

# Rural Needs Impact Assessment Template

## Step 1: Define the Issue

Key questions to consider:

- *What are the objectives of the strategy, policy plan or service?*
- *What impact do you intend it to have in rural areas?*
- *How is 'rural' defined for the purposes of this policy/strategy/service/plan?*
- *What would constitute a fair rural outcome in this case?*

Article 3 of the Access to the Countryside (NI) Order 1983 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." 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.

Keeping public rights of way open can enable local residents to keep active, protect local heritage and high amenity routes can provide an attraction to visitors. The Outdoor Recreation Action Plan for NI (2014) states that outdoor recreation can deliver the following benefits (which also accord with Council Corporate priorities on improving everyone's quality of life & wellbeing and reducing health inequalities):

- Healthy active lifestyles for local people from all communities
- Economic growth through encouraging visitors to come and enjoy the outdoors: and
- Protection of landscapes and ecosystems for future generations.

The DoE (EHS) in its policy and guidance role provided the following guidance 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

There are currently approximately 23 asserted public rights of way in the Borough and a number of alleged public right of way cases currently under investigation. Many of these routes fall within rural areas.

### Objectives of the Policy & Procedure

- 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 formalise a policy and procedure in relation to public right of way investigations.
- 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.

## Step 2: Understand the situation

### Key questions to consider

*What is the current situation in rural areas?*

*What evidence (statistics, data, research, stakeholder advice) do you have about the position in rural areas?*

*If the relevant evidence is not available, can this be sourced?*

*Do you have access to the views of rural stakeholders about the likely impact of the policy?*

*Are there existing design features or mitigations already in place to take account of rural needs?*

The law and policy relating to countryside recreation in Northern Ireland differs from the rest of the UK. A 2012 briefing paper prepared for the Northern Ireland Assembly estimated that there were 118,000 miles of asserted public rights of way in England, 20,625 in Wales and only 123 miles in Northern Ireland. The Scott report on Access to the Northern Ireland Countryside (1994) looked at progress in the ten years from the enactment of the legislation and found that only one third of Councils were actively trying to comply with the '83 Order stating that "...opportunities for access to the wider countryside in NI are severely restricted."

It is not simply due to lack of will on the part of Councils that few public rights of way have been asserted. The long delay in introducing legislation led to a loss of routes and of possible witnesses, 'The Troubles'; and our system of land tenure, with the predominance of small farms and consequently greater numbers of landowners to negotiate with, and fears over occupiers' liability have added to the difficulties. However, not all landowners oppose access and there can be positive benefits for all concerned.

A small number of public rights of way have been asserted, protected and kept open by the legacy councils since the legislation came into force in Northern Ireland in March 1984. Public rights of way are often, but not exclusively, located in the countryside in rural areas.

The Order provides that the council shall have regard to the needs of agriculture and forestry and the need to conserve the natural beauty and amenity of the countryside in the exercise of its functions under the Order.

Assertion is merely the confirmation of an existing public right of way not the creation of a new one. This involves researching and formally recognizing a public right of way by resolution of the Council and, if contested, asking the County Court to 'vindicate' (confirm) the assertion.

The procedure outlines a process from initiation of an investigation, the process for investigation, collation of information and presentation to Council committee for consideration. A two-step process is proposed for Council to consider the proposed assertion of a public right of way. The question to be addressed by an investigation is, on the basis of the available evidence, "Does a public right of way already exist along this line?" The Council does not have the legal discretion to take other factors into account. However, the Council aims to provide a responsive countryside management service do deal with problems or queries that arise and to carry out discretionary maintenance on asserted routes.

### **Step 3:      Develop and appraise options**

#### **Key questions to consider**

*Are there barriers to delivery in rural areas?*

*If so, how can these be overcome or mitigated?*

*Will it cost more to deliver in rural areas?*

*What steps can be taken to achieve fair rural outcomes?*

Landowners can have fears arising from public access. They can be fearful of public liability claims, also of problems arising such as litter, gateways obstructed by visitors parking without consideration and problems arising from dog owners not controlling or cleaning-up after their dogs.

Local people may be reluctant to provide evidence for fear of offending a neighbour. Without evidence the Council cannot proceed where the status of the route is disputed.

The lack of public transport in some rural areas may mean that rural paths are difficult to access if relying on public transport to get to a start point.

#### **Step 4: Prepare for Delivery**

##### Key questions to consider

*Do the necessary delivery mechanisms exist in rural areas?*

*Have you considered alternative delivery mechanisms?*

*What action has been taken to ensure fair rural outcomes?*

*Is there flexibility for local delivery bodies to find local solutions?*

*Are different solutions required in different areas?*

Yes – we already provide discretionary maintenance for our small number of asserted public rights of way. We have responded to requests from both individuals and groups in rural areas to investigate public rights of way and considered requests for improvement and maintenance to asserted public rights of way from landowners and others and actioned this where it falls within our remit and is deemed to be needed to keep a route passable for the purpose(s) for which it was asserted.

There is provision in the legislation allowing for the temporary diversion or closure of public rights, the erection of new gates or stiles across a public right of way if in the interests of agriculture or forestry of way and for extinguishment and diversion provided certain conditions are met.

The council carry out basic discretionary maintenance a few times a year, including litter picking and will respond to any complaints in a timely fashion and work with landowners to try to resolve problems. The large size of the council area and the dispersed nature of public rights of way can impact on the ability to maintain the routes. However, the standard of maintenance is a basic one, not an intensive regime such as required for parks and open spaces. At least one legacy council supplemented in-house resources with assistance with maintenance from outside sources.

The Council's policy is to proceed by agreement wherever possible. However, the Council will take appropriate action, based on legal advice, where agreement is not forthcoming to protect such routes for the benefit of the public.

A 'one size fits all' approach may not be appropriate in all cases considering the size of the Council area and the limited resources available. However, the aim is to have a consistent approach in compliance with the legislation. Provision is made in the procedure to allow for prioritization of investigations in compliance with the criteria contained in the procedure.

## Step 5: Implementation & Monitoring

### Key questions to consider

*Have you set any rural specific indicators or targets to monitor?*

*How will the outcomes be measured in rural areas?*

*Are there any statistics or data that you will collect to monitor rural needs and impacts?*

A record is kept of complaints and queries received by the Countryside/Access Officer(s). The relevant officer will action these complaints.

A register of asserted public rights of way is kept and is open for public inspection.

A least an annual written survey of each public right of way will be carried out to ensure that they are passable for the purpose for which they were asserted.

Discretionary maintenance to keep the path open for use will take place to ensure the route is passable for the purpose for which it was asserted.

The number of users can be measured by visitor monitoring equipment.

**Step 6: Evaluation & Review**

**Key questions to consider**

*What processes are in place to evaluate and review the implementation of the policy, strategy, plan or service?*

*Have rural needs been factored into the evaluation process?*

*How will lessons learned in relation to rural outcomes be used to inform future policy making and delivery?*

Feedback and complaints arising from the procedure will be recorded and analysed and action taken to amend the procedure if this appropriate.

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