibility study highlighted the need for a strategic framework for planning water-related recreation in England. This is urgently required to ensure that a suitable range of canoe agreements is available throughout England.

Combining this strategic framework with archival evidence may allow some integration between linking river potential and suitable types of canoe



agreements. All users and stakeholders should have access to this information to allow them to make informed decisions about:

- where to seek new agreements;
- where to seek to modify agreements;
- what physical and environmental criteria are relevant to determining capacity.

Research on the value and benefits of canoeing

Convincing evidence of the contribution that canoeing can make to local and regional economies, and to addressing policy areas such as health and wellbeing, may provide an impetus for landowners, local authorities and other stakeholders, as well as national and regional funding programmes, to promote and support canoe agreements.

Such evidence could also provide ‘access champions’ with the type of information they need to submit credible funding applications to support development of a greater range of access opportunities. It may also help to encourage greater involvement, and better informed advice, from local access forums on the development of access to water for canoeing.

Research is therefore required to identify, in an accepted form compatible with other studies, the social and economic value of canoeing. The results of such research, allied to the strategic planning work, could be used to support the formulation of supplementary regional planning guidance that advocates widening access opportunities, and taking sustainable and socially responsible approaches to provision.

Consultation and evaluation on options for implementing local voluntary licensing arrangements for unpowered watercraft

There is a strong case for developing licensing arrangements for unpowered watercraft to support the expansion of local access agreements. However, legitimate concerns have been raised about the potential coverage, cost and impact of such arrangements, particularly with respect to BCU members.

Evidence needs to be collected and some consultation undertaken concerning:

- possible types of licensing arrangements;
- their advantages and disadvantages, particularly in tackling landowner concerns about identifying who is on the water.



I am delighted with the access agreement on the Mersey. It's an opportunity for people like myself to paddle locally. I was introduced to the sport through scouts. The natural progression from flat-water is to rivers, access to which until now has been sadly lacking in this area. This important artery of the region has now been opened up to us and will encourage youth groups and adults alike to safely enjoy the river environment.

Roy Briscoe
Local paddler

Conclusion

This study has shown that voluntary canoe access agreements are feasible on a scale not previously considered possible. This has been achieved by developing a process for negotiating agreements that encourages those seeking access to be more systematic in their approach than they may have been before.

As well as guiding the actions of the voluntary groups and local stakeholders seeking access, the research has demonstrated the need to support these efforts locally, regionally and nationally. This can be done by developing:

- a 'toolkit' of techniques for negotiating and securing access;
- suitable supplementary planning guidance;
- grant support;
- other strategic initiatives.

The wider application and development of voluntary arrangements is the most appropriate way forward to secure greater opportunities for sustainable and responsible access to inland waters. However, more positive involvement and activity on the part of many different organisations is needed, including the canoeists themselves. We also need greater incentives and more justification for a wider group of organisations to help support the provision of new access arrangements.

The strategic planning of water-related sport and recreation at a regional level should make it easier to identify:

- the opportunities and priorities for developing access;
- possible funding opportunities to assist in providing and managing voluntary agreements.

The full report is published on our website (www.environment-agency.gov.uk/recreation).



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