

and *Hargreaves v Diddam* (1875). [...] A public right of navigation can be granted only (1) by immemorial usage (2) by Act of Parliament or an order made under the

authority of an Act of Parliament or (3) by express grant or dedication by the owner of the soil.'

Case law and wider legal advice

As set out in the Defra legal correspondence, the existence of case law on this matter implies that no general PRN to inland water exists in England and Wales, and that to obtain a PRN, river users would have to establish either immemorial usage or be granted it via statute or landowner permission.

Additionally, the Angling Trust published legal advice in February 2023 relating to a dispute between canoeists and anglers, reaffirming the legal position outlined by Defra. Their summary included:

There is no general Public Right of Navigation (PRN) on English and Welsh non-tidal rivers for canoeists.

A PRN can only be established by long use of vessels on the relevant stretch of river.

That use must be regular, habitual, and of substantial practical value as a channel of communication.

The period must stretch to 'time immemorial' (typically interpreted as 60 to 80 years).

The law is entirely clear on these issues.

This use must not have been under protest or by permission from riparian owners.

Even if a PRN is established, it does not permit access to riverbeds or banks without separate rights.

Without PRN or agreed access, canoeists may be trespassing on non-tidal rivers.

Alternative views

Campaign groups such as River Access for All (led by the British Canoe Union) continue to argue for broader public access, citing the Magna Carta and historic precedent. One case often referenced is *Josie Rowland v Environment Agency* (2003), where the High Court upheld a pre-existing PRN under the Thames Preservation Act 1885. However, this ruling relied on specific legislation and does not extend more broadly.

I hope the information above proves helpful, and I'm happy to discuss any of this further or continue supporting further Parliamentary routes if helpful.

This seems at variance with the Defra Freedom of Information response of 2021 (Nov, p13) to Paddlers International, starting 'There is no clear case law on whether a 'common law right of navigation' exists on unregulated rivers'. Nor, in the absence of any clear legal change, how or when it became 'the generally held legal view'. Nor, why the Angling Trust's view should take precedence over anyone else's.

I can confirm that the constituent is not better suited financially than the Government to seek independent legal advice.

Vagrancy Act clarification needed

The Government are proposing to scrap next year the 1824 Vagrancy Act which criminalizes rough sleeping. Instead, they will introduce measures which will include new offences for trespassing with the intention of committing a crime. Before they do so they will need to clarify whether being on inland water is trespassing and whether it is a crime.

Bike dangers

A growing menace on rivers and canals is the growing number of ebikes being thrown into the water, usually by vandals rather than users. Lime bikes, which are not locked up, are particularly involved, with Nottingham being a notably problematic area. As well as the risk of physical damage from collision, their batteries can leak pollution into the water, dangerous to swimmers and wildlife.

More illegal beavers

Ever more beavers are being released illegally with an estimate of 1,000 in England, mostly in the southwest, and another 2,500 in Scotland and Wales. They do not stay where they are released, however, so it is academic

Question



Dr Simon Opher

Labour

Stroud



To ask the Secretary of State for Environment, Food and Rural Affairs, what steps her Department is taking to consult with recreational user groups during the development of the proposed White Paper on water reform.

Answer



Emma Hardy

Labour

Kingston upon Hull West and Haltemprice



Answered on

4 November 2025

The Government is considering the approach to improving access to nature, including for recreational water users, and is committed to working with stakeholders as this develops.

Extensive consultation with stakeholders took place during the Independent Water Commission's review of the water sector. The government will continue to engage key stakeholders as it develops its full policy response to the recommendations.

A new partnership between Government, the sector, investors and communities will deliver the change the public expects.

Question



Helen Maguire

Liberal Democrat

Epsom and Ewell



To ask the Secretary of State for Environment, Food and Rural Affairs, if she will give Environment Agency a responsibility for improving (a) entry and (b) exit points for inland rivers to help support recreation.

Answer



Emma Hardy

Labour

Kingston upon Hull West and Haltemprice



Answered on

18 November 2025

The Government recognises the importance of access to nature for people's health and well-being. The Environment Agency currently enhances recreation where it can demonstrate value for money, by integrating safe river entry and exit points into flood and asset management schemes. Access improvements are typically funded through navigation service improvements, asset renewal, or new flood alleviation projects, often with partnership contributions.

This approach delivers multi-benefit outcomes; flood resilience, environmental protection, and recreational use, ensuring rivers remain accessible while safeguarding communities and respecting natural habitats.