



Subject:	Consultation response for Provision of access for outdoor recreation in Northern Ireland to DAERA
Date:	13 April 2021
Reporting Officer:	Ryan Black - Director of Neighbourhood Services
Contact Officer:	Duane Fitzsimons – Outdoor Recreation & Education Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this report is to seek Members' feedback on the draft response to the consultation on the Provision of access for outdoor recreation in Northern Ireland by the Department of Agriculture, Environment and Rural Affairs (DAERA).
1.2	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.
1.3	This consultation is not considering an overall 'Right to Roam', or the development of National Parks in Northern Ireland.
2.0	Recommendations
2.1	The Committee is asked to; <ul style="list-style-type: none">• Approve the draft consultation response subject to any comments provided.

3.0	<p>Main report</p>
3.1	<p><u>Key Issues</u></p> <p><u>Background to consultation</u></p> <p>Members are advised that DAERA are currently undertaking a consultation exercise on the ‘Provision of access for outdoor recreation in Northern Ireland’. Members should note that the closing date for responses was 29 March 2021 but we have obtained an extension from DAERA to allow us to bring the draft response through the Committee process for approval.</p> <p>DAERA are consulting a number of stakeholders, including district Councils, on a review of the legislation. The stakeholders that have been identified for initial consultation include:</p> <ul style="list-style-type: none"> • Representative groups of those who use the outdoors for recreational purposes • Representative groups of landowners/land managers • Environmental groups • Those who enforce related legislations <p>It is expected that DAERA will undertake a broader public consultation following the consideration of responses from key stakeholders.</p>
3.2	<p>Members should note that this consultation response provides an opportunity for the Council to highlight its position on three pieces of legislation. Namely:</p> <ul style="list-style-type: none"> • The Access to the Countryside Order (Northern Ireland) 1983 • The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 • The Recreation and Youth Services (Northern Ireland) Order 1986 <p>The Access to the Countryside (Northern Ireland) Order 1983 imposes a duty on District Councils to assert, protect and keep open and free from obstruction or encroachment any public right of way. It also provides the Council the powers to enter into a public path creation agreement with any landowner. If it appears to a district council that there is need for a public path, the Council can invoke a public path creation order which must be confirmed by DAERA.</p> <p>The legislation is used for 15 public rights of way and 4 public paths within the Council area.</p>

	<p>The Recreation and Youth Services Order allows the Council to enter into permissive path agreements under Article 5 of the Order.</p> <p>The legislation is used for 1 permissive path in the Council area</p> <p>The Nature Conservation and Amenity Lands Order places a duty on the Council to conserve the natural beauty and amenity of the countryside. It also provides DAERA with powers to undertake a variety of roles for the enjoyment and conservation of the countryside and amenity lands.</p>
3.3	<p><u>Draft response</u></p> <p>Members are advised that input on the draft response was sought from relevant officers across the Council including:</p> <ol style="list-style-type: none"> a. The Outdoor Recreation and Education Officer who oversees the Council's duties in relation to public rights of way, and powers to enter public path agreements and permissive path agreements. b. Open Spaces and Streetscene Area managers. c. Landscape Planning Unit. d. Legal Services who provide counsel on the matter for Belfast City Council and for other district councils. e. Planning Department. f. Place and Economy Department. <p>The consultation covers 4 main areas:</p> <ul style="list-style-type: none"> • Current Provision • Current Legislation • Opportunities • Miscellaneous <p>A copy of the draft response is attached as appendix 1 and a summary of the key issues raised are outlined in this report.</p>
3.4	<p><u>Current Provision</u></p> <p>The response acknowledges that:</p> <ul style="list-style-type: none"> • There is not enough public access to the natural environment for outdoor recreation. Information regarding public rights of way is not easily found.

	<ul style="list-style-type: none"> • A centralised fund managed by DAERA would encourage Council to explore creation of more access. • There are issues which arise from the provision of access including littering, dog fouling, damage to property, and potential loss of biodiversity. • In urban contexts lighting must be a consideration.
3.5	<p><u>Current Legislation</u></p> <ul style="list-style-type: none"> • Current legislation does not: <ul style="list-style-type: none"> - Distinguish the differences between urban and rural areas. - Address the Disability Discrimination Act 1995. - Address public liability of landowners. • Difficulties arise because the legislation tries to address two issues which should be treated separately: public rights of way and public path creation. • Does not explain in full the Council's powers in regard to the protection of a public right of way • Does not make provision for the Council to intervene on Government department lands.
3.6	<p><u>Opportunities</u></p> <p>The Council's draft response proposes the following actions:</p> <ul style="list-style-type: none"> • Development of National and Local Access Strategies across councils and Government departments. • The need to address the occupier's liability toward walkers, cyclists and other recreational users on their land. • To enable access to the rural landscape in a way which promotes and protects biodiversity and generates a wider appreciation of the rural economy, including agriculture. <p>Members are advised that the consultation document seeks views on whether a Core Path Network would be a possible solution to improving access for outdoor recreation. The proposed response is that, whilst the Council would support this in principle, we suggest that this would need to be researched in further detail with the involvement of all stakeholders, and the options around Council involvement would have to be brought through the Council Committee system for consideration and approval.</p> <p>It is likely that a Core Path Network would bring benefits for active travel opportunities and potential benefits to the local economy through tourism and visitor spend. Within the</p>

3.7	<p>response, however, the Council have identified potential issues around the creation, management and maintenance of new path builds and these would need to be addressed in the planning stage for such a network.</p> <p><u>Financial & Resource Implications</u></p> <p>There are no Financial or Resource implications relating to this report.</p> <p><u>Equality or Good Relations Implications</u></p>
3.8	<p>There are no Equality or Good Relations Implications relating to this report.</p>
4.0	Appendices – Documents Attached
	Appendix 1 – Draft consultation response