



Joint Local Access Forum (JLAF)

for Bath & North East Somerset, Bristol City and South Gloucestershire

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By email to: NWCresponses@defra.gsi.gov.uk

NWC Consultation Responses
Inland Waterways Team, DEFRA
Area 2D, Ergon House
Horseferry Road
London SW1P 4AL

Thursday 26th May 2011

Dear Sir or Madam,

Consultation on the Government's proposals for moving inland waterways into a new charity in England and Wales

This letter constitutes formal advice from the Joint Local Access Forum (JLAF) for Bath & North East Somerset, Bristol City and South Gloucestershire, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000.

The Joint Local Access Forum for Bath and North East Somerset, Bristol City and South Gloucestershire is a statutory body of 22 unpaid volunteers set up under the Countryside and Rights of Way Act 2000. Our remit is to advise Local Authorities, Government Departments and others on issues concerning the ready access for the public to the outdoors. The future of Canals and Inland Waterways is, therefore of great interest to us. We are privileged to have part of the Kennett and Avon Canal running through our area but the network of waterways is a national asset and we comment on that basis. Our concern throughout the consultation is to ensure that this "precious legacy", which largely owes its continuing existence to the "Big Society" should be protected and enhanced.

We note that although there are several questions about the effective financial management of the new charity the Consultation does not specifically ask for opinions about the Government's financial commitment. We are content with the proposals for the move to what has been termed "civil society" and we hope that it is likely that a viable financial arrangement can be found. However, the Government should fully fund the legacy need to bring the network up to standard. It is arguable that this is a moral obligation as the condition has deteriorated under the Government's watch. But more importantly it will remove the debilitating drain on morale that financial struggle will impose on the new body.

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The JLAF is a statutory body established by the three councils shown below, to provide advice as to the improvement of public access to land in the area of Bath & North East Somerset, Bristol City and South Gloucestershire for the purposes of open-air recreation and enjoyment of the area. Its views do not necessarily represent those of the three councils.

**Bath & North East
Somerset Council**



**South Gloucestershire
Council**

We have answered only those questions which fall within our remit and expertise.

Question 1 Do you agree that, over time, the charity should work towards including other navigations, including the EA Navigations in the next Spending Review?

The timescales proposed for this massive change seem extremely optimistic. We think the important thing is for any legislation to be of an enabling character and not overly prescriptive on the charity regarding timing of this initiative.

Question 2: Do you think that the proposed requirements of the Trust Declaration are the right ones? Are they sufficient/are there others which should be considered?

We agree strongly that the nation's waterways should be held and operated for the public benefit. However, the operation and management should take account of regional and national as well as local social, economic and environmental needs. The Declaration should also demand that the Trust co-operates with bodies representing cyclists, equestrians and other users. Free, and practical, access to the towpath is absolutely critical for the best use of the resource.

Question 3: Do you agree that the suggested charitable purposes for the NWC are broadly the right ones? Can you think of other necessary requirements?

We agree with the proposed charitable purposes for the NWC. The objective of 'facilitating a broad range of other recreational and leisure uses for public health and well-being, including safeguarding free public access to towpaths' is particularly important.

Question 4: Do you agree with the proposed 'mission' statement? How could it be improved?

In general we agree with the proposed mission statement. However we are concerned that the emphasis on "local" in the mission statement and other parts of the Consultation might be to the detriment of a wider perspective and see no particular reason for this word to appear

Question 5: Do you agree with the proposed 'belief' statement? How could it be improved?

We agree with the proposed belief statement. But see our comments on "local" above.

Question 6: Do you agree with the proposed 'vision' statement? How could it be improved?

We agree with the proposed vision statement.

Question 7: Do you agree that the New Waterways Charity should enjoy the same powers and be subject to similar legal duties to maintain the waterways as British Waterways currently is.

We would just make the point that the "non-operational properties" are not just an income generating opportunity, important, though, that may be. In many cases their preservation is critical to the landscape and ethos of the network.

Question 8: Do you agree with the proposed governance model for the new charity? What improvements could be made?

We note the complexity of overlapping boundaries and administrative areas and the need for a "co-ordinated approach". Much of this will be genuinely "local" but the 11 "Partnerships" are better described as "Regional" or "Area" because of an overarching role.

Question 9: Should funds raised locally by the Local Partnerships be spent on local priorities?

It would be better not to be unduly prescriptive about this. However, transparency would demand that purposes of fund raising should be made clear.

Question 10: Who do you think should be encouraged to sit on Local Partnerships? How should the nominations panel be constituted; who are the essential parties?

People who appear to the new charity to be representative of walkers and other recreational users (horse riders, canoeists, cyclists etc) disadvantaged groups, community groups, tourism organisations, nature or landscape conservation, heritage, impaired mobility groups, public transport, boating and business/commercial interests.

Relevant organisations should be invited to recommend suitable individuals or to advertise for individuals amongst their membership. The appointment process should be fair and transparent. Local partnerships should aim to be socially inclusive and include individuals from diverse backgrounds, whilst maintaining a reasonable balance of interests. The Local Access Forum procedure might be a suitable model.

Question 12: Which are the particular subjects or activities you think may require the attention of a specific sub-committee of a local partnership?

It may be beneficial to have a sub-committee looking specifically at access and open-air recreation issues. Such a group could consider issues such as: how to link towpaths with rights of way or open access land to create better, safer and more effective recreational opportunities; whether land could be dedicated as open access land under section 16 of the Countryside and Rights of Way Act (which offers lower public liability as well as secures access in perpetuity); signage and maintenance; accessibility by, and conflict between, different types of user (e.g. walkers, horse-riders, cyclists, etc) and by people with impaired mobility; integration with other types of access and public transport; and promotion and publicity. These sorts of issues may be best dealt with a smaller group than by the full membership of the Local Partnership.

The sub-committee should work with the relevant Local Access Forum(s) in the area to improve access and, where appropriate, assist in the implementation of the relevant Rights of Way Improvement Plan(s).

Question 14: How could the charity encourage effective working between different communities and partnerships who share the same waterway?

Most Local Authorities have "Liaison Groups", which are offshoots of Local Access Forums, for public rights of way that bring together disparate users. This may be an appropriate model for the new charity.

Question 29: Which of the following suggestions for the name of the new charity do you prefer, and why?

"National Trust for Waterways". This is given a cachet by comparison with the "National Trust" whilst not unfairly encroaching on their "brand". Breadth and importance is given by "National". Any mention of rivers is confusing because very few rivers, as such, are covered. "England and Wales" is superfluous because there is little chance of confusion with what might become a Scottish version and unduly lengthy.

Yours faithfully,

[submitted by email from secretary@jlaf.org.uk]

Ray Newbigin, Chairman of the JLAF.
cc. Robin Winfield, Vice Chairman
Ron Phelps, Deputy Chairman