

BLUESPACE MANIFESTO 2021

FOR A GREEN RECOVERY

"Physical inactivity costs NHS Wales £35 million a year"

Public Health Wales

" Access to, and engagement with, this natural environment, is associated with positive health outcomes, including improved physical and mental health, and reduced risk of cardiovascular disease and other health problems."

Public Health Wales

"Our outdoor spaces belong to all of us. They are a precious resource for all the people of Wales, providing a valuable opportunity to improve our physical and mental well-being, and help us live longer, healthier and happier lives."

Public Health Wales

Being active outdoors makes us happier, more resilient to physical illness and is vital to our mental health and wellbeing.[i] 28% of adults meet the recommended level of physical activity through outdoor pursuits.[ii] Increasing opportunity for outdoor recreation could add considerably to activity levels.

The pandemic has highlighted the importance of spending time in nature: 'green space'[iii] ; and research [iv] shows that even greater health and wellbeing benefits can be derived by exercise and recreation in bluespace.[v] It also highlighted the inequality of opportunity in Wales for public engagement with nature. Wales has abundant green and blue space for all its people; but the 'Right to Roam' under the Countryside and Rights of Way (CR0W) Act covers only 8% of the land ,[vi] much of which many, including the most disadvantaged in our society, are unable to access. Not everyone wants to climb mountains or tramp moorland; many would like to take an easy stroll and maybe enjoy a waterside picnic watching the wildlife. Access to inland water in Wales is even worse, with less than 4% available for the public to enjoy without fear of challenge.[vii] Time spent in nature is vital to our health and wellbeing, and everyone should have equitable access to these benefits. Restricting the majority of the public to a small percentage of the space, is illogical and unjustifiable, and is a major contributor to overcrowding at key sites.

The relationship between people and nature is symbiotic. People need nature; equally, nature depends on the positive engagement and protection of the public. Our green and blue spaces are under constant threat from exploitation, neglect, mismanagement, development and pollution. An engaged public become the 'eyes and ears' on the ground, and a strong voice in defence of the environment.

Emerging from the pandemic to face the greater challenge of climate change; our relationship with the environment is paramount. We need to foster a culture of engagement with nature, through equitable open access, at the heart of all our communities.

Successive Welsh governments have acknowledged the need, and made aspirational statements, but failed to take the steps needed for change. Our manifesto sets out key actions to bring about change, by a government with the political will to see it through.

[i] Public Health Wales 2018 Creating healthier places and spaces for our present and future generations. http://www.wales.nhs.uk/sitesplus/documents/888/Creating healthier places spaces.pdf

[ii] NRW State of Natural Resources Report (SoNaRR) 2016

[iii] 'Green space' is shorthand for both vegetated land - parks, community gardens, trees, woodlands and hedges, informal spaces, allotments and food growing sites - and areas of water, such as rivers, canals, lakes and ponds. The definition also includes the sea shore, maintained for the recreation and enjoyment of communities in our villages, towns and cities. NRW 2020

[iv] Amoly et al, 2014 Green and Blue Spaces and Behavioural Development in Barcelona Schoolchildren: The BREATHE Project

[v] For the purpose of this paper, we use 'bluespace' when we refer specifically to water and waterside.

[vi] Countryside and Rights of Way (CRoW) Act 2000 https://www.legislation.gov.uk/ukpga/2000/37/contents

[vii] NRW figure extrapolated from: 'University of Brighton 2008 A Strategic Plan for Water Related Recreation in Wales

WATERS OF WALES MANIFESTO

Our vision is a Wales where:

- Environment and landscape are protected for the mutual benefit of the public and wildlife.

- All people have a healthy, attractive place to live; with active transport links; connected green space within easy walking distance of their home; and where environment, heritage, and access to green and blue space, have priority.

- All people can responsibly enjoy, as of right, and free at point of use, the physical and wellbeing benefits of recreation in green and blue space.

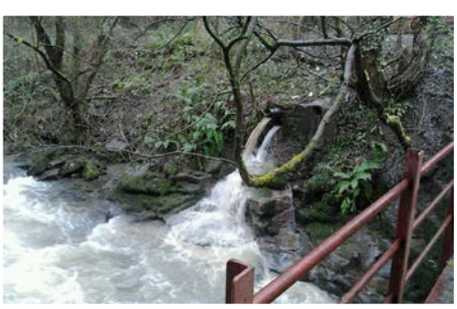
- The public are encouraged and empowered to engage positively with the environment, taking responsibility for their own actions, by a legally enforceable code of conduct setting out the rights and responsibilities of all parties.

- Education is underpinned at all levels by an understanding of nature; outdoor safety; and risk-benefit assessment.

Key actions for government to fulfil this manifesto, are shown under each section as bullet-points.

A WALES WHERE ENVIRONMENT AND LANDSCAPE ARE PROTECTED FOR THE MUTUAL BENEFIT OF THE PUBLIC AND WILDLIFE.

While successive governments have acknowledged the importance of the environment and nature; Wales' green and blue spaces continue to be subjected to neglect and exploitation. Current regulations have proved inadequate to prevent pollution and development that threaten our green and blue spaces. The next Welsh government must take immediate steps to halt destruction of nature; restore our environment; and ensure equitable access to nature for all Wales' people.



Permitted discharge of untreated sewage into Welsh rivers takes place over thousands of hours each year [viii]

KEY ACTIONS

PLANNING: ADDRESS PLANNING LEGISLATION TO GIVE ROBUST PROTECTION TO GREEN AND BLUE SPACES.

- Robust protection in law for designated landscapes.
- Require all planning decisions to be based on presumption against development of greenspace.
- No building on floodplains or in areas at high risk from flooding.
- Employ nature-friendly measures for flood mitigation and prevention.

POLLUTION: SEWAGE, AGRICULTURAL RUN-OFF AND OTHER POLLUTANTS ENDANGER THE PUBLIC AND WILDLIFE.

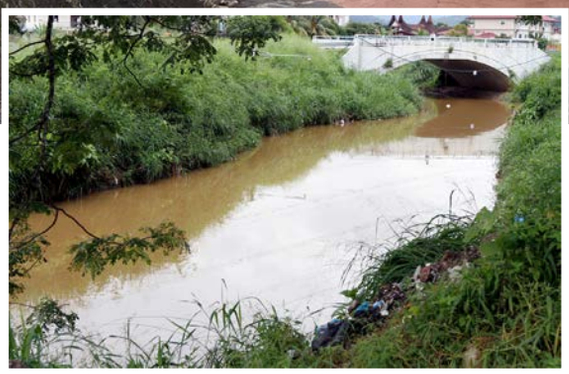
- End permitted discharge of sewage into rivers.
- Require immediate, real-time reporting of sewage or other forms of pollution.
- Implement robust water quality standards to make resilient rivers where nature can thrive; and fit for bathing; a requirement, not an aspiration.
- Implement robust and adequate water quality monitoring, to trace pollution to its source; and enable prompt action.
- Create, extend, and protect riparian buffer zones, as barriers to pollution and to provide corridors for wildlife and recreational access.

PUBLIC MONEY: MUST BE USED FOR THE PUBLIC BENEFIT.

- All payments to landowners or land managers to be made conditional on compliance with environmental standards and public access requirements.

[viii] Dŵr Cymru Welsh Water 2019 Combined Sewer Overflows discharge data https://www.dwrcymru.com/en/our-services/wastewater/combined-sewer-overflows





Pollution in a tributary of the River Wye has killed hundreds of fish in a devastating incident



A south Wales construction company has been fined more than £32,000 after admitting run-off from on of its sites repeatedly polluted a stream in Coedelt, Tonyrefail...

Natural Resources Wales, 7th Dec 2020

Farmer polluted 5km of river killing thousands of fish in most serious case of harm possible...

News WalesOnline, 18 Dec 2020, (reporting incident from July 2019)



A WALES WHERE ALL PEOPLE HAVE A HEALTHY, ATTRACTIVE PLACE TO LIVE; WITH ACTIVE TRANSPORT LINKS; CONNECTED GREEN SPACE WITHIN EASY WALKING DISTANCE OF HOME; AND WHERE ENVIRONMENT, HERITAGE, AND ACCESS TO GREEN AND BLUE SPACE, ARE GIVEN PRIORITY

Landscape is integral to our culture, contributing to community cohesion, and wellbeing. [ix,x] Landscape and society shaped, and were shaped by, paths, byways and waterways; as we stroll down to the river, take a dip, wade across at a ford, or get into a boat, we follow in the footsteps of countless others who have, for centuries, taken the same path. Using these routes connects us with our history, sense of place, and of belonging. When we lose them, we lose part of our identity.

"Living in an activity-friendly neighbourhood is estimated to provide between 32-59% of the 150 minutes of weekly recommended physical activity for adults[xi] .

The Lancet

KEY ACTIONS

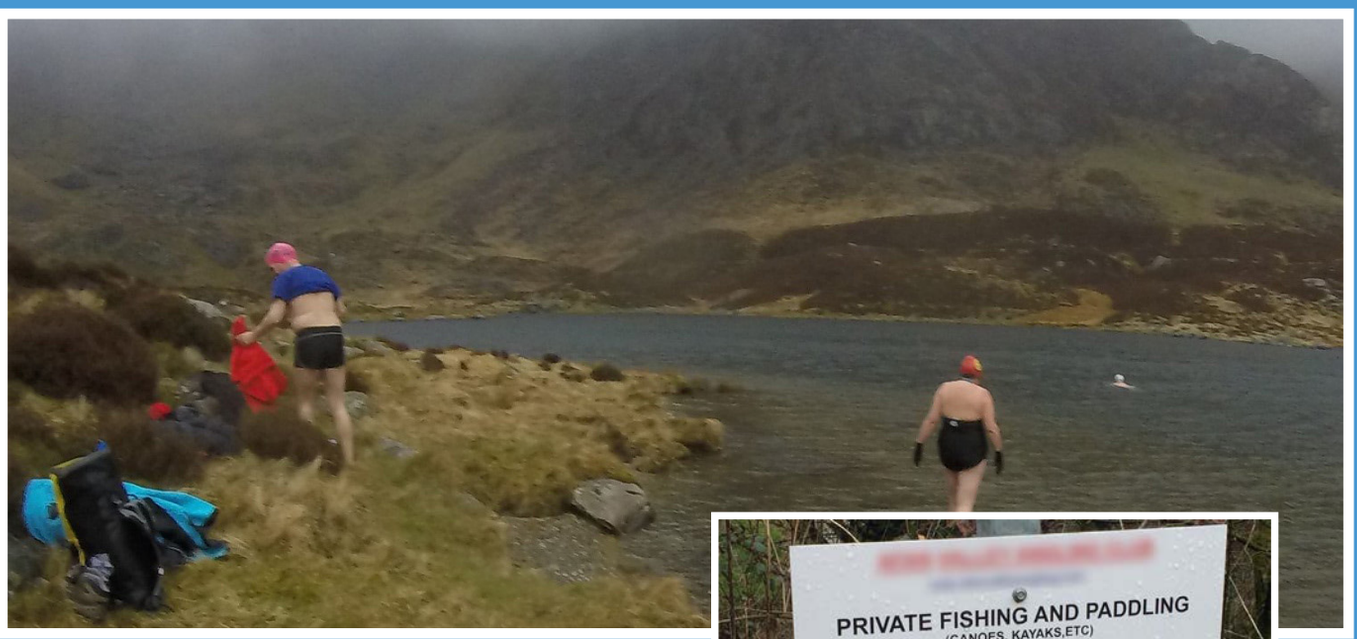
- Require Planning Authorities to dedicate their open spaces to the public for recreation.
- Presumption against development that compromises public access to green or blue space.
- Create green and blue belts around all communities and developments.
- Protect existing Public Rights of Way and Public Rights of Navigation, including those which have yet to be determined.

The importance of access to greenspace for recreation close to home is well-understood, yet Wales barely exceeds the minimum standard of provision on the Green Space Index. [xii]

The Countryside and Rights of Way (CRoW) Act was hailed as the 'Right to Roam' but this is far from being the case, covering only 8% of the countryside.

Under CRoW, most 'access land' is in upland areas, which are not easily accessible to most people, while the most populated areas tend to have the smallest area of greenspace available per person.







Many people, particularly the most disadvantaged, are without accessible green space within comfortable walking distance of their home [xiii], and are consequently deprived of the benefits of recreation in green and blue space appropriate to their needs.

The Countryside and Rights of Way Act (CRoW) excludes inland water.

The situation is even worse for blue space. CRoW excludes inland water from the enjoyment of 'access land' [xiv]. Wales has an abundance of reservoirs, many of which are close to centres of population, and these could be a wonderful resource for water-based activity, or just spending time in bluespace. This happens in many countries, including Scotland, and parts of England. However, in Wales, reservoirs are 'out of bounds', or available on a limited, fee-paying, basis.





[viii] Taylor and Lennon (2011) Cultural landscapes: A bridge between culture and nature?

[x] Russel et al (2013) Humans and Nature: How Knowing and Experiencing Nature Affect Well-Being.

[xi] http://www.ipenproject.org/documents/IPEN-Research-Brief%20Lancet%20paper%2004-16.pdf

[xii] Fields in Trust Green Space Index: http://www.fieldsintrust.org/green-space-index

[xiii] NRW Response – WG Consultation 'Improving opportunities to access the outdoors for responsible recreation https://naturalresources.wales/media/5627/improving-opportunities-to-access-the-outdoors-for-responsible-recreation-org.pdf

[xiv] https://naturalresources.wales/media/5627/improving-opportunities-to-access-the-outdoors-for-responsible-recreation-org.pdf

A WALES WHERE ALL PEOPLE CAN RESPONSIBLY ENJOY, AS OF RIGHT, AND FREE AT POINT OF USE, THE PHYSICAL AND WELLBEING BENEFITS OF SUSTAINABLE RECREATION IN GREEN AND BLUE SPACE.

Wales' abundant blue and green space is a national asset which is denied to many; by difficulty of access, need to travel, and often by the need to pay. The current legislative framework for public access to the outdoors is complex and restrictive. Rights of access to inland water are disputed, with access to more than 90% of rivers in Wales opposed by influential groups. Confusion and conflict are deterrents to outdoor exercise or spending time in nature, which disproportionately affect the most disadvantaged in our society.

Our public rights of way (PRoW) and public rights of navigation (PRN) are important ways for people to access green and blue spaces or explore our heritage. All too often, however, public rights are threatened by neglect or deliberate attempts to dissuade users.

More than 7,000 Public Rights of Way in Wales, face extinguishment in 2026, because they were not correctly recorded on the definitive map. [xv]

Under Countryside and Rights of Way (CRoW) legislation, existing rights of way not correctly recorded by 2026, could be lost for ever. More than 7,000 'lost paths' have, to date, been identified in Wales[xvi], but the process of recording each route, with evidence, is a lengthy one, carried out mostly by volunteers

KEY ACTIONS

- Extend the 'Right to Roam' to all open land, and all water, subject to specified, evidence-based, exemptions.
- Make access to green space a requirement for all development.
- Provide 'active travel' routes to link communities with connected green and blue space.





Compelling evidence exists for a public right of navigation on all flowing water in Wales [xvii]

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In the case of inland water, a common-law public right of navigation (prn) can be traced from Roman times, via Magna Carta, to the present day[xviii]. Until the mid-20th Century, the prn was taken for granted; but recent, unevidenced challenges to navigation, often from influential vested interests, have eroded public confidence to exercise their rights; re-enforcing the hegemony. Welsh Government has stated the law to be unclear, yet its policy is predicated on acceptance of one view. In the interest of equity and social justice[xix], government must halt the erosion of public rights of access, restore rights which have been wrongly annexed or denied in the past, and give equal weight to disputed claims.





[xv] A definitive map is prepared by a surveying authority and is a legal record of the public's rights of way

[xvi] https://www.ramblers.org.uk/news/latest-news/2020/november/dont-lose-your-way-reveals-lost-historic-paths.aspx

[xvii] www.watersofwales.org/The-Common-Law-Public-Right-of-Navigation.pdf

[xviii] http://www.riveraccessforall.co.uk/what_is_the_evidence.php#Evi

[xix] "Access to inland water in Wales is a right of equity and social justice." Press release by the Welsh Assembly Petitions Committee 2009. http://news.bbc.co.uk/1/hi/wales/wales_politics/8000079.stm

A WALES WHERE THE PUBLIC ARE ENCOURAGED AND EMPOWERED TO ENGAGE POSITIVELY WITH THE ENVIRONMENT, TAKING RESPONSIBILITY FOR THEIR OWN ACTIONS, BY A LEGALLY ENFORCEABLE CODE OF CONDUCT SETTING OUT THE RESPONSIBILITIES OF ALL PARTIES.

Landowners and occupiers often cite fear of litigation as a reason for opposing access, but this does not need to be a barrier. The CRoW Act reduces the occupiers' liability to anyone accessing CRoW access land by removing their liability of any injury caused by any natural feature, any watercourse or by any boundary feature (except by proper use of a gate or stile) [xx].

Landowner liability protection could be extended to all access rights.

The protection landowners currently have on access land covered by the CRoW Act, could be extended to all access rights; opening up access to land and water could ease the burden on landowners, by enabling more protection from liability.

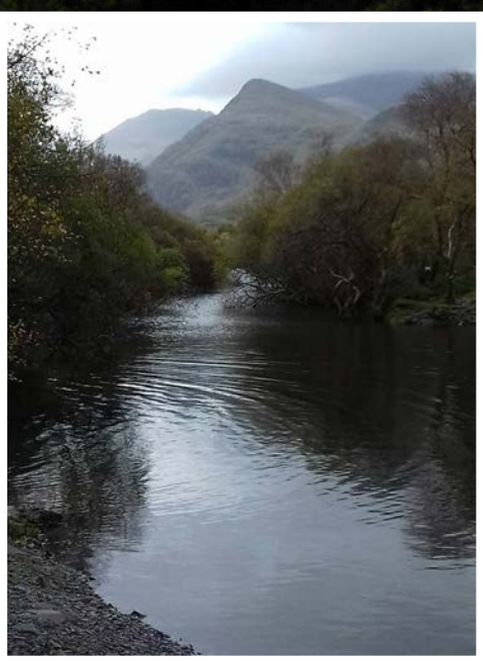
Littering and other forms of irresponsible behaviour are also cited as reasons for excluding the public from the countryside. Rights enshrined in legislation, with documented responsibilities to the environment, wildlife and other people, give clarity and confidence to all parties. Without a clearly understood right of access, we cannot clearly state associated responsibilities.

KEY ACTIONS

- Consistently apply the occupier liability approach used in CRoW, to all access rights.
- Create a code of conduct designed to cover all sustainable activity, setting out everyone's rights and responsibilities, and to be legally binding on all parties.







Some examples:

In Scotland: "you can go on to most land to enjoy the outdoors – as long as you behave responsibly. This is known as Scottish access rights and is different to the position in England and Wales. When you are enjoying the outdoors, you must follow the Scottish Outdoor Access Code. The Code is based on three key principles:

- Respect the interests of others.
- Care for the environment.
- Take responsibility for your own actions.[xxi]



In Norway: "Outdoor recreation has become a major part of national identity and is established by law. You are free to enjoy the great outdoors and breathe in as much of the fresh air as you want – as long as you pick up your rubbish and show respect for nature.

The main rules are easy: Be considerate and thoughtful. Don't damage nature and other surroundings. Leave the landscape as you would want to find it.[xxii]

In Sweden: "The Right of Public Access is a unique right to roam freely in the countryside. But with this right come responsibilities – to take care of nature and wildlife and to show consideration for landowners and for other people enjoying the countryside. The Swedish Environmental Protection Agency (EPA) sums up the Right of Public Access in the phrase 'Don't disturb – Don't destroy.[xxiii]

[xx]"Section 13 of the CROW Act reduces the occupiers' liability under the Occupiers' Liability Act 1957 to anyone accessing CRoW access land by removing their liability of any injury caused by any natural feature, any watercourse or by any boundary feature (except by proper use of a gate or stile)."

[xxi] https://www.outdooraccess-scotland.scot/act-and-access-code/scottish-outdoor-access-code-visitors-and-land-managers/what-scottish-outdoor-access-code

[xxii] https://www.visitnorway.com/plan-your-trip/travel-tips-a-z/right-of-access/

[xxiii] https://visitsweden.com/what-to-do/nature-outdoors/nature/sustainable-and-rural-tourism/about-the-right-of-public-access/

A WALES WHERE EDUCATION IS UNDERPINNED AT ALL LEVELS BY AN UNDERSTANDING OF NATURE; OUTDOOR SAFETY, AND RISK-BENEFIT ASSESSMENT.

All too often, local authorities, landowners and occupiers act in the belief that to control, restrict or forbid activity, will keep everyone safe; or absolve the owner/occupier of liability if someone is injured. Signage often seems to be intended to 'scare' the public and discourage activity, rather than to provide useful, factual, information to inform educated and responsible decision-making.

An unduly risk-averse culture is, however, counter-productive. It denies people the opportunity to learn to assess risk and make informed behavioural choices in the outdoors; a skillset which will help them throughout life. It also deprives people of the opportunity and ability to benefit from engagement with nature.

"Do not destroy the appeal of wild and remote places by putting up signs and fences; or making paths to urban standards. People should be free to participate in high risk or adventurous activities provided they are aware of the risks. [xxiv]

If schools, youth groups or wider society are fearful of introducing children and young people to the outdoors, a vital link is lost in the public's connection to nature, to the detriment of their ability to make sound judgements and behave responsibly.

"People protect what they love, love what they understand and understand what they're taught.

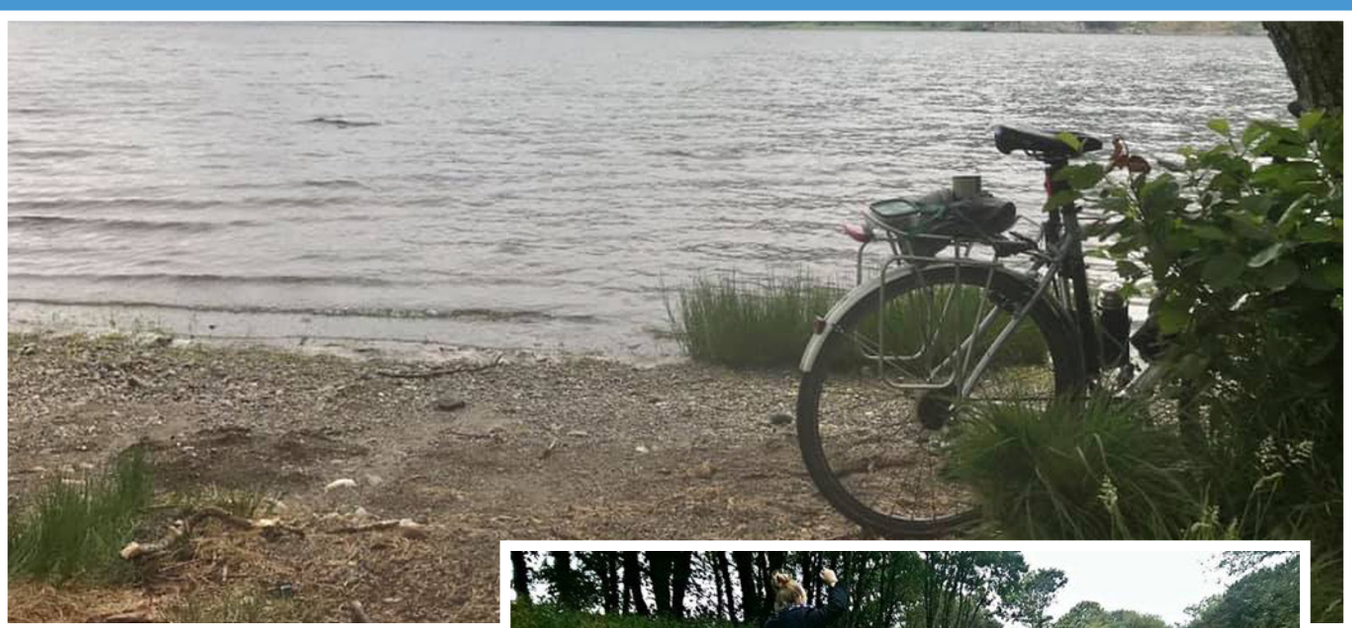
Jacques Cousteau

KEY ACTIONS

- Ensure that all children are given the opportunity to spend regular, and extended, periods of time in nature, at each stage of their education, giving every child equal right to participate regardless of status or the ability to pay.
- Embed understanding of nature, and essential outdoor life-skills such as risk-benefit assessment, self-sufficiency, navigation, and swimming, in early-year learning and throughout schooling.
- Implement a programme of wider public education in understanding of nature, outdoor rights, and the responsibilities that come with rights.



[xxiv] Visitor Safety Group Guiding Principles Visitor Safety in the Countryside: (vscg.org)











WATERS OF WALES IS PART OF THE BLUESPACE ACCESS AND CONSERVATION TRUST

Our Vision

For all members of the public to engage positively with our waters, bluespace and the wider environment; and to enjoy their rights of sustainable bluespace recreation.

Our Mission

To be a champion; and help empower members of the public to be champions; of our aquatic, marine and bluespace environment. To protect the rights and freedoms of all those who seek solace or enjoyment from sustainable recreation in, on or beside water.

Charity no. 1190101

enquiries: admin@watersofwales.org