

# Northumberland National Park and County Joint Local Access Forum

## JLAF Position Statement on Access to Water

There is an increasing demand for public access to water for recreational activities such as swimming and the use of manually propelled watercraft from canoes to inflatable toys.

Swimming and boating on rivers, the sea and lakes can be dangerous - through a lack of experience and understanding of the hazards - if sensible safety precautions are not taken. If you are inexperienced, we recommend you join a club or swimming group or start off with an Activity Provider, who will help you do your activities in safety, and advise you on local access sites and agreements.

See <https://www.britishcanoeing.org.uk/canoe-near-you> for details of local paddlesport clubs or <https://www.outdoorswimmingsociety.com/uk-wild-swimming-groups/> for wild swimming groups.

### The Legal situation on accessing water is not well defined in law:

#### In England and Wales:

- There is a right of access to the sea and tidal waters, although harbour dues may be charged for launching in a harbour and bylaws may apply.
- There is a right to swim in waters that are navigable and open to powered boats. Licences may be required for watercraft.
- Many have argued, based on detailed research, that there is a 'public right of navigation' on all rivers that can be navigated by any non-powered boat, and therefore a right to swim.
- There is a right to enter the water where a footpath or highway enters or crosses water.
- Where a footpath or highway runs alongside the water there may be strong arguments that you can enter the water from it, because of the historical purpose of those paths.
- There are many places where people have traditionally swum and the right to swim has been asserted – and generally accepted – for a long time.
- In many swim places accessing the water is tolerated and sometimes welcomed by landowners.
- The landowner who owns the bank of a river (riparian owner) also owns the riverbed up to the midpoint, but not the water. As the water is not owned, swimmers and paddlers might interpret this as meaning there is a right to swim or paddle, though others might take a different view.
- Angling clubs or syndicates who own the fishing rights to a stretch of water only own those fishing rights, not the water or the banks.

(In **Scotland**: swimming and watercraft are included in their 'Right to Roam' access legislation.)

Both British Canoeing and the Outdoor Swimming Society employ access officers dealing with improving access for all, by both legal routes and local agreements.

Detailed information can be found on the British Canoeing website (<https://www.britishcanoeing.org.uk/access-and-environment/access-charter-campaign>) and the Outdoor Swimming Society webpage (<https://www.outdoorswimmingsociety.com/inland-access-round-up/>). For more detail on the legal situation for swimmers: <https://www.outdoorswimmingsociety.com/is-it-legal/>

The Joint Local Access Forum support the work of British Canoeing and the Outdoor Swimming Society to improve responsible and sustainable access to water for all.