

# What the EA didn't say at Westminster

In December the EA told the Parliamentary Waterways Group about the benefits of waterways recreation. Few would argue with the positive points presented on that occasion. However, by 'waterways' they mean routes cruised by large powered craft.

They were highly selective about what they told the PWG. Thus, they presented a totally misleading picture of the situation and the EA's attitude towards it.

The blunt fact is that 98% of inland rivers in England and Wales are closed to all craft at all times. Many of these rivers are, physically, only able to be used by small craft able to be lifted round obstructions or able to run the rapids which many users seek. Touring canoeists are the group who most often come into conflict with those unwilling to share rivers but there have been problems for other users, not only rowing boats and windsurfers but also river swimmers and even people throwing sticks into rivers for dogs to retrieve. A large proportion of the millions of people who wish to use small boats on our rivers are youngsters.

The EA position is that agreements are providing all the river access necessary for boaters. In fact, agreements have proved as ineffective for canoeists over the last half century and more as they have for the ramblers. Even Natural England have said that agreements will not work for the national coastal footpath. New Waterways Minister Huw Irranca-Davies had been briefed on the problem and told that access agreements are the way forward. As a Welsh MP he had not been told that the WCA had formally abandoned all of their few access agreements last year and, clearly, was surprised when Paddlers International advised him of this.

## The showcase schemes

The work of the University of Brighton needs much greater scrutiny than was given to the PWG. Their first report in 2001 by Professor Andrew Church said much that boaters had been saying for decades about access problems, including that access agreements were ineffectual. Their second report by Professor Neil Ravenscroft in 2004 was a very different document, however. It proposed access agreements as the way forward and planned to negotiate four demonstration access agreements at nearly £12,000 per kilometre, later reduced to £1,600 per kilometre, to ask permission to share the water. These duly went ahead with the EA and the results were presented in Bungay by Government Ministers Barry Gardiner and Richard Caborn although the complete report was not available on the day, only an EA summary of the proposals. These showcase schemes were as follows:

### River Waveney

In 2001 a rare agreement had been reached on the River Waveney by canoeists working with local authorities. It had been inaugurated by the MEP for the area and had everything from a pamphlet to riverside launch platforms. Theoretically this is was full length but practically only for the 48km from Diss because the top end is usually too shallow (although powered craft users would like to see it opened up as a Little Ouse - Waveney link to the Broads). Little mention was made of this original agreement by the Brighton team. *Canoeist* was not invited, unlike a prominent angling MP, but felt it too important to miss. Questions were kept to the end of the day, after the Ministers had left. *Canoeist* was about to submit the second question when the day's proceedings were suddenly closed. When *Canoeist* pressed in private discussion after the meeting, they said the original agreement had obtained the permission of too few riparian owners to count although their own replacement agreement, covering only 33km and negotiated by well funded professionals, still failed to contact 6% of riparian owners. Unlike the previous agreement, the new agreement had various restrictions on use. It was also claimed that any use of the tidal 3km downstream from Ellingham, at the lower end of the agreement, would result in the whole agreement being terminated. In practical terms this would prevent navigation onto the long tidal length towards the Broads from the Broads Authority-promoted canoe hire centre at Bungay or for any other users.

On the inauguration day we were unable to find the previous launch platform at Diss, only angling platforms. The new angling and canoeing platform at Holmersfield, opposite the original canoeing platform and supposed to improve relationships, would have been difficult to reach with a boat via the restricted path down the steep bank. A canoeist

trying to take out at the platform covered with angling gear would have received no warmer a welcome than a narrowboat on a canal trying to moor at a landing point to open lock gates when an angler is present on it.

### River Wear

A statue of Neptune in Durham market place celebrates improvement to the navigation. The River Wear around the Durham loop is heavily used by rowers and even a floating restaurant. These people appear not to have been consulted about any agreement. Their position is unclear since a solicitor's letter was received by the BCU, threatening action against canoeists using a major part of the 9km section subject to what is called a 'boating agreement' in this location. Even as proposed, the agreement was to stop short of the legal tidal section of river, preventing through navigation.

### River Mersey

Until recently the River Mersey on the outskirts of Manchester was too polluted to have fish. This is the only agreement of the four to have stuck. Much of the 28km section is in local authority ownership so it is not clear why the public were being excluded in the first place.

### River Teme

Professor Ravenscroft rejected the claim that the Romans had carried lead the full length of the River Teme from Felindre in coracles, which would establish time immemorial usage rights, and he disputed that some of the bridges have navigation arches. Permission was sought for use of less than 2km of the river at Ludlow for 6 hours six times a month with all other use of the full length of the river being stopped. Fish slots on the weirs have been rebuilt just too narrow for canoes (in contrast with the canoe and fish ladders usual on weirs in France) on the grounds that they would condone trespassing if of safe width. The terms of the proposed agreement were rejected by canoeists as being dangerous.

### How to do it

The EA still claim all the agreements are working successfully, despite the fact that three of the four showcase agreements leave canoeists in a worse position than before. It has been suggested by boaters that these agreements and others proposed for the future have more to do with restricting present use than opening up new water, most current touring taking place outside the law as the agreement approach has proved largely to be unworkable.

Brighton University set up a toolkit on their website to tell boaters how to make access agreements because it was claimed we did not know, despite over half a century of trying. This was to replace an EA book intended to do the same, which has achieved little. In turn, that had replaced a book by the National Rivers Authority (predecessors of the EA) to do the same, which was equally ineffective. The website toolkit appears to have achieved nothing since it was set up.

### What the EA would do with navigation rights

The implication of the presentation to the PWG was that handing control of navigation on other rivers to the EA would result in more river access. Indeed, there have been positive moves in the Fens where the Fens Waterway Link is to see new connections being made for larger craft to use waters which appear already to have been legal rights of way despite EA silence on the matter. Much (but not all) of the Relief Channel below Denver Sluice has now been opened to powered craft by the installation of a lock, prior to which it was forbidden even to small craft which did not require the lock. Small unpowered craft are allowed to use part of the Stour Navigation once again.

However, there are many more examples of where the EA has shown no intention of allowing access.

The Cut-off Channel, which runs right round the Fens from the River Lark to Denver Sluice, remains closed. The EA own the whole of it except for 2km of one bank, owned by a farmer. The EA have rejected requests to open it and appear not to have talked to this other landowner.

The EA fought hard to get control of the Wye and did not dispute the suggestion of a £1,000,000 legal bill for their part in the 2002 public inquiry which gave them that control. Uniquely, the whole