

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 Caro-lynn

Surname Ferris

Full postal address The Stableyard, Barnett Demesne, BELFAST

Postcode BT9 5PB

Email address Caro-lynn@outdoorrecreationni.com

Are you responding as an:

a) Individual NO

If "YES", do you:

Participate in outdoor recreational activities? YES / NO

Please identify which N/A

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

Provide details (if relevant) N/A

Other (please state) _____

b) Organisation / Group YES

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) Strategic development, management, and promotion of outdoor recreation across NI

Organisation / Group Details:

- Organisation/Group name Outdoor Recreation NI
- Full postal address The Stableyard, Barnett Demesne, BELFAST
- Postcode BT9 5PB
- Contact name Caro-lyne Ferris
- Contact email Caro-lyne@outdoorrecreationni.com
- 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) Not for profit E-NGO

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?

Outdoor Recreation Northern Ireland (ORNI) does not believe there is sufficient public access to the natural environment for outdoor recreation in Northern Ireland.

Back in the late 90s/early 00s, all countries in the United Kingdom undertook a review of their access legislation and as a result, all but Northern Ireland, changed their legislation resulting in significantly increased public access to the natural environment.

In England and Wales this was conducted under the Countryside and Rights of Way (CROW) Act (2000), and in Scotland under the Land Reform (Scotland) Act (2003). Since then, additional access has been secured in England and Wales through the Marine Coastal Access Act (2009).

England has now c. 1million hectares of open access land – 2/3rds opened to the public under the CROW Act and c. 140,000 miles of Public Footpaths. By way of comparison, Northern Ireland has c. 150 miles of Public Rights of Way.

The outcome of Northern Ireland’s review of the Access Legislation in 1999, resulted in the Department of the Environment, ‘parking’ the idea following strong opposition to any proposed statutory freedom for ‘right to roam’ over unenclosed, uncultivated land like that now in place in Scotland and England.

Consequently, securing access has remained difficult in Northern Ireland compared to the rest of the United Kingdom, with demand for access outstripping supply. This situation has been exacerbated during the COVID-19 pandemic. Research¹ undertaken by ORNI in May 2020 (during the first lockdown period) found that:

- 47% of the population spent more of their free time outdoors than they did the same time the previous year
- 51% of respondents expected to spend more of their free time outdoors than they did pre-lockdown.

With increased use of the outdoors, this has led to many of Northern Ireland's outdoor honeypot sites suffering negatively (see Question 3). Additional access is required to take the pressure off these sites and spread the load more evenly across other areas.

In addition, opportunities to access Northern Ireland's natural environment are not evenly distributed across NI. Recent research² undertaken by ORNI found nearly 1 in 3 of the Northern Ireland population stated they do not have greenspace with easy walking distance of their home and this sentiment is higher for residents of rural areas and deprived areas, and amongst women and disabled people.

Some areas such as the High Mourne, in public ownership, are much more accessible than the uplands of the Glens of Antrim and the Sperrins for example, where private landownership dominates.

ORNI supports the development of new legislation that would see such areas and other areas of our countryside and coast becoming more accessible. We believe that opportunities now exist to tailor support to landowners in facilitating access.

¹ Engaging with the Outdoors during COVID-19 Lockdown in Northern Ireland (May 2020) – Outdoor Recreation Northern Ireland. Available at <http://www.outdoorrecreationni.com/news/new-survey-highlights-importance-of-accessing-outdoors-safely-during-covid-19/>

² Outdoor Recreation: People, Nature and Health (March 2021) – Outdoor Recreation Northern Ireland. Available at <http://www.outdoorrecreationni.com/news/revealed-outdoor-recreation-people-nature-and-health-survey-results/>

Q2: Do you feel that Public Rights of Way are adequately identified to the public?

The Access to the Countryside Order (1983) gave the then 26 District Councils powers to carry out a range of functions including mapping of all known and agreed Public Rights of Way (PROW) in their area, further asserting rights of way, and subsequent protection measures. However, the nature of assertion in Northern Ireland relied on the Courts if there was any controversy and it thus became a litigious and often expensive process with little success, hence the very low provision.

The issue is not therefore about whether PROWs are adequately identified to the public, but rather their overall role (even potential role) in contributing to increased access opportunities in Northern Ireland. Given that the most obvious ROW have been asserted, little capacity remains to use ROW as a method of increasing access provision. If a route has not been asserted in the almost 40 years since the legislation, its whole basis will likely be called into question.

Furthermore, many of Northern Ireland's PROW are not in any case quality experiences that people would wish to enjoy and there would be little benefit in them being promoted to the general public. A high number are found in urban settings and are simply to maintain established public access rights as a 'highway'.

An exception to the above is in south Down, where the Council largely used a 'green lane' system to create and subsequently protect a traditional network. Although in many cases the PROW are short in length, they do provide off-road access opportunities and enjoyable walks.

However, it is clear that Councils in Northern Ireland generally do not favour PROW as an efficient way of increasing access opportunities, compared to less contentious 'permissive path' agreements.

Although they have their place in providing access, ORNI feels PROW should not be the focus of any new legislation going forward and in fact could be a negative force.

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?

ORNI has been working recently with a range of landowners (both private and public) regarding the issues being faced regarding public access to their land.

The key management issues, exacerbated by increased usage of the outdoors during the COVID-19 pandemic, include:

- Overcrowding at sites – inadequate car parking
- Increased car congestion on small rural roads – blocking of gates etc
- Increased littering
- Increased number of dogs off the lead causing stress to farm animals
- Increased dog fouling on trails and dog bags being left at the side of the trail or hanging from trees
- Increased wild camping bringing with it litter, broken bottles etc

Any landowners who are considering establishing new access on their land will undoubtedly be concerned about the above issues. Finding the additional resources, both financially and in terms of manpower, to manage the above issues is a concern for both public and private landowners.

For private landowners, through years of conversations with the two farming unions – Ulster Farmers' Union (UFU) and Northern Ireland Agricultural Producers Association (NIAPA), we are aware that the greatest concern for many private landowners considering opening their land for access still revolves around the issue of occupiers' liability and the duty of care owed to recreational users on their land (see Q4)

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?

During the past year, ORNI has engaged with numerous private landowners regarding what it would take to encourage them to agree public access on their land. Two main factors have dominated the discussions namely:

- financial compensation/incentive
- addressing occupiers' liability concerns.

It is recognized however, that for some private landowners no amount of money or assurance surrounding occupiers' liability will ever be enough to encourage them to grant access for recreation.

Offering a financial incentive/compensation:

Under the current Agri-Environment Scheme, private landowners who give up for example, a strip of land to provide a walking trail, lose their Single Farm Payment subsidy for the area taken out of grazing. Many private landowners have expressed they would be willing to grant access if this was not the case.

DAERA's ongoing preparation of the post Common Agricultural Policy (CAP) Agri Environment Scheme provides an opportunity to potentially address this. Whilst ORNI does not advocate farmers being paid purely for providing access, it would wholeheartedly support such measures that saw farmers being paid to facilitate/maintain access.

The Environmental Land Management Schemes³ (applicable in England) developed and currently being piloted by the Department for Environment Food and Rural Affairs (DEFRA) include three components, one of which, Local Nature Recovery includes rights of way, navigation and recreation infrastructure. This scheme will pay for actions that support local nature recovery and deliver local environmental priorities – making sure the right things are delivered in the right places. The scheme will encourage collaboration between farmers, helping them work together to improve their local environment. ORNI would welcome a similar scheme in Northern Ireland so that farmers could benefit financially from facilitating access.

In the Republic of Ireland, the 'Walks Scheme'⁴ funded by the Department of Rural and Community Development (DRCD) was launched in 2008 to facilitate the development and maintenance, by private landowners, of sections of National Waymarked Ways and other priority walks that traverse their lands. The Scheme currently involves 1,962 farmers receiving payment to facilitate/maintain access. This will increase soon to 2,245 farmers as additional walks come onto the Scheme. All receive an annual payment to maintain walking routes that traverse their land. Work involves inspecting the path once a month, litter picking and any

³ <https://www.gov.uk/government/publications/environmental-land-management-schemes-overview>

⁴ <https://www.gov.ie/en/policy-information/942b4b-the-walks-scheme-and-rural-recreation-officers/>

maintenance that involves hand tools. The amount received depends on the number of hours that they work on maintaining the access.

Careful, detailed consideration would need to be given to the parameters of any scheme in Northern Ireland whereby farmers get compensated for facilitating access, but ORNI is confident that such a scheme could work and contribute towards increasing the available access opportunities available across Northern Ireland.

Occupiers' Liability:

Addressing private landowners' fears over occupiers' liability remains the greatest obstacle to securing access across private land. ORNI understands in Northern Ireland, no liability claims relating to an injury arising from the informal recreational use of the natural environment on private land have ever gone to court, however, the fear still exists amongst the landowning community.

An unsuccessful attempt was made by ORNI, working in partnership with the UFU, to change the Occupiers' Liability legislation in the early 2000s. Given that there was no evidence that the existing legislation was not working for private landowners, the Office of Law Reform found there was no grounds to amend it. Given this is still the case, it is unlikely that this will be pursued again. Nevertheless, something is required to overcome this barrier to increase the access opportunities.

At a very minimum, ORNI would like to see government clarifying within any new legislation the situation for private landowners but ideally it would welcome government stepping up and indemnifying all private landowners against liability claims from recreational users. This approach is taken in the Republic of Ireland where Sport Ireland has an insurance policy in place to indemnify all farmers on the aforementioned Walks Scheme against claims. In addition, a broader national indemnity scheme for high recreational use areas has also been proposed.

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?

Although Northern Ireland's public land comprises just over 6% of the total land area – public land is by far the greatest provider of access opportunities in Northern Ireland.

ORNI would like to see a statutory right of access to all public land in Northern Ireland included within any new legislation, recognising that exemptions would exist for safety, security, operational and environmental reasons.

ORNI welcomed in 2010 the Forestry Act (NI) which gave the public a statutory access on foot to all public forests. However, there are a few anomalies which we would like to see addressed moving forward, e.g. we are aware that if FSNI leases a forest to a third party, the third party can introduce an entrance charge to those using the forest by foot.

Although under the Water and Sewerage Service (NI) Order 2006 – NI Water is obliged to have 'regard to the desirability of public access to its land', this does not commit NIW to opening up all of its lands which could be done so safely to recreation. We are aware that NIW has leased some of its water to individual clubs denying the wider general public to access these lands.

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

ORNI has had considerable experience in facilitating and enhancing access to public land in Northern Ireland given our capacity to work across sectors, boundaries and to bring in acknowledged expertise.

Public land in Northern Ireland continues to provide the greatest opportunity to increase the opportunities for accessing the natural environment. However, many public landowners do not:

- see the provision of recreational opportunities as their 'core business' and therefore the potential of many of these sites is not being realized.
- have an understanding of their target audience and therefore do not provide the appropriate facilities
- understand the high expectations of visitors and therefore fail to deliver a quality outdoor recreation experience
- have the financial or staff resources to deliver high quality outdoor recreation spaces

During the past number of years, the above situation has been significantly helped by Forest Service NI entering into MOUs with Councils. This has facilitated Councils in leasing/taking on a licence to develop, manage and maintain outdoor recreation at FSNI sites. Councils have (often with the support of outdoor recreation specialists) developed these sites for the target market and in the appropriate way. e.g mountain bike trails centres in Davagh, Castlewellan and Rostrevor Forests, multi-use trail systems in Drumkeeragh and Gosford forests, community trails in Tievenadarragh Forest, Corry Wood, adventure play in Gosford, Tollymore and Castlewellan Forests etc.

ORNI would like to see other government departments who own land that is currently underutilized and underperform in terms of outdoor recreation delivery, entering into similar arrangement with that of FSNI and the Councils so that better use can be made of government assets.

From our own experience we would advocate that the best way to deliver outdoor recreational opportunities on public land sites is to consider the site in its entirety. A Masterplan for the site considers the target audience, visitor expectations, proximity to other outdoor recreation sites, a wide range of visitor services, most appropriate use of the site in terms of facilities e.g all ability, walking, cycling, mountain biking trails, parking etc etc. A Masterplan approach also allows the site manager to phase the full project to meet funding constraints.

We do recognise however that some smaller public land sites will require minimal intervention, particularly those that are identified as suitable for a community trail. In this case all that is required is a sustainable trail, waymarking and trailhead panel

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?

N/A

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

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

N/A

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 at 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.

Although ORNI is not directly involved in implementing Access Legislation, the subject of access legislation comes up in all our projects that involve private landowners. Private landowners require knowledge on the difference between PROW and Permissive Path Agreements. Inevitably all conversations with private landowners also involve a discussion on occupiers' liability and duty of care to those on private land.

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.

N/A

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.

N/A

5.3 Opportunities

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

ORNI believes rather than amending the 1983 Access to the Countryside Order 1983, Northern Ireland requires **a new Outdoor Recreation Bill**

We believe that the introduction of a new Outdoor Recreation Bill provides Northern Ireland with the best opportunity to improve on the current access situation. Fundamental to the new Outdoor Recreation Bill is that:

- *Access to the outdoors for the purpose of recreation must be exercised responsibly and sustainably*
- *Access to private land should be principally through agreement of landowners.*

We believe that any new Outdoor Recreation Bill should include the following:

1. Introductory statement on primary purpose of the Bill - provide for informal, outdoor recreational activities and the enjoyment of the countryside.
2. Provision of access on private land should be underpinned by responsible behaviour from users.
3. A statutory right of access on publicly owned land apart from exemptions for operational, public safety and security reasons.
4. A requirement on Councils to produce a Community Trail Plan which will result on the ground in a network of community trails that provide for the needs of walkers, horse riders, cyclists and those seeking access to water for recreation.
5. Relevant clauses enabling Councils to enter into permissive path agreements (currently under Recreation & Youth Services Order, 1986) and, in exceptional circumstances for paths identified in community trail networks, public path creation orders (currently in the Access to the Countryside Order 1983).
6. A provision for Councils to make agreements covering areas of open country (currently in the Access Order 1983), recognising a desire for free movement on the hills.
7. Provision for the assertion, protection and maintenance of PROW (currently in the Access to the Countryside Order 1983) including a new dispute resolution mechanism that avoids costly court cases to Councils.
8. Clarification on the duty of care owed by landowners and occupiers to those who use their land for recreational purposes (amending Clause 52 in the 1983 Access to the Countryside Order and the related Occupiers' Liability Act legislation) – 'recreational user category'.

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?

ORNI has been advocating the development of Core Path Networks / Community Trail Networks in Northern Ireland for several years now and we will soon be completing our 18th Community Trail on the ground.

Fundamentally the first thing to consider for Northern Ireland regarding Core Path Networks is that it is not possible to directly compare the outputs of Scotland's Core Paths with potential Core Paths outputs in Northern Ireland. This is simply because in Scotland the development of Core Paths has been done against a background of 'right to roam' access legislation. Private landowners cannot disagree to core paths being developed across their land and therefore putting in place Core Path Networks in Scotland has been a relatively easy task. This would not be the case in Northern Ireland and ORNI's first-hand experience of developing Community Trails in Northern Ireland confirms this.

ORNI does not favour the terminology Core Path Networks but rather Community Trail Networks as any Community Trail developed in Northern Ireland going forward will only be developed with the support and permission of the landowning community rather than a directive from the Executive given that the 'right to roam' is not on the agenda in NI.

ORNI believes that under any new legislation all Councils should be mandated and resourced to produce a Community Trail Plan for their area.

In Northern Ireland, Newry Mourne and Down District Council is the only Council with a council wide Community Trail Plan in place (completed by ORNI). ORNI is now delivering the Plan through a SLA with the Council and to date 10 Community Trails within the Plan have been funded and delivered on the ground. Another 6 Community Trails are in progress across the Council area. These walking trails have created 37.8kms of new additional access in the area.

ORNI has also worked with several other Councils and projects to put in place Community Trail Plans at a more localized area. The Cuilcagh to Cleenish project in Fermanagh has already seen the development of 2 Community Trails on the ground, with a further 2 developed in the Armagh City, Banbridge and Craigavon Borough Council area and 3 in the Ards and North Down Borough Council area. These trails have collectively created 19.6kms of new additional access.

From the figures cited above, it is clear that developing Community Trail Plans, manifested on the ground as Community Trail Networks is part of the solution to improving access for outdoor recreation in Northern Ireland.

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

Despite Northern Ireland having an abundance of greenspace, there is often a lack of infrastructure to allow local communities to get outdoors, close to their home and to connect with their local environment/nature.

Recent research⁵ undertaken by ORNI found nearly 1 in 3 of the Northern Ireland population stated they do not have greenspace with easy walking distance of their home and this sentiment is higher for residents of rural areas and deprived areas, and amongst women and disabled people.

Community Trails give people an opportunity to access the outdoors safely (off-road) and with confidence. Community Trails prevent the need for people having to travel to go for a walk. Not having access to transport is recognised as one of the major barriers preventing those, from disadvantaged areas from accessing the outdoors.

ORNI also recognises the wider benefits that Community Trails bring in terms of:

- Health and well being
- Social inclusion (addressing loneliness, isolation, and poverty)
- Community cohesion
- Connecting communities to the environment and
- Environmental sustainability (increase in active travel)

The findings from the aforementioned research demonstrated the clear link between enjoying outdoor spaces and good mental and physical health with 73% of respondents stating the primary motivation for visiting the outdoors was ‘to get some exercise’ and/or ‘for health and fitness’. In addition, 65% felt calm and relaxed and 32% felt closer to nature following visits to the outdoors.

ORNI’s definition of a Community Trail is ‘a trail that connects communities to local outdoor spaces (e.g. a trail within a forest/open green space) and /or connects communities together’ (e.g. 2 communities connected via a riverside trail). Community Trails are clearly defined on the ground and are usually waymarked. They can be looped or linear, should be off-road, may use historical routes e.g. canal towpaths, river-bank walks, disused railways and usually have a designated ‘trail head’ with information. Where possible, ‘new build’ trails should provide for those with accessibility issues e.g. those with limited mobility, mothers and pushchairs etc and where possible be ‘multi-use’ i.e. accommodate walkers and family cyclists.

Community Trails can be either on public or private land. There must be an arrangement in place with the landowner to make sure that the trail is accessible to the public. This can be achieved either through designating it as a Public Right of Way, entering into a permissive path agreement with the landowner or entering a licence or lease arrangement. All

⁵ Outdoor Recreation: People, Nature and Health (March 2021) – Outdoor Recreation Northern Ireland. Available at <http://www.outdoorrecreationni.com/news/revealed-outdoor-recreation-people-nature-and-health-survey-results/>

Community Trails should have a written, legal agreement in place which outlines who takes on the management, maintenance and liability responsibilities.

Fundamentally, Community Trail Networks have the potential to provide safe, off-road opportunities for communities to enjoy outdoor recreation and connect with nature close to where they live. This would assist Northern Ireland in achieving the future targets set out in Outdoor Recreation: People, Nature and Health (March 2021)⁶ i.e.:

- 90% of the population with a 5-minute walk of quality green/blue space
- 90% of the population visiting the outdoors at least once a week
- Annual increase in % of journeys made by walking / cycling (current PfG indicator)

In turn, this will assist Northern Ireland in achieving the wider benefits identified in the report:

- More people being physically active outdoors
- More people gaining improved levels of happiness and life satisfaction from time spent outdoors
- More people with access to, and connection with, their environment
- More equal provision for, and participation in, outdoor recreation across population groups
- An increased proportion of journeys taken on foot and bicycle
- Increased participation in outdoor activities providing direct economic benefit and wider savings to the NHS

⁶ <http://www.outdoorrecreationni.com/wp-content/uploads/2021/03/People-Nature-and-Health-NI-March-2021.pdf>

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

As referred to in Q13 above, given that Northern Ireland is not going down the 'right to roam' access route, all Community Trail Networks in Northern Ireland will have to be delivered through permission with the landowner. This is time consuming and often results in no tangible outcome on the ground.

As referred to in Q4 for some landowners no amount of financial incentive, clarification on occupiers' liability or persuasion from the local community will encourage them to work with partners to develop Community Trails.

From ORNI's experience, it is essential that the development of a Community Trail Plan involves the community from the start. This includes landowners.

Community Trail Plans are drawn up in detailed consultation with the community. This is a labor-intensive process, and consequently costly process to do it properly. Given however that it is the very essence of what the Plan is about, it is the most important part of the process.

In addition, if the Community Trails are to be sustainable, then proper resourcing is required during construction and follow-up maintenance.

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

See Q4 above ref financial payment. In addition, we would hope that with clarification in the new Outdoor Recreation Bill regarding occupiers' liability that this would reduce the level of fear that many landowners currently have.

It is important to note that all Community Trails across Northern Ireland developed to date with private landowners are indemnified through the relevant Council's insurance policy.

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

In addition to the development of a network of trails that communities can access from their doorsteps, we would also envisage Community Trail Networks embracing all other trails within an area for both land and water-based activities. These may include established walking routes e.g the Waymarked Ways, canoe trails, off-road family cycle trails and Greenways

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

Recent events have highlighted the value of outdoor recreation to the mental and physical wellbeing of our citizens. We believe that new legislation should not only consider and facilitate the necessary physical infrastructure but also how we view and use this valuable resource.

If a greater network of secure and available infrastructure can be created, then as per our sister nations (notably Scotland), we can begin to fully integrate the health and wellbeing of our citizens into how we recreate in and enjoy the outdoors.

Examples are the 'green prescription' approach to health; the education and awareness of our young people; the capacity to avoid unnecessary travel (often to overcrowded 'nodes'), especially with more people working from home; a greater awareness of nature etc.

This requires moving from a one-dimensional 'legislation' approach from one Department to a cross-sectoral approach promoted through our Assembly for all our citizens. Thought needs to be given to this but the opportunity exists right now.

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

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**

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