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Non-Technical Summary

In 2008, the Welsh Government introduced a grant scheme known as SPLASH to provide support to organisations who are interested in improving access to water. Wales has many lakes, rivers, reservoirs and canals and the Government wants people to have the opportunity to enjoy using these natural assets for the range of water activities, including angling, canoeing, sailing and swimming. However, many areas of inland water are not easily accessible and some of the Government funding has been spent on setting up voluntary agreements with landowners to encourage them to open up new access and provide practical ways for people to get onto or into water so that they can enjoy activities in a safe and sustainable way.

Having spent the money that has been allocated, the Government wanted to find out if the agreements with landowners and the facilities that have been provided have been successful in encouraging better access to water across Wales for a whole range of casual users as well as members of clubs and other organisations or whether it might need to consider introducing new legislation to make sure that water areas that people want to use, much of which are in private ownership, are available.

This study has been carried out to assess eight projects that have received grant assistance or are being considered for support. The study has looked at how the money is being spent by examining what was proposed by the organisation that applied for the grant and asking other people involved whether they felt the project was proving good value for money. The study also makes recommendations based on the lessons learnt about how any future funding may be used more effectively to encourage more people to enjoy water activities by being able to gain access to water that is currently not available.

The study shows that one agreement has been successful in providing more access for canoeing and other paddlesport on the Rivers Wye and Usk although some of the users are not happy that this works in the best way. A number of the other schemes that have received money are still setting up their agreements and providing things like launching ramps and footpaths, so it is too early to say whether they have worked. What is clear however is that it is difficult and time consuming to get the landowners and the people who want to use the water to agree the best way to provide access.

Three of the schemes spent money on finding out whether particular areas of water would be suitable for public access for a range of activities and if landowners might be interested in letting people use the water they own. None of these schemes has so far led to any access being provided because it is proving difficult to get the people involved to agree how it could be made to work and in some cases the areas of water are unsuitable. A scheme for the River Dee that is being considered has not yet been submitted for a grant because the people involved are still deciding the best way to make it effective.

The evaluation shows that lessons need to be learned from what the money has been spent on so far. It would take a long time to change the law so that people could use any area of water they like, so the establishment of voluntary agreements that meet the needs of the people who own land and those who want to use it is worth pursuing. It is still too early to say that the voluntary approach to securing more access doesn’t work. If voluntary access agreements are to be successful however, the Government needs to consider how it can help landowners to make water access available perhaps by providing money to overcome the inconvenience caused. The new government body that is to be created to look after the environment of Wales could be the most appropriate organisation to lead on efforts to unlock
the potential that would bring benefits to landowners and give people more opportunities to enjoy water recreation.
Technical Summary

Introduction

This is a summary of the report which examines the effectiveness of the Welsh Government’s policy approach for Voluntary Accesses Agreements (VAAs) to non-tidal waters in Wales that have been secured through the SPLASH Grant Scheme. It comprises an evaluation of the Extent, Quality, Security and Clarity of the public access provided through VAAs and aims to inform how the Welsh Government might maintain or change its policy to better meet these criteria.

Background

The study emanates from the reports of Inquiries held by Welsh Government Committees and the Government response based on the principle that access should be granted by a land owner rather than legislating for free and unrestricted access to inland water in Wales, at least in the short term, until the effectiveness of voluntary arrangements can be established.

The SPLASH Fund

SPLASH is the Water Recreation Challenge Fund for Wales introduced in 2008. The Fund provides both capital and revenue funding to public, private and third sector organisations to deliver greater public water related recreation opportunities across the whole of Wales’s lakes, rivers, canals, reservoirs and coast. The Welsh Government considers that unlocking and delivering the ecosystem goods and services from Wales’ substantial water assets is of great worth to the country as a whole and SPLASH acts as the primary focus for improving opportunities for water related recreation projects through which this potential might be realised. SPLASH is a broad based fund, the emphasis initially was on supporting new capital and other works such as improving bankside facilities, revised guidance has focused the fund on inland water and projects that deliver access for people on, and in, water rather than alongside the water.

Methodology for the Evaluation

The evaluation that has been undertaken is concerned with those projects that have been supported through SPLASH to develop or enhance access via voluntary access agreements. The evaluation involved examination of background material, published information including key policy documents and details of the 8 projects awarded a grant or under consideration by the fund. A questionnaire survey was circulated by email to the main project stakeholders including the project sponsor and users of the land or water in the area along with other organisations as advised by the Environment Agency. The questionnaire survey and associated follow up sought to capture the views of stakeholders during the development of their project or post-project to establish whether they considered the objectives identified by the Welsh Government were being or had been achieved.

Results of the Evaluation

Three of the projects that formed part of the evaluation were feasibility studies that set out to examine the potential for water recreation associated with specific rivers or river catchments and although they make reference to the opportunity to secure VAAs the results are inconclusive regarding their potential.
The feasibility study for the Afon Rheidol did not proceed beyond the initial site visit and the outputs from the study that focused on the River Severn catchment are very limited and there is no evidence that any progress was made in securing agreement for access. The River Taff study, which was undertaken in a very tight timescale, focused on the physical characteristics of the river and its suitability for water recreation activities and although acknowledging that knowledge of riparian landowners/occupiers and their position and policies regarding access by agreement is essential to the development of opportunities for water based recreation this was not pursued in detail as part of the study.

Another three projects that were part of the evaluation concerned the development of access agreements to reservoirs. In the Brecon Beacons National Park negotiations with Welsh Water to formalise existing access arrangements to some of their reservoirs as part of development of the Park as a “waterways hub” are ongoing and only limited new access is yet proposed. In the other cases at Llynn Ffridd and Nant-y-Moch reservoir the agreements are not yet fully operational making it difficult to evaluate whether they are likely to provide the extent, quality, security and clarity of access required to meet the needs of the stakeholders involved.

The access agreement being developed for the River Dee is not yet a funded SPLASH project and work is ongoing to establish the extent of a possible agreement and to build consensus amongst the parties involved.

The only example of a river based voluntary access agreement that has been funded by SPLASH and which is operational is for the rivers Wye and Usk. SPLASH has enabled existing agreements to be consolidated and extended through the work of The Wye and Usk Foundation which has an established track record of successfully developing and operating agreements on these rivers. Whilst there is evidence of progress some canoeists feel that this voluntary access agreement is unduly restrictive and limits opportunities unnecessarily. There is no evidence that the agreements on the Wye and Usk take account of the needs of potential users other than paddlesport and angling.

**Conclusions**

**Difficulties Encountered:** The evidence from the evaluation indicates that VAAs are time consuming and difficult to negotiate. Constraints on volunteer time has been reported as one of the reasons for slow progress in the case of the River Dee which is proving difficult to negotiate.

**An independent Facilitator:** The progress that has been made to develop the waterways hub in the Brecon Beacons National Park of which access to Welsh Water reservoirs is a key element has benefited from having a project officer on the Park staff who can do the “joining up” amongst the various stakeholders involved and to drive individual elements of the work forward. Consultees indicate that it would have been difficult to pursue negotiating access, building consensus amongst stakeholders and implementing practical works to facilitate access within the existing staff resources available to the National Park. There are benefits of having an independent person or organisation such as a National Park to develop agreements as they are hopefully not seen as partisan favouring one side or another in the negotiations. Although primarily a conservation organisation the Wye and Usk Foundation has developed a good reputation amongst some stakeholders which has enabled agreements on those rivers to be developed and sustained in a way which meets the needs of a number of users and landowners.
Role of the Public Sector: Despite the recommendations of the Welsh Government Sustainability Inquiry and their acceptance by Government that public sector landowners should lead on developing access agreements for water that they control there is no evidence from the projects that been part of the evaluation that this is the case. At Llynn Ffridd and on the River Dee it is user groups who are leading the development of agreements on behalf of landowners and in the other case where agreement has been reached at Nant-y-Moch reservoir it is a charitable trust which has taken the project forward.

Meeting the Criteria Established by Welsh Government: Of the examples of VAAs that have been concluded clear terms appear to have been reached on two areas of still water and the basis for extending and clarifying access to the rivers Wye and Usk offers clear access arrangements and reasonable security that they will be sustained.

Distribution of Agreements: Although few in number agreements under consideration or in place are widely distributed around Wales and if they come to fruition, agreements in the Brecon Beacons and the River Dee are close to large centres of population where they will provide opportunities for water based recreation in areas of high demand because of their proximity to urban areas. All projects have the potential to appeal to visitors, subject to the terms of the agreements that are negotiated.

Range of Activities: The Welsh Government has indicated that it wishes to see access agreements which meet the needs of a wide range of users not just those people who are members of clubs or national governing bodies such as anglers or canoeists, however most of the negotiations that have been undertaken regarding the Rivers Wye and Usk and the River Dee have focused on how paddlesport can be accommodated alongside angling. On the still waters where VAAs have been secured the prospective users of Llynn Ffridd are paddlers. At Nant-Y-Moch reservoir access was to be controlled through the groups eligible to use the adjacent Maesnant Outdoor Centre although the terms of the agreement are not known. There is no reference in any of the information provided about how activities such as swimming, sailing, rowing, diving or other water activities might be accommodated in any of the agreements that have been or are being negotiated.

Access for All: One of the aspirations of the Welsh Government is to seek access for all rather than for select groups. However with the river based access (such as that under consideration on the River Dee and which is in place on the rivers Wye and Usk), one of the criticisms from some user groups is that river levels which are set for paddlesport to take place are set too high to be able to accommodate the needs of less experienced users. The still water agreement that has been negotiated on Llynn Ffridd by the Outdoor Partnership does however aim to meet the needs of novice users who have learnt the basic skills of paddlesport at a nearby swimming pool and the proposal to clarify arrangements for access to Welsh Water reservoirs via the Passport Scheme participants will hopefully provide a basis for participants of all levels of ability to take part.

New Access: Few of the agreements have provided meaningful new access the only still waters where access is to be made available where none was possible in the past are at Llynn Ffridd and Nant-Y-Moch. It is hoped that there will also be some additional access to Welsh Water reservoirs. The only new river based access is on the Wye and Usk where agreement for new reaches of river has formalised opportunities for paddlesport.

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1 It is understood that since the completion of the evaluation this project in not now proceeding but other options are being explored
Implications of the Evaluation for Future Policy

The results of the evaluation of the agreements that have been developed and those that are in progress will be factors that will inform whether legislation would be beneficial, however in advance of the Welsh Government making that decision there are a number of steps that can be taken to reinforce the approach to ensuring VAAs are fit for purpose and help to meet the needs for access to inland water in the future if the SPLASH Fund is to continue.

Although not specifically part of this evaluation, in view of the feeling of uncertainty which still appears to exist amongst some organisations and individuals that the case for proving rights of navigation or for introducing new legislation for water access has not been fully explored these are areas where further research could be considered. It is clear however, that the evidence from the evaluation points to a lack of focus of the SPLASH fund in pursuing voluntary access and there are a number of steps that can be taken to reinforce the potential of the current approach.

Potential Role for Natural Resource Wales: The Environment Agency Review of the SPLASH Challenge Fund undertaken in 2011 concluded that only 4% of SPLASH schemes focused on access and following this evaluation it is reasonable to conclude that not only have applications for VAA been few in number, they have been very slow to progress reflecting the difficulties involved in reaching a consensus between the stakeholders involved. The establishment of Natural Resource Wales may offer the opportunity for a single body to take forward responsibility for developing Voluntary Access Agreements, including a power to finance associated works. If Natural Resource Wales are to assume the lead role there will be a need to commit staff resources to this work. The alternative is for the SPLASH fund to consider support for the engagement of an independent facilitator to negotiate agreements for those areas of water where there is the greatest potential and reasonable likelihood of success. To identify those areas of water or stretches of river where it may be possible to reach agreement in some cases it may be necessary to undertake feasibility studies however if they are to be supported by the SPLASH fund there is a need for them to provide clear evidence of discussions that have taken place with landowners and others who have a legal interest in the water in question to be able to make informed judgments about how or whether to proceed in negotiating an agreement. Timescales for the compliance with grant awards need to reflect the often time consuming negotiations and consensus building that is required.

Establishing the Constraints and Opportunities: In efforts to realise the potential of public sector controlled water resources or those held by Welsh Water or the large charities such as the National Trust research could be commissioned to establish ownership of the major river catchments or areas of still water held by these organisations where there is demand and the constraints and opportunities in unlocking that potential. There may be opportunities to review the terms of leases that have been granted to other occupiers during or at the end of their lifespan which could offer the potential to broaden the range of activities or to manage the river or an area in a particular way that might deliver what the Welsh Government seek to achieve.

Incentivising Landowners and Providing Advice on Good Practice: Consideration should be given to offering incentives to landowners, or rights holders where appropriate, to develop agreements which meet the SPLASH priorities and a “good practice guide” could be used to advise on the preparation and drafting of agreements which meet the Government criteria. The guide should include the model clauses and procedures which future applicants to the SPLASH fund should be expected to follow to provide the clarity on the extent, quality and security of access that would be necessary if an agreement
is to receive funding. There is a clear need to provide information on “what works” and to promote what has been achieved through agreements that receive SPLASH funding. Recipients of funding should be required to report on progress with agreements on an annual basis.

The Role of Sport Wales: The Welsh Government has afforded a high priority to unlocking and delivering the ecosystem goods and services from Wales’ substantial water assets which is acknowledged to be of great worth to the country as a whole. Although it is logical that the way forward to realising the potential is coordinated by Natural Resource Wales there is an important part to be played by Sport Wales to examine how opportunities to participate might be enhanced.
Foreword

This report which has been prepared jointly by University of Brighton, Plumpton College and G & L Hughes Ltd comprises an evaluation of the SPLASH Grant Scheme awards for VAAs for the period 2008-2012. The evaluation is set in the context of the Welsh Government’s policy approach to access to non-tidal waters in Wales based on voluntary approach to securing more opportunities for water related recreation. The report sets out the approach that was followed in order to address the issues raised in the brief issued by the Environment Agency Wales in order to examine the Extent, Quality, Security and Clarity of the public access provided through VAAs to inland water. The report also advises how the Welsh Government might maintain or change its policy approach to meet these criteria.

The report has been prepared by Geoff Hughes as the Senior Researcher working closely with Becky Taylor and Alex Kaley at Plumpton College and Professor Andrew Church of the University of Brighton. Plumpton College acted as the contractor for the project.
1. **Background to the Evaluation**

In 2007/2008 the University of Brighton developed the “Water Recreation Strategy for Wales”\(^2\) identifying potential new opportunities as well as examining how those opportunities might best be unlocked. The Plan was published in June 2008.

Through the development of the strategy the University of Brighton team developed a good understanding of the issues associated with the development of water recreation in Wales. The team also developed similar strategies for the English Regions. Links were established with many individual project representatives in Wales and with all of the key strategic stakeholders who were involved in the extensive consultation and working in partnership with the project steering group comprising the key agencies which coordinated the strategy preparation process.

The approach to the Evaluation required the team to become familiar with progress in the development of opportunities for water recreation since the original study, which has been taken forward by Welsh Government via an action plan\(^3\) which has been used as the basis for the implementation of the strategy.

Progress has been made in support of the priorities outlined in the action plan, and a number of actions have been discharged through the SPLASH Water Recreation Challenge Fund\(^4\) which was introduced in 2008. Many of the priorities identified in the original plan have been taken forward through the work of Environment Agency Wales and the Countryside Council for Wales.

**The Brief for the Evaluation**

The brief for the evaluation issued by the Environment Agency referred to a:

“Project for the evaluation of the SPLASH grant scheme 2008-2012 in the context of the effectiveness of the Welsh Government’s policy approach for VAAs to non-tidal waters in Wales. The study should evaluate the; Extent, Quality, Security and Clarity of the public access provided through voluntary access agreements. The study should aim to inform how the Welsh Government might maintain or change its policy to better meet these criteria”.

**Policy Context for the Evaluation**

The current study emanates from the reports of two inquiries which set the context for the evaluation as follows:


Welsh Assembly Government Sustainability Committee Inquiry into Access to Inland Water in Wales

The above inquiry came about because of a petition which was submitted to the Assembly’s Petitions Committee by The Welsh Canoe Association (WCA now known as Canoe Wales) calling for new laws to be introduced by the Welsh Government:

“The Welsh Assembly Government is urged to consider and implement a Bill to benefit Wales that would enshrine access rights and responsibilities for the public to and along natural resources in the same way that the Scottish Land Reform Act encourages co-operative use of the outdoors for healthy, low impact recreation”.

The WCA sought to achieve access to and along non-tidal water in the face of the lack of legal clarity and restrictions that exist which they considered acted as a barrier to sport and recreation and the promotion of Wales as a place to visit for adventure tourism. The Petitions Committee as a result of an Inquiry considered that:

“The existing legal position on access to rivers in particular is complex, with much enshrined in common law. Rather than pursue legal options, therefore, the Welsh Assembly Government is seeking to make progress ... via consensus-building and via practical action.”

The Sustainability Committee decided to hold an Inquiry into the subject of the petition with a view to passing the results of the inquiry on to one of the Assembly’s scrutiny committees to pursue a possible legislative route. This was the first time that the Petitions Committee had itself undertaken an inquiry into one of its petitions. The Sustainability Inquiry lasted three months and, in addition to taking evidence from stakeholders in Wales, the Committee visited Scotland to take evidence from the Scottish Executive as well as Scottish stakeholders.

There were only a small number of issues that came out of the evidence:

- The sustainability of the current situation;
- The environmental impact of water use;
- The role of voluntary agreements;
- The funding of access, maintenance and environmental work to and along inland water;
- The quality and availability of information about water usage.

In respect of VAAs evidence presented indicated that there were varying opinions about their role and value.

It was indicated that agreements exist or have existed in three main areas:

1. access across land to get to a stretch of water or river bank;
2. access on a river bank, mainly for fishing purposes;
3. Access along a stretch of water.

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The majority of fishing clubs who do not own their own stretches of river bed have VAAs with the land owners on whose land they fish, in order to be able to access the river. These are in addition to the fishing rights which they usually lease.

Some landlords give formal or informal access to their water through voluntary agreements usually made with individual water user groups. Until recently, Canoe Wales entered into VAAs with landowners on behalf of canoeists from Wales and those who come to Wales to use stretches of Welsh water. The success of voluntary agreements and the perception of their success varied throughout the evidence.

The Federation of Welsh Anglers (now known as Angling Cymru) said:

“The current position of government, both Welsh Assembly and Westminster is to support agreed access through local VAAs involving all interested parties, landowners/riparian owners, user groups, e.g., anglers and canoeists, even local authorities where relevant. The Federation of Welsh Anglers supports this position; local agreements recognise the rights of landowners and address local requirements and the needs of the respective user groups. Although agreement appertaining to the latter is generally through compromise, it alleviates the conflict which arises through one side seemingly ‘having it all’ and the other seemingly ‘wanting it all’, as is the current situation in respect of angling and canoeing.”

The Minister for Environment, Sustainability and Housing said:

“Our approach is built on practical action and on building consensus between the different interests on what activities can sensibly take place and when, on the different water locations. As a direct result of Welsh Assembly Government support, we now have new VAAs on extensive stretches of the Rivers Wye and Usk, and we are looking to build on that through the round table on water access, which is exploring the scope for similar agreements on other main rivers in Wales.”

The view of other water users was different, however. Rebecca Cadbury from the Narberth Canoe Club said:

“There are two points on the voluntary agreements. There are certain large organisations, such as the one at Llandysul, that can take agreements and they can work. However, for a small club like ours, they are largely irrelevant. Agreements can create confusion about the legal situation, and agreements can simply evaporate.”

Kate Rew from the Outdoor Swimming Society said:

“We do not think that the agreements would be practicable for swimmers. If you wanted to set up an outdoor swimming club and just swim in the one place, then, clearly, negotiating access is the way to go. However, a lot of it takes place on an ad hoc basis; people roam, they are movable, and, just like people who go for a walk, where swimmers go depends on the weather and the wind direction. I do not see families getting up in the morning, thinking it is a great day and deciding to go for a swim and then being able to negotiate access so that they can take their kids out. I cannot see that working.”

Concern was expressed about how voluntary agreements are policed and how they can be enforced. Anglers were worried that waterborne users had no form of identifying markings so anyone breaking an agreement could not be identified and punished.
The Committee heard that the Wye and Usk Foundation have a widespread voluntary access agreement which gives anglers and other water users access to the Wye and Usk rivers at certain times of year and in certain conditions. This agreement was put in place to extend the stretch of river that is navigable above its legally navigable limits. The Committee felt that although set up primarily as a conservation tool, the access agreements on the Wye and Usk seem to address many of the issues raised during the inquiry.

It was reported that the Tir Gofal Scheme makes provision for access to be granted by landowners across their land where rights of way do not already exist. This does not require express agreement with any of the users of the land; those using the access enter into the terms of the agreement by the simple fact of using the access rather than entering into a formal, signed agreement. It was suggested that a model combining the Wye and Usk access arrangements and the Tir Gofal type of granting of access by a landowner could be used to resolve many of the issues with access to inland water.

The Inquiry concluded that:

- The current situation regarding access to inland water is unsustainable and is likely to worsen with an increase in demand for water related activities.
- If the issues discussed are addressed and a practical, workable solution to them found, that both people living in Wales and Welsh tourism can benefit.
- The health benefits of increased participation in outdoor recreation and the financial benefits of increased tourism are two of the main reasons that the Committee had for making its recommendations.

Having said that the current situation is unsustainable, however, the Committee did not consider that legislating for free and unrestricted access to inland water in Wales for all was the answer.

“We do not believe that the Land Reform (Scotland) Act 2003 model can easily be applied to Wales given the fundamental differences which already existed between the law of trespass in Scotland prior to the Act and the current law of trespass in Wales.”

The Committee was also conscious that the introduction of a blanket right to access on or along water would be limited in its usefulness without a complementary general right of access over land to access water.

A further difficulty was pointed out that creating such a general right whilst in some ways the simplest option, it could give rise to arguments as to compatibility with Article 1 of the European Convention on Human Rights, unless the right in question was qualified to such an extent, that in practice it became very difficult to exercise.

In respect of access agreements the Committee concluded:

- Many people pointed to access agreements as the way forward. We were, however, concerned that, in the type of access agreements that currently exist, not all interests come to the table as

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equals and the agreements can be seen as putting the needs of fishermen first whilst controlling and limiting access to other water users.

- That the issues raised over the ability of the WCA to enter into access agreements on behalf of river users that they have no control over and saw this as a barrier to the type of access agreements that currently exist.

- Access agreements across land are not new in Wales and are actively encouraged by schemes such as Tir Gofal and its successor, Glastir. These agreements need only the agreement of the landowner to grant access across his or her land; those using the access enter into the agreement by the simple fact of using the access. The Countryside Code sets out rights and responsibilities for users along with accompanying guidance for farmers.

The Committee considered that agreements were aimed chiefly at those stretches of water which are currently popular for a number of uses and where there is a potential for those uses to come into conflict. They are also aimed at those stretches of water where, if usage was to increase, potential conflicts could arise.

Recommendations were based on the principle that access should be granted by a land owner in consultation with all those with an interest in using that access rather than by a multi party agreement as is currently the case. The granting of access and the consultation process should be facilitated by a designated body and that access should be underpinned by an agreed national code of conduct which sets out the rights and responsibilities of both the users and owners of the access.

The Welsh Government acknowledged that they do not currently have the powers to produce a legislative solution to the issues raised during the inquiry. The Ministers for Environment, Sustainability and Housing, Rural Affairs and Heritage all indicated that they were not minded to ask for the powers to legislate on access to inland water at the time.

Recommendations of the Committee indicated what they thought should be done immediately, in the near future and for the long term.

As a consequence of the findings of the Committee the Minister for Environment, Sustainability and Housing put in place a mechanism for starting to address some of the issues with a round table group of water users.

Specific recommendations of the Sustainability Committee relating to access agreements were as follows:

- Recommendation 1: That the Minister for Environment, Sustainability and Housing strongly encourages and promotes the setting up of VAAs by landowners, through the existing ‘Round Table’ group of water pursuits interests and actively encourages land owners such as public bodies (e.g. the Forestry Commission, local authorities) and large charities (e.g. the National Trust) to pilot the type of access agreements outlined in their report.

It was considered that the access agreements reached under this recommendation should contain a clear description of the times of year and states of the water when certain activities may not take place and a clear indication of any ingress and egress points created or existing along the stretch of water. The agreements should be drawn up after consultation with all those parties who have an interest in the
stretch of water. As well as the land owner and any recreational users or potential users, this may include local authorities and businesses and community and conservation interests groups.

- Recommendation 2: That the Minister for Environment, Sustainability and Housing targets SPLASH funding at these pilot projects. The effects of the pilot projects should be closely monitored and the outcomes widely disseminated.

- Recommendation 3: That access agreements be sought under the Glastir scheme where appropriate for ingress and egress points, any associated facilities such as car parking and changing facilities and access across land to any body of inland water over or on which access rights have been granted.

- Recommendation 5: Legislation should be introduced to identify a lead authority for the identification of particular areas of inland water where access agreements are appropriate and for the negotiation of VAAs for non motorised recreational purposes in those areas. That body will be placed under a positive duty to facilitate more voluntary access agreements, including a power to finance associated works.

The Committee believed that everyone with an interest in inland water will be committed to contributing to the process of establishing the access agreements and helping to arrive at a solution that is workable for everyone. They acknowledged however that there may, however, be a few areas where access cannot be agreed for various reasons. They believed that, for these areas, when all attempts to produce an agreement to grant access have failed, further measures are needed.

- Recommendation 6: The legislation referred to above should also place power on a lead authority to designate such bodies of water as ones to which access rights would be compulsorily attached if no voluntary agreement could be reached.

The Committee recognised that neither the Welsh Ministers nor the Assembly currently have legislative competence to implement all of the recommendations and recommended that such legislative competence was sought as soon as possible.

**Welsh Assembly Government Written Response to the Sustainability Committee Report on its Inquiry into Access to Inland Water**

The Assembly Government indicated in its response to the above Inquiry that its approach to water related recreation and associated access is based on improving access for all, rather than for any one particular user group.

It considered that the recommendations of the report of the Inquiry were focused primarily on those participants in water-based activities who are the more experienced, committed users, and are members of clubs or national governing bodies such as anglers or canoeists. Whilst they accepted a

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number of the recommendations they felt that the Sustainability Committee had restricted their response to ones that meet the needs of only a minority of participants.

In respect of the recommendations regarding access The Welsh Assembly Government response to the Sustainability Committee Report individual recommendations were as follows:

Recommendation 1 response: The Welsh Assembly Government accepted the main elements of this recommendation. The Government indicated that it is keen to secure more opportunities for the public and visitors to Wales to enjoy Wales’ extensive water resources on a responsible, safe and sustainable basis in line with the commitment in the One Wales agenda to foster a stronger sense of public ownership in the Welsh countryside, coast, and urban green spaces.

They recognised that there can be conflicting interests in relation to water access so the original intention of the Round Table was to build consensus between the angling and canoeing interests, encouraging them to work jointly at the local level to secure more voluntary river access agreements. They indicated an intention to build on the success of the Round Table, and to review its terms of reference and membership to align it to the implementation of the Water Related Recreation Strategy, and ensure it is representative of the Strategy’s stakeholders. However, they didn’t believe that further pilots of access agreements were necessary.

“Sufficient lessons have already been learned and documented to allow for progress to be made.”

The Assembly Government indicated that it has supported reviews and pilots as part of informing the current policy position, and so believes that there are now ample access negotiation frameworks and model agreements in the public domain. They indicated that it is the Assembly Government’s intention to promote their use to secure meaningful new access, rather than add to the access agreement literature through further pilots.

Recommendation 2 response: The Welsh Assembly Government accepted the recommendation and the need for continued financial support to enable the development of new access agreements and referred to working to secure a continuation of the SPLASH funding, insofar as is possible given current budget constraints. They considered that SPLASH funding has been used successfully to support access agreements, but has also been used for providing wider opportunities to participate in water related recreation. In accepting this recommendation, they indicated that they did not intend to refocus SPLASH entirely onto supporting voluntary access agreements, but to retain its contribution to supporting its approach of promoting access for all.

Recommendation 3 response: The Welsh Assembly Government rejected this recommendation on the basis that Glastir is the integrated land management scheme for farmers in Wales and the scheme’s primary objectives are to support farm-based activities that contribute directly to meeting the challenges of climate change, carbon, water, soil and habitat management, bio-diversity and energy efficiency. Glastir relates to improving the environment and the countryside, and, as such, the scheme has to be fully compatible with the enabling EU legislation.

Recommendation 5 and 6 response: The Welsh Assembly Government felt that both recommendations 5 and 6 are closely related and accepted that creating statutory powers and duties of the type described could potentially be useful in securing more opportunities for water related recreation. They also accepted the Committee’s suggestion that these recommendations are not actions that should be
pursued immediately, and should be considered in the medium or long term. They felt that this approach was consistent with the current approach, where WAG have indicated that they did not intend to bring forward proposals for legislation at the time of the response they would wish to evaluate the success of the current approach in delivering voluntary access before deciding whether a mandatory approach to access was necessary.

The intention being that the evaluation of the current approach will consider how successful it has been in delivering sufficient extent, quality, security, and clarity of access. They believe that they are appropriate tests in determining whether WAG have been able to secure the necessary supply to meet current demand, and provide the foundation for realising the range of benefits that water related recreation can provide. The success or otherwise of the current actions to put in place more VAAs on main rivers and other waters in Wales should be a factor in determining if legislation would be beneficial.

Because the recommendations relating to legislation were not suggested for immediate introduction, the consideration of the need for, and priority to be accorded to, any potential legislation was felt to be a matter for the next Assembly Government after May 2011. Whilst they felt that it was not appropriate for current Ministers to try to commit a future Government to introduce particular legislation in this area, they believed that the tests of sufficient extent, quality, security, and clarity of access should be the basis for evaluating different statutory proposals. They indicated their desire to see that the recommendations of the Committee be considered as one of the options in consulting on any proposed legislation.

They agreed with the inquiry that the National Assembly for Wales does not have legislative competence at present to take forward recommendations 5 and 6, and would therefore need to secure a Legislative Competence Order to insert appropriate matters into Schedule 5 to the Government of Wales Act 2006, or alternatively secure the insertion of such Matters by means of a Parliamentary Act. They considered that the earliest suitable opportunity to pursue securing competence, or to reflect on new areas of competence, is after the result of a referendum on additional powers for the National Assembly is known. If a majority of the voters in a referendum vote in favour of bringing the provisions in Part 4 of the Government of Wales Act 2006 into force, the Assembly will be able to make provision in Assembly Acts which relates to one or more of the subjects listed under the headings in Part 1 of Schedule 7. This could allow them to address some of the points raised by the Committee. However, they considered they would need to give careful consideration as to how the current exceptions to Schedule 7 relating to “navigational rights and freedoms” could impact on legislative proposals in this area.

Legal Access to Inland Water?

The Sustainability Committee Inquiry set out the position with regard to legal access to inland and confirmed in their view that a water public right of navigation that exists on tidal waters does not apply to non-tidal waters, and consequently there is no general common law right of public navigation either in non-tidal rivers, or on inland lakes. They considered that the bed of the river in the case of non-tidal rivers is vested in the riparian owners, and in the case of inland lakes in the adjoining proprietors.

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Despite the general rule the Sustainability Committee accepted that, a public right of navigation may exist in the case of non-tidal rivers and inland lakes and the existence of the right is established by evidence similar to that which is required to establish a public right of way over land.

Such a right can arise most commonly by:

- Immemorial Usage;
- Acts of Parliament or Orders made under Authority of Act of Parliament;
- Express grant or dedication by the owner of the soil of the river.

Telling and Smith confirm that the public may have acquired rights of passage over inland waters, through prescription, dedication or enactment. They indicate that this is a difficult area of law, with few certainties about how rights arise and they suggest that the mere fact of boats passing and repassing probably does not lead to a right being acquired in common law. Equally, while rights may have arisen in the past to facilitate the movement of freight, it is doubtful whether now similar rights can be acquired through recreational use. As Gray & Gray suggest, where recreational use of water occurs it is often a ‘tolerated’ use for which the owner has not sought a remedy in trespass.

The University of Brighton report Water-Based Sport and Recreation: the facts indicated that some navigation rights have been created on non-tidal waters. In general, there are prescriptive rights over natural rivers that have been used for navigation since time immemorial, and statutory ones over artificial waters such as canals and rivers which have been made navigable. These latter statutory rights have often come about as a result of seventeenth and eighteenth century private Acts of Parliament to allow entrepreneurs to make or improve waterways. The “facts report” also indicates that even where navigation rights exist, case law suggests that - on non-tidal water - craft are restricted to passing, repassing and ‘standing still for a reasonably short time’. The test in each case is reasonableness, related to the capacity and quality of the river or canal. However, such rights do not infer any additional or related rights, such as fishing, wildfowling, ingress/egress from the water or, normally, static training operations and other such activities.

There are of course other views about legal access to water Caffyn concluded that there is, a public right of navigation on unregulated rivers which are physically usable and felt that the question is resolved by consideration of the law, river form and river use in a series of historical periods based on his research for a PhD on the subject.

In view of the above it is fair to say that there is still some uncertainty of the law and at some point “The legal question of rights of way over water must be settled.”

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The Sustainability Committee recommended that legislation should be introduced to identify a lead authority for the identification of particular areas of inland water where access agreements are appropriate and for the negotiation of VAAs for non motorised recreational purposes in those areas. That body will be placed under a positive duty to facilitate more voluntary access agreements, including a power to finance associated works. The legislation referred to in the recommendation should also place power on a lead authority to designate such bodies of water as ones to which access rights would attach compulsorily if no voluntary agreement could be reached.

Welsh Assembly Government Written Response to the Sustainability Committee Report accepted that creating statutory powers and duties of the type described could potentially be useful in securing more opportunities for water related recreation. However the Government also accepted the Committee’s suggestion that these recommendations are not actions that should be pursued immediately, and should be considered in the medium or long term.
2. The SPLASH Water Recreation Challenge Fund for Wales

SPLASH is the Water Recreation Challenge Fund for Wales. It was introduced in 2008 as a partnership project between the Welsh Assembly Government, Environment Agency Wales, Countryside Council for Wales and Sports Council for Wales. The scheme is administered by Environment Agency Wales. It has developed out of both the Environment Strategy for Wales \(^{14}\) and the Wales’ Strategic Plan for Water Related Recreation \(^{15}\). The Fund provides both capital and revenue funding to public, private and third sector organisations to deliver greater public water related recreation opportunities across the whole of Wales’s lakes, rivers, canals, reservoirs and coast. The fund is very broadly based, guidance on eligibility issued at the time indicated that the fund could support “just about anything as long as the proposals improve and promote public access to the wonderful waters of Wales”. It was indicated that the fund could support physical as well as intellectual access. It could support access to coastal as well as inland waters and access on to or alongside water.

The fund aims to support projects which:

- help secure new or improved recreational access by the public to any (stretch of) river, canal, lake, reservoir or coast (this can include improved public access alongside as well as on the water);
- help deliver improved access to water for a variety of water-based recreational purposes, where possible;
- would comply with planning or other permissions in place (under SSSI Regulations, Habitats Regulations, etc.);
- help deliver the strategic actions within Wales’ strategy for water related recreation 2008–2012;
- involve a partnership of organisations seeking to develop or improve water-based recreation facilities at specific locations;
- are feasibility studies examining the potential of specific water resources to deliver new or improved water-based recreation opportunities;
- involve funding from other sources, including relevant EU programmes, where this additional funding will fill an existing funding gap and/or enable a wider programme of relevant work to be undertaken.

The emphasis initially was on supporting new capital and other works such as improving bankside facilities, signage, off road parking etc. including works to meet the needs of disabled people. All projects aimed to help promote sustainable and responsible access.

Revised SPLASH funding guidance indicates that priority will be given to access to rivers, lakes, reservoirs and canals although projects providing access and activity on in-shore waters and around the coast may also be considered. The revised guidance indicated that projects that deliver access for people on, and in, water rather than alongside the water were the priority.


Although the fund is still very broadly based more specific priorities were identified by the Grant Evaluation Panel who expressed their desire to see projects which:

- Promote sustainable and responsible access for all;
- Provide new or improved access in areas where demand is high;
- Will lead to increased participation;
- Encourage participation in ways which will minimise impacts on other users and the wider environment;
- Projects which exhibit strong partnerships and support a range of activities;
- Projects which aim to reduce conflict between user groups;
- Projects which consider environmental, social and economic factors in their development and delivery.

Both the initial and revised guidance indicates that support will be available for feasibility studies to examine the potential for future development of water recreation opportunities.

SPLASH was launched at the Royal Welsh Show in 2008 and ends on the 31st March 2013. Decisions on future funding rounds are pending.

Grants of up to a maximum of £100,000 have been awarded but the vast majority of grants have been well below the limit. Project applicants are expected to make their own contribution to project costs and to have sought funding from other sources although in exceptional circumstances, up to 100% of the project costs have been supported. Grants are not awarded for voluntary contributions towards projects but voluntary contributions are eligible for the purposes of match funding (costed at £56 per day or £7 per hour).

The Application Process

Applications are based on a two stage process

i The first stage checks if the idea is eligible and requires the completion of an Expression of Interest Form with a quick response time of ten working days.

ii The second stage is an Application Form accompanied by written confirmation that environmental impact and health and safety has been fully considered and that all relevant consents and agreements have been obtained such as planning permission and access agreement from owner(s). It is also a requirement to demonstrate value for money through, for example, obtaining at least three written quotations or an independent Quantity Surveyor’s report for large pieces of work.

Applications are considered by an Evaluation Panel of the partners which meets bi-monthly, after which applicants are advised of the outcome within ten working days. Grants have been awarded with conditions regarding checks on ownership, statutory consents, environmental impact assessments, health and safety and aftercare. Payments are made in stages during the project and a final payment after it had been completed. Supporting evidence is required of implementation depending on the scale and scope of the scheme including such things as photographic evidence, receipted accounts, Quantity Surveyor Certificates etc.
Projects are expected to have long term benefits for the community with a minimum guarantee of 5 years without which there is a clause giving the right to reclaim some of the money. With limited availability of funding only one application per project is allowed and all grants are discretionery based on their individual merits.
3. Ecosystem services, Water Recreation and the SPLASH Challenge Fund

The projects supported by the SPLASH Challenge fund can clearly influence a number of ecosystem services and benefits shown in Figure (1) below. Most obviously, new water recreation opportunities, facilities and access are likely to improve cultural services by involving people in activities that generate a wide range of personal and community benefits such as increased physical exercise, enhanced emotional well being and greater social cohesion. Other sections of the evaluation report consider some of the benefits that can arise from improved access to inland water environments. The Welsh Economy Research unit has also undertaken an economic evaluation of some of the cultural benefits arising from the SPLASH Challenge Fund projects, such as increased tourism visits and expenditure 16.

Potentially, the SPLASH Challenge fund projects could have positive or negative impacts on a range of other ecosystem services in both aquatic and terrestrial habitats. Water recreation involves the use of aquatic environments and examples of the services it could potentially affect include:

Supporting services - Biodiversity especially aquatic species;
Regulating services - The natural processes that regulate water quality;
Provisioning services - The provision of water for agriculture, energy, industry or domestic consumption.

Historically many of the recreational users of inland water in Wales have played a role in the management of a range of ecosystem services through activities such as managing riparian habitats or deliberately avoiding disturbing key habitats for certain aquatic species.

The review of the SPLASH Challenge Fund undertaken by the Environment Agency in 2011 17 indicated that SPLASH acts as the primary focus for improving opportunities for water related recreation projects in Wales. If it were to cease to exist then there is a strong possibility that the momentum it has helped to build up over the period 2008 – 2011 would be lost and Wales would be poorer not only in funding terms but in public benefit from its river, lakes, reservoirs, canals and coast. The review considered that unlocking and delivering the ecosystem goods and services from Wales’ substantial water assets is of great worth to the country as a whole. It was felt that it could be concluded from the range of projects delivered through SPLASH that applications for funding have been heavily weighted towards improving existing infrastructure, public participation and provision of equipment. The review concluded that “the more challenging projects seeking to open up public access to non-tidal waters have been few and often difficult to deliver”

The policy framework for Ecosystem Services

Since the publication of the United Nations Millennium Ecosystem Assessment 18 in 2005 many nations and governments have been seeking to develop an ecosystems approach to the management of the natural environment. In January 2012 the Welsh Government issued the green paper Sustaining a Living

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Wales\textsuperscript{19} a consultation document on natural resource management and indicated the Welsh Government’s desire ‘to embed the ecosystem approach in the future management of the Welsh environment’ (p. 4).

The importance of the ecosystems approach was confirmed in the statement on October 23 2012 by John Griffiths the Minister for Environment and Sustainable Development\textsuperscript{20} in response to the outcomes of the consultation in which he stated ‘There is a good deal of support to show that we are on the right path, particularly in relation to natural resource management and putting the ecosystem approach at its heart’

The ecosystems approach seeks to assess the condition of the ecosystem services provided by the interactions between humans and natural environments and also identify the value of the benefits that humans obtain from these services. The green paper\textit{Sustaining a Living Wales} sets out the principles of the ecosystem approach in a manner similar to that used in the United Nations Millennium Ecosystem Assessment. The green paper (p. 4) identifies four groups of services as follows:

"Supporting services" such as ecological processes, soil formation, photosynthesis and nutrient cycling, which underpin the operation of the system as a whole; \textit{Provisioning services} such as food, water and wood; \textit{Regulating services} which help us to control climate, floods, waste disposal, air and water quality; \textit{Cultural services} which include recreational, educational, aesthetic and spiritual benefits we receive from the environment"

These services are outlined in more detail in Figure 1 below which is taken from the green paper\textit{Sustaining a Living Wales}.

The UK government has also set out a commitment to embedding the ecosystem services approach in environmental management in the 2011 white paper on the natural environment \textit{The Natural Choice: Securing the Value of Nature}\textsuperscript{21}. This is reaffirmed in relation to land use planning in the UK government’s 2012 \textit{National Planning Framework}\textsuperscript{22} which requires the planning system to recognise the wide benefits of ecosystem services.

\begin{enumerate}
\end{enumerate}
At the core of the ecosystem services approach is a desire to ensure at the national and local scale an integrated approach to decision making which affects the natural environment. The embedding of this approach requires that policy and decisions mainly concerned with one particular ecosystem services should also consider their consequences for other ecosystem services. This integrated approach also aims to ensure that the economic and social benefits arising from the natural environment are central to decision making. Consequently the ecosystems approach sometimes involves identifying the value in monetary and non-monetary terms of the benefits people obtain from different ecosystem services. Some ecosystem services and benefits have a market value (e.g. food and timber). Others, such as water recreation and carbon sequestration, do not have a market value but valuation methods can be used to identify monetary and non-monetary values for these services and benefits. Such valuation data can be used to inform decision making by identifying possible trade-offs occurring between the different services and ensuring the ecosystem services for which there is not a market value are considered when cost-benefit decisions are being made.

Some SPLASH Challenge projects have aims that are designed to address ecosystem services other than cultural services. Figure 2. below provides details of a case study in the Clydach Vale Country Park in Tonypandy involving the Cwm Clydach Community Development Trust and Keep Wales Tidy. In this case study SPLASH Challenge Fund expenditure aims to improve water recreation opportunities whilst also enhancing certain aspects of the natural environment.

An integrated approach at the local level, such as that used in Clydach Vale Country Park, is potentially useful for ensuring that the development of water recreational opportunities takes account of any potential positive or negative ecosystem consequences. A recent national ecosystem assessment for Wales noted that tourism and recreation can have negative impacts on the Welsh landscape and environment. The United Kingdom National Ecosystem Assessment (UKNEA)\textsuperscript{23} was completed in 2011 and provides an evidence base for the UK 2011 Natural Environment White paper\textsuperscript{24}. Chapter 20 of the Technical report of the UKNEA provides an ecosystem assessment specifically for Wales. One of the key messages of the Welsh assessment highlights how cultural services produce major economic benefits through tourism linked to the natural environment. Another key message, however, states that tourism developments along with energy, transport and the poor design of forestry plantations have harmed the culturally distinct Welsh landscape.

\textsuperscript{23} UK National Ecosystem Assessment (2011) \textit{The UK National Ecosystem Assessment: Synthesis of the Key Findings.} Cambridge: UNEP-WCMC

Figure 1. Ecosystem services and benefits

Evaluation of the SPLASH Grant Scheme Voluntary Access Agreements 2008-2012
A report prepared by Plumpton College, the University of Brighton and G and L Hughes Limited

Figure 2. Case study of an ecosystems approach to water recreation

| Improving access to fishing and canoeing in Clydach Vale Country Park, Rhondda Cynon Taff |
| Photograph 1 - Clydach Vale Country Park Upper lake currently with invasive weeds |

Background
Clydach Vale Country Park was reclaimed from former colliery land and contains two lakes. Both lakes have suffered from litter, anti-social behaviour, low levels of water recreation use and poor relations between anglers and canoeists. The water environment was also degraded due to lake silting and the growth of the very invasive pond weed, Lagorosiphon Major. The park is also in a Welsh Government Communities First ward in Tonypandy where the local community experiences high levels of deprivation.

Partners
A wide ranging partnership was formed to integrate the economic, social and environmental management of the upper and lower lake. The community and government partners included Keep Wales Tidy, Clydach Vale Communities First, Cwmclydach Community Development Trust, The Cambrian Village Trust (a Local Sporting Charity), Friends of the Country Park, the Cwmclydach Rivercare Group, RCT Parks Development and Countryside, the local canoeing club and the Environment Agency.

The project
The lower lake is to be developed for canoe training and the upper lake will contain an improved fishery to provide angling opportunities. The project will also involve de-silting both lakes and cutting back the pond weed. The project received SPLASH challenge fund in 2012.

Cultural services - social and economic benefits
The project aims to increase participation and opportunities for angling and canoeing by setting up training opportunities, especially for young people, and improving access to the lake. The access improvements will also benefit walkers and other park users and improved fishing platforms will be provided for people with disabilities. Relations between canoeists and anglers will also be enhanced. The economic value of volunteer days will be worth over £6,000 and it is hoped youth involvement will have a positive effect on anti-social behaviour and levels of certain crimes.

Regulating services - improved water quality and fish stocks
The upper lake will be completely silted in the future if action is not taken and the de-silting of the lakes will enhance water quality which will encourage fish breeding and thus improve opportunities for angling.

**Provisioning services - water supply and energy generation**

The lower lake is the base for the Cwm Clydach Micro Hydro Scheme for energy generation and the upper lake is a feeder supply for the scheme. A community based social enterprise administers the hydro scheme. Weed management and lake de-silting will ensure the supply of clean water that is central to the scheme and energy generation. In future funds from the sale of the energy could be used to support the continued management of the lakes.

**Supporting services - enhancing biodiversity**

The project aims to enhance the biodiversity of aquatic and terrestrial environments. De-silting and pond weed management will allow fish and other species to breed more effectively due to improved water quality. The project is also managed to ensure no harm is done to important terrestrial environments around the lake that support fritillary butterfly habitat in the species-rich open grassland habitats and orchid rich slopes.
4. Key Criteria for Evaluating SPLASH Funding for Voluntary Access Agreements

The brief requires the study to evaluate the “Extent, Quality, Security and Clarity of the public access provided through voluntary access agreements” so in order to come to conclusions whether individual projects have been successful it is necessary to clearly understand the aims of the Welsh Government (WG) in establishing the fund, whether projects have met these aims and how projects have addressed the priorities established by the Environment Agency set out in the guidance notes to assist prospective applicants to the fund.

The WG has indicated that it is keen to secure more opportunities for the public and visitors to Wales to enjoy Wales’ extensive water resources on a responsible, safe and sustainable basis in line with the commitment in the One Wales agenda to foster a stronger sense of public ownership in the Welsh countryside, coast, and urban green spaces. Its approach to water related recreation and associated access is based on improving access for all, rather than for any one particular user group. The One Wales Agenda is strongly focused on steps to ensure a prosperous, safe and fairer society.

The WG has also indicated that the recommendations of the report of the Sustainability Inquiry were focused primarily on those participants in water-based activities who are the more experienced, committed users, and are members of clubs or national governing bodies such as anglers or canoeists. Whilst they accepted a number of the recommendations they felt that the Sustainability Committee had restricted their response to ones that meet the needs of only a minority of participants. It can inferred from this statement that the WG wishes to see agreements that are inclusive and that a priority is given to meeting the needs of the widest possible range of users, not just those “more experienced, committed users, and are members of clubs or national governing bodies such as anglers or canoeists”.

The WG has indicated that the success that has been achieved in delivering sufficient extent, quality, security, and clarity of access are appropriate tests in determining whether they have been able to secure the necessary supply to meet current demand, and provided the foundation for realising the range of benefits that water related recreation can provide.

The Sustainability Committee indicated that the principle which should be adhered to is that access should be granted by a land owner in consultation with all those with an interest in using that access rather than by a multi party agreement as is currently the case. Whilst the establishment of a designated body would require legislation which is not yet in place, the security and clarity of agreements supported by SPLASH may be influenced by whether an agreement been granted by the landowner.
5. Methodology for the Evaluation

The study which was undertaken during the period November 2012 – January 2013 sought to evaluate the effectiveness of the SPLASH grant scheme by focusing on those projects that have been funded to develop or enhance access via (VAA). The evaluation was based on a mix-method design to examine the Extent, Quality, Security and Clarity of the public access provided and the results analyzed to advise how the Welsh Government might maintain or change its policy to VAA in the future.

In order to assess the effectiveness of individual agreements in meeting the aims of WG and the priorities set out in the SPLASH Fund guidance the evaluation methodology consequently comprised of a number of detailed tasks as follows:

- A meeting with the Environment Agency to discuss the form and content of the evaluation and to clarify elements of the brief and the Brighton proposal.

- Analysis of background material, published information including key policy documents and details of the projects identified by the Environment Agency as pertinent to the delivery of voluntary access agreements.

- A total of 8 projects were selected and an approach to evaluation was agreed for each project (see table 1 below). As the projects were not set up as systematic pilots, where there may have been an opportunity to consider both process and impact results of the different kind of interventions supported, an in depth evaluation was not possible. The evaluation was based on examination of submitted documents and in appropriate cases a questionnaire survey with key stakeholders.

- The development of an electronic questionnaire survey agreed by the Environment Agency as the basis for capturing information from appropriate projects based on the evaluation criteria identified by WG. The questionnaire survey was circulated by email to the main project stakeholders including the project sponsor and users of the land or water in the area along with other organisations as advised by the Environment Agency. Responses were collated via email (and telephone where necessary) and follow up phone calls were made in order to ensure that the maximum number of participant responses were submitted. A total of 21 questionnaires were circulated and 20 returned a response rate of 95%. A copy of the questionnaire is attached at Appendix 1.

- Exchanges of emails and telephone interviews were undertaken by the team to encourage responses and to clarify comments made on the issues involved in developing opportunities. The questionnaire and associated follow up sought to capture the views of stakeholders during the development of their project or post-project whether they considered the objectives identified by WG were being or had been achieved. This involved collating, analysing, and presenting the views of individual project stakeholders to evaluate the extent, quality, security and clarity of the public access provided.

- A discussion was held with the Environment Agency to explore the key issues that were emerging at the draft report stage.

The report of the evaluation of the projects which follows focuses on the criteria established by WG and considers the wider lessons that can be learned in developing opportunities for voluntary access
agreements. The evaluation is based on the analysis of the documents received and the views of the stakeholders.
### Table 1. SPLASH Funded Projects Selected and Agreed Approach to Evaluation

<table>
<thead>
<tr>
<th>Project Name(s)</th>
<th>Alfon Rheidol</th>
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<tbody>
<tr>
<td>Project Sponsor</td>
<td>Welsh Canoeing Association</td>
</tr>
<tr>
<td>Project Contact</td>
<td>Ashley Charlwood</td>
</tr>
<tr>
<td>Additional contacts</td>
<td>None</td>
</tr>
<tr>
<td>Project Background/Agreed Approach</td>
<td>As this project did not proceed it was agreed that project should not be included in the questionnaire survey and the project evaluation was, therefore based on submitted documentation.</td>
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<table>
<thead>
<tr>
<th>Project Name(s)</th>
<th>Brecon Beacons National Park- Waterway Hub</th>
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<tbody>
<tr>
<td>Project Sponsor</td>
<td>Brecon Beacons National Park</td>
</tr>
<tr>
<td>Project Contact</td>
<td>Gez Richards</td>
</tr>
<tr>
<td>Additional contacts</td>
<td>Andrew Stumpf (Canal River Trust); Tom Partridge (SWOAPG); Ashley Charlwood (Canoe Wales)</td>
</tr>
<tr>
<td>Agreed Approach</td>
<td>It was agreed that the project evaluation should focus on the 3 aspects of the BBNPA's SPLASH funding: 1) The passport scheme for groups to access welsh water reservoirs 2) The Brecon water trail, using the canal and river Usk 3) Supporting the access to the Wye and the Usk with the Wye and Usk Foundation</td>
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<thead>
<tr>
<th>Project Name(s)</th>
<th>Maesnant Outdoor Centre</th>
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<tr>
<td>Project Sponsor</td>
<td>Plynlimon Heritage Trust</td>
</tr>
<tr>
<td>Project Contact</td>
<td>Wynne Jones</td>
</tr>
<tr>
<td>Additional contacts</td>
<td>None</td>
</tr>
<tr>
<td>Agreed Approach</td>
<td>Project sponsor advised that the Trust was not yet in a position to report on progress. It was agreed with the Environment Agency on the 8th Nov 2012 to analyse the project based on written documentation.</td>
</tr>
</tbody>
</table>
### Project Name(s)
- **Outdoor Partnership (Lynn Ffridd)**

### Project Sponsor
- The Outdoor Partnership

### Project Contact
- Mark Andrew Jones

### Additional contacts
- Tracy Evans (the Outdoor Partnership); Martin Doyle (Plas-y-Brenin national mountain centre); Ashley Charlwood (Canoe Wales)

### Agreed Approach
The evaluation focused on the project at Llyn Fridd where the lake is currently used for only angling but it is proposed to make it available for paddlesport through the Outdoor Partnership clubs.

### Project Name(s)
- **River Dee Canoe Access**

### Project Sponsor
- Not yet confirmed

### Project Contact
- Not yet confirmed

### Additional contacts
- Paul Stafford; Huw Evans; Howard Sutcliffe (Denbighshire CC); Ashley Charlwood (Canoe Wales); Pete Carrol (Pro-adventure)

### Agreed Approach
Although not yet a submitted SPLASH project it was agreed with the Environment Agency to include the project in the evaluation and to send the questionnaire to the principal stakeholders involved.

### Project Name(s)
- **Welsh River Access Management**

### Grant Applicant
- British Outdoor Professionals Association (BOPA)

### Project Contact
- Chris Charters

### Additional contacts
- None

### Agreed Approach
It was initially agreed with the Environment Agency that despite difficulties with this project that as part of the evaluation contact would be made with Chris Charters the General Secretary of the Association at the time and include the project in the questionnaire process to gather useful learning points. It was subsequently agreed on the 7th November not to pursue a questionnaire survey as the project contact was not available.
### Project Name(s)

<table>
<thead>
<tr>
<th>Project Name(s)</th>
<th>River Taff Multi Use Water Recreation Feasibility Study</th>
</tr>
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<tbody>
<tr>
<td><strong>Project sponsor</strong></td>
<td>The Valleys Regional Park.</td>
</tr>
<tr>
<td><strong>Project Contact</strong></td>
<td>Luke Maggs</td>
</tr>
<tr>
<td><strong>Additional contacts</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Agreed Approach</strong></td>
<td>It was agreed to send questionnaire to project sponsor only.</td>
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</table>

### Project Name(s)

<table>
<thead>
<tr>
<th>Project Name(s)</th>
<th>Wye and Usk Foundation</th>
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<tr>
<td><strong>Project Sponsor</strong></td>
<td>Wye and Usk Foundation</td>
</tr>
<tr>
<td><strong>Project Contact</strong></td>
<td>Stephen Marsh (Wye and Usk Foundation);</td>
</tr>
<tr>
<td><strong>Additional contacts</strong></td>
<td>Seth Johnson-Marshall, Ashley Charlwood (Canoe Wales); Wyedean Canoe Club.</td>
</tr>
<tr>
<td><strong>Agreed Approach</strong></td>
<td>It was agreed with the Environment Agency that the projects that have been supported under SPLASH would be evaluated as a whole rather than a detailed examination of each of the individual elements.</td>
</tr>
</tbody>
</table>
6. Evaluation of Individual Projects

6.1. Afon Rheidol Feasibility Study

Purpose of Project:

The project was to prepare a feasibility study/vision document to outline the delivery of in river works to create a centre of regional excellence for canoeing in Mid Wales. The study was promoted by WCA who indicated they had the support of the Aberystwyth Angling Association. SPLASH enabled initial feasibility work to be undertaken by an expert assessor who visited the site to examine the stretch of river to determine its suitability for the creation of the water features for white water canoeing and rafting. As a result of the site visit he felt there was not significant scope for worthwhile improvement works so the project was stopped at this stage and the majority of the funding returned.

SPLASH Grant:

£5,000 November 2008 (last date for grant claim 28th Feb 2009)

The SPLASH grant was approved with conditions as follows:

- A letter of support from Aberystwyth Angling Association
- The feasibility study take into account lessons learnt from the Mawddach feasibility study (funded under the exemplar programme).

Project Sponsor:

Welsh Canoeing Association (WCA).

Aims and objectives:

The project was initiated to enhance the recreational potential of a stretch of the river Afon Rheidol taking account of the aquatic habitats and riverbanks while focusing on making use of the river within a centre of population.

Project Appraisal:

The study specifically set out to examine the potential for the construction of features within the bed of the river and riverbank works to create white-water. The works under investigation were to include the creation of erosion resistant banks and the creation of more diverse habitats for wildlife. The WCA had identified the river Rheidol as having a good opportunity to create a water related recreational hub. The Rheidol is part of scheme operated by a company which generates hydropower and other forms of renewable energy. (In the upper reaches of the hydro scheme valley is Maesnant Outdoor Pursuit Centre on the shore of Nant-Y-Moch reservoir which has also been the subject of SPLASH funding). The lower stretches of the river were identified by WCA because of the water that is released as part of power production results in white water and the number of landowners on the section that was of interest were few in number and in the public sector. It was felt that the public sector landowners may have been receptive to discussions about establishing a voluntary access agreement.
The project was in response to the view of the WCA expressed in the SPLASH application of a growing interest in white-water and the possible opportunity to provide a focal point for this activity within the town area of Aberystwyth which has a population with a high proportion of young people partly as a result of the location of the University in the town. It was hoped to make use of the Afon Rheidol and its power generating scheme and to make improvements to the river which would complement a 4km stretch of walk/cycleway that runs inland from the harbour within the urban area. The concept was to explore the enhancement of walking/jogging and cycling trails to enable access along the river bank for viewing activities and to consider environmental interpretation of specific habitats (learning boards, pond dipping in oxbow lakes etc.).

As part of the initial phase of the project an engineer was instructed to examine the potential of enhancing hydrological features to benefit potential participants in white water canoeing and rafting. On the initial visit however the engineer concluded that despite the water releases the geology of the river area meant that the initial costs to implement a proposal would be prohibitively expensive compared to the benefits that would accrue.

Because of the constraints in implementing the capital works it appears that discussions did not take place to explore the opportunity to establish a voluntary access agreement or the potential of other riverside works.

Conclusions Regarding the Effectiveness of the SPLASH Fund Grant in Securing a Voluntary Access Agreement:

This project represents an example of an early SPLASH funded scheme which set out to explore the potential of white water canoeing and associated access and environmental benefits. In the absence of clear evidence it is not possible to draw conclusions about the extent, quality, security and clarity of access that might have been achieved or how this might have been secured through a voluntary access agreement. Although the aim of the project was to create a specialist canoeing facility the proposed location in an urban area with bankside access would have offered added value and encouraged participation as well as improved access for those people who would have potentially enjoyed watching participants in the activity. If it had progressed there may have been opportunities to undertake water related recreation initiatives to target low participation social groups and areas. There was potential for a facility to offer doorstep provision and to seek to address issues of social deprivation.

It is understood that one of the reasons the area was chosen was because there were few landowners involved and some or all of these were in the public sector that may have been receptive to approaches about access.

The grant for the feasibility study was made in 2008 and preceded the Welsh Assembly Government Sustainability Committee Inquiry into Access to Inland Water in Wales\(^{25}\) which did not report until 2010.

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A number of the recommendations of that Inquiry and the Government response\textsuperscript{26} may have influenced the priority and focus of this project had the views of the Welsh Government been available at the time. The aim of the feasibility study was not specifically focussed on the opportunity to explore a voluntary access agreement nor was this aspect specifically referred to in the SPLASH grant application. The project did however meet the eligibility criteria for SPLASH funding set out at the time in terms of examining the potential of specific water resources to deliver new or improved water-based recreation opportunities.

6.2. Brecon Beacons National Park Waterways Hub

Purpose of Project:

The Brecon Beacons National Park has had a number of SPLASH grants as part of a concept to develop the Park as a ‘Waterways Hub’. The concept seeks to be able to provide and disseminate information on the recreational possibilities of the waterways within the National Park in conjunction with facilitating good quality provision for all kinds of water activities.

Following discussions with the Environment Agency it was agreed to focus on three elements of the work and for the purposes of the evaluation to treat as one project as follows:

1. The Passport Scheme: to provide support for groups to access Welsh Water reservoirs;
2. The Brecon Water Trail: using the canal and River Usk to promote and extend access;
3. To support access to the Wye and the Usk, for fishing and canoeing.

SPLASH Grant:

An initial SPLASH Grant of £100,000 was made in July 2009 to provide core funding support for the development of the recreation.

A second grant award of £14,000 (grant percentage: 58%) incorporated support for the specific elements that are the focus of the evaluation as follows:

- £1,000 (total cost £2k) for the administration and development of the reservoir passport scheme
- £1,000 for improvements to the Beacons Water Trail
- £3,000 (total cost £6k) on Canal improvements

The above award was made in June 2012 to be completed by March 2013.

The other elements of the second award were towards the staff costs of the project officer and the other elements of developing the waterways hub concept.

Project Sponsor:

Brecon Beacons National Park

Aims and Objectives:

The broad aim of the SPLASH initiative in the Brecon Beacons National Park has been to develop the Park as water related recreation hub.

The specific objectives of the development of the waterways hub are to increase participation in water related recreation by a variety of individuals and organisations including those from Communities First areas and to develop consensus and understanding between the people and organisations that have an interest in the aquatic and recreational environment.
The Passport Scheme: The National Park aims to administer a pilot scheme in conjunction with Welsh Water to enable access to selected reservoirs and to negotiate to extend its remit beyond the original 4 reservoirs that were the subject of the initial SPLASH funding to promote and broaden usage. The Passport Scheme is aimed at formalising access to a range of reservoirs for organised group canoeing/kayaking etc. The present funding is to extend the scheme to Llwynon and Crai reservoirs and to provide appropriate signage. The intention is to create changing screens at access points and to run a formal launch event and training sessions. Access had previously existed via a range of agreements and differing charges for a range of activity providers. The current scheme is aimed at members of the South West Outdoor Activity Providers Group (SWOAPG) being able to join the scheme for a fee which enables access (under the access agreement rules). Supporting the agreement is a range of new signage, information and improvements to the access and infrastructure at the venues.

The Brecon Water Trail: The initial award of funding proposed to open up access alongside rivers and canals in particular for the three miles of the Usk at Brecon. The stage two award is to develop the water trail further – improving picnic facilities and access along its route. The intention is to extend and promote access in conjunction with Visit Wales along both river and canal, in particular for the three miles of the Usk at Brecon.

Access to the Wye and Usk: This element is to collaborate with the Wye and Usk Foundation as part of the canoe access scheme to continue to work towards access for canoeing downstream of Crickhowell on the River Usk – the Park’s major river. This work is seen as “an ongoing project”!

**Project Appraisal:**

The creation of a waterways hub has involved providing a variety of opportunities – paddling on flat and white water, angling, riverside activities and providing information to the public to encourage them to use these facilities. The Brecon Beacons National Park (BBNP) is starting from a good position as it has a number of water resources with potential to provide for recreation including natural and man-made resources such as the Monmouthshire and Brecon canal, Llangors Lake, rivers Usk and Wye, over 11 reservoirs, and numerous gorges.

The National Park Authority considers that much of the work required to unlock the potential of the water resources in the Park involves bringing people together, developing trust, confidence and understanding of issues and negotiating agreements that are acceptable to all parties. It is aimed to achieve the outcomes below but these are subject to satisfactory negotiation of agreements with relevant parties.

1. Establish a water recreation forum comprising recreational groups, land and riparian owners, relevant agencies such as Environment Agency, Countryside Council for Wales and BBNPA to develop relationships, trust and confidence. This Forum will be used to advise, develop and facilitate ideas, proposals and projects.

2. Develop opportunities at the reservoirs along the A470 close to Communities First areas, these arrangements will include entering into agreements to allow access onto water at one or more of the reservoirs, providing launching facilities for canoes and kayaks, providing amenities such as picnic benches, barbeque stands, providing changing facilities and providing a programme of ‘taster’ sessions to encourage participation. The intention is that users will become members of the SWOAPG, sign up to the scheme and pay a fee. The intention is that users will have suitable insurance and also be led by
qualified instructors. This will give them an annual permit to be displayed on the craft. There are guidelines to be incorporated in the agreement around numbers in the group etc. The Reservoir Passport Scheme is still being developed and it is understood that the agreement is currently being drafted by lawyers in from Welsh Water and the National Park Authority.

3. Developing opportunities along the Monmouthshire and Brecon canal such as walking links and portage opportunities for paddlers between the river Usk and canal, improve picnicking facilities and improving opportunities for people with disabilities.

Other initiatives are seeking to improve marketing opportunities for businesses with a ‘water recreation’ focus and improve information and interpretation provision of water recreation opportunities through a variety of media including web based information,

A major area of expenditure is considered to be in bringing people together to encourage owners of water bodies and recreational users to develop management systems that allow recreation to take place in a sustainable way that that is consistent with the views of landowners. Specific infrastructure improvements are being developed following discussion and agreement of the various stakeholders. Key to the success of the projects has been the employment of a Project Developer/Manager to coordinate all of the elements.

The main focus of the Project is for low-level recreational water activity – suitable for beginners, improvers and the family audience. The project aims to make water recreation more accessible to users who ‘might not know where to start’. It is hoped that this will be the mechanism for providing the initial skills and confidence to participate in water recreation.

Views of Consultees:

Officers of the Brecon Beacons National Park Authority consider that it is increasing opportunities for people to access water ways and waterside places in formal and informal ways. As a result of the funding from SPLASH a wide range of activities including kayaking, canoeing, picnicing by the water, walking by the water, gorge walking, ornithology, angling for the disabled, taster sessions, leisure boating on the canal, and provision for outdoor activity groups has been made available. The SPLASH project has been aimed at all sectors of society and outdoor activity providers including Local Authority centres which have been particularly good at introducing people from across the UK to water activities. They feel that whilst the quality of much of the access is improving there has been little extra practical access.

The Authority acknowledge that there is no legal right of access/navigation to most inland water in Wales and that angling interests have investment tied up in waterways and understandably have concerns about disturbance to their sport. Similarly they acknowledge that some canoeists appear unwilling to comply with access agreements/arrangements and thus there are frustrations with both these sets of users. They feel that the canoeing Governing Body is locally perceived to be difficult to negotiate with. Wild swimming is also felt to antagonise anglers in some cases. Whilst progress has been made in negotiating access with Welsh Water which owns a number of reservoirs within the area it is felt that some officers have slowed agreements to permit access to reservoirs although other officers have been extremely supportive. Opportunities to access to major rivers in the Park have been sought through arrangements with the Wye and Usk Foundation who have been reluctant to consider increased access beyond the limits of their own scheme. Improving access to reservoirs has been a very long haul...
Evaluation of the SPLASH Grant Scheme Voluntary Access Agreements 2008-2012
A report prepared by Plumpton College, the University of Brighton and G and L Hughes Limited

with the water company involved. Although there has been agreement on the principle of the scheme and infrastructure has been put in place, numerous difficulties have been put in place by the water company’s legal advisers. The issue of access to inland water is, in the view of the National Park, one that is fraught with difficulty and the good work that has been undertaken has been ‘tinkering around the edges’ because of the difficulties of addressing the structural problem of the resource being in private ownership. It is felt that this issue “needs addressing before the people of Wales can access inland water with any degree of confidence”.

It is felt that negotiations with vested interests will continue to present different challenges according to numerous variables that arise in individual cases and that until some provision is made in law that provides for managed access by canoeists and other users which is realistic in terms of costs then the situation will remain problematic. In the view of the National Park officers consulted the most important part of the project has been successfully initiating discussions between various parties via the project officer. The National Park feel that although the SPLASH panel was reluctant to fund staff costs this is where the emphasis should be placed in order to engage with the various factions and to develop understanding, trust and consensus. Although the National Park has indicated that the project will cease when the SPLASH grant runs out they will continue to promote use of the facilities and will try to extend them within constraints of time and funding.

The Canal and River Trust has been a key partner in the project particularly with regards to interpretation and improved access through soft edges for paddlers and stepped access from canal to Usk at Brynich. This element has been aimed at and used by people of all ages, including local residents and visitors alike. The canal is also well used by local outdoor adventure and tour companies. Physical works now completed enhance and encourage access, and are backed up by interpretation to encourage users to explore the area. For example, in addition to the water trail a history trail and food trail are now in place, the latter complementing the work of local businesses by enhancing awareness of local produce. The project has secured physical and intellectual access and is easily replicable elsewhere and builds on successful application of SPLASH funds in prior rounds. The canal element of the SPLASH funding has worked particularly well as the canals in general are some of the most accessible recreation resources in Wales and are, for the most part, owned and operated by Glandwr Cymru - Canal & River Trust in Wales and therefore the towpath and water are freely available. To use the water a boat license or Canoe Wales membership is required. Both towpath and water are available every day, all year round. Resources are always open except where maintenance is required when the river is unnavigable by virtue of high flows. Access to 35 miles of canal and 55 miles of towpath as well as local circular routes using footpaths and quite roads have been provided. The trail using the canal and Usk is around 7 miles and is a new resource. The access and works were simple and well worth the little effort required in terms of the benefits that have accrued for walking, cycling, angling, paddling and gongoozling.

The Canal and River Trust feel that the partnership with the National Park has been very successful and worked well to the mutual benefit of both parties having agreed shared priorities and objectives. Key to the success was the Project Officer funded by SPLASH who enabled effective coordination. The Trust feel that effective partnerships have been established with the parties involved and there has been a recognition of the role the canal and the ease of access that is available which can contribute to a wide range of social, economic and environmental goals i.e. a single £ delivers a wide range of outcomes.

Glandwr Cymru - Canal & River Trust in Wales has effective environmental management system to ensure conflicts are minimised and managed.

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In the view of the Trust, SPLASH is a very flexible but focused fund that provides both revenue and capital funding delivering a wide range of benefits. The fund is increasingly important as other sources of funding have become tighter.

Users consulted have commented specifically on the Passport Scheme indicating that although there has been access to the reservoirs previously this scheme enables access for all through one agreement and for a one off annual fee. They indicate that although the scheme was supposed to go live in April 2012 it has still not come into effect because delays in the legal departments of both the Brecon Beacons National Park Authority and Dwr Cymru / Welsh Water. This poses a problem since the initial trial year is almost over and the agreement has not yet been signed and in not, therefore, currently operational. Although all of the signage and infrastructure is in place there is no means of members being able to pay or sign into the scheme which is a cause of considerable frustration. Despite the delays it is felt that the scheme is a step in the right direction and that if the initial passport fee could be reduced or even removed this would bring further benefits to those people on low incomes. It is also felt that there is potential for more water areas to be added to the agreements in the future if the trial year is a success. Although the slow progress is the cause of frustration positive comments have been made about how the agreement could be applied elsewhere. Barriers have begun to be broken down and the benefits are evident – “getting the lawyers to talk” has been a step in the right direction!

Whilst there is general optimism about the passport scheme concerns have been expressed about the loss of access if a reservoir is shut for operational reasons without a refund on the fee, however this is acknowledged to be a point of detail in an agreement which in draft form is clear and simple. The signage at sites which has been put in place is clear and improves the existing launch points at the venues. As the agreement is not yet “live” it is hard to comment on whether it will afford the security of access required but it will hopefully provide clarity in the range of venues available for canoeing based activities. Although no new opportunities have yet been created the agreement has the potential to be a simple and equitable system and the hope is it can open up new/additional water in the future.

Users consulted are anxious for the scheme to go “live” as soon as possible so that both the water company and the users can see the benefits. It is hoped that once the success of the scheme can be demonstrated all that will be needed each year is a small amount of administration time from the parties involved to ensure that the scheme is being adhered to and for repairs to access/signage etc.

There are added benefits to the environment by the education that will be possible by being able to contact members of SWOAPG via the scheme to advise on time and space zoning and to provide information on how to clean and maintain kit to avoid contamination in the water (bio-security).

Canoe Wales have concerns about the initiatives in the Brecon Beacons on the basis that they feel no new access has been delivered and that conflicts still exist. They are particularly concerned that the water company has not been receptive to access to their reservoirs. They feel that as the governing body of paddlesport they have not been effectively engaged and they could have added value in identifying strategic needs for recreation rather than just tourism benefit.

Conclusions Regarding the Effectiveness of the SPLASH Fund Grant in Securing a Voluntary Access Agreement:

Although there seems to be a positive response to the consultation no access agreement is yet in place for Welsh Water Reservoirs and even if negotiations are successfully concluded it seems only limited
new access will be created, rather it appears the focus will be on formalisation of existing access. It is not possible to evaluate at this stage whether the proposed agreement will provide the appropriate extent quality, security and clarity of access to Welsh Water reservoirs as it is still work in progress. There is a need to review the final form of the agreement and to give a trial phase time to operate and then to assess whether the model might be appropriate for other areas of water that are in the ownership of the company. No additional agreement appears to have yet been reached regarding the River Usk which appears to be a long term project with little expectation that progress will be possible in the short term.

Canal improvements are generally considered to have been a great success but this element has not required negotiation of new access which is always freely available. Good progress made in the partnership between the National Park and the Canal and Rivers Trust with both the Park and the Trust indicating that the project has worked well to the mutual benefit of the partners. However in the case of the canal network both parties are anxious to maximise the benefits that accrue to public access for the widest cross section of the community.

Progress is also being made in building consensus between the various stakeholders involved in access to water in the National Park through the work of the water recreation forum. Whilst the benefits are intangible it will hopefully lead to a better shared understanding and trust amongst the various stakeholders.

**Fit with SPLASH Priorities of the 3 elements that were the subject of the evaluation:**

1. **Promotion of Sustainable and Responsible Access for All**

The proposal is for access arrangements to the Welsh Water reservoirs is via the SWOAPG. This is the representative organisation for all providers of outdoor adventurous activities in the Brecon Beacons National Park and South Wales area. It represents its membership to a wide variety of public sector bodies and other organisations, ensuring a collaborative and positive approach to activity provision and development and is free to join. The National Park authority is charged with promoting understanding and enjoyment of the special character of the Park to the whole community.

2. **Provide New or Improved Access Where Demand is High**

The Brecon Beacons is located in close proximity to the Communities First Areas in South Wales and where demand for watersports is high as it is the most densely populated part of the country.

3. **Will Lead to Increased Participation**

Although the passport scheme is not yet operational it is reasonable to assume that by providing greater certainty of the arrangements for access to Welsh Water reservoirs participation will increase. Participation is also likely to increase if further access is provided to the River Wye and the improvements made to the canal trail.

4. **Will Minimise Impacts on Other Users and the Environment**

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The Brecon Beacons National Park as the sponsor of the projects has a statutory duty to seek to reconcile conflicts with the environment. The Canal and Rivers Trust and Wye and Usk Foundation also have rigorous procedures in place to minimise conflicts with the environment.

5. **Exhibit Strong Partnerships and Will Support a Range of Activities**

The passport scheme has the potential to provide opportunities to support a range of outdoor activities through developing the partnership between the National Park, Welsh Water and the SWOAPG. Strong partnerships already exist between the National Park and the Canal and Rivers Trust which is providing a range of opportunities for water related activities on and alongside the water. Partnerships between the Park and the Wye and Usk Foundation seem to be less well developed.

6. **Reduction in Conflict Between User Groups**

The work being undertaken by the National Park to bring the various stakeholders together to build consensus and reconcile conflicts will be helpful in developing understanding of each other which should bring long term benefits.

7. **Consideration of the Environmental, Social and Economic Factors in their Development and Delivery**

The National Park has responsibilities to consider the social and economic implications of its activities on local communities and mechanisms to reconcile environmental conflicts are referred to above.
6.3. Maesnant Outdoor Centre

Purpose of Project:

The project is to redevelop the existing currently unused Maesnant Outdoor Pursuit Centre on the shore of Nant-Y-Moch reservoir in mid Wales. The core funding for the project is largely from a recently approved Rural Development Plan fund grant\textsuperscript{27}.

SPLASH Grant:

Grant Awarded: £24,300 April 2012 (last date for grant claim 28th February 2013)  
Grant percentage: 6% of the total project cost

Project Sponsor:

Plynlimon Heritage Trust

Aims and Objectives:

The project aims to refurbish the three buildings which comprise the outdoor centre and develop physical access to the water.

Project Appraisal:

The Centre currently consists of a bungalow with basic accommodation and amenities, with one outbuilding that has been utilised as a basic training room and a second outbuilding used for storage. There is currently no physical access to the reservoir; however the owners, Statkraft, have recently granted the Centre sole access to the reservoir for non-motorised water recreation.

Statcraft is a company which generates hydropower and other forms of renewable energy, its history is closely linked to the development of hydropower generation in Norway. The upper reaches of the hydro scheme valley of the River Rheidol near Aberystwyth in Mid-Wales, is made up of an interconnected group of reservoirs, dams, pipelines, aqueducts and power stations, and covers a total area of 162 square kilometres. A series of aqueducts in the remote Plynlimon mountain range collect water and channel it into the Nant-Y-Moch reservoir. Energy generated by the scheme is estimated to be enough to power over 12,350 homes for a year.

The Centre, which has become disused, until recently it provided self catering accommodation for youth groups. As an outdoor education centre, the majority of the centre's hirers used Maesnant as a base for training activities such as the expedition part of the Duke of Edinburgh's Award Scheme or similar schemes.

The refurbishment works to the building are planned to incorporate an amenity block with showers, drying rooms, storage, and a multi-purpose room for classroom/activities/interpretation, kitchen, common area, and some on-site accommodation. Support for the building project cost of £394,000 has

\textsuperscript{27} It is understood that since the completion of the evaluation this project in not now proceeding but other options are being explored
come largely from the recently approved Rural Development Plan fund and £30,000 from The Cefn Croes Wind Farm Community Trust Fund which is a Charitable Trust funded by Cambrian Wind Energy aimed at small community led organisations. The SPLASH grant specifically relates to the improvement of current access and parking, plus the creation of a safe, inclusive launch/mooring area and an accessible route to it.

The applicant for SPLASH funding is the Plynlimon Heritage Trust which is a registered charity focused on North Ceridigion that aims to:

- Preserve buildings of architectural or historic interest;
- Promote the conservation protection and improvement of the physical and natural environment;
- Promote education of the cultural heritage of the area;
- Help educate all including particularly young people through their leisure time activities.

The application to SPLASH indicated that the centre aims to support the local community, by developing in a way that is complimentary to voluntary, academic and commercial outdoor recreation/education providers in the area. It is not intended that the centre directly provide equipment or instruction which will be the responsibility of groups which are approved as users. It is intended that the centre will develop in a way that allows others to use it and to act as a ‘gateway’ to using the reservoir, both in terms of physical and legal access to the water, whilst providing facilities that promote a safe, sustainable, inclusive and enjoyable experience.

Although, the Centre is intended to be used by a variety of land based and water based outdoor recreation/education users, the location of the Centre and the granting of access to the reservoir from the company will, it is hoped, enable access to the water and unlock the potential of the reservoir for water related recreation.

The intention is that the Centre will promote access to the reservoir for activities such as sailing, paddlesport, windsurfing and rowing. The focus is solely for non motorised water related recreation which complements the strategy of the company to develop renewable energy in a manner which supports a positive social development. The aim is to minimise user conflict through space and time zoning if required. A separate lower reservoir is already stocked and promoted for angling.

The PlynlimonTrust indicate that access to water in the local area is currently very limited and that benefits would accrue not only in the Ceredigion area but also to the wider Mid-Wales region and beyond.

The reservoir sits within the Tregaron and Uplands Communities First area which the applicant indicates support this project. The Communities First area encompasses a large rural area with a dispersed population of approximately 5,000 and is a 30 minute drive from the Aberystwyth. The applicant indicates that there will be added value in terms of the socio-economic benefits that will accrue to the area and this aspect was the focus of the Rural Development fund award. Aberystwyth, as highlighted in the Wales Spatial Plan[28], is one of the primary settlements of Central Wales. It is hoped that the proximity of the Outdoor Centre to the town could help to complement the development of tourism,

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and support the provision of water related recreation for the university and the wider community of the area. It is hoped that in time access could benefit sports clubs, schools, youth groups, commercial providers and individuals, by providing increased and diversified opportunities.

By acting as a ‘gateway’ the applicant indicates the reservoir will hopefully ensure sustainable and responsible use of the resource, as it is intended that access arrangements and any potential impacts will be monitored and mitigated.

The applicant to the SPLASH fund has also indicated that the project is supported by the Montgomeryshire branch of Wildlife Trust, as the Centre is within the catchment of another Trust project focusing on ecosystem services. They consider the Trust’s environmental stewardship would be important to the project. The Centre is also intended to serve as an upland base in a new project to develop a Geopark in the North Cambrian Mountains. The sponsor indicates that the Centre will be developed and run in a collaborative way to ensure it complements the needs of a wide range of activities.

The primary beneficiaries of the project are intended to be the local communities particularly those groups and businesses already involved in outdoor activities in the area as they will be able to take the most advantage of this facility in a very remote area of mid Wales. It is intended that user groups will be engaged directly by the project and will be offered incentives to make use of the opportunities on offer. It is planned that use will be encouraged to grow gradually with a focus on local groups in the initial stages. It is hoped that by the end of the first 5 years around 3000-4500 users could be using the site per. These figures have been taken from the successful Rural Development Programme application to Ceredigion County Council.

The project was supported by the SPLASH Fund in April 2012 and according to the grant offer letter the whole project (of which the SPLASH element is a small part) is not due to complete until April 2014. The SPLASH project is to be completed by 31st March 2013 and the SPLASH funding claimed by 28th February 2013 with evidence of expenditure incurred.

As the project is at an early stage of development the project sponsor has indicated that the organisation is not in a position to report on progress at this stage. Following discussions with the Environment Agency it has been agreed that the project should be evaluated on the basis of the documentation provided to the researchers by the Environment Agency.

It is not possible to evaluate success of the project at this stage as it could take several years to be clear on the outcomes achieved. Although the SPLASH grant is to be claimed and accounted for by 28th February 2013 along with evidence for all expenditure incurred through bank statements, invoices or accounts, it is not clear whether this is specifically related to the access to the reservoir elements of the works that are proposed at the centre. In any event it is clear that the full benefits of the SPLASH award will not be realised until the centre is completed and fully operational which is planned for 2014.

As indicated by the applicant, infrastructure proposals associated with access to the reservoir are closely associated with the other works to refurbish and upgrade the centre with the water related element only accounting for 6% of the total capital spend. Water access is only a small part of the wider project however making the reservoir available it will add considerable value to the opportunities for outdoor activities at the centre.

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Conclusions Regarding the Effectiveness of the SPLASH Fund Grant in Securing a Voluntary Access Agreement:

It is not possible to evaluate the success of this project at present in circumstances where the SPLASH grant has only recently been awarded and the terms of the voluntary access agreement have not been made available. The benefits of the SPLASH element of the project will not be clear until the whole scheme is complete and the centre is operational. The applicant indicates that the centre will provide the gateway for unlocking the potential of the water resource and the wider project could make a significant contribution to the provision of water related recreation for visitors and the community bringing with it wider social and economic benefits to the area. It is not at this stage possible to come to a view about whether the arrangements that have been put in place will meet the tests of sufficient extent, quality, security and clarity of access that is sought by the WG. However the SPLASH award, as a small part of the much larger project to refurbish and upgrade the centre seems a logical extension of the Rural Development Fund project and it will unlock the potential of the water resource.

Documentation received indicates that the landowner which is a private sector business has agreed access to the reservoir but the terms and conditions of the access have not been provided so it is not possible to evaluate the merits of the mechanism that has been put in place in meeting the tests of sufficient extent, quality, security and clarity of access. There is no information on whether it has been led by the landowner in consultation with potential users or whether it will meet their needs.

Fit with SPLASH Priorities:

1. Promotion of Sustainable and Responsible Access for All

It appears that the intention is to embrace a wide variety of non powered activities consistent with the aims of the landowner. This philosophy is consistent with the policy of the WG of improving access for all. However the success of the project will depend on the way in which the access arrangements are promoted and delivered which will not be clear until the centre is operational and the management arrangements are clear. It does however appear that the aim of the Trust which owns the centre is to provide broad based opportunities for all.

2. Provide New or Improved Access Where Demand is High

Although this facility will be located in a remote rural area it will provide new access to flat water in a controlled environment for a range of water recreation activities which should prove attractive to a range of groups. As the facility is only half an hour from Aberystwyth there is considerable potential to increase demand from the community in that area by making links with the University and other community groups.

3. Will Lead to Increased Participation

There will undoubtedly be an increase in participation as this will be a new facility which will meet an identified demand.

4. Will Minimise Impacts on Other Users and the Environment
A strength of the proposal is that through the booking arrangements and using the centre as a gateway to access to the water potential conflicts between user groups should be avoided. The applicant has indicated that there is currently no access to the water and that any potential conflict between angling and other users has been mitigated by the use of a separate reservoir in the locality in the ownership of the company for angling. This approach is only possible where a landowner controls access to a range of water resources and offers the opportunity to zone water in terms of the space available so that a number of different activities can be accommodated. The stated intention of the applicant to involve the Montgomeryshire branch of Wildlife Trust in the project is also key in terms of reconciling any potential conflict with nature conservation in the area.

5. Exhibit Strong Partnerships and Will Support a Range of Activities

The applicant has indicated a desire to promote access to the facility with a range of organisations. There seems to be a good partnership arrangement between the water company and the Plynlimon Heritage Trust which will provide the facilities. By operating the centre and access to the water via accredited bodies there appears to be the basis of strong partnerships with user groups although the details of arrangements for access are not clear. The partnership between the Plynlimon Trust and the Montgomeryshire branch of Wildlife Trust will hopefully ensure that any potential conflicts between water recreation and the environment can be reconciled.

6. Reduction in Conflict Between User Groups

It appears that mechanisms are in place to reconcile conflicts between user groups through time and space zoning of activities.

7. Consideration of the Environmental, Social and Economic Factors in their Development and Delivery

The applicant has clearly considered the wider issues in developing the application for funding. It is apparent from the documentation received that the reservoir is located in a remote rural area which has been designated as a Community First area because of the socio-economic difficulties faced by the communities. The much larger bid for funding from the Rural Development Fund indicates that this is a location where by stimulating demand for outdoor activities and water recreation through providing access where non was previously available wider benefits will accrue to the area by encouraging inward investment. The wider social and economic factors have been taken into account in the development of the project which will hopefully be borne out in the delivery of opportunities when they are available.
6.4. Outdoor Partnership (Llyn Ffridd)

**Purpose of Project:**

The Outdoor Partnership currently covers the counties of Anglesey, Conwy and Gwynedd. The project at Llyn Ffridd seeks to break down barriers between anglers and canoeists and to do this the Outdoor Partnership and The Cambrian Angling Association has come to an agreement regarding access to Llynn Ffridd. It is hoped that the project, which is ongoing and due for completion in May 2013, could help increase participation/membership in watersports and improve access for the Angling Association through improvements to the infrastructure at the lake. The Angling Association has agreed to allow access for the local club and school to canoe/kayak on the lake outside the fishing season. The angling association have a 99 year lease on the lake and also control access to a 5 metre corridor around it.

**SPLASH Grant:**

Grant Awarded: £45,000 in June 2012. (Date of final grant claim 28th February 2013)
Grant percentage: 100%

**Project Sponsor:**

The Outdoor Partnership

**Aims and Objectives:**

The project aims to promote sustainable and responsible access for all bringing different user groups closer together to identify and overcome any issues i.e. fishermen/canoeists.

As part of the initiative to allow access to the lake for canoeing and kayaking a number of initiatives are planned:

1. To encourage families and different ability groups to join the Cambrian Angling Association by putting on an open day run by angling association volunteers;
2. To develop an access arrangement on Cambrian Angling terms for the local canoe club and school to use Llyn Ffridd as canoe/kayak venue outside the fishing season;
3. To organise an awareness raising session about fish, spawning, any sensitive areas etc. led by the Environment Agency or a member of the angling club for the paddling club;
4. Offer on behalf of the Outdoor Partnership free kayak/canoe sessions for Cambrian Angling members who want to start kayak/canoe fishing with the possibility of gaining the nationally accredited flat water proficiency and safety award;
5. Subject to the interest in 5. above the Outdoor Partnership to offer to develop the skills of Angling Association members to be able to lead others along the coast and provide links to the Outdoor Partnership mentoring and coach education scheme;
6. In Partnership with the Angling Association to arrange a canoe fishing competition on the lake early in the 2013 season for Cambrian Angling members who have participated in the sessions;
7. Subject to the success of the scheme the Outdoor Partnership will help the Angling Association find further grants to purchase sit on top kayaks that could also be used and stored by the paddling club.

In order to facilitate access the project is extending the existing path to the far end of the lake and making improvements so that it is suitable for wheelchair access. Additional fishing pegs/platforms are
being provided to improve opportunities for disabled users. A footpath is being constructed around remainder of the lake around an area which is currently very boggy, to make it more suitable for families. A picnic table is to be situated at the far end of the lake also to encourage use by families. A specific kayak / canoe launch site is to be identified and reinforced as required to prevent erosion. Green buoys are to be located in areas unsuitable for canoeing to prevent canoeists disturbing any sensitive areas i.e. river mouth which is important for fish spawning.

**Project Appraisal:**

The Outdoor Partnership is based at the outdoor centre at Capel Curig in North Wales. It is a large organisation and provides outdoor activity opportunities in the counties of Anglesey, Conwy and Gwynedd. It is currently working with 100 community water sport clubs, (including canoe, sea kayak, sailing, surfing, surf life-saving, Celtic Longboat Rowing, sub-aqua, snorkelling, open water triathlon, sailing and multi-activity clubs). More recently the Partnership has made links with angling clubs in an effort to break down barriers between this sport and other watersports.

Current membership within the community clubs that are engaged with the Outdoor Partnership is approximately 5000 and most are full to capacity. The Partnership estimates that on average three new clubs are formed each year increasing the demand for access to water. The Outdoor Partnership base their projections on their past achievements with evidence contained in their annual reports.

For the last six years the Outdoor Partnership has been working to provide new or improved access in areas where demand is high. Access to Llyn Ffridd is a logical extension of their swimming pool kayak initiative at Blaenau Ffestiniog pool to provide young people with the correct sized equipment and to develop their skills in a safe environment. The pool is ideally located to encourage young people to access the community club in the area and Llyn Fridd is just outside the village. The current project is a logical progression of the work that the Partnership has been undertaking. Access to the lake for activities other than angling has not been possible in the past.

An agreement has very recently been reached with the Angling Association regarding access and a capital programme of work is being undertaken at the lake which is expected to increase participation in watersports in North Wales by offering fishing and kayaking taster sessions to families and disabled groups. It is proposed to extend the existing path to the far end of the lake, to make it more suitable for wheelchair access. Fishing pegs / platforms are also to be provided for disabled users. A continuous footpath is intended to be provided around the lake, which is currently very boggy, to make it more suitable for families. A picnic table at the far end of the lake is planned also to encourage families. A specific kayak / canoe launch site will be identified and reinforced as needed to prevent erosion with buoys located to prevent canoeists disturbing environmentally sensitive areas.

The project also aims to increase the number of fishermen participating in kayak fishing by providing angling club members with the necessary safety skills to take part in this increasingly popular discipline of the sport. The project is providing advocacy and education via the Outdoor Partnership staff and enabling anglers to achieve National Governing Body awards.

The project expects to encourage participation in ways which will minimise impacts on other users and the wider environment.
The Outdoor Partnership has a strong track record of collaborative working and supports a range of activities. This initiative will hopefully improve relationships between the paddlers and the fishing club and help to reduce conflict between the user groups.

The Outdoor Partnership has considerable experience in addressing the environmental, social and economic factors in their development and delivery of their work. The organisation aims to improve opportunities for more local people to achieve their potential through outdoor activities for health, social or economic benefits.

The applicant indicates that the project has the full support of the Cambrian Angling Association, the land owner and Antur Stiniog the umbrella group that supports recreational clubs in the area.

**Views of Consultees:**

The Outdoor Partnership has indicated that because of the range of organisations involved and the efforts that have been made to break down barriers, what has been achieved will greatly benefit of the local community. All users will have a copy of the agreement that has been reached and the Partnership consider it is up to the members to abide by the rules. There will be benefit to paddlers and to fishermen by broadening the use of the lake and allowing fishing from canoes/kayaks when previously only fishing from the land was allowed. There is optimism that the agreement will endure when SPLASH funding has finished because clear arrangements have been established from the outset of the agreement.

The local authority indicate that although full access throughout the year for kayaking / canoeing was never expected, it is considered that in an effort to break down barriers between the different user groups what has been agreed will benefit a lot of local people.

As the project is still in progress it is difficult to comment on its success however it is felt that the provision of equipment for young people has stimulated participation and helped engagement with the local community. Improvements to the physical access to the lake are considered to be beneficial in terms of access for launching and retrieving craft. As there is only one landowner organisation involved it is considered that negotiating access has been relatively straightforward.

Canoe Wales has indicated that this is a small mountain lake that provides access for a small community group and that due to the topography of the area this makes it very difficult to use. They indicate that the lake is a small area of water which is inaccessible and exposed. Restrictions on the times of use (outside of the fishing season) and the organisations that are included in the agreement for use of the lake also limit the potential which is focused on introductory paddlesport activity. Canoe Wales feel that the full potential has not been realised because other groups have not been involved in consultation about the access arrangements.

**Conclusions Regarding the Effectiveness of the SPLASH Fund Grant in Securing a Voluntary Access Agreement:**

The initiative at Llynn Ffridd is part of a wider programme of the development of watersports being undertaken by the Outdoor Partnership. The success of the Outdoor Partnership in increasing participation seems to be unlocking the potential of latent demand and increasing the need for more access to water. The initiative at Llynn Ffridd is directly related to courses at a local swimming pool to
provide community users with the skills to participate in paddlesport and also to expose more people to the opportunities to enjoy the outdoors by opening up access to an area of water that was not previously available to the wider community.

The success of the access agreement at Llynn Ffridd is closely linked to the other aspects of the initiative whereby there are potential benefits to the Angling Club and the wider community in working in partnership.

Access to the reservoir has been agreed with the angling association who reserve the right to withdraw from the arrangements if they feel there is a serious breach of the terms of the licence that has been drafted. There is no security of tenure for the Partnership nor is there any certainty that the infrastructure works will be available to in the future if circumstances change.

The Outdoor Partnership indicate that the Angling Association act for the landowner who has not been directly involved although they indicate that he is supportive of the project. This is a local project limited in extent but it does provide a logical progression for people who are learning the basic skills of paddling in a local swimming pool. The Outdoor Partnership has said that there is no reason why the agreement should not last indefinitely as long as everyone stick to the clear rules that have been set out. There is however no security for the Outdoor Partnership or for the partners involved in the SPLASH fund in terms of ensuring the community benefit from the works that are being undertaken.

Fit with SPLASH Priorities:

1. **Promotion of Sustainable and Responsible Access For All**

Evidence presented indicates that the Outdoor Partnership is an inclusive organisation that seeks to encourage participation in a wide range of outdoor activities. A variety of initiatives are planned to encourage participation by a broad cross section of the local community. It is however a concern that community benefits from the works that are being undertaken have not been secured as part of the agreement that has been reached with the angling club.

2. **Provide New or Improved Access Where Demand is High**

Although this facility is located in a remote rural area it will provide new access to flat water where initiatives have been taking place to introduce people to paddlesport in a local swimming pool. By accessing a local reservoir it means that participants are able to make progress in developing their skills and to enjoy these activities outdoors. The project also offers the opportunity for anglers to take part in other disciplines of the sport by fishing from a canoe.

3. **Will Lead to Increased Participation**

There is good evidence from the application that there will be an increase in participation as the arrangements will provide new access to the lake linked to initiatives’ to unlock latent demand for water recreation.

4. **Will Minimise Impacts on Other Users and the Environment**
Various initiatives are planned to provide incentives to the Angling Association and it is intended that access will only be available outside of the fishing season to minimize conflicts. The applicant refers to zoning and education initiatives to raise awareness of potential environmental conflicts.

5. Exhibit Strong Partnerships and Will Support a Range of Activities

The applicant refers to a range of partners being involved in the project including the landowner and the angling club. The agreement is at a very early stage and it is too early to say whether it will be sustained in the long term.

6. Reduction in Conflict Between User Groups

By restricting use of the reservoir to the period outside of the fishing season it is reasonable to assume that conflicts between paddlesport and the Angling Association will be minimized. It is too early to comment on whether the initiatives that are planned to encourage a more joined up approach between the two groups will be successful.

7. Consideration of the Environmental, Social and Economic Factors in their Development and Delivery

The project appears to be founded in the aspiration to increase skills and confidence in watersports in this remote rural area. Access around the lake will enhance opportunities for local people and make a contribution to health and well being. Consideration has been given to mitigating impact of the activities on the environment.
6.5. River Dee Access Project

Purpose of Project:

This project represents work in progress whereby, 3 of the angling clubs on the River Dee have formed a Ltd company (Welsh Dee Fishing Ltd) to manage canoe access on the Dee around Llangollen. The Wye and Usk Foundation and The British Outdoor Professionals Association have been involved to help deliver the project which has not yet been finalised following consideration of an earlier application by the SPLASH Fund Panel in August 2012 which was deferred. Although not yet a SPLASH project it has been agreed with the Environment Agency to include the project in the evaluation and to send the questionnaire to the principal stakeholders involved.

SPLASH Grant:

Application not yet submitted and no grant awarded. The application for funding was considered by the SPLASH Grants Panel in August 2012 and was deferred pending further discussions regarding the details of the proposal.

Project Sponsor:

To be agreed. The deferred SPLASH grant was in the name of the Wye & Usk Foundation but the Environment Agency has encouraged a revised proposal to come forward under the auspices of the Welsh Dee Fishing Limited.

Aims and Objectives:

To establish an access arrangement for canoeists along similar lines and terms to the Upper Wye & Usk, on water used by Corwen Anglers, Midland Fly fishers, Llangollen Angling Association and Llangollen Maelor Angling.

Project Appraisal:

This project seeks to establish agreement and put in place appropriate infrastructure on a 14.25 mile reach of the middle Dee which could be opened up to paddlers between 20th October and 31st March inclusive and outside of this period if the river is over a certain height. This will give access when the river conditions favour canoeing over angling. In addition, open weekends managed by professional canoe organisations could be permitted during the winter period.

The project seeks to cover necessary infrastructure – access points, signs, webcam, gauge etc. If the project is to realise its potential there is also an aspiration to create a website where all the information regarding the arrangements for access can be displayed including maps and directions, biosecurity info and details of events. It is also intended to provide information on who is involved in the agreement and a historical perspective of the activities on this part of the river.

29 Following the completion of the evaluation it is understood that a SPLASH grant application is being pursued as a joint initiative between the Wye and Usk Foundation and Welsh Dee Fishing Limited.
It is expected that the website will be promoted under the name Welsh Dee Fishing Ltd, a new company formed under the auspices of the project and jointly owned by the clubs whose angling waters are involved.

It is envisaged that although outside of the scope of the SPLASH project, the access arrangements could be at least part-financed through the letting of the grayling fishing, which is currently under exploited, via the Welsh Dee Fishing Ltd website and that a booking system on similar lines to that operated by the Wye & Usk Foundation for fishing will become embedded within the new site, thereby defraying some of cost of developing a new system which is currently being borne by the company.

It had been anticipated that the project would be managed by the Wye & Usk Foundation in view of their experience of implementing similar schemes, in partnership with river owners, angling clubs and professional canoe organisations but this is not now the case as the original application submitted by them has been deferred.

The river has often been a focal point for conflict between paddlers and anglers. The project seeks to establish access for canoeing in an area of high demand, leading to increased participation. The project aims to foster partnerships between the fishing clubs, visiting anglers, professional canoe organisations and individual canoeists. In addition to providing opportunities to develop canoeing it is also envisaged that there will be benefits in enabling visiting anglers to access opportunities for angling on a popular river in North Wales.

Following consideration of the initial funding application the SPLASH Fund Grants Panel indicated that in order to progress the scheme Welsh Dee Fishing Ltd should re-submit the bid focussed on the costs of specific elements of the scheme including details of the webcam, gauges and the sites and content of the notices. The Grants Panel had explained that the Fund could not support the cost of a website; given that all the angling clubs already have their own websites, as do the Wye and Usk Foundation. Detailed discussions have been ongoing regarding the various elements of the scheme including the wording and placing of signage and the issues arising from the organisation and funding of a web site.

Notes of a meeting appear to indicate that there are differences of view that need to be resolved in order to ensure adherence to an agreement. Other matters that appear still to be resolved relate to clarification of access points and works to install river gauges.

Despite the need to resolve a number of outstanding issues articles have appeared in the press indicating that agreement has been reached between canoeists and the 3 main angling clubs. Particular emphasis was made in the Daily Post, the main North Wales newspaper, of the economic benefits that would accrue and the reduction in conflict between groups using the river that has been achieved.

A further meeting between the stakeholders aimed to resolve outstanding issues and to report on progress is planned for early 2013.

Negotiations to establish a voluntary access agreement are ongoing.

**Views of Consultees:**

Welsh Dee Fishing Limited has indicated that the issues involved on the Dee are complex and it is anticipated that the next four years will decide whether this project succeeds or not. They consider that
the objectives are to create areas for canoeing and other areas for fishing, leaving some areas undisturbed as far as possible for conservation reasons. The company feels that the main threat to the project is Canoe Wales who they feel are seeking to undermine any agreement. They consider that Canoe Wales have attempted to persuade local farmers whose land is important for access to not cooperate and have breached permissions given, by undertaking rafting at times or in areas that have not been agreed. They feel that there have been attempts to undermine the SPLASH application and have circulated disinformation on the internet. Despite these attempts those angling clubs involved have indicated that they are anxious to work with moderate canoeists to create a more stable environment for both canoeists and anglers.

Work is currently ongoing to establish the extent of the area embraced by the agreement which is to be part of the application to SPLASH. The installation of web cams for fishermen and canoeists together with a web site which is currently being designed, funded by the company, are seen as critical to the success of the scheme to provide clear information.

The project is in its early stages and inevitably it will take a number of years to be fully effective and the potential will only become clear when the infrastructure, signage and web cams are in place. It is hoped that despite the challenges it will be possible to increase both angling and paddlesport from which tourism can benefit.

The company considers that there are still major challenges to be faced in terms of encouraging access without affecting the rights of landowners. The company feels that the major stakeholders have been effectively involved and they have worked hard to move the project forward although there are concerns that Canoe Wales has not been prepared to compromise. They feel that the project would have benefitted from having a canoe liaison officer in place rather than relying on the considerable goodwill and time that has been spent by volunteers. They feel that despite attempts by Canoe Wales to undermine the project, considerable progress has been made to reconcile conflicts between users and the quarterly meetings have been very helpful for both sides to air views and work with each other to build consensus.

In the opinion of the company further work is required to reconcile conflicts with the environment and to engage with landowners.

The above positive views from the Welsh Dee Angling Company are not shared by Canoe Wales who consider that the project seeks to restrict existing paddlesport on a specific section of the Dee. They have indicated that the Dee from Glyndyfrdwy to Llangollen is very important for the development of paddlesport in Wales and the UK as a whole. The nature of the river means it is widely used for voluntary club development and is a site for introduction to white water by commercial paddlesport companies. Activity takes place on a year round basis. Canoe Wales consider that the restrictions reduce opportunity for paddlesport and have not been accepted by the majority of users and may be subject to legal challenge.

Canoe Wales indicate that if the parameters of restriction were changed it could work but the current agreement removes the majority of opportunity for informal recreation and the parameters that are set means that use by less experienced paddlers is not possible. They consider that the agreement is not secure as there is a right to remove it and that there is a lack of clarity in terms of how to comply with the terms of use.
Although the Dee Fishing Ltd feel that the majority of key stakeholders have been involved this is not the opinion of Canoe Wales who feel that canoeing interests, rescue companies, the Canal and Rivers Trust and Denbighshire County Council have not been effectively involved as well as a number of riparian owners. They feel that the agreement will compound the problems and increase conflicts.

Similar views of the restrictive approach of the angling interests has been expressed by the commercial sector involved in paddlesport, one operator has indicated that the development of the agreement is having a negative effect and is displacing business outside the local area. They consider that there are difficulties with the details of the agreement in terms of the clarity of arrangements on a legal basis and the lack of involvement of some landowners/land managers who have not been engaged in discussions. In summary their view is that whilst there are some positives in the agreement as drafted this is outweighed by the negatives as it is restricting the development of activities.

Conclusions Regarding the Effectiveness of the SPLASH Fund Grant in Securing a Voluntary Access Agreement:

The package of proposals that are being developed are specifically focused on issues associated with access to the Upper Dee which is recognised as an important resource for paddlesport. The River is also an important resource for angling. Following a number of years of conflict the Wye and Usk Foundation and the British Association of Outdoor Professionals became involved to try and negotiate an access agreement and seek funding. Funding was sought by the Wye and Usk Foundation to support the incorporation of appropriate infrastructure to accompany an access agreement such as signage, web cams, and access points to enable the activities on the River to coexist in ways which minimizes the conflicts which can occur and in order to maximise the benefits that can accrue to the economy of the area and to enhance the enjoyment of those who wish to take part. A number of the angling interests have got together to form a company Dee Angling Limited and an agreement has been developed which is currently being debated along with the details of the appropriate infrastructure.

It is perhaps inevitable that negotiation between the parties is taking time as there is a need to break down barriers and reach a consensus about the way forward. The initial application to the SPLASH Fund was deferred because a number of issues remained unresolved but was helpful in that it has focused the stakeholders on the issues that need to be resolved. The involvement of the Wye and Usk Foundation in the development of this project appears to be seen as a positive step by the parties involved in view of their track record in addressing these issues and their independent objective approach to addressing the issues. There are however still strongly opposing views on whether an agreement can be effective in meeting the tests of sufficient extent, quality, security and clarity of access required to meet the needs of all of the stakeholders involved. The project is work in progress and will require careful negotiation if success is to be achieved.

One of the key issues is the lack of trust on both sides which needs perhaps needs an organisation which is seen to be independent to lead. At present the development of the agreement is being led by Welsh Dee Fishing Limited which is a grouping of angling interests. Paddlers are understandably nervous about what they perceive as restrictions in access and whether the company that has been established can legitimately speak for the landowners involved.

It is not possible to evaluate how the project fits with the SPLASH priorities as the details of an application to the fund are still being formulated.
6.6. Welsh River Access Management

Purpose of Project:

The overall purpose of the SPLASH Funding application that was submitted in August 2008 was to negotiate and manage access to the rivers in Wales for canoeing and kayaking and ultimately all forms of watersport. The intention was to maintain information regarding conditions, characteristics water levels etc. and to provide public access to this information via a web site.

SPLASH Grant:

Grant Awarded: £7,636.00
(The grant was awarded in January 2009 with a final grant claim date of 28th February 2009)

(The total project cost for the application that was submitted was £160,000 for a 3 year project, this was not supported).

Project Sponsor:

The British Outdoor Professionals Association (BOPA)

Project Aim:

SPLASH funding was awarded for a pilot phase to investigate and document information regarding access and egress for canoeists on the Upper Severn, Banwy and Vyrnwy Rivers.

Project Appraisal:

The Environment Agency has advised that the project that was the subject of the feasibility study that was supported was setting up an access arrangement on the Upper Severn catchment in Wales. The Agency has indicated that as a result of concerns about how the project was being delivered an audit visit was undertaken in 2010 following which further evidence on progress with the project was requested from the applicant that was not received; consequently the Agency has reserved the option to re-claim part of the funds. It was agreed with the Agency that as part of the evaluation, contact would be made with Chris Charters the General Secretary of the Association at the time and include him in the questionnaire process to gather any useful learning points. It was subsequently agreed on the 7th November not to pursue a questionnaire survey as it was not possible to contact the post holder.

BOPA was founded in 1994 by four activity instructors who felt there was a void in the market for an association to look after the interests of individuals. A report provided by the Environment Agency 30 provides some background on BOPA and progress with the project. BOPA is a not-for-profit member association for people involved in outdoor sporting activities. The report indicates that BOPA provides its members with services such as information on employment opportunities and professional insurance as well as offering training and development. The report also indicates that it can offer assessment services for the professional qualifications required to instruct a variety of outdoor activities, and generally uses registered members to provide such assessments.

The project report provides some information about a web site that is being developed but there is only limited information available on the progress that was made. The grant for the feasibility study was made in 2009 and preceded the Welsh Assembly Government Sustainability Committee Inquiry into Access to Inland Water in Wales which did not report until 2010. A number of the recommendations of that Inquiry and the Government response may have influenced the approach of this project had the views of the WG been available at the time. The aim of the feasibility study was not specifically focussed on the opportunity to explore VAAs nor was this aspect specifically referred to in the SPLASH grant application.

Also the priorities for SPLASH funding have evolved over the period that the fund has been operating and clearer guidance is now available to applicants to the fund than was the case when the grant award was made.

Conclusions Regarding the Effectiveness of the SPLASH Fund Grant in Securing a Voluntary Access Agreement:
It is difficult to draw conclusions about the success of the feasibility study because of the paucity of information and the inability to gain feedback from the project sponsor. On the basis of the information provided it seems that SPLASH funding has had no impact upon the opportunity to develop or deliver Voluntary Access Agreements. The timescale from the award of grant to the date for final grant claim was approximately 6 weeks so it is hard to see what could have been delivered in such a wide ranging project as was being proposed in the timescale.
6.7. River Taff Multi Use Water Recreation Feasibility Study.

Purpose of Project:

To investigate the feasibility of a multi-use trail on the river Taff and provide an action plan for implementation should the feasibility study prove to be successful.

SPLASH Grant:

The grant of £7k was made in January 2010 to help meet the costs of the feasibility study which was expected to cost £17k. (the last date for grant claim was 28 February 2011)

Project Sponsor:

The Valleys Regional Park.

Aims and Objectives:

The project aimed to explore the potential for increased tourism and visitor spend, raise awareness of the potential of the integrated management of the River Taff for recreation and the associated benefits to physical and mental health which would accrue. The study was undertaken by consultants during the period January to March 2010. The study area was the River Taff from Pontypridd to Cardiff Bay.

The study proposed to examine:
- The potential of the river as a low level canoe trail;
- Opportunities to provide linking footpaths, cycleways and other attractions;
- Land ownership and riparian rights;
- Sustainability of the route in terms of transport and maintenance;
- Access and egress points;
- Potential stakeholders and community support through initial consultation;
- Potential conflicts and how they might be resolved;
- Opportunities for integration with the wider network of countryside activities and Valleys Regional Park projects.

Project Appraisal:

The study concluded that the Taff is a significant natural resource in an area with a high local population and significant annual visitor numbers. Development of the proposed Taff Trail was considered to have the potential to make a positive and measurable contribution to the aims and objectives of the Valleys Regional Park. The area was considered to offer opportunities for water-based recreational activity in a wide range of weather conditions throughout the year but there are typically 8-10 high water/flood days, mainly in the winter months, when the river reaches levels too high for safe use. The gently flowing nature of the lower Taff was considered to provide opportunities for a wide range of abilities and experience levels and the neighbouring Taff Trail allows groups or families to undertake individual activities within the same corridor or for users to undertake other activities if conditions for their primary activity are not suitable. It was considered that the River Taff is at the centre of a hub of outdoor recreation. Existing water based activity within the catchment, includes angling, paddlesport (canoeing and kayaking and rafting), rowing and swimming. Much of the recreational water-based
activity was considered to take place on an informal basis and participants, landowners and government agencies have no comprehensive means of determining participation levels or patterns of use.

The aims and objectives of the feasibility study were not specifically focused on the potential for VAAs and explored the potential of the river corridor from a broad perspective. Access issues were considered as part of the study in the context of the following extract from the Feasibility Study report31.

“Due to the uncertain legal situation over river access, permission from riparian owners is generally thought to be required. It appears that the assumption is held, by the organisations consulted in the course of this feasibility study, that there is no right of navigation on the Taff above Blackweir.”

The study concluded that much of the use of the River Taff was informal access relying on local knowledge. There are a variety of users including school groups, skills training sessions, canoe club trips, university groups, disabled groups and other adult parties. Boat types include a wide variety of small craft, though principally canoes and kayaks. It was felt that under the existing arrangements access is gained to the Taff by a variety of user groups, with only occasional and isolated reported examples of conflict between different users. It was felt to be important that any future management strategies for the proposed multi user water trail do not detract from the opportunities enjoyed by these groups under the current informal arrangements.

The initial site survey concluded that the development of a multi user route on some sections of the river was not practical because of access difficulties and safety issues. A subsequent closer examination of the sections from Treforest Industrial Estate to Cardiff Bay identified access and egress points for the start and end of each section and for the three weirs that form obstructions to recreational users of the river. Access/egress points were highlighted as examples of the how the river is currently being used and what is possible in terms of infrastructure provision at each point. An assessment was undertaken of the need in many cases to provide new, or improve existing, infrastructure to provide safe and appropriate access for individuals and groups wishing to reach the water’s edge; and to facilitate the movement of craft to and from the water’s edge and the nearest public right of way or road. Indicative costings were provided for such works. The report concluded that most access/egress points would benefit from infrastructure improvements to facilitate access at the points identified. Concerns were expressed in the report about the fluctuating river levels across the year, with occasional flood/spate conditions making it essential that any infrastructure improvements are robust and secure to cope with high water levels. It was considered that there were serious hazards of the weirs in the lower section of the river, especially at higher flows; make the safe placement of organised ingress/egress points particularly important. The study referred to the need to improve signage and to consider dedicated parking facilities for users of the proposed trail and to consider the need for changing facilities.

The study acknowledges that:

“a comprehensive knowledge of riparian landowners/occupiers and their position and policies with regard to recreation taking place along sections of corridor that they own/manage - is essential to the development of opportunities for water based recreation within the study area”.

There is, however, no evidence from the feasibility study report that the potential for VAAs was explored nor is there evidence that the views of views of landowners were sought regarding the proposals identified to increase or formalise opportunities for water based recreation. In addition to the need to clarify the views of landowners the feasibility study pointed to issues associated with sporting rights particularly where representatives of the relevant angling associations expressed concerns over aspects of the proposed water trail. The study indicated that:

“it is difficult to recommend specific management approaches without an understanding of the specific nature of all stakeholder concerns”

“these discussions will require the negotiation and agreement of potential management approaches, based on the specific concerns expressed by the stakeholders”.

The study concluded that the management approach for the Taff and the specific details of the infrastructure required cannot be ascertained prior to completion of a consultation process that did not form part of the study.

Views of Consultees:

The Valleys Regional Park acknowledge that the feasibility study was the first phase of what they consider is likely to be a long process to secure access to the river because of the difficulties of the securing access to land which is in private ownership. They do feel however that the innovation shown by the Partnership to initiate the study has been helpful to identify the issues that would need to be addressed if a multi user trail was to come to fruition. There are concerns that there are currently no sources of funding to be able to secure improved access and that there needs to be an incentive for angling interests to become involved in discussing access agreements which has hitherto not been the case.

Whilst the Partnership is undertaking further consultation as a result of the study there is a view that the WG needs to be more proactive in considering the need for legislation and providing guidance on the matter.

The Partnership felt that in a very short space of time they were able to engage representatives of many agencies and partners to explore environmental constraints, undertake some landowner investigations, establish guidelines for trial operation and draw together management approaches and advise on the next steps. The project was delivered on budget and within a tight deadline on what is a very important stretch of water close to the capital city.

The sponsor feels that the Valleys Regional Partnership was in an ideal position to facilitate the study which was a great success and met the requirements of the brief. There are however concerns that it is difficult to take it to the next stage particularly because of the political and legislative issues associated access to inland water.

They indicate that although the Valleys Regional Partnership and the emerging single environmental body for Wales would be the logical starting point for further work the issue of access to inland water is very difficult to overcome. Whilst no access on the ground has been secured, there is confidence that over the next few years the results of this work will be used to secure access for all watercraft users and
the study sets out the process regarding how this may be achieved in terms of the technical requirements, costings, safety issues and environmental considerations.

Canoe Wales felt that the project benefitted considerably from having a coordinator in post to take the project forward and to ensure a wide ranging consultation but as a feasibility study it has not changed existing patterns of use. Concerns also relate to the original aspiration for the trail being reduced as a consequence of the unsuitability of the whole route as originally envisaged.

Conclusions Regarding the Effectiveness of the SPLASH Fund Grant in Securing a Voluntary Access Agreement:

Although the study has provided detailed information on the existing use of the river Taff corridor for a range of water related activities and explored the potential for enhancing opportunities with reference to river flows and access and egress points it does not examine how a multi user approach might be taken forward in conjunction with landowners and the other organisations who have an interest in the future use of the river, particularly those organisations with sporting rights. The timescale for the study and grant claim meant that only six weeks was available for the work. This is an unrealistic timescale to complete the detailed discussions and negotiations and to come to an agreement between the user groups and other stakeholders. In this respect there remains considerable uncertainty about the extent, quality, security and clarity of public access that may be possible. A clear picture will only emerge when the views of landowners and lease/license holders have been ascertained and agreement reached about specific details of what might be proposed. The opportunity to proceed to the next stage is uncertain.

Fit With SPLASH Priorities:

1. Promotion of Sustainable and Responsible Access For All

The feasibility study did explore the opportunity to create a multi use trail but did not specifically examine the detailed requirements for different forms of water sport and recreation and how their needs might be met. The focus seems to be very much on the requirements for a low level canoe trail. Additional information on the requirements to enhance opportunities for other activities e.g. angling platforms, rowing steps and requirements to be able to include river swimming may have been helpful.

2. Provide New or Improved Access Where Demand is High

The river is in the heart of South Wales in close proximity to Cardiff and in an area of high social deprivation so there is likely to be high demand for water recreation in this area.

3. Will Lead to Increased Participation

The evidence from the feasibility study indicates that many of the activities on the river take place on an informal basis largely relying on local knowledge of access points and familiarity of the clubs and organisations that currently make use of the resource. Formal leases / licenses are in place for angling. If it is possible to formalise access arrangements for a range of activities and consider appropriate infrastructure to facilitate access it is likely to lead to increases in participation but at present the feasibility study will have no impact on levels of participation.

4. Will Minimise Impacts on Other Users and the Environment

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The study did not appear to explore how the impact of the development of a multi use trail could be mitigated. Reference is made to the concerns expressed by angling interests and the need to consult with landowners but these discussions did not form part of the study. There does not appear to have been detailed consideration of the implications for conservation or environmental interests. The study report refers to

“it is clear that use of the River Taff incorporates a wide range of recreational groups, with a consequential need for consultation and management processes to mitigate any specific problems that arise” 32 (pg. 44).

5. Exhibit Strong Partnerships and Will Support a Range of Activities

The brief did not require an examination of the range of partners that would need to support implementation of a multi user trail although many of the partners are brought together under the umbrella of the Valleys Regional Partnership. If the existing informal arrangements are to be formalised and infrastructure improved for a range of activities then it would be necessary to establish a clear mechanism for implementation involving the full range of partners who have an interest in the river.

6. Reduction in Conflict Between User Groups

The feasibility study did not report on how any potential conflicts between user groups might be reconciled.

7. Consideration of the Environmental, Social and Economic Factors in their Development and Delivery

The study did not give detailed consideration to the above issues.

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6.8. Wye and Usk

Purpose of Project:

The Wye and Usk Foundation has benefitted from a number of awards of SPLASH funding for different aspects of access to these rivers. Support under the SPLASH programme followed funding from WG in 2007 to deliver an access arrangement from near Rhayder to Hay on the River Wye and from Sennybridge to Crickhowell on the Usk. It has been agreed with the Environment Agency that the projects that have been supported under SPLASH would be evaluated as a whole rather than a detailed examination of each of the individual elements.

SPLASH Grants:

First Phase: Grant Awarded (October 2008) £12,017 for Canoe Access Reconciliation Project (CARP) 2008/09

Second Phase: Mid & Lower Usk Access Project 2009/10 Project cost £13,995

Third Phase: Grant Awarded (August 2011) £5,600 for better Canoe Access Project 2010/11

Fourth Phase: Grant awarded £4,000 (August 2012) for Upper Wye and Usk Access 2012/13

Project Sponsor:

Wye and Usk Foundation

Aims and Objectives:

The project has sought to provide practical access to over 75 miles of river with the provision of access points and associated infrastructure, website gauges etc. to allow canoe and rafting access (on the Wye only).

The initial broad aim of the project funded in 2008 was the creation of additional access for canoeing by consensual agreement and infrastructure works.

The second phase was to extend the previous access agreements pioneered via the “Exemplar Project” in 2007 and the SPLASH 2008/9 funding under phase 1 to the upper Wye and Upper Usk.

The third phase work included signage, infrastructure upgrade (e.g. car parking) and information dissemination including website upgrading.

The fourth phase is a small project aimed to make important infrastructure improvements to the Wye and Usk access so that access is safer for canoeists and the information given to them is up-to-date.

Project Appraisal:

The initial SPLASH funding in 2008 incorporated a number of elements:

- Reinforcement of existing access arrangements (web site update, webcams, renewal of signage, upgrading of a car park);
- Extending the existing access agreement to cover at least one more reach e.g. Llanrurig to Llanwrthwl, including negotiating with landowners to secure river access for canoeing and access points along this reach;
- Installation of a new web cam to link into the existing system;
- Drawing up maps, details of access agreements and making them available for web site downloads;
- Installing new signage and way marking.

The phase 2 project aimed to extend the Lower Usk agreement pioneered through the Welsh Assembly Government/Countryside Council for Wales “Exemplar Project” and SPLASH funding in 2008/9 to the upper Wye and Upper Usk and included securing new access agreements, signage, infrastructure upgrade (e.g. car parking) and information dissemination including an upgrade of the Wye and Usk Foundation website. All known Usk owners downstream of Crickhowell were contacted during the project and a considerable part of the project’s cost was taken up in protracted negotiations. Some landowners were not in favour of an agreement and it is understood that negotiations have continued after the project ended, without any sign of consensus. Owners were concerned about a number of issues, especially compliance. The plan has now been dropped although it remains a long term aspiration. The project was managed by a Steering Group comprising EAW, CCW, local outdoor centres, Owners’ groups and a local councillor. Since the project ended the Steering Group has continued to meet to seek to reconcile conflicts and build consensus amongst the stakeholders.

Despite difficulties the project established an agreement on a new reach of the upper Wye and extended another reach where agreement had been established in the previous SPLASH project. It is understood that these reaches have remained open since the project ended and another access point has been added. Maps & details for the 2 new Wye reaches were completed during the project and remain available. Improvements to the existing navigation section were also made by the provision of signs, web cams and river gauges.

The third stage project was to ensure the impact on Wye Special Area of Conservation (SAC) was kept to a minimum and that the canoe access arrangements do not conflict with spawning salmon. This required creating a new upper Wye access point and closing another where conflict has occurred between concerned anglers and canoeists. A height gauge system and access points were amended. The work involved riparian owner negotiations and the removing/replacing signs, tracks, stiles etc. The Wye and Usk Foundation’s website was amended to reflect these changes and to provide more information on the flora and fauna of the area as well as biosecurity information and advice. The project sought to promote sustainable and responsible access by moving launch/landing areas away from potential fish spawning sites. It also makes users more aware of the river’s wildlife, which encourages responsible participation that minimises impacts and conflicts between users and the environment. Conflicts have been reconciled between users by adjusting access points. Canoeing has been improved by affording easier access and increased enjoyment of the river. There has been reduced environmental impact and better education which has led to less impact on fish and the habitats of the area.

In 2012 a small project was funded to make important infrastructure improvements to the Wye and Usk access arrangements so that access is improved for canoeists and the information given to them is up-to-date. The work which is in progress includes reinstating steps at two access points, updates of signage.

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A report prepared by Plumpton College, the University of Brighton and G and L Hughes Limited

...and updates to the Wye and Usk Foundation website. The Wye and Usk Foundation consider that where paths and access points are unsafe or poorly defined, damage to the bank can occur through river users trying to negotiate their way to and from the river. It is felt that the works to improve access also helps to minimise environmental damage. The works dissuade users from using alternative, unauthorised access points, which could be in more environmentally sensitive areas or lead to conflicts with other stakeholders. The project improved access in at least two places on the upper Wye. It improved access to an area where demand is high and by improving access points it will lead to increased participation. Updating riverbank signs to amend contact details and telephone numbers will enable river users to contact the Foundation for information, promoting sustainable and responsible access and reducing conflict between user groups. A 73% grant was offered to this project on the basis that the SPLASH guidance indicates that it is not possible to support repairs and maintenance of existing access infrastructure. It was also a condition of this grant that other sources of funding are sought for the ongoing maintenance of the access points to ensure their upkeep.

Views of Consultees:

The Wye and Usk Foundation consider that the access scheme offers good value for paddlers but poor value for land managers and anglers who they feel have offered free permissive access although they acknowledge that webcams on river gauges does provide benefit to anglers to advise on fishing conditions. Substantial new access has been provided on the Rivers Wye and Usk which forms the basis for future management. Arrangements for access are clear with information available on the Wye and Usk Foundation website, on river signage and webcams linked to the web site to provide details of the agreement and river levels. Good progress has been achieved by the ‘Steering Group’, which represents angling groups, canoeing organisations, outdoor education centres and riparian owners. The group has developed consensus between the stakeholders and advises on the best way of implementing and maintaining the arrangements. The Steering Group is also a valuable source of technical advice.

The Wye and Usk Foundation consider that SPLASH funding has been fundamental to the success that has been achieved and because of the lengths of river where access is now available it does represent good value for money. They feel that the problems that have arisen are in part as a consequence of the lack of involvement of Canoe Wales and the British Canoe Union. They feel that the backing of the national governing bodies would have increased awareness of the projects, helped with compliance and reduced conflicts. They indicate that non compliance by minority of canoeists does threaten the security of the agreements reached and that sanctions should be placed on bodies that do not support the approach of negotiated VAAs especially if they receive public funds.

Canoe Wales are of the view that access arrangements on the Wye and Usk where there are unclear rights of navigation have been rejected after 20 years of negotiations. They consider that the measures put in place provide opportunities for elite paddlers and are restrictive in meeting the needs of less experienced users because of the requirements of riparian owners. Nevertheless they indicate that the agreement provides good opportunities for experienced paddlers, the agreement is clear, is adhered to and will continue in the long term. Some concerns are expressed that not all landowners have been engaged which has led to some dissatisfaction. It is acknowledged that there have been environmental benefits from the arrangements that have been put in place.

Some local canoeists express concerns about restrictions on canoeing especially the summer access restrictions which they feel have no environmental basis and are designed to try and exclude paddlers. They also indicate that some of the access points seem to have been moved for no good reason. They
consider that the British Outdoor Professionals Association who are party to the agreement do not represent canoeists and the arrangements are one sided. They indicate that experienced paddlers use the river on an informal basis when they feel conditions are appropriate without reference to the agreement. Restrictions in the agreement mean that novice paddlers and commercial operators are excluded which means that the full benefit of the use of the rivers to health and well being and the economy is not being realised. They feel that the Wye and Usk Foundation is a fishing dominated organisation and that the only responsibilities are those placed on paddlers. A local canoe club indicate that no new participation is made available as a result of the agreements, non anglers are poorly served by the restrictions and the agreements are not value for money.

**Conclusions Regarding the Effectiveness of the SPLASH Fund Grant in Securing a Voluntary Access Agreement:**

The Wye and Usk Foundation has an established track record and by taking the view that that there is a way in which a majority of the needs of all parties can be met with an organised, shared access approach they have successfully negotiated access agreements on both rivers where there is no proven right of navigation. Agreements have been based on meeting the requirements of landowners and extensive efforts are made by the Foundation to build consensus. The Foundation consider that managing paddlesport takes a disproportionate amount of staff time and budget however their approach seems to be consistent with the principle expressed by the Sustainability Inquiry\(^\text{34}\) that access should be granted by a land owner in consultation with all those with an interest in using that access rather than by a multi party agreement.

The Wye and Usk Foundation consider that the Mid & Lower Usk Access project achieved all its targets and continues to deliver the positive economic, environmental and social benefits set out in the original bid document. The grants that have been received have enabled the necessary infrastructure to be put in place and upgraded or amended where this has proved beneficial. The Wye and Usk Foundation consider that they have also benefitted by spending less time dealing with complaints about disturbing spawning fish etc. The Steering Group has been an important element of building consensus and by continuing to meet has paid dividends.

On the Upper Wye and Usk the project promotes sustainable and responsible access by moving launch/landing areas away from potential fish spawning sites. It will also make users more aware of the river’s wildlife, which encourages participation in ways that minimise impacts on other users and the environment. Conflicts do still occur between anglers and canoeists but by using SPLASH funds to support relocation of access points it is hoped this will be reduced. The Wye and Usk Foundation consider that canoeing is easier and the access that has been made has increased enjoyment and interest in the river. There has been reduced environmental impact through better education and less conflict between users.

However some canoeists feel that the agreement is unduly restrictive and limits opportunities unnecessarily and that despite the progress that has been made there is no evidence that the agreements on the Wye and Usk take account of the needs of other potential users.

**Fit with SPLASH Priorities:**

1. **Promotion of Sustainable and Responsible Access For All**

   The agreements on the Wye and Usk have demonstrated that they can deliver sustainable participation but concerns are expressed by some users that the arrangements for canoe access are unduly restrictive and the full potential of the recreational use of the rivers is not being realised.

2. **Provide New or Improved Access Where Demand is High**

   New formal access been provided for paddlesport on these rivers where the rights of navigation are not proven. There is a demand for increased access which is in part being met by the initiatives that have been taken but concerns have been expressed that the needs of novice paddlers has not been taken into account.

3. **Will Lead to Increased Participation**

   Because of the limited opportunities for paddlesport elsewhere the more certainty that is provided is likely to generate increases in participation although some paddlers consider that there are limitations in the scope of the agreements by restricting opportunities to participate by less experienced paddlers. There is no indication that there will be increases in other water based recreation activities.

4. **Will Minimise Impacts on Other Users and the Environment**

   The Rivers Wye and Usk are popular for river canoeing and are also a valuable resource for angling. By reconciling conflicts through the voluntary access agreement, incorporating improvements to infrastructure, disseminating information through signs and a web site conflicts between users are mitigated and education offered seeks to minimise environmental impact.

5. **Exhibit Strong Partnerships and Will Support a Range of Activities**

   The Wye and Usk Foundation has a track record of forging partnerships and coordinating activity on the two rivers. Paddlesport and angling is supported but there is no evidence that other water based activities have been considered.

6. **Reduction in Conflict Between User Groups**

   The evidence indicates that the agreements have had some success in reconciling conflicts.

7. **Consideration of the Environmental, Social and Economic Factors in their Development and Delivery**
The Wye and Usk Foundation are very concerned to consider the environmental implications of river access. Social benefits accrue from the opportunities for canoeing and angling which are made possible in the local community. Evidence indicates that some users travel considerable distances to access the rivers and the certainty afforded by the agreements is delivering economic benefits to the area.
7. Conclusions from the Project Evaluation

Feasibility Studies

Three of the projects that formed part of the evaluation were feasibility studies and are as follows:

- Afon Rheidol Feasibility Study – project sponsor Welsh Canoe Union (did not proceed beyond initial site visit)
- Welsh River Access Management - project sponsor The British Outdoor Professionals Association (BOPA)
- River Taff Multi Use Water Recreation Feasibility Study- project sponsor The Valleys Regional Park

It is apparent from the appraisal of the individual projects that although the studies make reference to the opportunity to secure VAAs for the areas of water concerned, the results of the studies are inconclusive regarding their potential.

The feasibility study proposed for the Afon Rheidol did not explore the opportunity to secure access to this river although in the application to the SPLASH fund the Welsh Canoe Union indicated that it felt that as public sector organisations were the owners of the river in the area in question, there may have been the potential to negotiate an agreement for public access.

The project sponsored by the British Outdoor Professionals Association was supported in the first phase of SPLASH awards and although the overall aim indicated that the intention was to “negotiate and manage access to the rivers of Wales” only the pilot phase on the Upper Severn was supported. There is no evidence that any progress was made in securing agreement for access to this river catchment.

The River Taff Multi Use Water Recreation Feasibility Study sponsored by the Valleys Regional Park did include specific reference in the brief regarding the need to explore land ownership and riparian rights and whilst there is evidence from the documentation received that some of the owners may have been identified there is no record of discussions that may have been held to explore the opportunity to secure access by agreement. Rather the study which was undertaken in a very tight timescale focussed on the physical characteristics of the river and its suitability for water recreation activities. The study acknowledges that:

“A comprehensive knowledge of riparian landowners/occupiers and their position and policies with regard to recreation taking place along sections of corridor that they own/manage - is essential to the development of opportunities for water based recreation within the study area”

And

“It is difficult to recommend specific management approaches without an understanding of the specific nature of all stakeholder concerns”

Also
“These discussions will require the negotiation and agreement of potential management approaches, based on the specific concerns expressed by the stakeholders”.

It can be concluded from the above feasibility studies that the information they have provided does not provide clarity about whether VAAs might be achievable on these areas of water.

A significant constraint in terms of establishing the opportunity for a VAA concerns the timescale for the studies that did proceed which were undertaken in very short timescales with the period between grant award and final claim of funding being approximately 6 weeks. As part of the Evaluation of the Exemplar Projects it was concluded that with regard to the River Mawddach (pg. 72) the 12 month period that was agreed to undertake a feasibility study for that river was unrealistic because it was too complex and had too many objectives. It is, therefore, reasonable to conclude that the studies of the River Taff and the Severn catchment could not have reasonably been expected to establish the views of landowners or other stakeholders about the scope for a VAA in the timescale that was available for these projects.

If the views of landowners and other stakeholders on VAAs are to be canvassed as part of feasibility studies then there is a need to clearly specify this as part of the brief and for adequate timescales to be allowed for this to take place.

The Role of an Enabler or Project Champion.

The Brecon Beacons National Park Authority and the Canal and Rivers Trust who are involved in the Waterways hub projects in that area advise that the progress that has been possible is a result of having a project officer available who can do the joining up amongst the various stakeholders involved and to drive individual elements of the work forward. The passport scheme which proposes a new access arrangement for Welsh Water reservoirs is an example of an initiative which would have been difficult to pursue within the existing resources available to the National Park. Similarly the improved access arrangements to the Brecon Water Trail would have been difficult to achieve without the input of the Project Officer employed by the National Park. The Project Officer is a member of the staff at the National Park which provides added benefits in view of the statutory basis of the Park to seek to reconcile conflicts between recreation interests and other users and to promote understanding and enjoyment of the area. Full value from the access agreement that is being established with Welsh Water can only be achieved by building consensus and trust amongst the stakeholders involved. This is time consuming work which would be difficult to achieve if it was necessary to rely on the time available from within existing resources.

The constraints on volunteer time has been identified as one of the reasons for the slow progress in taking forward the VAA proposals on the River Dee, where it seems that the project relies on the goodwill of the fishing interests who have been encouraged by the Environment Agency to take this scheme forward.

There are additional benefits of having an independent person or organisation to develop agreements as they are hopefully not seen as partisan favouring one side or another in the negotiations. Progress on the Dee seems to be problematic in that an agreement that is being brokered by angling interests suffers from a lack of trust that needs to be built up with other users if it is to be successful.

Although primarily a conservation organisation the Wye and Usk Foundation has developed a reputation amongst some user groups which has enabled agreements on those rivers to be sustained and to continue to be extended in a way which meets the needs of a number of users and landowners.

The Involvement of Landowners.

The Welsh Government in its response to the Sustainability Committee Inquiry supported the recommendation that landowners should be encouraged to develop access agreements and that public bodies (e.g. the Forestry Commission and local authorities) and large charities (e.g. the National Trust) should pilot the type of access agreements outlined in their report. The agreements should be drawn up after consultation with all those parties who have an interest in the stretch of water.

Despite these recommendations and their acceptance by WG there is no evidence from the projects that been part of the evaluation that public sector landowners have been directly involved in promoting agreements. Perhaps the closest to the arrangement envisaged by WG is the involvement of Glas Cymru which is the single purpose company limited by guarantee formed to own, finance and manage Welsh Water. Welsh Water are involved in the negotiations with the National Park and users regarding the “Passport Scheme” which may lead to a VAA on some of their reservoirs and will hopefully simplify existing access arrangements.

In two cases it is user groups who are leading on the development of VAAs on behalf of landowners. At Llynn Ffridd the Cambrian Angling Association, which it is understood have a long lease or licence to fish at the reservoir, has developed an agreement with paddlesport interests. On the River Dee the initiative is also being taken by fishing groups in efforts to come to a multi user agreement.

At Maesnant reservoir negotiations with the private sector landowner were pursued by the Plynlimon charitable trust.

Forestry Commission Wales (FCW) who manage 125,000 hectares of forest on behalf of the Welsh Government, 7% of Wales, and has much publicly owned waterside indicated that they anticipated approaches from organisations, possibly looking to use SPLASH funding, seeking to secure water access. However they commented that rights relating to water on or adjacent to FCW managed woodland is often leased to or held by others and that the potential for VAAs have not, so far, offered sufficiently attractive opportunities to the holders of those rights to encourage them to enter into negotiations.

Terms of Agreements

WG in its response to the Sustainability Committee Inquiry felt that that the access agreements should contain a clear description of the times of year and states of the water when certain activities may not take place and a clear indication of any ingress and egress points created or existing along the stretch of water, in other words, agreements should meet the tests of sufficient extent, quality, security and clarity of access provided. Of the examples of agreements negotiated as part of the SPLASH that have proceeded clear arrangements appear to have been reached regarding Llynn Ffridd, access to Nant-Y-Moch reservoir via the Maesnant Outdoor Centre and on reaches of the Wye and Usk. Negotiations are ongoing regarding the terms of an agreement to access Welsh Water reservoirs and on the Dee.

At Llynn Ffridd users consider that arrangements for paddlesport to take place outside of the fishing season are clear to users who have all been given a copy of the terms. By improving access
arrangements for launch and retrieval of craft and making improvements to footpaths surrounding the lake will hopefully prove effective and meet the needs of the stakeholders and the environment by establishing clear access arrangements. What is not clear however is what the arrangements for monitoring are and what happens if the terms are broken. The question that remains, therefore, is whether there is sufficient security to protect the interests of the parties involved and the investment in infrastructure that has been made?

At Nant-Y-Moch no information is available on the terms of the agreement as the project has been evaluated on the basis of the documentation submitted as part of the SPLASH application which did not make this clear.

On the Wye and Usk agreement is based on an established model which clearly sets out the extent of the arrangements that have been made. Quality and clarity has been ensured by the provision of infrastructure to provide ingress and egress points along with bankside improvements which benefit users, landowners and the environment.

In the Brecon Beacons where negotiations are ongoing it seems that the precise terms of access have not yet been agreed. Negotiations are also still ongoing on the River Dee and an application to the SPLASH fund has not yet been made although there has been publicity which suggests agreement has been reached.

The parties to an agreement should be able to expect some certainty that agreements will continue not least to protect the public sector investment that has been made to improve infrastructure such as launching ramps, signs, river gauges and web cams to enable agreements to operate. However the precise terms of agreements that have been negotiated have not been made available in all cases and in those that are available the basis of security of the agreement is not clear.

**Location and Types of Water Involved in SPLASH Agreements**

The Welsh Government has indicated that it wishes to see access to water being made available where demand is high and to rivers and still water. Agreements under consideration or in place are widely distributed around Wales. If they come to fruition, agreements in the Brecon Beacons and the River Dee are close to large centres of population where they will meet a demand from the proximity to urban areas. All projects have the potential to appeal to visitors, subject to the terms of the agreements that are negotiated.

The agreement on the Wye and Usk is the only access arrangement for river related water recreation although negotiations are ongoing regarding the River Dee. An agreement is under negotiation regarding the Welsh Water Reservoirs in the Brecon Beacons and it is understood that an agreement has recently been reached regarding the Nant-Y-Moch reservoir and at Llynn Ffridd.

**Access for All**

One of the aspirations of the WG is to seek access for all rather than for select groups of users who are members of clubs or who are more experienced users. With the river based access such as that under consideration on the River Dee and that which is in place on the Rivers Wye and Usk, one of the criticisms from some user groups is that river levels which are set for paddlesport to take place are set too high to be able to accommodate the needs of less experienced users. It is felt by some organisations
that responded to the consultation that the restrictions on use that are being considered on the River Dee will actually reduce levels of participation from levels that currently exist. On the Wye and Usk some paddlers feel that the rationale for restrictions is not clear and this inhibits use of the rivers for less experienced users.

With the still water agreement that has been negotiated on Llyn Ffridd by the Outdoor Partnership the agreement aspires to meet the needs of novice users who have learnt the basic skills of paddlesport at a nearby swimming pool. Whilst the activity is proposed to take place under the auspices of local clubs and does not embrace informal activity it is perhaps more inclusive in that a high level of skill is not required to take part.

In the Brecon Beacons the watersports hub concept offers a range of opportunities for water related recreation on rivers, the canal and hopefully on reservoirs if agreement can be reached with Welsh Water. Canoe Wales considers that river paddling does require a level of expertise which may preclude participation by novices but access to the canal is freely available to all. With regard to the proposal to clarify arrangements for access to Welsh Water reservoirs via the Passport Scheme participants will be required to be members of SWOAPG which is an umbrella body for outdoor activity organisations. Whilst the scheme will not enable informal access it does provide a basis for participants of all levels of ability to take part.

Range of Activities

The WG has indicated that the Sustainability Inquiry was focused primarily on those participants in water-based activities who are the more experienced, committed users, and are members of clubs or national governing bodies such as anglers or canoeists. In reaching conclusions about the extent of access that has been provided through VAAs funded through SPLASH it is necessary to understand the scope of the agreements and the range of activities that are embraced within the terms agreed. There is no doubt that most of the negotiations that have been undertaken regarding the Rivers Wye and Usk and the River Dee have focussed on how paddlesport can be accommodated alongside angling. On the still waters where VAAs have been secured the prospective users of Llyn Ffridd are paddlers. At Nant-Y-Moch reservoir access is to be controlled through the groups eligible to use the Maesnant Outdoor Centre. Although the terms of the agreement are not known it can perhaps be assumed that as the eligible users are indicated to be young people pursuing Duke of Edinburgh Awards they may be interested in a broad range of water recreation activities. There is however no reference in any of the information provided about how activities such as swimming, sailing, rowing, diving or other water activities might be accommodated in any of the agreements that have been or are being negotiated. It is however also not possible to say that these activities are specifically excluded.

Meaningful New Access

Few of the agreements have provided meaningful new access. Only on the Wye and Usk where agreement for new reaches of River has formalised opportunities for paddlesport and on the still waters at Llyn Ffridd and Nant-Y-Moch reservoir access is to be made available through a VAA where none was available in the past. In other areas such as the River Dee and Welsh Water Reservoirs what is envisaged is the clarification of access arrangements to reconcile conflicts between users and between users and the environment to provide a better quality of experience for those who take part and hopefully as a result to provide more secure arrangements for the future. It is understood some new access may be provided to Welsh Water reservoirs.
The Pace of Progress

The Environment Agency Review of the SPLASH Challenge Fund during the period 2008 – 2011\(^{36}\) reported that only 4% of SPLASH schemes focused on access. They considered that supporting the creation of new access was anticipated to be the most challenging aspect of the strategic plan delivery.

The SPLASH projects that have sought to develop a VAA have pursued this in a number of ways. A feasibility study was undertaken on the potential of the River Taff to provide a multi use water trail but has not progressed beyond this initial stage. A similar project to explore the potential of the River Rheidol did not proceed beyond an initial site visit which indicated that the river was unsuitable. The project to explore the potential of the River Severn catchment also appears to have made little progress towards clarifying the potential for access agreements in that area. The concept of developing a watersport hub in the Brecon Beacons has proved successful in improving infrastructure where access already exists and the initiative to build consensus between the various stakeholders is beginning to make progress. However the considerable efforts to clarify existing access and extend arrangements for access to Welsh Water reservoirs has still not been finalised. The initiative to put in place an access agreement for the River Dee has not yet resulted in an application to the Challenge fund and it is likely to take some time to break down the barriers that seem to still exist between anglers and canoeists.

The only area where a voluntary access agreement has been successfully concluded on a river is as a result of the work of the Wye and Usk Foundation who have an established reputation and a model for developing an agreement which has been used to deliver extensions to reaches of the rivers that are already available. Progress has been made on reaching agreements on Llynn Ffridd and at Nant-Y-Moch reservoir where potential users benefitted from only having to negotiate with one land owner (or in the case of Llyn Ffridd one angling association which it is understood was acting on behalf of the landowner). Not only have applications for VAAs been few in number, they have been very slow to progress which reflects the difficulties involved in reaching a consensus between those involved.

8. Implications of the Evaluation for Future Policy

In 2010 the Sustainability Committee recommended that it did not consider that legislating for free and unrestricted access to inland water in Wales for all was the answer and even if it were to be established the Committee acknowledged that the introduction of a blanket right to access on or along water would be limited in its usefulness without a complementary general right of access over land to access water. At that time in its response to the Sustainability Committee the WG accepted that whilst creating statutory powers and duties could potentially be useful in securing more opportunities for water related recreation they also accepted the Committee’s suggestion that these recommendations are not actions that should be pursued immediately, and should be considered in the medium or long term. The WG said they would wish to evaluate the success of the current approach in delivering voluntary access before deciding whether a mandatory approach to access was necessary.

This evaluation has examined the extent, quality, security, and clarity of access provided through the applications for VAA that have been supported by the SPLASH Challenge Fund. Whether these projects have met the tests of being able to secure the necessary supply to meet current demand, and provided the foundation for realising the range of benefits that water related recreation can provide is for WG to decide taking account of the conclusions of the evaluation of the projects that have been supported through the SPLASH Challenge Fund. The results of the evaluation of the agreements that have been developed and those that are in progress will be factors that will inform whether legislation would be beneficial, however in advance of WG making that decision there are a number of steps that can be taken to reinforce the approach to ensuring VAAs are fit for purpose and help to meet the needs for access to inland water in the future if the SPLASH Fund is to continue.

Although not specifically part of this evaluation, in view of the feeling of uncertainty which still appears to exist amongst some organisations and individuals that the case for proving rights of navigation or for introducing new legislation for water access has not been fully explored these are areas where further research may be considered. It is clear however, that the evidence to date points to a lack of focus of the SPLASH fund in pursuing voluntary access to date and there are a number of steps that can be taken to reinforce the potential of the current approach in what is still a short space of time to be able to say whether it has succeeded or failed. To abandon the pursuit of voluntary arrangements for access to water would lead to a considerable delay until the legislative issues have been fully explored and where the opportunity to confirm that rights exist or to be able to introduce legislation is unclear.

Who Takes the Lead?: The Sustainability Committee recommended that legislation should be introduced to identify a lead authority for the identification of particular areas of inland water where access agreements are appropriate and for the negotiation of VAAs for non motorised recreational purposes in those areas. The establishment of Natural Resource Wales offers the opportunity for a single body to take forward VAAs, including a power to finance associated works and to take forward the agreement between the Welsh Assembly Government, Environment Agency Wales, Countryside Council for Wales and Sports Council for Wales (now Sport Wales) that has been responsible for the SPLASH fund. The new body should have a positive responsibility to lead on the negotiation and funding of VAAs in conjunction with Sport Wales which has the responsibility for both formal and recreational sporting activities, including water related recreation. A partnership between Natural Resource Wales and Sport Wales is important in view of the potential of water related recreation to appeal to a wide variety of children, young people and adults and the interest of Sport Wales to support and deliver sporting opportunities. Natural Resource Wales could lead ongoing research, in conjunction with the Welsh Government, to
explore the issues regarding the opportunity to prove rights of navigation and the whether it is realistic to introduce appropriate legislation if the voluntary approach fails to deliver what is required.

**Focus of Feasibility Studies:** If SPLASH is to continue to fund feasibility studies consideration should be given to focusing their remit on examining the potential for securing a VAA for the water that is under investigation. Conditions attached to any future SPLASH grant awards should require grant recipients to provide written evidence of the discussions that have taken place with landowners and others who have a legal interest in the water in question to be able to make informed judgments about how or whether to proceed in negotiating an agreement.

**Timescales of Feasibility Studies:** There is clear evidence that the timescales between the award of SPLASH Funding and the date for final grant claim for feasibility studies is unrealistic if meaningful negotiations are to be held with landowners and other interests regarding the likelihood of a VAA being achieved. Consideration should be given to amending timescales of complying with the terms of grant awards to reflect the negotiations and consensus building that is required.

**Support for an Enabler or Project Champion:** All of the evidence indicates that VAAs are time consuming to achieve and require delicate negotiations between stakeholders in order to build consensus which is essential if a VAA is to be effective. The SPLASH fund should consider support for the engagement of an independent facilitator to negotiate agreements. Such an appointment could be area based, such as that pursued in the Brecon Beacons, or to explore the potential of a particular river catchments, such as the River Dee, where volunteers have admitted that progress has been slow because of the limitations of voluntary resources. The appointment of an independent organisation or individual should have added benefits of being seen to be impartial rather than favouring one activity over another. The alternative to providing support for an independent enabler is for Natural Resource Wales to take on this role as part of its emerging responsibilities.

**The Public Sector and Large Charities Leading by Example:** Apart from the Brecon Beacons there is no evidence of the of the Snowdonia National Park, local authorities or charitable organisations such as the National Trust taking the lead to develop agreements despite the WG response to the Sustainability Committee encouraging them to do so. The reasons for the lack of applications to the SPLASH Challenge Fund are not known as the evaluation only examined those applications which have been submitted. It does seem however that the potential for access to water that is controlled by the public sector has not been fully explored and this may be an area that Natural Resource Wales and WG wish to examine further. Research could be commissioned to establish public sector ownership of the major river catchments or areas of still water where there is demand for water related recreation and the constraints and opportunities in unlocking that potential.

**Overcoming the Constraints of Leases or Licenses Restricting Use:** Forestry Commission Wales has pointed out that “most of the rights relating to water on or adjacent to woodland managed by them is leased to or held by others. Potential VAAs have not, so far, offered sufficiently attractive opportunities to the holders of those rights to encourage them to enter into negotiations”.

Whilst the holders of access rights have not applied to SPLASH there may nevertheless be opportunities for the Forestry Commission or the other agencies to be incorporated within Natural Resource Wales to review the terms of leases that have been granted to other occupiers during or at the end of their lifespan which could offer the potential to broaden the range of activities or to manage the river or an area in a particular way that might deliver what the WG seek to achieve.

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Similar constraints may to apply to rivers or to other areas of still water in the ownership of local authorities and by encouraging a review of the terms of leases and licenses when they expire or are reviewed could unlock the potential of these waters for a more multi use approach.

**The Role of Welsh Water and the Other Water Companies:** Negotiations to sign off the Passport Scheme with Welsh Water in the Brecon Beacons have not yet been concluded and even if negotiations can be finalised and an agreement signed it is understood from users that only limited new access will be created. The potential of Welsh Water reservoirs and reservoirs owned by other water companies has not been fully explored and WG may wish examine whether a more multi use approach to their use is possible.

**Guidance and Incentives to Landowners:** No specific incentives are currently offered by SPLASH to encourage landowners or those who hold access rights to develop VAAs. There is no specific guidance aimed at landowners to support the development of agreements and the fund retains a very broad approach to improving access opportunities. It is perhaps not surprising that in the absence of a clear focus the number of applications for VAAs is a small proportion of the overall number of SPLASH applications and the development of agreements are normally not led by the landowner in the way the WG envisage. Consideration should be given to offering incentives to landowners or where appropriate to rights holders to develop agreements and guidance could be developed to support the development of agreements which meet the SPLASH priorities. Incentives could take the form of payment for the length of river or area of water to which access is to be granted and support towards the legal costs of drawing up agreements. VAAs developed by landowners are more likely to be received favourably by anglers and canoeists and help to achieve consensus amongst user groups.

**Good Practice Guidance on the Process of Negotiating and Drafting Voluntary Access Agreements:** The WG in its response to the Sustainability Inquiry indicated that “there are now ample access negotiation frameworks and model agreements in the public domain”. They indicated that “it is the Assembly Government’s intention to promote their use to secure meaningful new access, rather than add to the access agreement literature through further pilots”. Whilst there is evidence of the process that has been followed to negotiate agreements and there are examples of agreements that have been drawn up these are not readily available in the public domain. Consideration could be given to the preparation of a “good practice guide” which could be used to advise landowners and other stakeholders in the preparation and drafting of multi user agreements. The guidance should be web based and include clauses and procedures which future applicants to the SPLASH fund (if it continues) should be expected to follow adapted where necessary to fit with the circumstances of the river or area of water concerned.

**Monitoring of Outputs and Outcomes:** The evidence base that has been available to evaluate progress made through SPLASH funding support to establish VAAs been patchy relying in some cases on information available from application forms and stakeholder responses to questionnaires. In any future funding schemes a more rigorous approach is required to providing monitoring information to be able to learn from the experience of projects that have been supported and their effectiveness in meeting the priorities identified. Applicants to any future SPLASH Fund should be required to record in the application the extent of access to be provided and how the quality, security and clarity of access will be ensured. Part of the conditions of grant should be that an annual report should be provided setting out what has been achieved in the previous year and proposed activity in the forthcoming year set against targets that have been identified. Evidence should also be required to demonstrate how access infrastructure works are to be sustained and associated signage, web cams and web sites maintained.
Dissemination of the Results of SPLASH Funding: One of the recommendations of the Sustainability Inquiry was that the outcomes of SPLASH projects should be widely disseminated. In pursuing the evaluation it has proved problematic to obtain details of some projects and information is not readily available. A summary of SPLASH Challenge Fund projects that have supported VAA could be held on the web site of the new Agency which should contain full details of the extent, quality security and clarity of access provided along with annual monitoring reports providing information on the progress that has been made in meeting the targets that have been identified. Press releases announcing new agreements could be issued by the agency responsible for the SPLASH fund. SPLASH applicants could be encouraged to hold events to promote successful schemes and promote participation where appropriate.

Support for VAAs from the Sports Bodies: There is an important part to be played by Sport Wales to examine how opportunities to participate might be enhanced through voluntary access agreements. Sport Wales could be encouraged to lead discussions with the governing bodies of canoeing and angling and other water related sports to establish how they might support VAAs where their affiliated clubs are involved to explore how opportunities to participate might be enhanced. Sport Wales are also in a good position to advise on facility and infrastructure requirements to meet the needs of the sports concerned.

SPLASH and Ecosystem services: The next few years are likely to see a number of policy initiatives designed to embed at the local level the ecosystems approach to managing the natural environment. The case study of Clydach Vale Country Park indicates how SPLASH fund projects can contribute to this agenda by developing an integrated approach to aquatic environments that supports improvements in cultural services whilst considering the implications for a range of other ecosystem services. To contribute to the ecosystems approach the SPLASH fund should consider:

- Adapting the eligibility criteria and application form for grant assistance so that applicants indicate the potential impact of their scheme on a range of ecosystem services;
- Adjust the reporting mechanisms used by projects to record the impacts projects have on ecosystem services other than cultural services;
- Use reporting mechanism information to produce an overall assessment of the non-monetary ecosystem impacts of the SPLASH challenge fund that can be presented alongside the Welsh Economy Unit monetary valuations to communicate the funds contribution to the ecosystems approach.
APPENDIX- 1.

Water Recreation Challenge Fund (SPLASH) Evaluation

SPLASH Voluntary Access Agreement Evaluation
Details of the individual completing the questionnaire

The personal details below are required for administrative purposes and questionnaire responses will not be attributed unless you are happy to do so. However it is essential to provide the contact information and questionnaires submitted without these details will not be taken into account.

Please indicate with an X in the appropriate box below if you wish your comments to remain confidential.

I wish the comments in response to the evaluation to remain confidential

In most cases the information provided in the questionnaires will form the basis of the contribution to the evaluation but in some instances it may be necessary to seek clarification or further information. Please indicate with an X in the appropriate box below whether you would be happy to be contacted for further information or clarification if necessary.

I would be happy to be contacted for further information

We realise that you may not know the answers to all of the questions and if you do not know then please just tell us what you do know and leave other parts of the form blank.

Interviews conducted over the phone will be recorded with the express permission of the participant.

Name: ____________________________
Name of organisation if any: ____________________________
Position in organisation if any: ____________________________
Role/Position in Respect of Splash Project: ____________________________
Contact details of the person completing the questionnaire:
Address: ____________________________

Phone: ____________________ Mobile: ____________________
Email: ____________________

Please describe the reason for your personal involvement in the project:
Voluntary Access Agreement Project Questionnaire

1. Please tell us which project this response refers to by indicating with an X in one of the boxes below:

<table>
<thead>
<tr>
<th>Project Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Welsh Dee Ltd - River Dee Canoe Access</td>
</tr>
<tr>
<td>Outdoor Partnership (Lynn Ffridd) - Improved Access to inland water</td>
</tr>
<tr>
<td>Valley’s regional park - River Taff feasibility study</td>
</tr>
<tr>
<td>Wye and Usk Foundation - Better Canoe Access</td>
</tr>
<tr>
<td>Wye and Usk Foundation - Upper Wye and Usk Access</td>
</tr>
<tr>
<td>Wye and Usk Foundation - Mid and Lower Usk Access Project</td>
</tr>
<tr>
<td>Brecon Beacons National Park - Water Recreation Hub Development</td>
</tr>
<tr>
<td>Brecon Beacons National Park - The Beacon Waterways Hub 2</td>
</tr>
<tr>
<td>Brecon Beacons National Park - Talybont Reservoir Access Improvements</td>
</tr>
</tbody>
</table>

2. Please describe your project and tell us, in your opinion, who are the main users, the places where most people come from and who the project was aimed at.
3. In your view do you consider the project has secured practical access?

(score 1 – 5 in the box where 1 is no access and 5 is good access)

4. Please tell us, in your opinion, why you consider the project has secured or not secured practical access, please tell us what works well and what aspects of the project may not work so well.

5. In your view, do you feel the project has the potential for replication elsewhere?

(score 1 -5 in the box where 1 is no potential and 5 is good potential)

6. Please tell us, in your opinion, whether you consider the project can be replicated or adapted for use elsewhere and the issues involved:
7. Please describe to us your understanding of the access arrangements and how they operate. We are particularly interested to know your views on the extent, quality, security and clarity of the access provided by the agreement:

a) Extent - It would be helpful if you know, the length or area of water/land involved and how the arrangement operates (times of day/year, dates, river flows, who is allowed to use the resource etc).

b) Quality – Do you feel that the access provided is good value for users and land managers? Is it good value for the time and effort involved in the preparation of the agreement? (Please provide details of the costs involved in establishing and operating the agreement where known, and whether it meets your needs.)

c) Security – Do you feel that the agreement is operating effectively and those involved adhere to its terms and conditions? Does it form the basis for managing the resource in the future? Is there scope for improvement to address any threats to the way the agreement operates?

d) Clarity – Is the agreement clear in terms of what is expected of land managers and users? How do people find out about how to comply with the terms of use?
8. Please indicate the range of recreational activities (land and water) that you consider have been supported by the project. (please list and indicate where new activities have been provided)

1. 
2. 
3. 
4. 
5. 
6.

9. Please provide your views on whether the project established new recreational activities or if it improved opportunities for existing activities, any issues involved in setting them up or keeping them going:

10. If on phone can you tell me Please list, as far as you are aware, which organisations or individual representatives were involved in the project with contact details if you have them (please list)

1. 
2. 
3. 
4. 
5. 
6.

11. Please provide any views you have on the role played by the organisations or individuals involved in the project:

12. Do you consider all of the above were effectively involved in the project? (score 1 – 5 where 1 indicates not involved and 5 is effectively involved)

13. Please indicate which organisations or individuals, in your opinion were not effectively involved in the project. (please list)

1. 
2. 
3. 
4. 
5. 
6.

14. Please provide any views you have on how organisations or individuals might have been more effectively involved in the project:
15. Do you consider the project will continue when the initial funding has ceased? (score 1 – 5 where 1 indicates will not continue and 5 indicates will continue )

16. Please provide any views you have on the reasons why the project will/will not continue and what needs to happen to ensure it is continued:

17. In your opinion, do you consider the project contributed to reducing conflicts between users? (score 1 – 5 where 1 indicates no impact on reducing conflict and 5 indicates very effective reduction in conflict)

18. Please describe the arrangements that you are aware of, to minimise conflicts between the stakeholders of the project:

19. In your opinion, do you consider the project has appropriate arrangements in place to reduce conflicts with the environment and any other interests? (score 1 – 5, where 1 indicates no arrangements are in place and 5 indicates arrangements in place)

20. Please describe the arrangements that you are aware of, to reduce any environmental conflicts or conflicts with any other interests:

21. As far as you are aware, please list the landowners / land managers who are involved in the project and provide contact details if you have them. (please list)

1. 
2. 
3. 
4. 
5. 
6. 

22. Please provide any views you have on the arrangements for involving landowners / land managers in the project:
23. As far as you are aware, are arrangements in place to monitor levels of use of the project? (please X the appropriate box)

YES ☐ NO ☐

24. If monitoring of the project is taking place please provide any views you have on how it operates:

25. If monitoring of use of the project is in place please indicate, in your view, whether it is effective? (score 1 – 5, where 1 indicates not effective and 5 indicates very effective)

26. Please provide any views you have on the effectiveness of the monitoring arrangements:

27. Do you consider the resources that have been made available for this project have been used effectively? (score 1 – 5, where 1 indicates not effective and 5 indicates very effective)

28. Please provide any views you have regarding the use of resources for the project:
29. Please include below any views you have on the project that are not covered by the above questions. It is very important to learn lessons from the project, so any advice that you can provide would be welcome.

(should you require, please feel free to continue on a separate page)

My views are:

Many thanks for your contribution to the evaluation. Please forward your response at the earliest opportunity, but not later than 13th November to the following:

research@plumpton.ac.uk

or by post to:

Research Dept.
Plumpton College
Ditchling Road
Plumpton Nr. Lewes
East Sussex
BN7 3AE

If you have any queries or would like to discuss your project in more detail please contact:

Alex Kaley or Deborah Glass on 01273 890454 ext. 2380