

ARMAGH CITY, BANBRIDGE AND CRAIGAVON BOROUGH COUNCIL	
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Title of Policy:	Public Right of Way Investigation & Assertion Policy Access to the Countryside (NI) Order 1983
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AMENDMENT RECORD SHEET

Remove and destroy old pages. Insert new pages as indicated.

Revision Number	Page Number	Date Revised	Description of Revision

<p>1. Introduction</p>	<p>The Access to the Countryside (NI) Order 1983 contains the principal legislative provisions governing access to the countryside in Northern Ireland.</p> <p>Article 3 provides that “a district council shall assert, protect and keep open and free from obstruction or encroachment any public right of way; and for this purpose may institute proceedings in its own name.”</p> <p>The legislation does not set out a procedure as to how to assert and protect public rights of way, this is at the discretion of district councils and they have taken different approaches to the exercise of their powers and duties.</p> <p>The DoE (EHS) in its policy and guidance role has produced guidance including the following which the procedure takes into account:</p> <ul style="list-style-type: none"> • A Guide to Public Rights of Way and Access to the Countryside: Guidance Notes on the Law, Practices and Procedures in Northern Ireland (2006) <p>And a booklet entitled:</p> <ul style="list-style-type: none"> • Public Rights of Way: A Guide to the Status Investigation Procedure (DoE (EHS)).
<p>2. Aim/Purpose</p>	<ul style="list-style-type: none"> • The Council wish to formalise a policy and procedure in relation to public right of way investigations. • Prior to RPA the 3 legacy councils approached their powers and duties under the Order differently. Therefore, there is need for an agreed procedure and approach for the new Council. • To ensure that the Council exercises its duty under the Order in a consistent, open, fair and professional way. • To ensure that timely and appropriate action is taken and that

	only relevant considerations inform the decision making process.
3. Scope	The policy and procedure apply only to the investigation and assertion of public rights of way under Art. 3 of the '83 Order.
4. Policy Detail	<p>Armagh City, Banbridge and Craigavon Borough Council intends to fulfil its statutory obligations and exercise its discretionary powers under the Access to the Countryside (NI) Order 1983 to provide and maintain access to the countryside for outdoor recreation in the Borough.</p> <p>We acknowledge the importance of public rights of way in the development of access opportunities to the countryside. We will seek to proceed by agreement wherever possible. However, we will take appropriate action, based on legal advice, where agreement is not forthcoming to protect such routes for the benefit of the public.</p> <p>The Public Right of Way Investigation & Assertion Procedure sets out how Armagh City, Banbridge and Craigavon Borough Council will conduct the investigation of alleged public rights of way in the Borough.</p>
5. Roles and Responsibilities	<p>All Council officers and members are expected to comply with the Council's policy and procedure.</p> <p>Officers will follow the procedure as set out being responsible for the investigation and collation of information. The decision as to whether to assert, not to assert or to defer a decision will be taken by the appropriate committee of Council as ratified by the Statutory Meeting of the Council.</p> <p>Non-compliance with the Order and policy and procedures may result in the Council breaching its legal obligations under the Order.</p>
6. Related Policies	<p>Related Policies/Legislation: <i>Access to the Countryside (NI) Order 1983</i> <i>Local Government (NI) Act 2014</i> <i>Nature Conservation & Amenity Lands (NI) Order 1985/89.</i> <i>Recreation and Youth Service (NI) Order 1986</i></p>

*Northern Ireland Act 1998
Freedom of Information Act 2000
Disability Discrimination Act 1995
Occupiers' Liability Act (NI) 1957
Occupiers' Liability (NI) Order 1987*

A Guide to Public Rights of Way and Access to the Countryside: Guidance notes on the Law, Practices and Procedures in Northern Ireland, DoE (2006)

Public Rights of Way: A Guide to the Status Investigation Procedure (booklet produced by DoE)

Armagh City, Banbridge & Craigavon Borough Council Strategies & Plans including:

Connected: A Community Plan for Armagh City Banbridge and Craigavon Borough 2017-2030

Corporate Plan, 2015-17

Health & Recreation Departmental Business Plan 2016/17 to 2018/19

Everybody Active 2020: Strand 1 Action Plan.

Walking & Cycling Action Plan (2017).

Other (including):

*Draft Programme for Government 2016-21.
Making Life Better 2013-2028 NI Strategic Framework for Public Health*

Together: Building a United Community (T:BUC) Strategy, 2013

Planning Policy Statement (PPS) 8: Open Space, Sport and Recreation

Our Great Outdoors: The Outdoor Recreation Action Plan for Northern Ireland 2013 – 2020

Making Northern Ireland's Outdoors Great: A Strategic Plan for outdoor recreation in Northern Ireland 2015-2020

Policy Screening Form

Policy Scoping

Policy Title: Public Right of Way Investigation & Assertion Policy Access to the Countryside (NI) Order 1983

Brief Description of Policy (please attach copy if available). Please state if it is a new, existing or amended policy.

A need to formalise a policy and procedure in relation to public right of way investigations and assertions under Article 3 of the Access to the Countryside (NI) Order 1983 was identified and this new procedure drafted to address this need.

Intended aims/outcomes. What is the policy trying to achieve?

- A new procedure and approach is required for the new Council as the former Councils approached the powers and duties under the Order differently.
- An agreed procedure will ensure that the Council exercises its duty under the Order in a consistent, open, fair and professional way.
- To ensure that timely and appropriate action is taken and that only relevant considerations inform the decision making process.

Policy Framework

Has the policy been developed in response to statutory requirements, legal advice or on the basis of any other professional advice? Does this affect the discretion available to Council to amend the policy?

This policy and procedure has been developed to comply with the powers and duties in relation to the investigation and assertion of public rights of way placed on the Council under Article 3 of the Access to the Countryside (NI) Order 1983. The Department of the Environment in its policy and guidance role produced guidance including the following which the procedure takes into account:

- *A Guide to Public Rights of Way and Access to the Countryside: Guidance Notes on the Law, Practices and Procedures in Northern Ireland (2006)*

And a booklet entitled:

- *Public Rights of Way: A Guide to the Status Investigation Procedure*

Legal advice on the draft procedure was sought and was taken into account in the drafting of the procedure.

Are there any Section 75 categories which might be expected to benefit from the policy? If so, please outline.

The policy will have a neutral impact on the equality categories.

Who initiated or wrote the policy (if Council decision, please state). Who is responsible for implementing the policy?

Who initiated or wrote policy? Nuala Hamilton Countryside Officer	Who is responsible for implementation? The Council is responsible for implementation
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Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?

No

Main stakeholders in relation to the policy

Please list main stakeholders affected by the policy (e.g. staff, service users, other statutory bodies, community or voluntary sector, private sector)

Staff/councillors, residents

Are there any other policies with a bearing on this policy? If so, please identify them and how they impact on this policy.

Available Evidence

Council should ensure that its screening decisions are informed by relevant data. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Evidence
Religious belief	None
Political opinion	None
Racial group	None
Age	None
Marital status	None
Sexual orientation	None
Men and women generally	None
Disability	None
Dependants	None

Needs, experiences and priorities

Taking into account the information gathered above, what are the different needs, experiences and priorities of each of the following categories in relation to this particular policy/decision?

Section 75 category	Needs, experiences and priorities
Religious belief	Not applicable
Political opinion	Not applicable
Racial group	Not applicable
Age	Not applicable
Marital status	Not applicable
Sexual orientation	Not applicable
Men and women generally	Not applicable
Disability	Not applicable
Dependants	Not applicable

Screening Questions

1. What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 categories?

Category	Policy Impact	Level of impact (Major/minor/none)
Religious belief	None	
Political opinion	None	
Racial group	None	
Age	None	
Marital status	None	
Sexual orientation	None	
Men and women generally	None	
Disability	None	
Dependents	None	

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?

Category	If yes, provide details	If no, provide reasons
Religious belief	No	
Political opinion	No	
Racial group	No	
Age	No	
Marital status	No	
Sexual orientation	No	
Men and women generally	No	
Disability	No	
Dependents	No	

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?

Category	Details of Policy Impact	Level of impact (major/minor/none)
Religious belief	N/A	
Political opinion	N/A	
Racial group	N/A	

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Category	If yes, provide details	If no, provide reasons
Religious belief	No	
Political opinion	No	
Racial group	No	

Multiple Identity

Generally speaking, people fall into more than one Section 75 category (for example: disabled minority ethnic people; disabled women; young Protestant men; young lesbian, gay and bisexual people). Provide details of data on the impact of the policy on people with multiple identities. Specify relevant s75 categories concerned.

There is no impact on any equality category.

Disability Discrimination (NI) Order 2006

Is there an opportunity for the policy to promote positive attitudes towards disabled people?

No

Is there an opportunity for the policy to encourage participation by disabled people in public life?

No

Screening Decision

A: NO IMPACT IDENTIFIED ON ANY CATEGORY – EQIA UNNECESSARY

Please identify reasons for this below

There is no impact on any equality category. The policy has no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

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B: MINOR IMPACT IDENTIFIED – EQIA NOT CONSIDERED NECESSARY AS IMPACT CAN BE ELIMINATED OR MITIGATED

Where the impact is likely to be minor, you should consider if the policy can be mitigated or an alternative policy introduced. If so, EQIA may not be considered necessary. You must indicate the reasons for this decision below, together with details of measures to mitigate the adverse impact or the alternative policy proposed.

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C: MAJOR IMPACT IDENTIFIED – EQIA REQUIRED

If the decision is to conduct an equality impact assessment, please provide details of the reasons.

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Timetabling and Prioritising

If the policy has been screened in for equality impact assessment, please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3 with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	

The total rating score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the council in timetabling its EQIAs.

Is the policy affected by timetables established by other relevant public authorities? If yes, please give details.

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Monitoring

Effective monitoring will help the authority identify any future adverse impact arising from the policy. It is recommended that where a policy has been amended or an alternative policy

introduced to mitigate adverse impact, monitoring be undertaken on a broader basis to identify any impact (positive or adverse).

Further information on monitoring is available in the Equality Commission's guidance on monitoring

Identify how the impact of the policy is to be monitored

The policy and procedure may be amended as a result of legislative changes but it will be unnecessary to monitor on section 75 grounds.

Approval and Authorisation

A copy of the screening form for each policy screened should be signed off by the senior manager responsible for that policy. The screening recommendation should be reported to the relevant Committee/Council when the policy is submitted for approval.

Screened by	Position/Job title	Date
<i>Muala Hamilton</i>	Countryside Officer	20 September 2017
Approved by	Position/Job Title	Date
<i>Catherine Reye</i>	Head of Health & Recreation	23/10/17

Please forward a copy of the completed form with policy attached to mary.hanna@armaghbanbridgecraigavon.gov.uk who will ensure that screening forms and policies are available on the Council website.

This officer is also responsible for issuing reports on a quarterly basis on those policies "screened out for EQIA". This allows stakeholders who disagree with this recommendation to submit their views. In the event of any stakeholder disagreeing with the decision to screen out any policy, the screening exercise will be reviewed.