

The provision of access for outdoor recreation in Northern Ireland

Key Stakeholder Consultation

27th January – 29th March 2021



Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

***Sustainability** at the heart of a
living, working, active landscape
valued by everyone.*

1.0 Introduction

1.1 The value of our outdoors

Northern Ireland has a mixture of extremely varied and beautiful lands and seascapes within a very small geographical area. Mountains, moorlands, forests, extensive inland waterways and a spectacular coastline all make up our local environment. Our towns and cities tend to be relatively small and therefore greenspace, such as hills, forests and parks are in close proximity to most of the people who live and work here. However, access to the natural environment is often restricted and the provision varies from area to area.

A recent survey* identified that the benefits of spending time outdoors during the COVID-19 lockdown were significant. 84% of participants reported feeling physical health benefits and 90% reported benefits related to mental health and wellbeing. Benefits were strongest amongst people who visited the outdoors most often during lockdown and people with quality trails and greenspaces close to home. 51% of respondents expected to spend more of their free time outdoors than they did pre-lockdown. People would most like to be able to visit local parks, the countryside and coast, to walk on off-road trails and to spend time with family and friends. There was significant support for the development and improvements of walking and cycling trails.

* Survey carried out by Outdoor Recreation NI in May 2020. The full report is available at <http://www.outdoorrecreationni.com/news/new-survey-highlights-importance-of-accessing-outdoors-safely-during-covid-19/>

Apart from health and well-being benefits, outdoor recreation contributes to Northern Ireland society in a wide range of areas, including social inclusion, community cohesion, environmental awareness, rural development and economic opportunities.

However, our natural environment is also a living, working and active environment with the majority of the land farmed and producing our food, drinking water and supporting livelihoods.

The development of the Outdoor Recreation Action Plan for Northern Ireland ([Our-Great-Outdoors-The-Outdoor-Recreation-Action-Plan-for-Northern-Ireland SportNI-2014.pdf](http://www.outdoorrecreationni.com/our-great-outdoors-the-outdoor-recreation-action-plan-for-northern-ireland-sportni-2014.pdf)) identified a need to review and initiate the development and consolidation of appropriate outdoor recreation legislation.

It is important that a suitable balance is struck between enabling public access to our natural environment, while protecting that environment and ensuring landowners rights.

1.2 Accessibility

Public access to land in Northern Ireland is more restricted than other parts of the United Kingdom. Land ownership in Northern Ireland is significantly different from the rest of the United Kingdom as most farms are of a much smaller scale, with a proportionately higher number of the population with land owning interests.

Although some areas of the countryside may have been used freely for recreation for many years, the public have no general rights to wander over open land, mountains, moorland, woodlands,

the foreshore, etc. However, many landowners tolerate access to their land without a formalised agreement.

Generally speaking, in Northern Ireland, **public access is restricted to:**

a) Public Rights of Way;

A Public Right of Way is “a highway which any member of the public may use as a right - not a privilege granted by the landowner”. It is a permanent legal entity and remains in existence until it is extinguished, or diverted, by due legal process. Detail on Public Rights of Way is available on NI Direct at <https://www.nidirect.gov.uk/articles/public-rights-way>

b) where the public have the landowner’s permission to visit;

Local councils may make Permissive Path Agreements with landowners for people to use an agreed portion of their land, under agreed conditions, as a means to secure quality recreational access.

c) areas of land which are in public ownership and to which the public are invited to use;

Northern Ireland’s public land comprises of just over 6% of the total land area. This includes public land managed by:

- Department of Agriculture, Environment and Rural Affairs (DAERA), including;
 - Forest Service
 - NI Environment Agency (country parks, nature reserves etc.)
- Department for Communities (DfC)
- District Councils
- Loughs Agency
- Northern Ireland Water
- Waterways Ireland

Note: Permitted access to public land does not necessarily create a Public Right of Way.

2.0 Aim of this consultation

The aim of this consultation is to seek the views of key stakeholders on the current provision members of the public have to Northern Ireland’s natural environment for outdoor recreation, and investigate how provision can be improved, while protecting the environment and recognising the needs of landowners. **This consultation is not considering an overall “Right to Roam”, or the development of National Parks in Northern Ireland.**

Stakeholders identified for initial consultation include:

- Representative groups of those who use the outdoors for recreational purposes
- Representative groups of landowners / land managers
- Environmental groups

- Those who enforce related legislation

A list of Key Stakeholders who have been invited to provide their views is provided at Annex A. If you feel we have omitted any significant group please contact us at the e-mail / address below.

A broader public consultation is expected following the consideration of responses from key stakeholders.

Submissions should be:

e-mailed (preferable) to: AccessforOutdoorRecreation@daera-ni.gov.uk

or

hard copies sent to: Stephen Emerson
RNRPD: Natural Heritage Policy Branch
Department of Agriculture, Environment & Rural Affairs
Klondyke Building
Cromac Avenue
Belfast BT7 2JA

The closing date for submissions is **29th March 2021**

3.0 Alternative Formats

On request, we can arrange to provide other formats of the documents above, such as -

- Paper Copy
- Large Print
- Braille
- Other languages

To request an alternative format, please contact us by one of the following methods:

e-mail (preferable): AccessforOutdoorRecreation@daera-ni.gov.uk

Write to: Stephen Emerson
RNRPD: Natural Heritage Policy Branch
Department of Agriculture, Environment & Rural Affairs
Klondyke Building
Cromac Avenue
Belfast BT7 2JA

Telephone: 028 9056 9432

Text Relay: If you have a hearing difficulty you can contact the Department via:

- Text Relay using the Next Generation Text Service (NGTS).
- Making a call from a textphone dial 18001 + number.
- Making a call from a telephone dial 18002 + number.

4.0 Your details:

We use this information in order to communicate with you if we need to clarify your response or for further communications.

Title (e.g. Mr, Mrs, Ms etc.) _____
Forename or initials _____
Surname _____
Full postal address _____
Postcode _____
Email address _____

Are you responding as an:

a) Individual YES / NO

If "YES", do you:

Participate in outdoor recreational activities? YES / NO

Please identify which _____

Own, or manage, land which the public may wish to use to facilitate outdoor recreation? YES / NO

Provide details (if relevant) _____

Other (please state) _____

b) Organisation / Group YES / NO

If "YES", does your organisation / group :

Participate in, or organise, outdoor recreational activities? YES / NO

Please identify which activities _____

- Own, or manage, land which the public may wish to use for outdoor recreation? YES / NO
Please identify the type of land (eg mountain, lowland farmland, woodland etc.) _____
- Other (please state) _____

Organisation / Group Details:

- Organisation/Group name _____
- Full postal address _____
- Postcode _____
- Contact name _____
- Contact email _____

- Which category best describes your organisation (select one item)
 - Community organisation
 - Third sector / equality organisation
 - Landowner / land manager
 - Private sector organisation
 - Representative body for professionals
 - Local government
 - Community Planning Partnership
 - Public Body, including Executive Agencies, NDPBs, NHS etc.
 - Academic or Research Institute
 - Other (please state) _____

Publication of responses - your permissions:

We may wish to publish responses to this consultation, in summary and where possible in detail.

We would like your permission to publish your response:

Please select one item (Required)

- Publish this response with your name
- Publish this response without your name
- Do not publish this response

Note that when we publish reports on a consultation, we do not publish your email or postal address or other information about you.

We may share your response internally with other Northern Ireland Government policy teams who may be addressing the issues you discuss. They may wish to contact you. Are you content for Northern Ireland Government to contact you in relation to this consultation exercise?

Please select (Required)

Yes No

5.0 Consultation:

You are invited to respond to whichever of the following questions are relevant to you, or those who you represent. However, you should not feel obliged to respond to questions which are not.

Do not feel limited to the space provided. Please feel free to expand the comments boxes or attach additional pages if required.

PLEASE NOTE: This consultation is not reviewing specific sports in Northern Ireland, it is specifically looking at the provision of access to the countryside to partake in outdoor activities.

5.1 Current Provision

Q1: Do you believe there is sufficient public access to the natural environment for outdoor recreation in Northern Ireland?

YES / NO

Please feel free to comment below

Q2: Do you feel that Public Rights of Way are adequately identified to the public?
YES / NO

Please feel free to comment below

Primarily for land owners/managers (however views are welcome from all participants):

Q3: What difficulties have you encountered, or do you foresee, in establishing or managing public access through your land, or the land you manage?

Primarily for land owners/managers (however views are welcome from all participants):

Q4: What would encourage you to agree to public access through your land, or the land you manage, for recreational purposes?

Public Land

Northern Ireland's public land comprises of just over 6% of the total land area. This includes public land managed by:

- Department of Agriculture, Environment and Rural Affairs (DAERA), including;
 - Forest Service
 - NI Environment Agency (country parks, nature reserves etc.)
- Department for Communities (DfC)
- District Councils
- Loughs Agency
- Northern Ireland Water
- Waterways Ireland

Q5: Do you believe that an adequate amount of public land is available for outdoor recreational purposes?

YES / NO

Please feel free to comment below

Q6: How could existing public land be better used in relation to outdoor recreation?

Primarily for public land managers (however views are welcome from all participants):

Q7: What difficulties have you encountered, or do you foresee, permitting public access to the land you manage where access does not currently exist or where increased access is sought?

Primarily for public land managers (however views are welcome from all participants):

Q8: How could any difficulties identified in Q7 be reduced or negated?

5.2 Current Legislation

The **Guide to Public Rights of Way and Access to the Countryside: Guidance Notes on the Law, Practices and Procedures in Northern Ireland** is a practical manual, produced by the Environment & Heritage Service (now the Northern Ireland Environment Agency, Department of Agriculture, Environment and Rural Affairs), which aims to clarify the legal position in Northern Ireland, and the practice and procedures that should be followed.

The principle legislation relating to access to the countryside in Northern Ireland is **The Access to the Countryside (NI) Order 1983** (<https://www.legislation.gov.uk/nisi/1983/1895/data.pdf>) which deals with public rights of way and access to open country. It also identifies responsibilities on local councils and landowners.

The Nature Conservation and Amenity Lands Order (Northern Ireland) Order 1985 (<https://www.legislation.gov.uk/nisi/1985/170>) gives the Department of Agriculture, Environment and Rural Affairs powers to undertake a variety of roles for the enjoyment and conservation of the countryside and amenity lands.

The Recreation and Youth Service (Northern Ireland) Order 1986 (<https://www.legislation.gov.uk/nisi/1986/2232>) has been used by local councils to make Permissive Path Agreements with landowners for people to use an agreed portion of their land as a means to secure quality recreational access. A permissive path agreement can operate under limitations and can endure for whatever period of time the council and landowner are willing to agree. It does not create a new public right of way (where one did not already exist), but a route which the landowner has given permission for people to use.

Questions 9 - 11 are aimed that those who have had cause to refer to legislation in relation to access issues, however views are welcome from all participants.

Q9: How often would you refer to legislation in relation to access issues?

- Daily / Weekly
- Monthly
- Yearly
- Rarely
- Never

Please feel free to comment below

Q10: Please identify any difficulties you have with current legislation and/or Guidance in relation to public access.
Please be as specific as you can and identify which legislation and section you are referring to.

Q11: How could the issues raised in Q10 be resolved?
Please be as specific as you can and identify which legislation and section you are referring to.

5.3 Opportunities

Q12: How could the provision of access to the outdoors for recreational purposes be improved?

What have other jurisdictions done to improve access for outdoor recreation?

Legislative changes in Great Britain over the past 20 years have increased the availability of access to the natural environment significantly. Under the Countryside & Rights of Way Act 2000, especially since 2005 people across England and Wales have the freedom to access land, without having to stay on designated paths. Approximately 8% of England and 20% of Wales is classed as 'access land'. In Scotland the Land Reform (Scotland) Act 2003 established a right of non- motorised access over most land and inland water.

The provision of a "Right to Roam", and the development of National Parks has previously been considered in Northern Ireland and **is not being considered as part of this consultation.** However some aspects of Scotland's Land Reform Act 2003 may provide the basis for improvement in Northern Ireland.

As a requirement of the Land Reform (Scotland) Act 2003, core path plans are drawn up by local authorities after consultation with communities, land managers and path users. **Core path networks** are interlinking routes that normally join, or are close to, communities. They are normally part of the wider path network of long distance walking and cycling routes, and local and community paths. Many Northern Ireland local councils have included the development of path networks in their current Community Plans.

Q13: Do you believe that a Core Path Network would be a possible solution to improving access for outdoor recreation?

YES / NO

Please feel free to comment below

Q14: What would be the potential opportunities, benefits, or uses, of a Core Path Network in Northern Ireland?

Q15: What difficulties do you foresee in establishing a Core Path Network in Northern Ireland?

Q16: How could landowners be encouraged to provide access, through their land, to develop a Core Path Network?

Q17: What features would you like to see in a Core Path Network? (e.g. cycle lanes, circular routes etc.)

Q18: What other opportunities, in relation to the provision access for outdoor recreation, should be considered?

5.4 Miscellaneous

Q19: Please feel free to provide further views on any aspect of the provision of access for outdoor recreation in Northern Ireland

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or hard copies sent to:

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Department of Agriculture, Environment & Rural Affairs
Klondyke Building
Cromac Avenue
Belfast BT7 2JA

The closing date for submissions is **29th March 2021**

List of Groups invited to participate in “The provision of access for outdoor recreation in Northern Ireland - Key Stakeholder Consultation”

If you feel we have omitted any significant group please contact us at
AccessforOutdoorRecreation@daera-ni.gov.uk

Angling NI
Antrim and Newtownabbey Borough Council (Countryside Officers)
Ards and North Down Borough Council (Countryside Officers)
Armagh City, Banbridge and Craigavon Borough Council (Countryside Officers)
Belfast City Council (Countryside Officers)
Belfast Hills Partnership Recreation Group
British Horse Society
Canoeing Association of Northern Ireland
Causeway Coast Adventure Racing (CCAR)
Causeway Coast and Glens Borough Council (Countryside Officers)
Causeway Coast and Glens Outdoor Recreation Forum
Council for Nature Conservation and the Countryside
Cycling Ulster
Derry City & Strabane District Council (Countryside Officers)
Disability Action NI
Disability Sport NI
Fermanagh & Omagh District Council (Countryside Officers)
Horse Sport Ireland
Irish Kite Surfing Association
Irish Water Ski Federation
Leave No Trace Ireland
Lisburn and Castlereagh City Council (Countryside Officers)
Local Rural Support Networks
LVRP recreation forum
Marble Arch Caves UNESCO Global Geopark
MENCAP
Mid and East Antrim Council (Countryside Officers)
Mid Ulster District Council (Countryside Officers)
Mountaineering Ireland
Mourne Outdoor Recreation Forum
National Outdoor Recreation Forum (NORF)
National Trust Northern Ireland
Newry, Mourne and Down District Council (Countryside Officers)
NI Agricultural Producers Association (NIAPA)

NI Association for Mental Health (Niamh)
NI Environment Link
NI Greenways
NI Heritage Fund
NI Mountain Bike Alliance
NI Protected Area Network
NI Rural Women's Network
Northern Ireland Archery Society
Northern Ireland Federation of Sub Aqua Clubs
Northern Ireland Orienteering Association
Northern Ireland Sports Forum
Northern Ireland Surfing Association
Outdoor Industry Association (NI)
Outdoor Recreation Northern Ireland (ORNI)
Ring of Gullion Outdoor Recreation Forum
Royal Yachting Association (NIC)
Rural Action
Rural Community Network
Speleological Union of Ireland
Sperrins Outdoor Recreation Forum
Sport Northern Ireland
Strangford Lough and Lecale Outdoor Recreation Forum
Sustrans
Triathlon Ulster
Ulster Branch, Irish Amateur Rowing Union
Ulster Farmers Union (UFU)
Ulster Federation of Rambling Clubs
Ulster Gliding Club
Ulster Hang Gliding and Paragliding Club
Young Farmers' Clubs of Ulster