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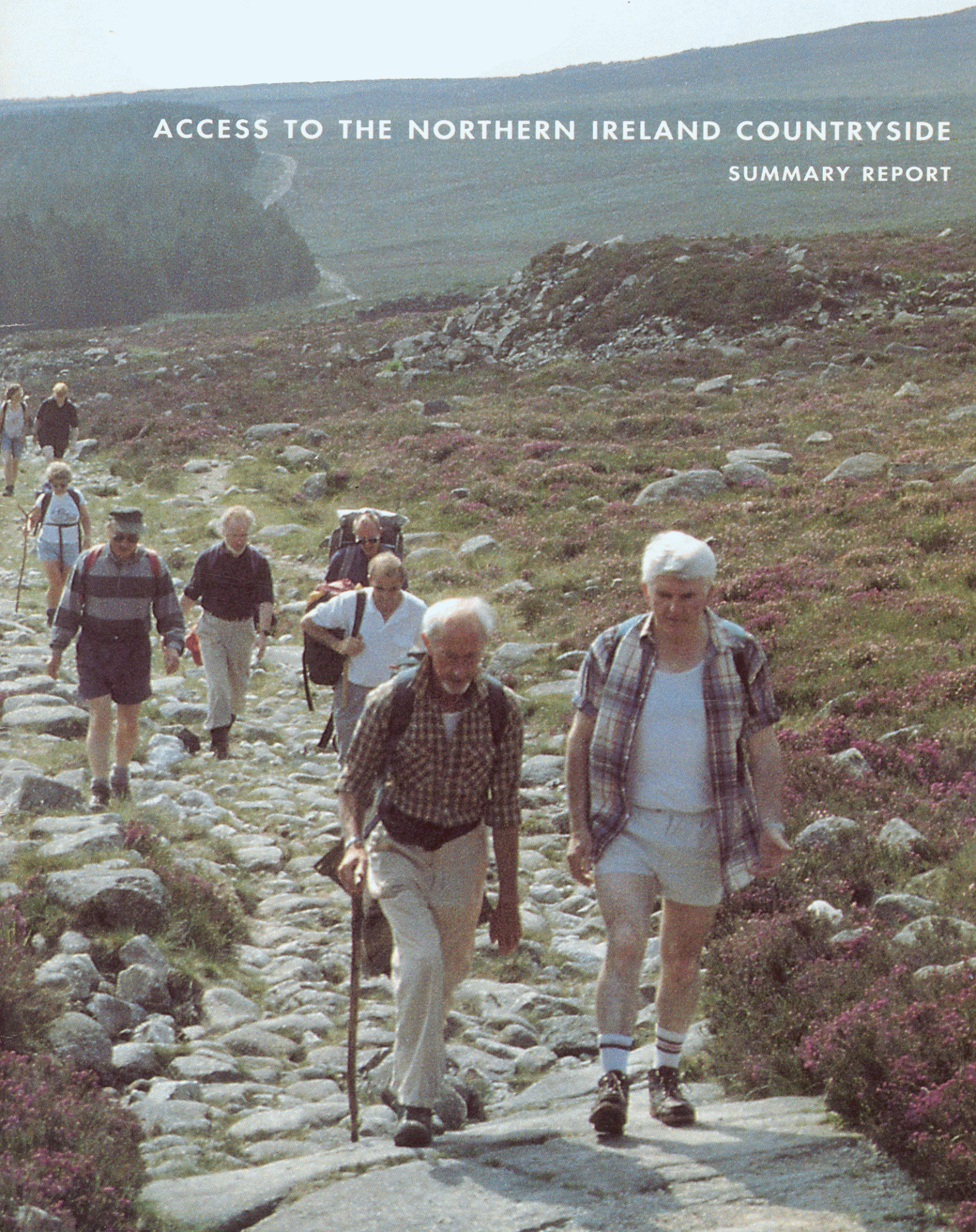
Department of
the Environment
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NORTHERN
IRELAND

ACCESS TO THE NORTHERN IRELAND COUNTRYSIDE

SUMMARY REPORT



ACCESS TO THE NORTHERN IRELAND COUNTRYSIDE

SUMMARY REPORT

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This report has been jointly produced
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and the Sports Council for Northern Ireland.

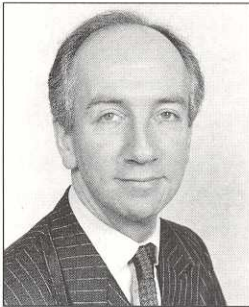
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Cover photograph: Walkers in the Mourne's participating in one of
Environment Service's 'An Eye for the Countryside'
summer walks.

FOREWORD



Northern Ireland can be justifiably proud of its countryside which is noticeably different from the rest of the United Kingdom.

We are becoming increasingly conscious of its value both for our own enjoyment and as an important tourist attraction. At the same time, we must remember that the countryside is home to a large percentage of our population and is vital to the economy of Northern Ireland. Inevitably, there is the potential for conflict.

This study, commissioned by the Department of the Environment, the Northern Ireland Tourist Board and the Sports Council, is the first comprehensive overview of countryside access and its implications. It is an objective and thorough study which makes many recommendations for all parties involved in both access provision and its use. The Department of the Environment will consider its findings and make a policy statement on access later this year. I commend this report to you all.

A handwritten signature in dark ink, appearing to read 'Tim Smith', written in a cursive style.

Tim Smith

Minister for the Economy and the Environment

PREFACE AND ACKNOWLEDGEMENTS

This is the Summary Report of the first comprehensive study of Access to the Northern Ireland Countryside. The Study, which was undertaken during 1993, recognises that an accessible countryside with a range of recreational opportunities is increasingly important to the people of Northern Ireland, and fundamental to the development of rural tourism.

The text of the summary is derived from a more extensive Technical Report made to the Study sponsors. Although the layout and chapter headings of both reports are similar, much of the background material and details of the research are excluded from the summary. Similarly, the key themes, strategic choices and proposed action programme are dealt with only in outline, and some of the key policy recommendations have had to be simplified. Eleven of the twenty one examples of good practice, drawn from throughout the UK and Republic of Ireland and used to illustrate the Technical Report, are included in the summary.

The Study Team is grateful to the many organisations and individuals who contributed through meetings and discussions, or helped to refine the Study's conclusions by participating in the 'Ways and Means' conference in November 1993. In particular, the Team acknowledges the guidance provided by the Chairman and members of the Study Steering Group; Professor Palmer Newbould of the Council for Nature Conservation and the Countryside (CNCC), Ross Millar and Dermot Leonard of Environment Service of the Department of the Environment, Louise Browne of the Northern Ireland Tourist Board and Danny O'Connor and Stephen Wilson of the Sports Council for Northern Ireland. Dr. Alan Dowling and Ulster Marketing Services provided assistance on legal matters and the household survey, respectively.

Members of the Study Team were Peter Scott (Team Leader), Judith Annett, Roy Hickey and Allan Kilgore.

Peter Scott Planning Services

Edinburgh, 1994

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1. INTRODUCTION

1.1 The Access Study

The Study is primarily concerned with access for informal countryside recreation, especially for walking, cycling and horse riding, and with the opportunities to use the wider countryside rather than specific areas such as country or forest parks.

Its aims were to:

- ▶ evaluate the system of countryside access in Northern Ireland, including use of the relevant legislation;
- ▶ advise on current access arrangements and recommend new or amended approaches;
- ▶ assess the feasibility of developing and promoting walking as a tourism product.

1.2 Study approach and methods

Underlying the Study is a recognition that public access to countryside depends on complex and dynamic interrelationships between a wide range of interests groups (eg landowners, recreational users, conservationists, community interests). The Study approach also emphasises the need for countryside recreation policies to be sustainable, the importance of countryside access in the development of rural tourism and the need for practical policies to safeguard, develop, manage and promote countryside access.

Components of the Study included:

- ▶ evaluating the access system and the 1983 Access Order¹ through a questionnaire survey and interview programme with district councils;
- ▶ assessing the principal access markets and provision for countryside access;
- ▶ reviewing countryside access in practice, through an appraisal of the Ulster Way and case studies in the Antrim Coast and Glens and the Sperrins;
- ▶ defining examples of 'good practice' in Northern Ireland and elsewhere.

Presentations of the key themes and issues, strategic choices and possible action programme were made, first to a small Focus Group of key individuals and then, at the 'Ways and Means' conference organised by the Department of the Environment, to a wider audience of district councils, other organisations and individuals concerned with countryside recreation throughout Northern Ireland. Both opportunities were invaluable, enabling the Study's findings to be fully debated and the draft recommendations to be further refined.

¹ *The Access to the Countryside (Northern Ireland) Order 1983, (Statutory Instrument 1983 No. 1895)*

2. KEY INFLUENCES ON COUNTRYSIDE — ACCESSIBILITY - THE UNDERLYING CONTEXT —

2.1 Land ownership and use

Land ownership and use in Northern Ireland differ markedly from other areas of the UK. Over 80% of the land is in agricultural use and around 5% is afforested. Over half the 30,000 active farm units are under 20 ha and unlikely to provide full-time employment; around one third mostly occupy 1 or 2 full-time persons. Nearly three-quarters of agricultural land has Less Favoured Area (LFA) status and much of this is classified as 'severely disadvantaged'². These factors, together with the turbulent history of property ownership, the closeness of farming families to the land and protectiveness over ownership rights, directly influence public access to the countryside.

2.2 Changing contexts

The Study recognises that policies for countryside recreation and tourism must be flexible and sensitive to changing circumstances such as:

- ▶ **The growing recognition of the importance of sustainability** - that is 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'.
- ▶ **Countryside recreation and rural tourism markets.** In 1990 some 15 million leisure day trips were to the countryside or undeveloped coast. 4.2 million trips were to country and forest parks and 6.4 million visitors took a recreational walk of 2 miles or more³. Although visitors are currently deterred by the civil unrest, access to Northern Ireland's attractive countryside will be essential to the growth of rural tourism.
- ▶ **The rural economy.** Agriculture and related businesses, a key part of Northern Ireland's economy, are under severe economic pressure. In response, the Government is promoting rural diversification and development schemes, including the establishment of a Rural Development Division within the Department of Agriculture for Northern Ireland (DANI) and the Rural Development Council.
- ▶ **Local communities and district councils** are also becoming increasingly involved in economic initiatives, and are aware of the importance of countryside access to the rural tourism or community development programmes they are developing.
- ▶ **The European Community's agri-environment programmes.** Member states are promoting a range of environmental measures as part of their agricultural support programmes and now have discretion to make market-level payments for new or enhanced public access. While the Department of Agriculture considers the scope for a general access payment scheme to be limited, there may be more support for a scheme in areas with the most attractive landscapes such as Environmentally Sensitive Areas (ESAs). The availability of such schemes elsewhere in the UK may also lead the farming community to press for their introduction in Northern Ireland.

2 *Less Favoured Areas derive from EC directives of 1975 and 1984 and are defined as local government districts which meet certain criteria relating to poor land quality and performance in providing an income for farmers. 'Severely disadvantaged areas' are those in which farming is severely handicapped by factors such as soil, relief, aspect or climate.*

3 *Northern Ireland Leisure Day Trip Survey, 1990-91.*

- ▶ **Public service structures and practices.** Changes in the structure of central or local government, or the status of the Forest Service or Water Executive, could have important implications for countryside access, recreation and tourism. 'Incremental' changes have already resulted from cost efficiencies, market testing and compulsory competitive tendering programmes and the application of 'total quality management' approaches to the delivery of public services (eg citizen's charters).

Key findings: *Land ownership and contexts*

- ▶ Northern Ireland's distinctive history and patterns of land ownership and use directly influence the extent of public access to the countryside.
- ▶ Constantly evolving social, policy and economic influences underlie countryside access. These include:
 - ▶ the developing principles of sustainability, agri-environment support programmes and measures to address the decline of the rural economy;
 - ▶ the increasing involvement of rural communities in economic development and tourism initiatives;
 - ▶ changing public service practices.

2.3 Opportunities for recreational access

Opportunities to walk, ride or cycle through the wider countryside are severely restricted in comparison to the network of public rights of way in England and Wales or traditional access 'freedoms' in Scotland. Apart from country roads, assured access for recreation is largely confined to country and forest parks, National Trust properties or other land in public ownership (map 1). The principle opportunities are:

1. Opportunities for walking

Country Parks. The nine country parks attract large numbers of visitors each year. The Lagan Valley Regional Park also has an extensive network of paths and proposals are being advanced for a Belfast Hills Regional Park.

Forest Parks and other Forest Service land. The Forest Service's 12 paid-admission forest parks attracted some 0.6 million visitors in 1992 and Belvoir (which is free) around 0.25 million visitors. The Forest Service permits walking in its other forests (approximately 60,000 ha) and is promoting recreation through waymarked walks, leaflets, guides and organised walks.

The National Trust allows permissive access over the land it manages where this does not conflict with conservation or other objectives.

Long distance and other paths. **The Ulster Way** is Northern Ireland's only long distance path. Several sections provide popular 'named' walks (eg Bessy Bell Trail, Navar Trail) but the 900 km route is only partially developed and only 540 km are off-road. **The Moyle Way** (30 km) provides pleasant, mainly off-road walking from Ballycastle to Glenariff Forest Park.

A small number of other paths are available or are being developed. These include: **themed and local path networks** - for example St. Patrick's Way paths and routes in the Gortin, Creggan and Slieve Croob areas; **coastal paths** - for example on the Causeway Coast, at Fair Head and the Annalong and North Down Coast Paths; and **waterside paths** - for example the Lagan and Newry Canal towpaths and paths on the shore of Lough Neagh.

Map 1.

Access to the Countryside in Northern Ireland Principal Informal Recreation Opportunities

-  Area of Outstanding Natural Beauty under the Amenities Lands Act (NI) 1965
-  Area of Outstanding Natural Beauty under the Nature Conservation & Amenities Lands (NI) Order 1985

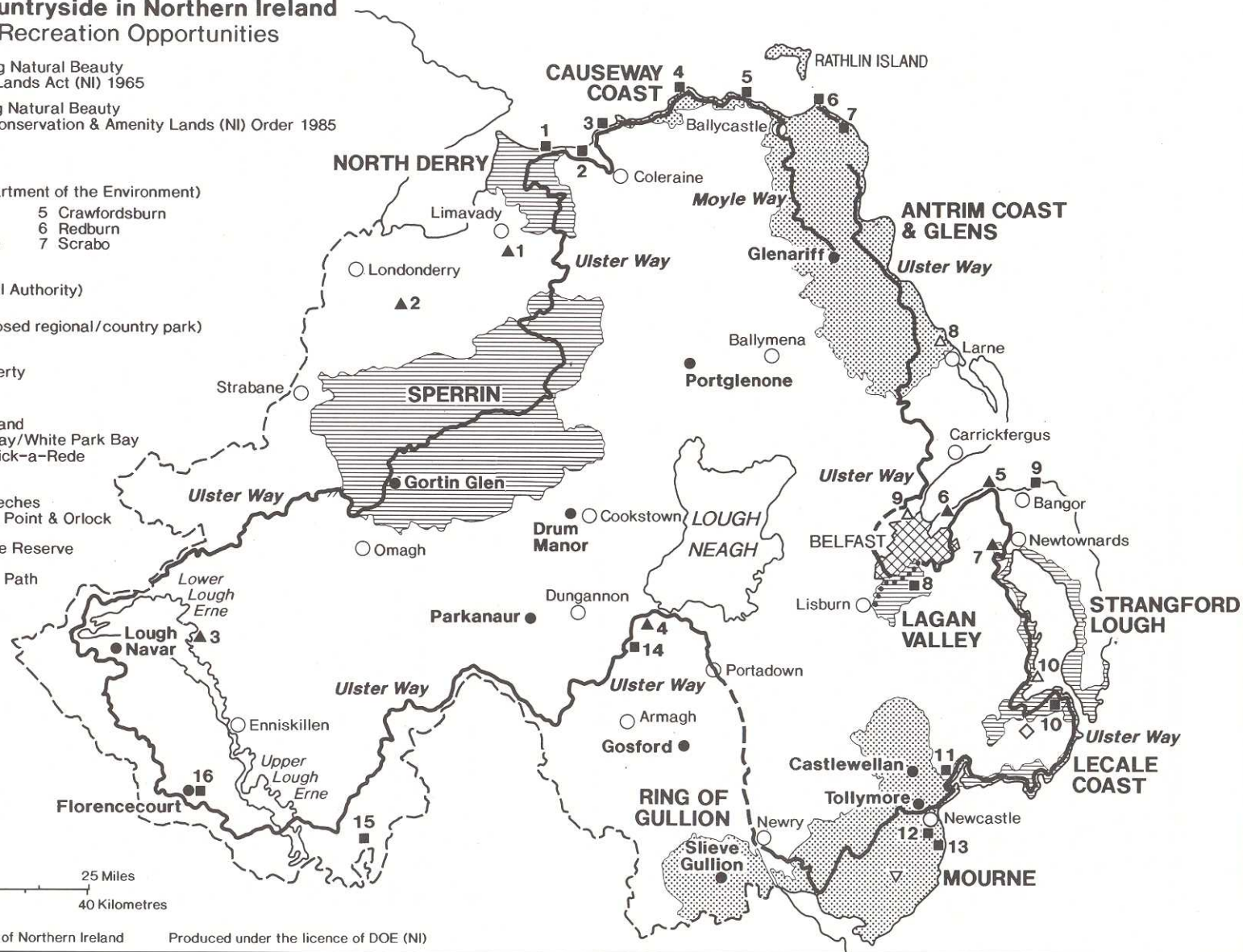
- Forest Park
- ▲ Country Park (Department of the Environment)
 - 1 Roe Valley 5 Crawfordsburn
 - 2 Ness Wood 6 Redburn
 - 3 Castle Archdale 7 Scrabo
 - 4 Peatlands
- △ Country Park (Local Authority)
 - 8 Carnfunnock
 - 9 Cave Hill (proposed regional/country park)
 - 10 Delamont

- National Trust property
 - 1 Downhill
 - 2 Barmouth
 - 3 Portstewart Strand
 - 4 Giant's Causeway/White Park Bay
 - 5 Lerrybane/Carrick-a-Rede
 - 6 Fair Head
 - 7 Murlough Bay
 - 8 Minnowburn Beeches
 - 9 Ballymacormick Point & Orlock
 - 10 Castle Ward
 - 11 Murlough Nature Reserve
 - 12 Slieve Donard
 - 13 Mourne Coastal Path
 - 14 The Argory
 - 15 Crom
 - 16 Florence Court

- ▽ Water Executive
Silent Valley
- Long distance path
(proposed)
- Lagan Valley
Regional Park
- ◇ St Patrick's Way
Recreation Paths

0 25 Miles
0 40 Kilometres

Based on the Ordnance Survey of Northern Ireland Produced under the licence of DOE (NI)



Open Country Access - There is no formally recognised access to open country⁴. Traditional access varies between that which is relatively secure (eg to National Trust land at Cuilcagh), is tolerated (eg in parts of Fermanagh), is of concern to landowners (eg in parts of the Mourne) or is at risk from upland fencing and challenges by farmers (eg over parts of the Garron Plateau and the Dart/Sawel Mountain ridge).

2. Opportunities for cycling and horse riding

Off road access for cycling and horse riding is more limited. Few **country parks** permit either activity, although cyclists can make extensive use of lightly-trafficked minor country roads. **The Forest Service** allows horse riding by permit in most forests and has developed waymarked trails at Tollymore, Castlewellan and Gosford Forest Parks. It does not generally permit cycling, despite forests providing suitable terrain. **The National Trust** allows horse riding by permit at some properties (eg Castle Ward) and beach riding at Portstewart Strand on a time zoning basis. It is developing riding trails and cycle hire at Crom (Fermanagh) and visitors can use cycles at Castle Ward.

Key findings: Existing access opportunities

- ▶ Public access to the wider countryside is severely restricted.
- ▶ Recreational opportunities are primarily in country and forest parks, on National Trust land or land in public ownership, or roads used by vehicles.
- ▶ A small number of routes are being developed and promoted using permissive paths or asserted rights of way.
- ▶ Cyclists and riders enjoy fewer opportunities for off-road countryside access.

2.4 Organisations with access interests

A wide range of organisations are concerned with countryside access:

1. Government bodies and district councils

The Department of the Environment for Northern Ireland has statutory but mainly reserve functions for countryside access such as to determine public path orders that are opposed, to approve proposals for long distance routes, and discretionary powers to give grant-aid. It advises on, and promotes, the 1983 Access Order to district councils. The Department's access, landscape and nature conservation responsibilities are undertaken by **Environment Service** with advice from its independent advisory body, **the Council for Nature Conservation and the Countryside (CNCC)**. Other statutory functions which may impinge on access include those exercised by **Planning Service**, which has a monitoring system to establish whether development proposals affect rights of way, and by **Roads Service**. Few local plans consider access issues.

The Northern Ireland Tourist Board recognises the importance of sustainable tourism and tourism's contribution to the rural economy. Walking and cycling are seen as key tourism activities but requiring the development of networks of well signed and maintained routes together with accommodation, information and supporting services.

The Sports Council for Northern Ireland has no direct statutory remit for countryside access but is charged with the furtherance of sport and physical recreation. It has fostered the development of long-distance walking opportunities through its **Countryside and Ulster Way Committee**. At the time of the Study (1993) this was under review.

⁴ 'Open country' is defined in the Access Order as including land which is predominately mountain, moorland or hills. The term also includes woodland, cliff, foreshore and marsh, bog or waterway.

The Department of Agriculture for Northern Ireland (DANI) is increasingly embracing rural economic development, conservation and landscape objectives. It has designated three Environmentally Sensitive Areas (ESAs), has proposals for two further ESAs and is assisting farm diversification schemes including farm tourism enterprises. The Department encourages responsible countryside management but does not view access as a priority. The topic is not discussed in the Department's Countryside Management Strategy, nor will the provision of access be eligible for grant under the proposed agri-environment grant scheme.

DANI's Forest Service, however, is a major provider of countryside access including forest parks, forest drives, car parks, picnic areas, forest wildlife and education centres, sections of the Ulster Way, forest trails and other recreational facilities.

The Rural Development Council promotes and supports community-based development initiatives, including tourism and recreation projects. It has identified the need for guidance to help community development associations undertake access projects.

The Water Executive has extensive land holdings with recreation potential and has statutory powers to provide and regulate access. It is cautious about public access other than for fishing, however, because of concerns about water quality, vandalism and claims for liability. Recreation provision at the Silent Valley includes footpaths, a visitor centre and provision for visitors with disabilities. Other projects are under consideration at Altnaheglish Dam (Sperrins) and Woodburn (Co Antrim).

The 26 district councils are primarily responsible for the day-to-day implementation of the Access Order. A full assessment of their role is made in section 4.4 (see page 15).

2. The farmers' organisations

Neither of the two farmers' unions has any formal policy on countryside access. **The Ulster Farmers' Union** (UFU) (12,000 members, mostly full-time farmers) made strong representations against the 1983 Access Order. Its members continue to regard access as a threat, particularly following a controversial path creation order in North Down⁵, and are concerned about public liability. **The Northern Ireland Agricultural Producers' Association** (NIAPA) (2,000 family and part-time farmers) believes its members would respond positively where access agreements lead to economic benefits. It supports the allocation of access responsibilities to district councils as a means of ensuring local accountability.

3. Recreational organisations

The main countryside user organisations and their approximate Northern Ireland memberships are:

Ulster Federation of Rambling Clubs (UFRC) - 15 affiliated clubs representing 900-1,000 members,

Mountaineering Council of Ireland - 200 members,

Cyclists' Touring Club - 200 members,

Northern Ireland Cycling Federation - 400 members,

British Horse Society - the governing body, concerned with all aspects of riding,

Ulster Rural Riders' Association (URRA) - 300 family members.

These bodies all regard the development of better access to the countryside as important, but there is little coordination between them and some are not aware of the district councils' statutory responsibilities. Only the URRA, through its 11 voluntary liaison officers, currently lobbies actively. It has secured increased access for riders to forests, a riding trail at Craigavon and access

⁵ North Down District Council; Public Path Creation Order (Ballysallagh Road to Clondeboyne Avenue). Confirmed by the Department of the Environment, 1992.

to the National Trust's Castle Ward property. It is also promoting the concept of an Ulster Bridleway. In the past the UFRC has written to all district councils about progress in implementing the Access Order and, in 1990, invited council staff to a presentation by Larne's Countryside Officer on the progress made in negotiating sections of the Ulster Way.

4. Conservation organisations

The principle conservation organisations are:

The National Trust has over 28,000 NI members and protects almost 9,400 ha of land through ownership, leases or covenants, including 93 km of coastline. It welcomes permissive access to its properties whenever this is compatible with conservation objectives. The Trust has its own advisers on upland access and coastal management.

The Royal Society for the Protection of Birds has 6,500 members in Northern Ireland. Five of its 7 reserves are open to the public.

Ulster Wildlife Trust has 1,600 members and owns or manages 19 nature reserves or wildlife sites. The Trust supports increased, but managed, access to the countryside.

Northern Ireland Environment Link (NIEL) provides a coordinating forum for environmental bodies, including the exchange of ideas and lobbying on political issues. The Mountaineering Council of Ireland and UFRC are both members.

Conservation Volunteers (Northern Ireland) undertakes practical conservation, education and access projects. It receives significant funding from Environment Service.

5. Community Groups and Development Associations

Northern Ireland has a well-developed structure of **local community groups** and joint **community development associations**, many of which are involved in rural tourism and day visitor ventures. For example, Mid Ulster Enterprises (Creggan) Ltd is negotiating International Fund for Ireland (IFI) and LEADER funding for a major rural tourism and farm diversification project. **The Rural Community Network** is promoting economic development and community-based rural tourism and sees countryside access as necessary to underpin initiatives by the rural community groups.

Key findings: Organisations with access interests

- ▶ A wide range of Government bodies are involved in, or have responsibilities which affect, countryside access. But there are no overall policies, few coordinating mechanisms and several inconsistencies. Issues include:
 - ▶ the low-key involvement of Environment Service in promoting access;
 - ▶ the contrast between the approach of the Forest Service, which has become a key provider of recreation, and that of the Water Executive;
 - ▶ the priority given by DANI to economic development, landscape and conservation objectives, but the absence of policies or support to encourage access;
 - ▶ the potential for the Rural Development Council to assist and advise local communities on the development of countryside access opportunities.
- ▶ The UFU's members continue to regard greater access as a threat. NIAPA believes its members would respond positively if access provision led to economic benefits.
- ▶ The recreational groups would welcome additional access opportunities, but most are not fully aware of local authorities' statutory responsibilities and have not lobbied for access improvements.
- ▶ Conservation organisations are, primarily, positive towards public access.
- ▶ There is increasing interest amongst local communities in access projects to underpin rural regeneration and tourism schemes.

— 3. VISITOR MARKETS AND TOURISM PRODUCTS —

3.1 The benefits of developing recreational opportunities

Recreation opportunities in the countryside can bring important benefits including:

- ▶ **Health and welfare benefits**, as recognised in the Health Promotion Agency's *Walk It!* campaign.
- ▶ **Economic and community benefits**, including supporting employment and rural services. In 1990/91 visitors to Northern Ireland's countryside and undeveloped coast spent some £106 million. Those whose visit included a 2-5 mile walk spent over £36 million.
- ▶ **Environmental and educational benefits**, including increasing peoples' awareness and understanding of the natural and cultural heritage and support for conservation.

3.2 The importance of the countryside for NI residents

Some 15 million day trips were made to the countryside and coast in 1990/91, of which 5.6 million visits included a walk of 2-5 miles and 0.8 million visits a longer walk⁶. The importance of the countryside for recreation is borne out by the high numbers of visitors to many countryside attractions. An estimated 3.1 million visits were made to country and forest parks in 1992⁷. Crawfordsburn Country Park, the Giant's Causeway, Murlough National Nature Reserve, Cave Hill, Belvoir and Tollymore Forest all have more than 200,000 visitors a year.

A market research survey commissioned to support the Access Study⁸ shows that:

- ▶ Over a quarter of the population (28%) go to the countryside for relaxation or enjoyment once a week or more.
- ▶ The same proportion (28%) go between once a fortnight and once a month.
- ▶ Almost two-thirds (63%) of those who visit the countryside say it is "very important" to them; a quarter that it is "quite important".
- ▶ Key reasons for liking the countryside are:
 - ▶ beauty and scenery (51% of visitors)
 - ▶ to walk or get exercise (29%)
 - ▶ to go for a drive or picnic (19%)
 - ▶ a healthy place (17%)
 - ▶ sporting or other recreational interests (4%).
 - ▶ peacefulness (50%)
 - ▶ nature and wildlife (20%)
 - ▶ to take children (19%)
 - ▶ visit a country/forest park (11%)
- ▶ A third of the population (35%) rarely or never visit the countryside, mainly because they have "too many other things to do", lack transport or interest.

Questions about visitors' preferences and knowledge of the countryside shows that:

- ▶ Most walks are through woods or forests, by the sea or over hills or mountains.
- ▶ Roads used by cars are frequently used for walking, but not out of preference.
- ▶ Over half the people who walk other than on roads "always walked there" or "always knew they could". Others saw a signpost or notice, went with friends or relatives, saw other people or "just walked there anyway".
- ▶ Nearly six out of ten visitors felt they knew only some or few opportunities to visit the countryside.
- ▶ Places to walk without any traffic are valued as highly as country parks, forest parks and picnic sites.
- ▶ Almost half consider places to cycle as 'very valuable' or 'quite valuable'.
- ▶ Almost one third consider riding opportunities of value.

6 Northern Ireland Leisure Day Trip Survey, 1990-91.

7 Survey of visitor attractions, 1992 by the NI Tourist Board (1993).

8 Public perceptions of the Northern Ireland countryside. Survey designed by the Access Study Team and administered by Ulster Marketing Surveys Ltd (1993).

The survey shows a demand for more places to walk, especially by the sea, through woods or forests, over hills and mountains and on paths without traffic. People also want more information (signs, notices, books, leaflets and maps) and there is an unfulfilled demand for visitor centres, country parks and forest parks.

3.3 Holiday markets for walking, cycling and horse riding

The general holiday markets and activity markets for walking, riding and cycling in Northern Ireland are currently small and under-developed. Tourism surveys⁹ show, for example, that:

- ▶ Only a small proportion of all overseas tourists to the UK visit Northern Ireland (0.4% of visitors and 0.3% of expenditure in 1990).
- ▶ Its share of domestic UK tourism is also very small (1.3% in 1992) and declined sharply between 1989 and 1992.
- ▶ In 1991, over three-quarters of holiday trips in Northern Ireland were by NI residents.

Nevertheless, a high proportion of holidays are activity holidays (37%). The Study concludes that, despite its competitive disadvantages with other destinations, there is potential for developing specialist sectors of the visitor markets.

Walking, cycling and horse riding markets

Walking is already as important as a 'main purpose' for holidays as visiting heritage sites, and more important than fishing and cruising or sailing. Over 0.1 million holiday visitors to Northern Ireland walk as a principal activity during their visit. Two-thirds of these visitors are from other UK countries, over half are under 35 years of age and three-quarters stay with friends and relatives.

Only 2% of UK residents' holiday trips in 1991 which included cycling were in Northern Ireland and under 10,000 visits were specifically for a cycling holiday. A tiny proportion of all holiday trips, less than 0.5%, involved horse riding or pony trekking.

The main originating countries for walking, cycling and riding tourism include Great Britain, Germany, France, the Netherlands and North America. These European countries alone have a potential walking market of over 43 million people. Although walking holiday makers are often perceived as young, fit and low-spending backpackers, many are older and relatively wealthy people to whom the quality of accommodation, luggage transfer services, well-maintained routes and the length of walking each day are important considerations. Casual cycling, cycle touring and mountain biking show particular potential for growth as holiday activities.

In the Republic of Ireland, Bord Fáilte has assessed and targeted many of these markets. Its research shows their potential importance:

- ▶ 230,000 visitors to the Republic (13% of all overseas visitors) in 1991 participated in walking.
- ▶ 40,000 visitors were directly influenced by walking opportunities in their choice of destination.
- ▶ 120,000 visitors cycled during their holiday and there were 30,000 cycling holiday makers.
- ▶ 26,500 visitors took part in trekking or trail riding. Over one-third were influenced in their choice of destination by the availability of equestrian activities.

⁹ *Eg the International Passenger Transport Survey, the UK Tourism Survey, 1992 and Northern Ireland Passenger Survey.*

Advantages and disadvantages of NI as an activity holiday destination

Advantages

- ▶ Awareness of destination
- ▶ Image of country/countryside
- ▶ Scenery, peace and quiet
- ▶ Easy walking opportunities
- ▶ Quiet lanes for cycling
- ▶ Proximity to some markets
- ▶ Home comforts (eg B&Bs)
- ▶ Hospitality/people/culture
- ▶ Wildlife and heritage
- ▶ English language
- ▶ Temperate climate

Disadvantages

- ▶ Non-awareness of destination
- ▶ Images of civil unrest
- ▶ Lack of good quality routes
- ▶ Lack of mountains/walking challenge
- ▶ Reliance on roads used by traffic
- ▶ Travel distance/costs
- ▶ Lack of specialist services/packages
- ▶ Varied quality of services
- ▶ Lack of information
- ▶ Not marketed for activities
- ▶ Unreliable/poor climate

Comparisons with other countries and the scope for development

Northern Ireland has considerable scope for developing specialist sectors of visitor markets particularly secondary, short-break and multi-activity holidays, and activities during general holidays or day visits. The small size of the domestic markets may be one of the main limitations. At present, however, it compares poorly with competing destinations which have extensive access opportunities, a wide range of accommodation and services geared to meeting the needs of particular markets (tables 1 and 2). Guided or self-guided activity packages promoted by specialist operators are also becoming increasingly important. Very few such packages are available in Northern Ireland.

Table 1: Activity Tourism - Provision and services in selected European Countries

Product characteristics	N. Ireland	Rep. of Ireland	England Wales	Scotland	France	Germany	Alps ¹
Image/awareness	-	▲	▲▲	▲▲	▲▲	▲▲	▲▲▲
Climate	▲	▲	▲▲	▲	▲▲▲	▲▲▲	▲▲▲/▲▲
Activity friendliness	-/▲	▲	▲▲	▲▲	▲▲	▲▲▲	▲▲▲
Outstanding/accessible:							
mountains	-	▲	▲	▲▲	▲▲▲	-	▲▲▲
hills/moorland	▲	▲▲	▲▲	▲▲▲	▲▲	▲▲	▲▲
farmland/countryside	▲	▲▲	▲▲▲	▲▲	▲▲/▲▲▲	▲▲	▲▲
forests	▲▲	▲▲/▲	▲▲▲/▲▲	▲▲▲/▲▲	▲▲	▲▲▲	▲▲▲/▲▲
coasts	▲▲/▲	▲▲/▲	▲▲▲/▲▲	▲▲/▲	▲▲	-	-
Routes:							
local networks/RoW	▲/-	▲/-	▲▲▲/▲▲	▲▲/▲	▲▲▲/▲▲	▲▲▲	▲▲▲
national/reg. trails	▲/-	▲▲/▲	▲▲▲/▲▲	▲▲/▲	▲▲▲	▲▲▲	▲▲▲
maintenance/signing	▲/-	▲▲/-	▲▲▲	▲▲/▲	▲▲	▲▲▲/▲▲	▲▲▲/▲▲
Guides/maps/information	▲/-	▲▲/▲	▲▲▲/▲▲	▲▲▲/▲▲	▲▲▲/▲▲	▲▲▲	▲▲▲/▲▲
Accommodation/food	▲	▲▲	▲▲▲	▲▲▲	▲▲▲	▲▲▲	▲▲▲
Support services	▲	▲▲/▲▲▲	▲▲▲	▲▲	▲▲▲	▲▲▲	▲▲▲
Rural transport	▲▲	▲▲	▲▲	▲▲	▲▲▲	▲▲▲	▲▲▲

Key: Advantage/provision: ▲▲▲ major, ▲▲ moderate, ▲ limited, - little or none.

NB: 1 Includes the French, Swiss and Austrian Alps.

Dual markings, where shown, distinguish between walking and riding/cycling.

Table 2: Scope for visitor market development

Market Sector	Northern Ireland	Rep. of Ireland	Britain	Mainland Europe 1	North America
Walking					
Main holidays	▲▲	▲▲	▲	▲	▲
Second holidays, short-breaks, etc	▲▲▲	▲▲	▲▲	▲	-
Multi-activity holidays	▲▲▲	▲▲▲	▲▲	▲	-
General holidays	▲▲▲	▲▲▲	▲▲▲	▲▲	▲▲
Day visits	▲▲▲	▲▲	-		-
Cycling					
Main holidays	▲▲	▲▲	▲	▲	-
Second holidays, short-breaks, etc	▲▲	▲▲	▲▲	▲	-
Multi-activity holidays	▲▲▲	▲▲▲	▲▲	▲	▲
General holidays	▲▲▲	▲▲▲	▲▲▲	▲▲	▲▲
Day visits	▲▲	▲▲	-	-	-
Riding					
Main holidays	▲	▲	▲	-	-
Second holidays, short-breaks, etc	▲	▲	▲	▲	-
Multi-activity holidays	▲▲	▲▲	▲▲	▲▲	▲
General holidays	▲▲▲	▲▲	▲▲	▲▲	▲▲
Day visits	▲▲	▲	-	-	-

Key: Scope for market development: ▲▲▲ considerable, ▲▲ moderate, ▲ limited, - little or none.

NB: 1 Specifically, more affluent European countries - France, Germany, Netherlands, Scandinavia.

Key findings: Visitor markets and tourism products

- ▶ Walking, riding and cycling opportunities can have important benefits for personal health and welfare, the local economy and the environment.
- ▶ A high proportion of Northern Ireland's residents visit the countryside and value it highly for recreation.
- ▶ There is unfulfilled demand, particularly for more places to walk away from traffic and for more information about recreation opportunities.
- ▶ Northern Ireland is undeveloped and has significant competitive disadvantages as a holiday destination for walking, cycling and riding.
- ▶ Nevertheless, there is considerable scope for developing short-break walking, riding and cycling holidays, multi-activity holidays and activities during general holidays or day visits.

Good practice: Ballyhoura Fáilte - community tourism initiatives

Ballyhoura Fáilte Society is a community development association in the South of Ireland led by a small group of local organisations, community interests and statutory agencies. It is:

- ▶ developing the Ballyhoura Way, a long distance walking route with a historical theme
- ▶ marketing a package of 2 to 3 day walking routes in cooperation with Irish Rail and local accommodation providers
- ▶ developing other waymarked local and longer distance walking and cycling routes and marketing these to visiting general holiday makers, longer distance walkers and guided walk and cycle tour groups.

The route of the Ballyhoura Way was planned by a local teacher and orienteer with assistance from local historians. It is approved by COSPOIR, has ERDF funding and employment training support, and public liability insurance cover.

Good practice: Staffordshire Moorlands 'Cycle and See'

'Cycle and See' is a marketing initiative by Staffordshire Moorlands DC. It targets staying visitors with little or no cycling experience and has generated additional revenue for local accommodation providers, pubs and cafes. Features of 'Cycle and See' are:

- ▶ 5 circular routes of 28-48 km along attractive, quiet country roads, linking attractions and services
- ▶ laminated cards giving a route map and directions, places to visit, stay overnight and eat and drink
- ▶ 3 cycle hire outlets convenient to the route
- ▶ a modest advertising campaign and attractive leaflet distributed through tourist information centres, at accommodation and to enquirers
- ▶ monitoring through pack sales and a self-completion questionnaire.

In the first 3 years, over 3,000 people visited the Staffordshire Moorlands to 'Cycle and See'. Two-thirds of these were not regular cyclists and three quarters were staying visitors.

Good practice: 'Walking in the Wolds' marketing initiative

The Wolds Hills in Humberside had a weak tourism identity and conventional short-break visit promotions were relatively ineffective. A niche marketing campaign, initially funded by the local authorities and regional tourist board and targeted at walkers, aims to generate business for accommodation providers, raise awareness and build a stronger image for the Wolds as a destination. Key components are:

- ▶ over 60 circular walks (8-24 km.) radiating from centres with accommodation are promoted to local residents through packs of laminated walks cards
- ▶ promotion of 40 walks to visitors through walks cards and a free booklet with maps, information on accommodation and transport and an introduction to the Wolds
- ▶ promotions by direct mail to walking clubs and enquirers, at travel fairs and in walking magazines
- ▶ direct bookings between visitors and accommodation providers
- ▶ monitoring through self-completion questionnaire surveys of recipients of the booklet.

A separate bird watching promotion uses several of the same walks and provides information on the best time of the year to visit and most likely species to be viewed on each route.

4. THE ADMINISTRATION AND MANAGEMENT OF COUNTRYSIDE ACCESS

4.1 The legal framework

Northern Ireland shares the same legal system as England based on common law, including concepts about the ownership of land and public rights of way, but it has its own court structure, system of precedents and access legislation. Because many fewer rights of way or access issues have been dealt with, it is often necessary to assume that the Northern Ireland courts would follow English precedents in applying common law principles - although they are not bound to do so. Nor is there, as yet, a body of case-law on the Access to the Countryside (Northern Ireland) Order, 1983 which relates exclusively to Northern Ireland.

Common law principles relevant to countryside access include:

- ▶ **A public right of way:**
 - ▶ is a highway which any member of the public may use; not a privilege granted by the landowner;
 - ▶ may be created specifically or through “deemed dedication”, ie by the public openly using a path for a period of time (in some circumstances, for as little as a few years) with the knowledge of the landowner;
 - ▶ may be limited to certain types of user, eg walkers only or walkers and horse riders;
 - ▶ is a permanent legal entity and remains in existence unless and until the path is extinguished or diverted by due legal process. The maxim is “once a highway, always a highway”¹⁰.
- ▶ **A public right to wander over land** can not arise through a tradition of use, albeit that customary access to unenclosed land may be a *de facto* reality or that people may have used land for centuries in the belief that they do so as of right.
- ▶ **A right to use land for ‘lawful sports and pastimes’** may be acquired by tradition by local inhabitants, but not by the public at large.
- ▶ **Trespass** occurs when a person is on land without legal entitlement, or exceeds their rights of passage on a right of way. Trespass is nearly always a civil wrong rather than a criminal offence.

The Access to the Countryside (Northern Ireland) Order, 1983, is notably less extensive and tightly prescribed than the parallel English legislation, which was rejected as a model for Northern Ireland as being too complex and unlikely to achieve the aim of encouraging agreement between all parties.

Implementation of the Access Order rests with the district councils. They have important statutory duties - to assert, record, protect and keep open all public rights of way and to assess the measures needed to secure access to open country - and a wide range of related discretionary powers. These include powers: to make orders to divert, create and extinguish paths; to maintain, signpost and waymark paths; to propose long distance routes and to secure access to open country by agreement or order.

The Department of the Environment’s formal role is restricted to quasi-judicial, consultative and enabling functions, such as to determine opposed public path orders and all access orders, to be consulted on and determine long distance path proposals, and to give financial assistance. The Department has no power to take action itself in default of a district council, nor can it direct a council to comply with a statutory duty.

¹⁰ There is no equivalent of the provision in Scottish law under which the public’s rights are assumed to have been abandoned if they remain unexercised or unenforced for a period of time.

4.2 Occupiers' liability

Occupiers' liability is a significant concern to the farming community and is invariably raised in any negotiations about increasing public access. However, the Study found no firm evidence to show that significant numbers of liability claims are being made against private landowners as a result of the public's use of the countryside for recreation, nor of any increase in the cost of landowners' insurance premiums to reflect their potential liability. The Study also suggests that the fears that are commonly expressed may reflect a misunderstanding of the legal position, particularly in respect of public rights of way.

The degree of liability that an occupier has towards a member of the public will depend on the facts and circumstances of each case. General principles are that:

- ▶ **In relation to a public right of way** the common law applies under which the occupier has no responsibility, as such, towards path users for the condition or safety of the path. For a claim to succeed it is necessary to prove that the owner was guilty of misfeasance (ie doing something that then caused injury or damage, such as a negligent repair) as distinct from simply nonfeasance (ie failing to do anything to maintain the path). Where a district council exercises its powers to maintain a right of way, it similarly may become liable for misfeasance.
- ▶ **Liability in other circumstances** will be determined by the provisions of the Occupiers' Liability Act, 1957 and the Occupiers' Liability (NI) Order, 1987. Under the Act, the occupier owes a "common duty of care" to any visitor (including anyone on a path that is not a public right of way which the landowner permits the public to use). The duty is to take such care as is reasonable in the circumstances to see that the visitor will be reasonably safe for the purposes for which he or she is permitted to be there, but this does not impose any obligation towards a visitor who willingly accepts a risk.

The 1987 Order extends the duty of care to persons other than visitors, including trespassers, but only if three conditions are fulfilled: a) the occupier knows, or ought to know, of a danger on the land; b) knows, or could reasonably anticipate, that someone on the land might be at risk; and c) might reasonably be expected to offer an entrant some protection. This duty also applies towards anyone who is on the land by virtue of an access agreement or order. However the Law Commission has stated that, in these circumstances, it would "operate in many cases in such a way as to exclude recovery" because the natural hazards of such terrain are not ones that the occupier could be expected to protect users against¹¹.

A discussion paper on whether legislation is needed in respect of public rights of way was published in April 1993 by the Law Reform Advisory Committee for Northern Ireland. This notes that "it should be obvious to users of rural rights of way that the paths have not been made up and that they therefore cannot reasonably expect that degree of maintenance that would be appropriate for a properly constructed urban road or footpath". The Committee tentatively proposes, therefore, that any statutory liability should be confined to urban housing developments. It does not favour making the owners of all land crossed by rights of way liable for nonfeasance, nor imposing responsibility for all rights of way on the Department of the Environment as roads authority¹². The Committee's final conclusions, in the light of responses to the discussion paper, are awaited.

¹¹ *Law Commission's Report on liability for damages or injury to trespassers and related questions of occupier's liability* Cmnd. 6428, para. 41

¹² *Law Reform Advisory Committee for Northern Ireland, Discussion paper No. 4: Injuries on unadopted public rights of way [1993], paras. 6.3.2 and 6.5.*

4.3 Access administration and management by the Department of the Environment

The Department of the Environment is the lead agency for access administration and management at the Northern Ireland-wide level. No other department or agency has a direct remit for informal countryside recreation, but the Sports Council for Northern Ireland has fostered the development and promotion of the Ulster Way and the Northern Ireland Tourist Board provides information and promotes the development of countryside recreation facilities and visitor services.

Although the Department's officers are now adopting a more proactive role, particularly towards access in Areas of Outstanding Natural Beauty and in encouraging councils to appoint countryside officers, its approach in the past has primarily been a low key, reactive one. The six circulars (CD 1/84 - 6/84) issued to district councils after the Access Order came into effect strongly emphasise the need to proceed through conciliation and negotiation, and understate the importance of the district councils' statutory duties and scope of their discretionary powers. The low level of activity by councils has meant that the Department has seldom been required to exercise its formal, statutory functions.

Grants are available to district councils for a wide range of works and other measures which give effect to the Access Order and which meet the needs of day walkers, casual visitors and horse riders or cyclist. These include: the full reimbursement of approved expenditure on the Ulster Way; grants of 75% for bringing asserted public rights of way up to standard, providing new public paths and securing access to open country; and grants of 50% for certain maintenance works. The salary costs of countryside officers appointed on a 3 year contract are also eligible for grant at 50%. To qualify for assistance, proposals must normally be part of a two-year rolling programme which the Department approves in principle. Over £600,000 was given in grants in the three financial years to 1991/92.

4.4 Access administration and management by district councils

Significant new information on the day-to-day administration and management of countryside access was derived from 20 responses to a questionnaire survey of all district councils and in-depth discussions with 16 councils¹³. This includes (from the questionnaire) councils' broad assessments of the use of the countryside for informal recreation and the steps taken to implement the Access Order and (from the interviews) an understanding of the context and basis of each council's approach, the motivations and discouragements to action, and weaknesses in the legislative framework. The cooperation of interviewees in objectively discussing these issues made a major contribution to the Study.

13 The authorities interviewed were:

Armagh	Banbridge	Cookstown	Fermanagh	Moyle	Strabane
Ballymena	Belfast	Craigavon	Larne	North Down	
Ballymoney	Coleraine	Dungannon	Lisburn	Omagh	

Distinctions between councils

The questionnaire survey and interviews show that district councils can be regarded as falling into two broad groups:

- ▶ **Approximately one-third of councils are proactive.** They are aware of the range of powers conferred by the Access Order, have achieved or are working towards the assertion of significant numbers of rights of way and are developing other routes or access opportunities. Most employ a full-time countryside officer.
- ▶ **The remaining two-thirds of councils adopt a reactive stance.** They have a poor understanding of their access duties and discretionary powers, are less motivated, take action only occasionally and have asserted few, if any, rights of way.

Underlying these differences is the degree to which each council accepts or rejects the case for public access - its perceptions about the legitimacy of access to the wider countryside, its own role in protecting, sustaining and managing such access and the consequences in terms of the political and other benefits or disbenefits.

Access resources and the use of the countryside for recreation

Only half the responding councils could estimate the length of public paths and rights of way or the extent of open country in their area. Estimates also varied widely, from 9 to 600 kms of paths and rights of way and from 2 to 500 sq kms of potential open country. However all councils reported that some (often all) of the local countryside was used for informal recreation. Interviewees said that the growing public desire for a 'healthy lifestyle' and 'interest in the environment' had resulted in a noticeable increase in such use in recent years. This was also reflected in a rise in the number of local rambling clubs. But most councils continue to receive 'only a handful of requests' each year to take action on rights of way. Only the URRAs and a few urban-based conservation groups actively lobby councils.

Negotiations with the farming and landowning community

All district council interviewees considered the farming community to be hostile to greater access over private land. This resistance is seen as being rooted in deeply held values about the sanctity of private property and reinforced by peer group pressures, a dislike of any forms of compulsion or 'bureaucracy', anxieties about occupiers' liability, and a wide range of practical concerns about the consequences of access (eg dogs, litter, trespass, vandalism and loss of privacy).

District councils, for their part, have a universally strong desire to proceed by agreement and to avoid confrontation, often to the extent of being reluctant to assert any public rights of way which the landowners' oppose. However, access negotiations are invariably protracted and frequently frustrating. Agreements are possible but involve very considerable staff time and remain on the farmers' terms, normally as informal (often verbal) agreements which permit only permissive access with no long-term security.

Motivations and discouragements

The key motivations for district councils are:

- ▶ the perceived economic benefits of attracting day visitors and tourists to an area;
- ▶ the benefits to the local community from improved access opportunities;
- ▶ the desire to discharge their duties under the 1983 Access Order.

It is the first two of these which are the most powerful, with the third factor generally insufficient to generate programmes of action on its own but important in strongly reinforcing other motivations. Pressure for action from the local community, although currently limited, can also be a key motivator.

Grant aid is important (including for the "moral" support it gives) but will not, in itself, motivate a council to take action towards that which it is not sympathetically inclined. Councils may also have difficulty in funding their share of expenditure and there are wide concerns about the longer-term commitments which may remain, particularly for salaries or path maintenance liabilities, after grant entitlement expires.

The questionnaire survey identifies three main discouragements to action:

- ▶ the issue of occupiers' liability;
- ▶ pressures from farmers and landowners;
- ▶ "other legal considerations".

The interview programme, however, suggests that these are simply elements in a deeper lack of motivation arising from a combination of factors. Amongst the least active councils, there are also:

- ▶ doubts about the legitimacy of public access to the wider countryside and the need to intervene on the public's behalf;
- ▶ a failure to appreciate, or accept, that the council has a duty to take certain action;
- ▶ a willingness to defer to the farming community. This arises directly from elected members who are farmers and indirectly through the spectre of 'lost votes' and the absence of pressure for action, especially from the local community.

The low priority apparently given to countryside access by the Department of the Environment reinforces the view held by many councils, that the subject is controversial and technically difficult, and would involve the unproductive and unjustified use of staff and resources.

Staff and financial resources

Rights of way and other access issues are normally the responsibility of the district council's leisure, recreation, tourism or economic development department, with occasional involvement of the council's solicitor and direct works or technical services department.

Where a countryside officer is employed he or she normally takes day-to-day responsibility for all aspects of the work (with an extensive and highly ambitious job description), reporting to the appropriate chief officer. It is estimated that these councils typically devote 200-330 days of "core" staff time a year to access matters. Elsewhere, rights of way and access issues fall directly to a chief officer or occasionally to an assistant. With other competing demands many can take only infrequent, reactive action. This is reflected in the assessment that a quarter of all councils devoted 20 days a year or less to access issues.

Most councils make no direct budget allocation, or allocate only relatively modest sums of around £3,000 - £5,000 a year for practical work on rights of way and access projects. An exception is Banbridge which, as well as employing an access officer, has allocated £25,000 for the employment of two manual labourers. The absence of a specific budget is not necessarily a problem for occasional, modest expenditure as officers can draw on departmental budgets or otherwise find funds for 'worthwhile' projects. But it precludes more substantial projects or programmes of work which are possible only if a strong economic case can be made for them.

Strategic frameworks

Although officers in the more proactive councils are working to informal programmes of action, including limited programmes to assert and develop specific routes, only Belfast City Council has a comprehensive access strategy - *Public Access in Belfast: The Way Ahead*. Officers in other councils acknowledged that such strategies might be valuable but were concerned that they would not be supported by elected members. The preparation of strategies would also require additional resources, and the issues would need to be carefully presented in the context of a Northern Ireland-wide policy framework which was strongly supported by Environment Service, the Northern Ireland Tourist Board and other Government departments and agencies.

Discharge of district councils' rights of way and access functions

Data collected through the questionnaire survey on the discharge of councils rights of way and access functions has to be treated with considerable caution. The questionnaire records only types of activity, not the number or frequency of cases on which action has been taken, and the interview programme found that some councils had been 'liberal' in their returns. While 70% of responding councils recorded taking action to assert rights of way, for example, only 35-40% have formally asserted one or more paths (as opposed to a preliminary survey). Moreover, such action often related to a few, infrequent cases which were not always progressed to a successful conclusion.

Despite these caveats, the responses broadly indicate the main activities on which the 20 councils have concentrated, the issues that have not arisen, and those they have considered but not pursued. Around three quarters of responding councils say they have taken action to provide a car park or picnic site and to signpost public paths or rights of way. A high proportion (65% or more) also say they have asserted, recorded, maintained or improved rights of way, negotiated new paths, purchased land for access and provided public information in the form of books, leaflets, etc.

Conversely, for 65-75% of councils the question of making a public path extinguishment order, diversion order, or access order for open country has never arisen. Relatively few councils say they have considered but not pursued a particular activity; those activities most commonly mentioned, by 25-35% of councils, are a path creation order, path diversion order, and action to record, signpost, maintain or improve paths.

Viewed overall, councils say they have taken action on an average of 9 of 18 activities listed in the questionnaire. Six of the 20 councils have taken action on 12 or more activities, while three have taken action on five or fewer activities.

Overall assessment

The distinctions between the minority of proactive councils and majority that adopt a reactive stance affect all aspects of the councils' approach to, and the discharge of, their rights of way and access functions. The majority address access issues only on the margin (if at all), devote inadequate staff and other resources to the subject and show a widespread failure to implement the provisions of the Access Order. In contrast, the proactive minority of councils demonstrate that, despite the weakness of the legislation and other difficulties, it is possible to assert and record rights of way and take other action to enable rights of way to become a significant recreational resource.

Even within the proactive councils, officers have to balance, and frequently temper, the 'theory' of the legislation against political and pragmatic considerations. The emphasis remains firmly on proceeding by negotiation and 'provocative' forms of action such as public path orders are

eschewed. Significant uncertainties over the absence of definitions and other aspects of the legislation, an isolated (but widely known) decision by the Lisburn Magistrates Court not to vindicate a disputed assertion¹⁴, the tone of the Department's circulars and lack of firm reassurances all serve to make councils cautious in their approach and to dictate specific courses of action, for example negotiation rather than assertion of rights of way.

**Key findings: *Rights of way and access functions:
distinctions between reactive and proactive councils***

Majority (2/3) of reactive councils

- ▶ A poor comprehension of the scope of the Access Order
- ▶ Fail to appreciate the distinction between statutory duties and discretionary powers, or recognise that the council has statutory duties
- ▶ Fail to provide for countryside access work within DC's organisational, management and staffing structures
- ▶ Elected members hostile towards access; strongly influenced by the farming community and perceived lack of local pressure for action
- ▶ Lack awareness of the advice given in the DOE Circulars and availability of grant
- ▶ Practical action very limited; mainly taken on an ad-hoc, one off basis
- ▶ Some partial surveys undertaken, but few, if any, rights of way formally asserted.

Minority (1/3) of proactive councils

- ▶ Appreciate scope of the Access Order and council's statutory duties
- ▶ Concerns about perceived weakness and deficiencies in the legislation (eg lack of definition of a right of way, absence of prescribed assertion procedures)
- ▶ Make provision in DC's organisational, management and staffing structures, eg appointment of a countryside officer
- ▶ Some elected member support for access activities, often reflecting benefits to local residents or potential economic returns from visitors
- ▶ Concerns about deficiencies in advice, inflexible grant procedures and short-term grants.
- ▶ Officers following modest and informal, but effective, programmes of action
- ▶ Significant numbers of rights of way have or are being asserted, securing a significant recreation resource.

The lack of guidance from the Department on practical access management techniques is less important given the published information that is available from other sources. But, as with the lack of firm legal guidance, this is seen as reflecting the low priority attached to countryside access and recreation in Northern Ireland in contrast to high priority given to the subject by other UK departments and agencies.

¹⁴ *Court for the Division of Ards: Lisburn Borough Council v Agnes Anne Jennifer Adgey and Lisburn B.C. v Trevor George*. Undated transcript made available by Lisburn B.C.

5. COUNTRYSIDE ACCESS IN PRACTICE

5.1 The Ulster Way and access in the Antrim Coast and Glens and the Sperrins

Detailed appraisals of informal countryside recreation in three specific contexts - the Ulster Way, Antrim Coast and Glens and the Sperrins - are fully reported in the Technical Report. This summary focuses on the key findings and overall assessments.

5.2 The Ulster Way

Background and development

In the immediate post-war period a keen walker, Wilfred Capper, proposed a long distance footpath encircling Ulster. Effective progress became possible in the 1980's when the Sports Council, following a grant-aided survey and working party assessment, convened an Ulster Way Committee and employed Wilfred Capper to encourage and coordinate implementation of the route. The 1983 Access Order provided a statutory framework for the long distance route and enabled Environment Service to reimburse associated expenditure. At the time of the Access Study (1993) the Sports Council was reviewing its involvement in countryside recreation and the Committee (now the Countryside and Ulster Way Committee) was in abeyance.

Overview assessment

The Study Team's detailed assessment of the 900 km route found that, despite the quality of much of the scenery through which it passes, the Ulster Way has significant deficiencies and is unable to meet the high standards expected of a 'national trail'. It has already been criticised in a specialist walking magazine and further bad publicity could damage Northern Ireland's potential for walking tourism.

Deficiencies occur throughout most of the Ulster Way and relate to the route itself, poor standards of maintenance, waymarking and signposting, and shortfalls in information and visitor services. Amongst the most serious weaknesses are that many important sections are incomplete or marred by extensive road walking (albeit on often scenically attractive minor roads), that further progress may require the purchase of land or path creation orders, and that parts of the route are over ground that is vulnerable to erosion and will demand a high capital investment to sustain recreational use. The relatively low levels of use of the Ulster Way as a long distance route as opposed to several of its shorter, more popular, sections mean that the substantial investment required to bring the route up to an acceptable standard cannot readily be justified.

The Study concludes that:

- ▶ The Ulster Way is in advance of the current stage of development of Northern Ireland's walking markets and is not sustainable in its entirety as a long distance walking route.
- ▶ Several individual sections merit development and marketing as regional 'Ulster Ways' or local walks.

High, nationally agreed, quality assurance standards should be set against which these regional and local routes can be selected, developed and promoted, and on-going inspection and maintenance programmes established.

Sections of the existing Ulster Way for consideration as 'Ulster Ways'

- ▶ Mourne Trail (Rostrevor - Newcastle)
- ▶ Capper Trail (Newtownards - Hollywood)
- ▶ Belfast Hills section of the Ulster Way
- ▶ Agnew's Hills to Glenarm
- ▶ Causeway Coast Path
- ▶ North Sperrin Trail
- ▶ Navar and Big Dog Trails
- ▶ Marble Arch Trail
- ▶ Newry to Portadown Canal and River Bann

Examples of sections for possible development and promotion as local walks

- ▶ Down District
 - St. Patrick's Way, St. Patrick's Well - Ballyhornan, Strangford Bay Path, Dundrum Coastal Path and Murlough, St. John's Point to Killough
- ▶ Larne Borough
 - Garron Plateau circular walk
- ▶ Moyle District
 - Loughaveema and Murlough Bay from Cushendun
- ▶ Omagh District
 - Bessy Bell Trail, Gortin Trail
- ▶ Strabane District
 - Lough Bradan Forest
- ▶ Armagh and Dungannon Districts
 - Blackwater Valley (extension of River Park walks at Benburb)

5.3 The Antrim Coast and Glens and Sperrins case study areas

Case study areas

Two case studies focus on informal countryside access in the Antrim Coast and Glens AONB (parts of Moyle, Larne, Ballymena and Ballymoney Districts) and the Sperrins AONB (parts of Strabane, Omagh and Cookstown Districts).

The Antrim Coast and Glens area with its rolling upland plateau and peaks, deep glens, coastal escarpments and often dramatic coastline, is a popular holiday destination and the coastal towns and villages (eg Ballycastle, Cushendall, Cushendun and Waterfoot) provide accommodation, food and drink, public transport and other visitor services. The Sperrins also has attractive landscapes of wild upland moorlands, quiet river valley and traditional farmland, but is less frequently visited (mainly for day trips) and lacks visitor services and facilities.

Principal countryside recreation opportunities

Assured recreational opportunities in both areas are largely dependant on forest parks and other forests. In the Antrim Study Area significant numbers of walkers seek access to the hills (eg Slemish, Trostan, Lurigethan and Tievebulliagh). Popular off-road routes include the Moyle Way (30 km), sections of the Ulster Way, the North Antrim Challenge Walk and short walks on National Trust land at Fair Head. *De facto* access to the uplands is also possible despite some recent fencing (eg on the Garron Plateau). The Sperrins has very few signed or waymarked routes and much of the Ulster Way (56 km) is on metalled roads. *De facto* access has been resisted by some landowners, particularly to Sawell and Dart Peaks.

Horse riding is permitted in most forests and local riders in the Antrim Study Area also use quiet lanes, but are increasingly concerned about traffic dangers. Two riding centres in the Sperrins use presumed rights of way, negotiated access and quiet roads. Despite the suitability of many forests, off-road cycling is only permitted in part of Glenariff Forest Park.

District council involvement in countryside access

Six of the seven district councils have, in the past, undertaken full or partial surveys of potential rights of way and several have negotiated permissive routes for sections of the Ulster Way. The Moyle Way has similarly been established by the District Council under 3 year agreements with landowners. Only Omagh District Council, however, has formally asserted any public rights of way. It is also preparing an access strategy.

There is now an increasing awareness amongst district councils of the economic importance of countryside recreation and a desire to progress access work to support rural development initiatives. This is reflected in the recent appointment of a Countryside Officer by Moyle DC and proposed appointments by Cookstown DC and Strabane DC. In 1991, the four district councils for the Antrim Coast and Glens AONB jointly appointed a Countryside Officer, under a three year contract with grant from Environment Service. As part of a wide ranging remit, her job included identifying requirements and opportunities for countryside recreation and enjoyment, supervising practical projects, liaising with landowners and encouraging community and volunteer cooperation.

There are no similar coordinating mechanisms in the Sperrins but a voluntary group, the Sperrins Advisory Council, has recently been formed as a result of concerns about the lack of an integrated management structure for the area. It has attracted interest from local conservation and recreation organisations, elected members and farming and landowning interests.

Community involvement in countryside access

Community groups in both areas recognise access as an important element of visitor provision. In the Sperrins, the Omagh Forum for Rural Associations (representing 16 groups) has applied for LEADER funding to improve visitor facilities and provide networks of walking routes, and Mid-Ulster Enterprises (Creggan) Ltd is developing a visitor centre and associated walks. They have agreed one route with the landowners and have put forward other routes in outline. Similar proposals are being considered by groups in the Antrim Study Area.

The community groups are assisted by the respective district councils and public agencies (eg RDC, DANI and NITB staff) but lack information on access responsibilities and advice on planning, negotiating and developing access schemes.

Assessment of potential for development

In relation to the **Antrim Coast and Glens**, the Case Study shows that:

- ▶ The Antrim Coast and Glens are attractive tourist and day visit destinations. While there are currently insufficient routes to sustain a walking holiday of more than a few days, and fewer opportunities for off-road cycling and riding, there is scope for developing and promoting walking and cycling routes, and weekend and short-break packages offering a 'menu' of activities and visitor services.
- ▶ The key lies in a greater commitment by district councils to effectively plan, develop, manage and promote a range of assured access opportunities. In doing so, they will require support from other public agencies including Environment Service, the Tourist Board, Sports Council and DANI, and from the voluntary groups, local communities and farmers and landowners.
- ▶ Priority should be given to the assertion of the old coach roads, tracks and paths which appear to fulfil the criteria for public rights of way, many of which are already used for recreation.
- ▶ Potential opportunities for off-road cycling which should be investigated include the use of forest tracks and old coach roads. Short-break cycling and cycle touring packages could also be developed using quiet country and coast roads, possibly linking with the Causeway Coast routes.

- ▶ The joint appointment of the AONB Countryside Officer was an important initial initiative, but does not overcome the need for an adequately staffed and financed countryside management service to plan and implement programmes of action embracing landscape, heritage, access and visitor management objectives.
- ▶ An Advisory Group is also needed to bring together the many public, voluntary and private interests in the AONB to help support a management service, contribute to and agree a management strategy, and assist in developing access routes and resolving issues.

In relation to **the Sperrins**, the Case Study shows that:

- ▶ The Sperrins cannot currently provide a stand-alone destination for walking, cycling or riding, other than for day visits or short-break holidays due to the lack of assured off-road routes and limited range of accommodation, services and attractions.
- ▶ *De facto* access is also currently at risk and walkers endeavouring to gain access to the hills face being turned back by landowners.
- ▶ Nevertheless, casual walking in the Sperrins can be delightful. The greatest potential lies in its unspoilt valleys and in linking visitor attractions with waymarked circular walks. There is also potential for developing off-road cycling in forests, cycle touring and recreational cycling on quieter roads, and for horse riding routes around Rousky and Glenlark.
- ▶ Realising this potential will require concerted action, including the assertion, development and maintenance of rights of way by district councils and wider programmes to coordinate action and investment throughout the area.
- ▶ Possibilities for developing a joint, cooperative approach include:
 - ▶ the preparation of a Sperrins Access Strategy to set the overall framework, define an action programme and the role of the district councils, local communities and others in improving and managing access;
 - ▶ a countryside management service for the area;
 - ▶ a Sperrins Access Forum or wider management committee, bringing together the Government departments and agencies, district councils, farmers and landowners, local community and other interest groups to help develop and implement the access strategy.
- ▶ The farming community has emphasised that any extension of access must be voluntary and reimbursed through appropriate compensation or grants. Widening DAN's proposed grant scheme to enable optional payments to be made for providing, improving or managing access may assist in achieving this.

6. KEY THEMES AND ISSUES

6.1 Key themes and issues

The key themes and issues underlying provision for informal countryside recreation and access-related tourism in Northern Ireland are summarised below.

1. Low profile and lack of direction of countryside access

An increasingly wide range of organisations have an interest in countryside recreation, or are developing policies which affect countryside access. Nevertheless, access remains a low priority for most public bodies, including district councils.

- ▶ There is no overall vision or strategic framework to guide the development of access opportunities.
- ▶ The Department of the Environment:
 - ▶ lacks a corporate policy framework for countryside access;
 - ▶ has no power to take default action or to ensure district councils comply with their statutory duties.
- ▶ Environment Service;
 - ▶ has not the staff and resources to fully oversee and promote the Access Order or provide the overall leadership, coordination, expertise and guidance that is required;
 - ▶ is seen as giving a low priority to access in comparison to nature conservation and the management of AONBs.
- ▶ District councils are severely restricted in undertaking their access responsibilities and other initiatives by their small size and lack of resources, legal expertise, specialist staff and practical capabilities.

Since 1976 the Sports Council for Northern Ireland and its Countryside and Ulster Way Committee has undertaken a key role in fostering the development of the Ulster Way and of countryside user organisations.

- ▶ Diminishing the Sports Council's active role will further down-play the importance of informal countryside recreation.

2. Representation of interests

There is a schism between those who are concerned to protect private property rights and those seeking public access to the countryside. The former are professionally represented and have considerable influence. The latter are mainly voluntary groups who lack awareness of the 'access system', fail to recognise mutual interests and are unable to act as effective pressure groups. These imbalances are reinforced by the approach of Environment Service, the Department of Agriculture and most district councils. Other interests are emerging, including community groups, commercial interests and some farmers, who see access as an essential component of rural tourism.

- ▶ There is a need for recreational user groups:
 - ▶ to coordinate their approach and develop effective links with the key organisations involved in planning and managing the countryside;
 - ▶ to be represented in management or advisory frameworks established for areas of special significance (eg AONBs) or the wider countryside.
- ▶ There is an imbalance within Environment Service between the priority, involvement and investment afforded to conservation against that given to countryside access.
- ▶ The Department of Agriculture does not address countryside access issues and opportunities in its Countryside Management Strategy and agri-environmental programmes.
- ▶ The imbalance in the strength of the lobbies for and against countryside access at the local level reinforces the reluctance of many district councils to take action.

3. Opportunities and implications for countryside visits and tourism

Visiting the countryside is a major recreational activity and there are growing demands for more opportunities to walk, ride and cycle. Development of day visitors and rural tourism markets requires well signed and maintained routes, supported by quality visitor services.

- ▶ Opportunities for recreational access in the wider countryside are extremely limited. Access is largely confined to country and forest parks, National Trust land and public roads. Many traditional routes which satisfy the criteria for public rights of way have not been asserted.
- ▶ Most areas do not have the assured off-road access networks and ancillary services which are essential to day visitor and rural tourist markets.
- ▶ The Ulster Way has significant inherent shortfalls and the overall concept of a round-Ulster route is not sustainable. Key sections of the route warrant being developed to a high standard as regional 'Ulster Ways' or as local walks.

4. Application of the legislation

Although there are wide variations, most district councils have not discharged their statutory duties under the Access Order, in particular to assert, protect and manage public rights of way. Nor have they made effective use of the discretionary powers available to them. These failures arise from a combination of factors.

- ▶ A fundamental contradiction underlies the administration and development of countryside access in Northern Ireland - the need to protect, develop and promote public rights of passage over private land versus a belief in the sanctity of private property rights.
- ▶ Most district councils eschew any form of compulsory action and proceed only by negotiations. These are invariably time-consuming and commonly result in no more than insecure, permissive agreements.
- ▶ Because of shortfalls in the legislation, many important legal issues remain unresolved or have to be decided case-by-case on the assumed application of common law principles.
- ▶ The small size of district councils mitigates against their developing legal and practical expertise. Staff dealing with access issues are often unsure or unaware of key common law concepts and legal precedents.
- ▶ The Department of the Environment is unable to provide adequate guidance or reassurance. The circulars which it published in 1984 understate the importance of the councils' statutory duties and reinforce a conciliatory approach.

5. Practical aspects of access development and management

The absence of any national or local vision for countryside access means that the development and management of access opportunities is limited and ad-hoc.

- ▶ There are no coordinated action programmes or district or area wide countryside managements services.
- ▶ Most district councils are reluctant to undertake practical access tasks, eg to signpost and waymark, maintain and improve access routes.
- ▶ Voluntary and community groups have only a limited involvement in developing and managing access.
- ▶ There is an urgent need to upgrade staff skills, share ideas and experience and promote awareness of the contribution that access initiatives can make to community, tourism and economic development objectives.

6. Awareness of access rights and opportunities

As a result of poor awareness of rights and responsibilities, access rights are not respected by farmers and land managers, and visitors restrict their activities to a few areas where access is assured.

- ▶ There is need for up-to-date and accurate published information on access opportunities, for assured routes to be shown on Ordnance Survey maps and for access routes (and open country access) to be better signed and waymarked.
- ▶ Farmers and land managers need guidance on the legal basis of rights of way and on occupiers' liability.

7. Issues in the Antrim Coast and Glens and Sperrins case study areas

Many of the key issues that arise in the Antrim Coast and Glens and the Sperrins Case Study areas reflect those throughout Northern Ireland. These include the restriction of assured access to a few 'honeypot' sites, the failure of district councils to implement the Access Order, and the absence of programmes to signpost and waymark, maintain, improve and provide information on popular access routes.

There is, however, a growing recognition that access opportunities are essential if visitors are to be attracted to enjoy the landscape and natural and cultural heritage that each area can offer.

- ▶ Despite the considerable potential of both areas, countryside visitor markets and activity and rural tourism products remain largely undeveloped. The Sperrins is hampered by the low number of visits and the short visitor season.
- ▶ Community groups in both areas wish to develop day visitor and tourism facilities and services. But they are unaware of district councils' statutory duties and other potential roles and have put little pressure on them to protect rights of way or improve access.
- ▶ The Antrim Coast and Glens Steering Group provides a coordinating mechanism for action by the district councils and Environment Service but the Group's Countryside Officer lacks the support required to make substantial progress on access throughout the AONB.
- ▶ The wider range of interests is not represented in the planning, management or promotion of countryside access in either area. Nor are there any mechanisms to ensure liaison or help coordinate the efforts of all those potentially involved - the district councils, farmers and other land managers, and community and recreation groups.
- ▶ Funding and advisory packages are needed to encourage farmers and others to voluntarily provide and manage additional access opportunities.

Good practice: The Mourne Advisory Council

The Mourne Advisory Council is a voluntary body comprising community, farming, recreation and conservation interests and representatives of the district councils and public agencies, including Environment Service and the Sports Council. It stimulates action to maintain the landscape and conservation values of the Mourne and discusses problems and opportunities relating to the landscape, nature conservation, recreation and access.

Key attributes of the Mourne Advisory Council are:

- ▶ *representation of a wide range of interests, including local communities*
- ▶ *opportunity to increase awareness amongst a wider audience about recreation and resource management issues and to influence management policies*
- ▶ *opportunities for the expression and resolution of conflicting interests.*

The Mourne Advisory Council has stimulated progress towards, and is represented on, the two-tier management structure for the Mourne Area of Outstanding Natural Beauty.

7. STRATEGIC CHOICES AND DIRECTION

7.1 The strategic choices

The Study recognises that the administration and management of countryside access;

- ▶ must take account of the culture of Northern Ireland, the structure of central and local government and the existing legislative framework;
- ▶ must reflect the political and practical realities of securing access on the ground, including the ability of the bodies concerned to take and implement controversial decisions;
- ▶ will succeed only if it can be seen to reflect a consensus of support amongst the many bodies involved in access matters.

1. Basis of the approach and need for a planned policy framework

A key starting point must be to ensure that traditional routes which can be shown to exist are asserted and restored to use as quickly as possible - as the legislation requires. Realising this potential will secure a basic framework on which to build more extensive access networks. Beyond these initial steps, there is strong justification for developing a range of access opportunities throughout the wider countryside.

- ▶ Focusing initial efforts and investment on target areas will make the most effective use of limited staff and financial resources, help to develop skills and practical expertise that can later be applied to other areas, allow new approaches to be developed and provide practical demonstrations of what can be achieved.
- ▶ The priority should be to provide opportunities for part-day, one or two day walks and rides, primarily for local communities and the Northern Ireland population.
- ▶ Where visitor services are available or are being developed, these opportunities can be promoted for day visits and general tourism. But promotion to the specialist activity holiday markets should not be undertaken until the quality of the 'product' can be assured and the necessary supporting facilities and services provided.
- ▶ Access to open country should be addressed separately, through one or more pilot projects in popular visitor areas.
- ▶ District councils outside the target areas should be encouraged and supported to meet their basic statutory duties and to make effective use of their discretionary powers where appropriate.

There is no easy formula to determine the optimum extent or type of countryside recreation provision for Northern Ireland. It is clear, however, that current ad-hoc approach is unsatisfactory, as is the gradual diminution of access opportunities that is taking place. A Northern Ireland wide strategic framework is required, together with district or multi-district access strategies to support action by district councils and provide a context for the difficult, practical decisions that will have to be taken. Ideally, these should be prepared by groups of councils working in partnership with Environment Service.

Components of this approach should include:

- ▶ **Northern Ireland wide**
 - ▶ Policy criteria to provide an overall strategic framework, determined and published by Environment Service. The issues covered should include the responsibilities for preparing and implementing local access strategies, the provision to be made for horse riders and cyclists, and the promotion and marketing of recreational opportunities.
- ▶ **Locally**
 - ▶ A survey and appraisal to establish:
 - ◆ the historic path network and other paths and tracks suitable for recreational use or development;

- ◆ the quality of the countryside for recreation, its features and attractions;
- ◆ the constraints on access including land use activities, fragile terrain and sensitive conservation sites;
- ◆ the level and pattern of recreational demand;
- ◆ visitor services (eg information, accommodation, public transport);
- ▶ Wide consultations including the farming community, local residents, tourism and recreational interests.
- ▶ Procedures for monitoring and evaluating progress and for reviewing the strategy.
- ▶ Programmes to encourage awareness and use of countryside access opportunities.

2. Key responsibilities and organisational structures

The allocation of access responsibilities should build on the existing partnerships between central and local government. However, the failure of many district councils to meet the basic statutory requirements of the Access Order shows that present arrangements are not sustainable. A stronger framework is needed, which better matches each partner organisation's responsibilities with its strengths and abilities.

- ▶ The Study concludes that Environment Service must take overall, strategic responsibility for countryside access. It should:
 - ▶ adopt a high profile, promotional stance;
 - ▶ define a national policy and strategy;
 - ▶ secure enhanced funding;
 - ▶ determine or endorse local access strategies;
 - ▶ encourage liaison between, and coordinate action by, the many public bodies, voluntary organisations and others interests that are involved.

In undertaking these key roles Environment Service should:

- ▶ Encourage flexible and innovative working arrangements (eg partnerships between groups of councils or with Environment Service) to plan and implement access networks in target areas.
- ▶ Develop ways of helping all district councils to meet their statutory duties and use their discretionary powers, including by networking information and ideas, offering an advisory service and training programmes.
- ▶ Explore how district councils might share their responsibilities, eg by obtaining guidance on specific cases or jointly working with other councils.
- ▶ Encourage councils to take legal advice and to pursue cases in the higher courts, where necessary, to clarify the legislation.
- ▶ Monitor these initial measures and district councils' performance in meeting their access responsibilities.

In the interests of natural justice, these promotional and advisory roles must be clearly separated from the Department's formal, quasi-judicial functions such as to determine any opposed public path orders.

In the medium to long-term, consideration should also be given to the possible advantages of alternative administrative structures and to amending the access legislation. Options include:

▶ Northern Ireland structures

- ▶ Changes to departmental structures - for example to establish an 'independent' access directorate within Environment Service, appoint regional access officers, improve inter-departmental working arrangements or establish an inter-departmental agency/ coordinating committee with executive powers.

- ▶ A separate countryside agency for Northern Ireland to parallel the Countryside Commission, Countryside Council for Wales and Scottish Natural Heritage.
- ▶ **Regional structures**
 - ▶ Formal arrangements between groups of councils, including joint staff appointments and regional access/countryside management committees.
 - ▶ Semi-independent Countryside Trusts, sponsored by local and central government but working at arms-length from them, in partnership with a wide range of bodies and interests.
- ▶ **Amendments to the Access Order**
 - ▶ Powers to support the sharing of responsibilities by district councils, eg to allow certain types of cases to be referred to the Department, or enabling the Department to direct a council to take action in certain circumstances.
 - ▶ Enabling the public to formally apply to, or require, a council to take action, for example to assert or protect a public right of way.
 - ▶ Transferring from the magistrates court, to the Department, specialist functions concerned with vindicating the assertion of rights of way.

3. The approach to access negotiations

It is universally accepted that, whenever possible, additional access should be achieved through negotiation and agreement. Nevertheless, the strong resistance of farmers and landowners to greater public access and the constraint this places on district councils through political pressures has to be addressed. The decision on this issue will be crucial in determining the extent and type of access opportunities that can be provided in the Northern Ireland countryside and the rate and cost at which progress can be made.

- ▶ Substantial progress will only be made if, underlying any access negotiations, there is a willingness to ultimately use the powers provided in legislation.
- ▶ An approach which eschews the use of legal or compulsory procedures in any circumstance will require a prohibitively high input of staff time and will not be capable of achieving the secure access routes that are required.
- ▶ The decision on how to proceed in each individual case must ultimately rest with the district council concerned. However the Department should emphasise to councils:
 - ▶ the need to act in the interests of the whole community;
 - ▶ the duty they have to assert all public rights of way;
 - ▶ that the only way in which conflicting views about the need for additional rights of way can be fully debated, and independent decisions taken, is through the making of path creation orders.

These problems might be ameliorated if ways could be found of overcoming the landowners' fundamental objections to greater public rights of access, whilst still offering the public secure access 'freedoms'. Scope now exists under the European Community's agri-environment regulations to include public access within agricultural support payments to farmers, and the pilot *Countryside Stewardship* and *Tir Cymen* schemes in England and Wales demonstrate the willingness of some farmers to provide access on a contractual basis in return for market level payments. The Study recommends that:

- ▶ Environment Service and the Department of Agriculture give early consideration to the development of a voluntary scheme which offers market-level payments to secure additional access opportunities in priority areas for access development, in ESAs, or generally throughout Northern Ireland.
- ▶ The basic criteria for any such scheme include that access should be sufficiently long-term to justify public investment and enable it to be promoted, and that farmers should not be subject to any increased legal liability.

A voluntary scheme cannot be expected to overcome all of the problems and criteria will also be needed to determine which approach should be used in particular cases. One such approach could be to assert all existing public rights of way in an area and then invite landowners to provide, on a contractual basis, any additional routes that are needed to complete or enhance a local access network. Nonetheless, path orders may still have to be considered in some circumstances, should it prove impossible to secure key routes by negotiation within a reasonable timescale.

Good Practice: Voluntary Access Payment Schemes

Countryside Stewardship (Countryside Commission - England)

Countryside Stewardship is a pilot scheme introduced in 1991. It targets selected landscape types and covers landscape, wildlife, conservation and public access objectives - the latter being "to create opportunities for people to enjoy the landscape through the sensitive provision of new access, help in managing land under visitor pressure, and through existing rights of way".

Applicants propose 10 year agreements for measures they intend to adopt. As initially established, applicants could receive (in addition to basic 'tier' payments, typically of £50/ha) supplementary payments of £50/ha/year for allowing public access, together with capital payments for any necessary works (eg £30/stile £1/waymark post, £4/sign, £100/bridle gate). In the first year of operation access was agreed over about one-quarter (7,000 ha) of land entering the scheme, qualifying for revenue payments £0.35m. for access (£3.5m. over a 10-year period).

Changes made in 1994 further emphasise the creation of new access. The scheme now provides for a base payment of £150/year for new access provision; plus £35/ha/year for open access to enclosed lowland or in-bye land, or £150/year for new linear access plus £0.15/metre/year for footpaths and £0.30/metre/year for bridleways and paths for disabled people. Capital items now includes, eg, £5/sq metre for hard standing for cars and £7.50 sq. metre for surfacing paths for people with disabilities. Farmers entering the access option are expected to have public liability insurance cover.

Tir Cymen (Countryside Council for Wales)

Tir Cymen is a similar, market-orientated scheme in 3 pilot areas of Wales offering a whole-farm payment of £20/ha/year (minimum £500; maximum £3,000) and payments for specific landscape and features. Public access must be permitted to moorland, heath and unimproved grassland. Access by permissive paths is otherwise optional, with annual payments of £100/km for footpaths and £200/km for bridleways and paths for the disabled. Capital payments are similar to the Stewardship scheme.

Proposed Ministry of Agriculture Scheme

Following changes in EC Regulations which enable access payments to be made under the agri-environment programme, the Ministry of Agriculture, Fisheries and Food is introducing targeted arrangements for public access within ESAs and on some non-rational set-aside land in 1994. Annual payments for 10 metre wide access strips have initially been set at £170/km for land under agreements in ESAs and £90/km for set-aside land. Grants of 80% will be available for capital items, eg stiles and footbridges.

7.2 Strategic direction

The overall strategic direction for countryside access must be based on a realistic understanding of the present situation and draw on a wide consensus of support. A number of negative factors underlie and account for the current paucity and poor quality of access provision - including the strong influence and anti-access stance of the farming community, weaknesses in the legislative framework and structure of district councils, and perceived low levels of demand for access. There is, however, growing acceptance of the need for action and for policies which will secure attractive networks of routes for walking, cycling and horse riding throughout the wider countryside.

On this basis, the overall strategic direction for future countryside recreation provision in Northern Ireland should incorporate the following key elements:

- ▶ The lead must come from Government, through Environment Service, which must coordinate and take strategic responsibility for:
 - ▶ promoting the case for access to the countryside;
 - ▶ providing the guidance, support and assistance that is needed at the local level;
 - ▶ developing innovative methods of working with, and between, groups of district councils;
 - ▶ securing the active cooperation of other Government departments and agencies, including the Department of Agriculture;
 - ▶ monitoring the performance of district councils.
- ▶ A Northern Ireland-wide access strategy is required to set the overall policy framework, supplemented by local surveys and access strategies.
- ▶ The initial approach should be targeted on priority areas and concentrate on the development of linear routes networks provide for, and marketed to, Northern Ireland's population.
- ▶ The basis of the approach must always be to attempt to secure access opportunities by negotiation. But there has also to be an underlying willingness to assert rights of way through the courts or use the other powers provided in the legislation if it is ultimately necessary to do so.
- ▶ Arrangements that would enable secure access opportunities to be acquired on a contractual basis should be developed and piloted.

In the longer-term consideration should also be given to the possible advantages of:

- ▶ Alternative Northern Ireland-wide or regional administrative structures for countryside recreation and access.
- ▶ Amendments to the legislation to overcome the current weaknesses, uncertainties and operational difficulties.

Good practice: Countryside Commission's Access Programme

A priority for the Countryside Commission (England) is to secure an 'accessible countryside' through encouraging local authorities and others to:

- ▶ *adopt strategic approaches to recreation provision*
- ▶ *manage public paths, bridleways and byways proactively*
- ▶ *develop and manage an expanded set of national trails*
- ▶ *promote public awareness of opportunities for enjoying the countryside*
- ▶ *improve links between countryside recreation and sustainable tourism.*

The Commission has:

- ▶ *set the target of having all rights of way fully recorded and in good order by the year 2000;*
- ▶ *increased grant aid for access work from £1.9m in 1986/87 to £5.8m in 1990/91*
- ▶ *published information on access rights, responsibilities and opportunities*
- ▶ *published national surveys on the condition of rights of way and performance of local authorities*
- ▶ *encouraged the establishment of local access liaison groups, the preparation of access strategies and the development of countryside management services*
- ▶ *developed projects which encourage countryside visits by the disadvantaged*
- ▶ *initiated the 'Parish Paths Partnership' to encourage local communities to survey, improve and maintain local path networks*
- ▶ *set up the Countryside Stewardship scheme*
- ▶ *promoted a national trails management and development programme*
- ▶ *provided specialist advice on developing and promoting countryside recreation and promoted good practice through its newspaper and other publications.*

Good practice: Local rights of way liaison groups

Local rights of way liaison groups have been established by 80% of counties in England and Wales. They encourage mutual understanding on access issues between wide ranging countryside interests and focus on overall access strategy, policy and funding issues.

The Oxfordshire Rights of Way Liaison Group has drawn on its on-going experience of advising on and resolving rights of way issues to ensure that the County Councils' rights of way strategy reflects the needs and has the support of all local countryside interests. The 30-strong Group played a key role in developing a consensus on objectives, policies, targets and implementation tasks for access over the next 5-10 years, which were incorporated in the County Council's countryside strategy. The Group is involved in monitoring implementation of the strategy and will advise on its revision.

8. TOWARDS AN EFFECTIVE ACCESS SYSTEM

A PROGRAMME FOR ACTION

8.1 The action programme

An extensive and ambitious action programme proposed by the Study is outlined below. Achieving this programme, even partially, would represent major progress following a legacy of neglect of countryside access in many parts of Northern Ireland.

1. Getting the structures right

Substantive improvements to countryside access will only come about once the underlying structures within which access is planned, administered and promoted have been substantially enhanced. The key lies in action by the Department of the Environment and its Environment Service, which in turn will encourage and lead others.

At the Northern Ireland level actions should be taken to:

- ▶ **Establish a coordinating framework for the key public agencies** to maximise their influence, efforts and investments to improve countryside access. For example, a Countryside Access Task Force which brings together Environment Service, the Department of Agriculture, Rural Development Council, Northern Ireland Tourist Board, Sports Council for Northern Ireland and district councils.
- ▶ **Strengthen the overall administration and management of countryside access, particularly the status, role and resources of Environment Service to enable it to be more effective.** The relevant roles and functions of the Council for Nature Conservation and the Countryside, the Tourist Board and Sports Council should also be enhanced.
- ▶ **Clarify and strengthen the access legislation** including a better definition of terms and procedures, provision to enable some access responsibilities to be shared between district councils and the Department and giving the Department reserve default powers.
- ▶ **Develop a voluntary scheme to offer market level payments to farmers who provide or manage access opportunities, and extend the Department of Agriculture's remit to include the encouragement of countryside access.**

At the local level recommendations are to:

- ▶ **Develop new partnerships and strengthen existing arrangements for countryside planning, conservation and management** (eg the Mourne AONB Committee and Antrim Coast and Glens Steering Group).
- ▶ **Establish area-wide countryside management services or district/local countryside trusts**, drawing on the countryside management experience in England and Wales.

2. Developing a vision and strategic policy framework

To overcome problems created the current policy vacuum requires:

- ▶ **An outline strategy and policy guidelines for countryside access** to be developed by Environment Service, with wide consultation to ensure a maximum consensus.
- ▶ **Regional or district countryside access strategies** (or rural development strategies with countryside access components) to set aims and objectives and define the access improvements, maintenance programmes and other action that is required.

Good practice: Countryside and Ulster Way Committee

The aim of the Sports Council for Northern Ireland's Countryside and Ulster Way Committee was to coordinate, protect and enhance provision for countryside recreation in Northern Ireland through:

- ▶ *encouraging liaison between key organisations with countryside interests, eg Environment Service, the Department of Agriculture, NI Tourist Board, district councils, National Trust and voluntary conservation and recreation organisations*
- ▶ *discussing issues and representing countryside recreation interests in considering plans for Laganside developments, the Mourne AONB, etc*
- ▶ *encouraging the coordinated provision and promotion of long distance routes.*

The Countryside and Ulster Way Committee has:

- ▶ *encouraged progress by advising and supporting district councils*
- ▶ *organised training for district council staff and members*
- ▶ *published guidebooks on parts of the Ulster Way (alone or jointly)*
- ▶ *liaised with the Roads Service on signing the Ulster Way from public roads.*

Good practice: 'Public access in Belfast: The Way Ahead' - a district council access strategy

Belfast City Council's wide-ranging strategy 'Public Access in Belfast: The Way Ahead' sets out a framework for the development and management of access in and around Belfast. It outlines and discusses -

- ▶ *the access legislation*
- ▶ *financial assistance for access*
- ▶ *use of volunteers*
- ▶ *access provision*
- ▶ *access needs and opportunities*
- ▶ *policies, proposals and actions.*

Appendices contain information on identifying and asserting public rights of way, waymarking paths, path agreements, work eligible for grant, parks and access land, and the Ulster Way.

An action programme is being prepared which will set out a programme of projects, responsibilities and costs and enable progress to be made in implementing the strategy.

Good practice: East Cumbria Countryside Project

The East Cumbria Countryside Project is a countryside management service covering 2,178 sq km including part of the North Pennines. It is supported by the Countryside Commission, the County Council and two District Councils and has developed close working relationships with local communities, landowners and farmers. Its aims include:

- ▶ *to improve access and provision for outdoor recreation for local people and visitors*
- ▶ *to increase understanding and enjoyment of the countryside*
- ▶ *to support agriculture and forestry and help resolve problems of trespass, vandalism, etc.*

Amongst its activities are:

- ▶ *working with parish councils and landowners to survey, improve and sign rights of way and with the British Horse Society to improve bridleways for riders and cyclists*
- ▶ *improving and managing national and regional trails*
- ▶ *providing guided walks and events and publishing booklets on circular walks.*

3. Making things happen

A range of measures are required to translate the overall, strategic objectives into sustainable programmes of action. While some tasks, such as formally asserting rights of way, can only be undertaken by district councils, there is scope for involving local communities in identifying routes, negotiating access over private land and other practical tasks. Developing these roles will require a coordinated approach by Environment Service, the Tourist Board, Rural Development Council and Rural Community Network.

Recommendations are to:

- ▶ **Identify public rights of way through district and community surveys, assert the most valuable routes as a priority, and prepare Northern Ireland and district registers of all public rights of way and other assured access opportunities.**
- ▶ **Review and extend public access to all appropriate public sector land, with safeguards to protect access should the land be sold.**
- ▶ **Facilitate community involvement through:**
 - ▶ **a Community and Townlands Paths and Trails Programme** to enable communities to survey, improve, maintain and promote countryside access;
 - ▶ **Community Rural Tourism Initiatives**, particularly partnership schemes to develop and market walking, cycling and other activities in key areas;
 - ▶ **integrated support** giving rural communities 'one stop' access to advice, training and grants.
- ▶ **Strengthen Environment Service's advisory services for countryside access**, through additional staff with specialist skills and the publication of practice notes.
- ▶ **Extend Environment Service's grants** including direct grant-aid to voluntary and community organisations and farmers and landowners and a streamlined grant procedures for small-scale access projects.
- ▶ **Develop awareness and training programmes** for district council staff and elected members, farmers and landowners, and community, recreation and conservation organisations. The priority need is to encourage awareness among district councils' senior staff and members and provide specialist training and better networking arrangements for countryside officers. Short secondments might be considered to enable countryside officers to benefit from the experience of local authorities in providing countryside services elsewhere in the UK.
- ▶ **Establish demonstration projects showing good practice** in developing, managing or marketing countryside access and **an award scheme** to promote good practice or innovation, especially amongst community-based initiatives.

Good practice: Leicestershire 'Waymark 2000' strategy

Leicestershire County Council's 'Waymark 2000' project aims to:

- ▶ *ensure the County's 5,600 km of rights of way all are waymarked and open by the year 2000*
- ▶ *promote public enjoyment of rights of way*
- ▶ *develop links with district and parish councils, landowners, voluntary groups and user organisations to ensure implementation will have a lasting, productive impact.*

Key elements of 'Waymark 2000' include:

- ▶ *a policy framework, derived from the County's countryside strategy and path surveys*
- ▶ *extensive use of local contractors as the most cost-effective way of clearing, restoring and signposting/waymarking paths, and which enables contractors to develop specialist skills*
- ▶ *volunteers take direct responsibility for researching land ownerships and for organising and supervising contracts*
- ▶ *specialist training to enable volunteers to undertake these roles; attracting a wide range of volunteers to the project and building on their administrative and managerial skills*
- ▶ *a 'Guide to Improving and Waymarking Rights of Way' for volunteers, local groups and landowners' explains how to survey, waymark and improve routes and lists key contacts*
- ▶ *assistance is given to local groups to promote the use of restored path networks.*

This highly cost effective approach enables the County Council's 1½ person project team to secure the full restoration and improvement of around 500 km of paths each year.

4. Promoting countryside enjoyment and responsible access

The development of walking, cycling and equestrian tourism by Bord Fáilte demonstrates the impact of effective marketing and product development. In Northern Ireland, the household survey shows that over half the population are not fully aware of the opportunities to enjoy the countryside.

- ▶ **The Northern Ireland Tourist Board and Bord Fáilte should collaborate to jointly develop and market activity tourism**, providing 'added value' to their overseas marketing programmes.
- ▶ **The Tourist Board and Sports Council should participate in the proposed UK Activity Centres Accreditation Scheme** and give activity holiday providers advice and assistance to meet the scheme's quality and safety standards.
- ▶ **Visitor information services and promotion of the countryside should be strengthened**, including through visits and events programmes and a wider range of guides, leaflets and interpretive material. This could include information points in local shops and hotels, a countryside information point in the Tourist Board's central information centre and incorporating countryside information onto the 'Gulliver' system.
- ▶ **Awareness of access rights and responsibilities should be promoted** amongst visitors, recreation organisations, rural communities and farmers and landowners.
- ▶ **Access to, and interpretation of, archaeological sites, historic monuments and buildings should be enhanced** in partnership with Environment Service (Historic Monuments and Buildings).

5. Occupiers' liability issues

Occupiers have only a restricted liability towards users of public rights of way and no evidence came to light during the Study of frequent or excessive liability claims. Nevertheless, the issue is a significant psychological barrier for farmers, landowners and district councils and often undermines access negotiations.

- ▶ **Environment Service should:**
 - ▶ **ensure guidance is widely available which clearly explains occupiers' liabilities** towards users on public rights of way, other forms of access and trespass;
 - ▶ **consider the feasibility of monitoring relevant liability claims**, including those settled out of court;
 - ▶ **ensure that occupiers do not incur any greater liability towards users on public rights of way** arising out of any changes that may be made to the legislation.
- ▶ **If permissive paths are to be a key component of access networks, ways may need to be found of indemnifying occupiers for the greater liability they might then incur.** Possibilities include an insurance scheme for approved routes, perhaps by extending district councils' insurance cover or by the Department taking on an element of responsibility for some key routes.

6. Improving access for people with disabilities and by public transport

Several measures are suggested to help ensure the countryside is accessible to the elderly and people with disabilities and to improve access by public transport. They include:

- ▶ **Developing and promoting access opportunities and activity programmes for users with impaired mobility or disabilities.**
- ▶ **The needs and interests of people with disabilities to be represented in developing access strategies and designing facilities.**
- ▶ **The development and promotion of access opportunities linked to public transport**, including new or extended services to popular countryside areas at peak leisure periods. These might be developed on an experimental basis with initial subsidies.

7. Ulster Ways

Although the concept of the Ulster Way as a continuous trail around Northern Ireland is not sustainable, several sections merit development to a high standard as regional walking routes.

- ▶ **Quality assured 'Ulster Ways' should be developed and promoted by the respective district councils, in partnership with Environment Service and other interests.**

8. Access initiatives in the Case Study Areas

Despite their attractive scenery and rich cultural and natural histories, both Case Study Areas, particularly the Sperrins, display the significant constraints on countryside access which exist throughout Northern Ireland. There is, however, an increasing recognition amongst district councils, community development associations and other groups of the scope for rural tourism and need to enhance countryside access. A wide range of recommendations are made to help realise these objectives.

In the Antrim Coast and Glens action should be taken to:

- ▶ **Develop a Countryside Access Initiative** by:
 - ▶ widening the Antrim Coast and Glens AONB Steering Committee;
 - ▶ establishing an Advisory Group or Access Forum;
 - ▶ preparing a Management Strategy or Access Strategy;
 - ▶ establishing a joint Countryside Management Service by the district councils and Environment Service to establish, improve, maintain and promote access along with other aspects of AONB management and promotion.
- ▶ **Enhance district councils' access capabilities**, especially the staff and resources devoted to access work and through programmes to assert appropriate rights of way.
- ▶ **Focus initially on promoting selected resorts** (Carnlough, Cushendall and Ballycastle) as bases for activity tourism and walking, riding and cycling day visits.
- ▶ **Develop and promote priority trails and access networks** through:
 - ▶ additional coastal walking opportunities;
 - ▶ an Antrim Way (based on sections of the Ulster Way) and extended Moyle Way, to offer part, whole or multi-day walks;
 - ▶ assured routes for hill walking;
 - ▶ enhanced access to the Water Executive's properties at Altnahinch, Quolie and Dungonnell;
 - ▶ a regional off-road cycling and horse riding route based on the original Challenge Walk from Ballycastle to Glenariff;
 - ▶ other part or whole-day walking, cycling and riding routes, over asserted rights of way, Forest Service and Water Executive land;
 - ▶ open country access agreements, eg over the Garron Plateau and other popular peaks, and Water Executive and Forest Service land south of Glenariff.
- ▶ **Develop car touring routes and cycle trails** using rural roads and quiet lanes.
- ▶ **Develop and promote walking and cycling holiday packages** which include accommodation, baggage transfer and other services, guided or self-guided walks and discovery packs.
- ▶ **Establish and promote an Antrim Walking Festival.**

Recommendations for the Sperrins reflect the absence of a coordinating structure and the more restricted access opportunities and visitor services in the area.

- ▶ **An Access Development Programme** is needed including:
 - ▶ priority appointment of a Countryside Officer by each district council and action to meet its duties;
 - ▶ appointment of a Community Access Development Officer to pilot and test community-based projects;
 - ▶ joint preparation of a Sperrins Access Strategy and action programme;
 - ▶ formation of a broadly based Sperrins Access Forum or wider management committee to bring together all interests, help resolve access issues and assist in implementing the strategy.

These measures will also help to support the tourism marketing initiatives proposed by the Sperrins Tourist Development Association. Within this framework, action is required to:

- ▶ **Develop walking, cycling and riding opportunities around key visitor centres, and initially promote the Sperrins as an activity destination to Northern Ireland residents.** Areas with existing accommodation and services and scope to develop off-road access include Gortin, Plumbridge, Cranagh, and Creggan.
- ▶ **Develop priority trails and access networks.** Opportunities include:
 - ▶ river valley and countryside path networks using historic drove roads and other rights of way and linked to key settlements and public transport;
 - ▶ enhancing recreational routes at Altnaheglish Reservoir, Lough Fea and Goles Forest;
 - ▶ walking, cycling and riding routes based on the assertion of rights of way over historic coach roads (eg around Glenlark and Rousky);
 - ▶ cycle touring routes (10-50 km.) on quiet lanes linking places of scenic and heritage interest;
 - ▶ cycling routes within forests especially Davagh and Gortin Forest Park;
 - ▶ day and multi-day **riding networks** to support the riding centres at Cookstown and in the Western Sperrins;
 - ▶ possible access agreements along the Sperrin Skyway, above Glenhordial, and to Mullaghearn and Slieve Gullion.
- ▶ **Develop and promote car trails connecting countryside attractions and walking and cycling opportunities.**
- ▶ **Develop and promote walking and cycling holiday packages** combining accommodation, baggage transfer and other services, guided or self-guided walks and discovery packs.

9. MOVING FORWARD

9.1 *The challenge*

The aim of the Study was to provide a better understanding of access to the Northern Ireland countryside for informal recreation. It has highlighted the growing importance of countryside recreation to the people of Northern Ireland and as an essential component of rural tourism, but also the very restricted range of access opportunities that currently exist and the inherent conflicts and other difficulties that have to be overcome in improving provision.

The *Ways and Means* conference held in November 1993 focused on the Study's findings and demonstrated considerable interest in access issues and support for a new impetus to develop positive ways of moving forward. It was recognised that innovative approaches are needed, involving a broad partnership of all the many bodies, organisations and individuals concerned with countryside access. The challenge now is for Environment Service, together with its co-sponsors in the Study - the Northern Ireland Tourist Board and Sports Council for Northern Ireland - and district councils to build on this growing consensus. Working with other partners and interest groups, the need is to strengthen the administrative structures, harness the necessary resources, develop appropriate support mechanisms and plan and progress the practical access improvements that are required.

Only by meeting this challenge will it be possible to ensure that, in harmony with other land uses, access exists to enjoy the great diversity and beauty of the Northern Ireland countryside - and to realise the considerable benefits this will bring to the people of Northern Ireland and its rural communities.