

**ARMAGH CITY, BANBRIDGE AND CRAIGAVON BOROUGH COUNCIL**

<b>Policy Number:</b>	<b>GRSC/P13/V2.0</b>
<b>Title of Policy:</b>	<b>Public Right of Way Investigation &amp; Assertion Policy - Access to the Countryside (NI) Order 1983</b>
<b>No of Pages (including appendices):</b>	<b>37</b>
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<b>Policy Nominated Officer:</b>	<b>Nuala Hamilton, Countryside Access Officer</b>
<b>Equality screened/Rural Impact Assessed by</b>	<b>Nuala Hamilton, Countryside Access Officer Gillian Dewart, Sports Development Manager</b>
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<b>Approved by:</b>	<b>Full Council – 23 October 2023</b>
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**AMENDMENT RECORD SHEET**

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

<b>Revision Number</b>	<b>Page Number</b>	<b>Date Revised</b>	<b>Description of Revision</b>
	Para Introduction 1	<b>July 2023</b>	Amendment of last 2 paras. Update to ref. DAERA. Ref. to 'booklet' deleted.
	Para Aim/Purpose 2	<b>July 2023</b>	Slight amendment to text meaning remains the same.
	Para 3 Scope	<b>July 2023</b>	Explanation of meaning of 'Policy' added. Reference to Speaking Rights Protocol under para. 19 of the Procedure added.
	Para 6 Related Polices	<b>July 2023</b>	Some amendment to this section.
	Policy Screening Form	<b>July 2023</b>	More detail added to section on factors which might contribute to or detract from the implementation of the policy, also to the section on stakeholders and other policies with a bearing on this policy. Amendment to answer on the Disability Discrimination (NI) Oder 2006 from 'No' to 'Yes'.

# Contents

Introduction.....	3
Aim/Purpose.....	3
Scope .....	4
Policy Detail.....	4
Roles and Responsibilities.....	4
Related Policies.....	5
Appendix 1 Public Right of Way Procedure and Speaking Rights Protocol .....	7
Appendix 2 Equality Screening Form.....	12
Appendix 2 Rural Needs Impact Assessment (RNIA) .....	21

<p><b>Introduction</b></p>	<p>The Access to the Countryside (Northern Ireland) Order 1983 (hereafter referred as ‘the Order’) 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 a district council 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>In the drafting this policy &amp; procedure cognisance was taken of the guidance published in 2006 by the former Department of the Environment, Environment &amp; Heritage Service (now the Northern Ireland Environment Agency, Department of Agriculture, Environment and Rural Affairs – DAERA):-</p> <p><i>‘A Guide to Public Rights of Way and Access to the Countryside: Guidance Notes on the Law, Practices and Procedures in Northern Ireland.’</i> This is also known as <i>‘The Red Book’</i>.</p> <p>The practice and policies of other Councils were also taken into account in the drafting the procedure.</p>
<p><b>Aim/Purpose</b></p>	<ul style="list-style-type: none"> <li>• To formalise a policy and procedure for public right of way investigations and assertions.</li> <li>• A procedure was required for the new Council (post the reform of local government in 2015).</li> <li>• To ensure that the Council exercises its duty under the Order in a consistent, open, fair and professional way.</li> </ul>

	<ul style="list-style-type: none"> <li>To ensure that timely and appropriate action is taken and that only relevant considerations inform the decision making process.</li> </ul>
<p><b>Scope</b></p>	<p>The policy and procedure apply only to the investigation and assertion of public rights of way under Article 3 of the Order.</p> <p>A Protocol on the exercise of speaking rights under para. 19 of the Procedure was agreed by the Leisure and Community Services Committee of 14 October 2019 and ratified by full Council at its meeting of 28 October 2019. A copy is annexed at Appendix 3.</p> <p>A policy is any strategy, policy (existing, amended, proposed) or practice and/or decision, whether written or unwritten.</p>
<p><b>Policy Detail</b></p>	<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 &amp; Assertion Procedure (copy attached at Appendix 2) sets out how Armagh City, Banbridge and Craigavon Borough Council will conduct the investigation and assertion of alleged public rights of way in the Borough.</p>
<p><b>Roles and Responsibilities</b></p>	<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</p>

	<p>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>
<p><b>Related Policies</b></p>	<p><b>Related Policies/Legislation:</b></p> <ul style="list-style-type: none"> <li>• Access to the Countryside (NI) Order 1983 (and relevant subordinate legislation).</li> <li>• Guide to Public Rights of Way and Access to the Countryside: Guidance Notes on the Law, Practices and Procedures in Northern Ireland, DoE EHS (now DAERA), 2006 ('The Red Book').</li> <li>• Local Government (NI) Act 2014</li> <li>• Northern Ireland Act 1998</li> <li>• Freedom of Information Act 2000</li> <li>• Recreation and Youth Service (NI) Order 1986</li> <li>• Disability Discrimination Act 1995 (DDA 1995) (as amended by the Disability Discrimination (NI) Order 2006)</li> <li>• Environmental Information Regulations 2004</li> <li>• Occupiers' Liability Act (NI) 1957</li> <li>• Occupiers' Liability (NI) Order 1987</li> <li>• Draft Programme for Government</li> <li>• Our Great Outdoors: The Outdoor Recreation Action Plan for Northern Ireland 2013 – 2020, Sport NI 2014</li> </ul>

	<ul style="list-style-type: none"><li>• Making Northern Ireland's Outdoors Great: A Strategic Plan for outdoor recreation in Northern Ireland 2015-2020, Outdoor Recreation NI (ORNI).</li><li>• Connected: A Community Plan for Armagh City Banbridge and Craigavon BC 2017-2030.</li><li>• Armagh City, Banbridge &amp; Craigavon Borough Council Corporate Plan, 2018-2023</li><li>• Get Moving ABC: A collective plan to positively impact the health and wellbeing of the people living in Armagh City, Banbridge &amp; Craigavon 2020-2030</li></ul>
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**Appendix 1 Public Right of Way Procedure and Speaking Rights Protocol**



**Armagh City  
Banbridge  
& Craigavon**  
Borough Council

**Access to the Countryside –**

**Public Rights of Way Investigation  
and Assertion Procedure**

**Protocol for the  
Exercise of the Right to Make Representations**

## **Access to the Countryside – Public Rights of Way Investigation and Assertion Procedure**

### **Introduction**

Under the Access to the Countryside (Northern Ireland) Order 1983 councils have a duty to “*assert, protect and keep open*” public rights of way. However, before a council can decide whether to assert a route, it must first be satisfied, through a process of investigation, that the route is indeed a public right of way.

The Council’s document ‘Public Right of Way Investigation and Assertion Procedure’ sets out the procedure for the investigation and assertion of public rights of way by the Council.

There are two stages in the Council’s assertion process.

### **Stage One**

If it appears to the officer, based on the evidence gathered and submitted, that there is a prima facie case for the existence of a public right of way a Stage One Report will be brought to the Leisure and Community Services Committee. The Stage One Report will recommend that the Council: (1) states its intention to assert a right of way and (2) that adjoining landowners along the alleged public right of way are consulted with in respect of the proposed assertion. Following acceptance of this recommendation the officer will consult with the landowner/s.

### **Stage Two**

At Stage Two a second (and final) report will be presented to the Committee. The Stage Two Report will contain the responses from landowners and will summarize the evidence for and against the assertion of the alleged public right of way. At this stage the decision whether to assert, defer or not to assert will be taken. If the decision to assert is contested the Council may decide to seek a court declaration that the route is a public right of way. The Council will however seek to proceed by agreement if possible.

### **Right to make representations**

There is a right to make representations to the Leisure and Community Services Committee, in person, between Stage One and Stage Two either for or against the proposed public right of way. Any representations made will be taken into account in the Stage Two Report.



## Procedural Matters

### Who may address the Leisure and Community Services Committee?

- Supporters of a proposed right of way
- Objectors to a proposed right of way

Any member of the public, whether they are an objector or supporter of the alleged public right of way, may exercise their right to speak. Members of the public may also arrange for another person to speak on their behalf (e.g. an appointed spokesperson, a public rights of way consultant or a solicitor).

### How do I register my interest in speaking?

To exercise this right you must make this request in writing to the Countryside Officer (Nuala Hamilton) at the Old Technical School Building, 3 Downshire Road, BANBRIDGE, BT32 3JY or by email to [nuala.hamilton@armaghbanbridgecraigavon.gov.uk](mailto:nuala.hamilton@armaghbanbridgecraigavon.gov.uk) by **12 pm seven working days** in advance of the date of the Committee meeting. When making your request please:

- Provide your name and contact details;
- state whether you wish to speak in support of, or against the matter and whether you also represent anyone else;
- If nominating someone else to speak on your behalf please give the name and contact details of that person;
- Provide details of any special access arrangements you may require;
- If attending as a group, give details of the nominated spokesperson.

### How will I know when the item I am interested in is going to Committee?

The Countryside Officer (Nuala Hamilton) may be contacted to find out when an item on an alleged public right of way will be going to the Leisure and Community Services Committee. The Countryside Officer may be contacted on Tel: 028 4066 0617 or by email on [nuala.hamilton@armaghbanbridgecraigavon.gov.uk](mailto:nuala.hamilton@armaghbanbridgecraigavon.gov.uk). Details of Committee meeting dates and agendas can also be found on <https://www.armaghbanbridgecraigavon.gov.uk>. Committee agendas and reports, unless exempt from disclosure under Schedule 6 of the Local Government Act (NI) 2014, are available on the Council's website. Agendas will be available on the Council's website on the day of the Committee meeting.

Meetings of the Leisure and Community Services Committee are usually held on the second Monday of every month.

## **Can I provide additional information to present at the Committee meeting?**

Any visual material, including plans and photographs, must be submitted in advance to the Countryside Officer **seven working days** before the date of the Committee meeting. Any further additional information cannot be circulated during the meeting.

If you wish to show a power-point presentation, you will need to email the presentation, along with details of your name and contact details to the Countryside Officer seven working days before the Committee Meeting and it will be pre-loaded onto a laptop in the meeting room ready for you to use (subject to your request to speak being accepted).

It will not be possible for electronic presentations to be arranged on the day of the Committee meeting using a portable storage device such as a memory stick.

## **Time Limits / Order of Representations**

- Supporters of the proposed assertion will be allocated a maximum of **ten minutes** in total to present their views. Where there is more than one supporter the Chair will ask for a spokesperson to represent their views.
- Objectors to the proposed assertion will be allocated a maximum of **ten minutes** in total to present their views. Where there is more than one objector the Chair will ask for a spokesperson to represent their views.

## **What happens at the meeting?**

You should identify yourself to the Democratic Services Officer by **6.15 pm** for a **6.30 pm** start. They will note your attendance and answer any concerns.

The Chair will invite you to speak. All speakers will be timed and given a 30-second warning after nine and a half minutes.

You cannot question Members, Officers or other speakers, and they will not be able to question you. You are welcome to remain and listen to the rest of the representations.

## **What can I speak about?**

You can only speak on matters relating to the assertion of a proposed public right of way. The Council does not have the discretion to consider matters such as the desirability or suitability of the route in question. Representations should relate to the history of the path, how the path was used by the public or otherwise, any permissions sought, any private signs, interruptions to use and evidence which either supports or runs counter to the public right of way claim.

All statements, questions and responses must be related to the facts of the matter and not be personal in nature. There should be no reference to the personal views of any person.

You are advised that anything you say should not contain abusive or defamatory opinions. If it does, you may be asked to leave the meeting.

**What if I am unable to turn up on the day?**

You may nominate a substitute, but you will need to give their details to the Countryside Officer by 3.00 pm one working day before the Committee meeting (the Friday before the meeting).

**What happens after the Meeting?**

The minutes will include a brief resume of the points made by the speakers and not a verbatim record. Once the minutes have been ratified by Council they will be available on the Council's website.

**When is the decision made?**

The decision as to whether to assert, defer or not to assert will be made after the Stage Two Report has been considered by Council. Those people who attended the Leisure and Community Services Committee meeting, at which representations were made, and who provided either a postal or email address will be informed of the decision of the Council as soon as possible after the Council meeting.

## Appendix 2 Equality 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 policy and procedure to guide the investigation and assertion of public rights of way which is a mandatory, statutory duty of Council under Article 3 of the Access to the Countryside (Northern Ireland) Order 1983. The policy and procedure was agreed by Council in November 2017. This is a review of that policy in line with Council practice with no substantive change recommended at this time as no new legislation has emerged, nor is any change to the existing legislation anticipated in the foreseeable future. Following review, some amendments to text were made but no substantive change was made to the actual policy or procedure.

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

A procedure was required for the new Council (post the reform of local government in 2015): -

- 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.

### 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?

Guidance is provided to councils in the publication a 'Guide to Public Rights of Way and Access to the Countryside: Guidance Notes on the Law, Practices and Procedures in Northern Ireland' ('The Red Book'). This is a practical manual, published in 2006, by what is now the Northern Ireland Environment Agency, Department of Agriculture, Environment and Rural Affairs (DAERA).

The Guide aims to clarify the legal position in Northern Ireland, and the practices and procedures that should be followed. This was referred to in the drafting of this policy & procedure. Legal opinion on the draft procedure was sought prior to presentation to the Council for agreement. Also, examples of procedures & policies drafted by other councils were sought and considered at the time of the initial drafting.

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, a district council 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.

However, discretion is limited in that council cannot take into account the utility or recreational value of an alleged public right of way in deciding whether to assert or not. The only relevant consideration is whether the evidence, on the balance of probabilities, points to the existence of a public right of way along the route.

The council has a mandatory statutory duty in respect of public rights of way and failure to properly investigate an enquiry could lead to a complaint of maladministration.

**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?**

<b>Who initiated or wrote the policy?</b>	<b>Nuala Hamilton Countryside Officer</b>
Who is responsible for implementation?	The Council is responsible for the implementation of the policy.

**Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?**

Yes, there are a number of factors. A public right of way is a public right of passage over private land. As it impinges on private property rights this area of work can be contentious.

From initial identification, through to assertion and completion of work on the ground, it can represent a substantial investment of time, effort and money. However, this investment can enable residents to enjoy local routes and keep active, keep historic routes open and. high amenity routes, can provide an attraction for visitors.

The law and policy relating to countryside access in Northern Ireland differs from England & Wales, and Scotland. We do not have a statutory right to access to open countryside nor an extensive network of public rights of way to enjoy. In 2021, DAERA launched a key stakeholder consultation on '*The Provision of Access for Outdoor Recreation in Northern Ireland*' asking, inter alia, '*Is the current legislation and guidance fit for purpose?*' The results of that consultation have not been published at the time of writing and are not anticipated in the near future.

The term 'assert' is not defined in the Order, but it is taken to mean 'to claim there exists'. In practice, this involves researching and, if evidence and legal advice supports the existence of a public right of way, formally recognizing this by resolution of the Council. If contested it may be necessary to ask the County Court to 'vindicate' or confirm the assertion. This can be a lengthy and expensive process. Relatively few cases have progressed to court in NI so there is little case law to refer to.

The 'Red Book' advises that the Council may be open to challenge if it commences formal legal proceedings in respect of an alleged public right of way that is later found not to exist. This highlights the importance of fully investigating the status of disputed public rights of way before commencing proceedings or taking other action.

The Order has also to be read in conjunction with common law. In common law, legal precedents or judicial rulings are used to decide cases. Relatively few rights of way or other access issues have been considered by the courts in Northern Ireland. The common law requires being able to show dedication to public use by the landowner at some time in the history of the alleged public right of way and acceptance by the general public. This is also the case in the south of Ireland. However, in England and Wales legislation has superseded certain aspects of the common law, and Scotland has a different legal system.

Witness evidence as to the history and use of the route either for or against public right of way status is vital. This is usually gathered by asking a person who has used the path, has knowledge of it through use by family or relatives or who owns land along the path to fill out either a witness evidence form, or a landowner evidence form, providing information as to history and use of the route.

Witnesses can, understandably, be reluctant to commit to paper or to appear in court to give evidence. With the passing of time evidence and witnesses are lost. Local people may be reluctant to provide evidence for fear of offending a neighbour. Without evidence the Council cannot proceed to assert where the status of the route is disputed. These, and other variables, which affect outcomes, are outside the control of the investigating officer.

There is a perception amongst landowners and public land managers that if they allow recreational users onto their land there is a higher risk of public liability claims. The 'Red Book' (p.16) recognised the concerns of landowners and farmers: -

*"The sensitivity may arise from the direct experience that an individual farmer or his or her neighbour has had of public misuse of the countryside. More commonly, however, it will arise from the perception of what might or could happen. The concerns that are likely to be raised include the possibility of vandalism, litter and trespass; of gates being left open or of dogs worrying livestock; and anxieties about the security of farm holding, loss of privacy or interference with farming practices. The question of occupiers' liability also invariably arises in any access negotiations."*

Though, in most cases, these fears are not realized or can be addressed through good practice by the Council. The duty of care under the common law owed by a landowner to a user of a public right of way is little more than not to cause them deliberate harm.

### **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)

Stakeholders affected could include, inter alia, the following: -  
Service users, landowners and farmers, householders, local community & community groups, developers, conservationists, sporting bodies, councillors, staff (Health & Recreation, Legal, Estates, Planning, Departments, etc.), and DAERA, etc.

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

- Connected: A Community Plan for Armagh City Banbridge and Craigavon BC 2017-2030.
- Armagh City, Banbridge & Craigavon Borough Council Corporate Plan, 2018-2023
- Get Moving ABC: A collective plan to positively impact the health and wellbeing of the people living in Armagh City, Banbridge & Craigavon 2020-2030

Council policy, contained in the above, is to 'get people & places moving' to enable active and healthy lives. Asserted public rights of way can provide 'doorstep' routes for local people to exercise near to where they live particularly in rural areas where, generally, there is less access to parks and open spaces than in urban areas. Access to the outdoors provides many benefits in terms of health & wellbeing.

**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. For up to date [S75 Borough Statistics](#)

<b>Section 75 category</b>	<b>Evidence</b>
Religious belief	Census 2021 a population of 218,656 residents in ACBCBC, when asked what their current religion; <ul style="list-style-type: none"> <li>• 41.7% identified as belonging to Protestant or other Christian religion</li> <li>• 41% identified Catholic and</li> <li>• 14.7% identified no religion and</li> <li>• 1.1% other religion.</li> </ul>
Political opinion	In terms of elected representatives, members of ACBCBC (May 2019 elections) belong to a range of parties across the political spectrum: DUP 11, UUP 10, AP 3, SDLP 6, SF 10. Other 1. Turnout for the elections in 2019 was 53.6% of the borough.
Racial group	Census 2021 results identified approximately 3.3% of the borough population from a minority ethnic grouping with 8.6% of the population born outside of UK and 6.8% don't have English as their main language. The most prevalent languages spoken in ABC, outside of English are Polish (1.7%) and Lithuanian (1.2%). The main ethnic minority groups identified in the census were Mixed, Black African and Chinese.
Age	2021 Census results on age of Borough citizens identified. 0-15 years 22.1%, 16 – 24 years 10%, 25 – 49 years 32.9% 50 – 64 years 19%

	65 and over 16% This represented a 26.7% increase in the 65+ age group and a 25.62% increase in the 50-64yr age group since the last census in 2011.
Marital status	2011 Census results identified 51.1% of Borough citizens were married (including civil partnership), 33.6% single, 6.5% widowed, 5.2% divorced & 3.6% separated.
Sexual orientation	Whilst we don't have any census statistics available, the Continuous Household survey for 2016/2019 noted 98% of borough population was heterosexual, 1% as bisexual and 0.5% for each of Gay/Lesbian and other. Results from 2019 Life & Times Survey showed for adults aged 18+yrs overall in NI showed 90% heterosexual, 7% did not wish to answer, 2% Gay/Lesbian and 1% each for Bi-sexual and Other.
Men and women generally	2021 Census data – male 49.5% -- Female 50.5%
Disability	2021 Census results identified 22.3% of Borough citizens as having a limiting long term health problem or disability, affecting 36,488 households. Of those citizens in the Borough with a limiting long term health problem or disability, 56.8% are in the 65+ age group.
Dependants	The 2011 Census showed that 36% or 27,827 households in the borough contained dependent children. Census 2021 results identified approximately 12% of Borough citizens aged over 5 years old provide unpaid care (which covers looking after, giving help or support to anyone because they have a long-term physical or mental health conditions or illnesses, or problems related to old age). Of the 24,741 residents aged 5+ providing unpaid care, 46% provide between 1-19 hours per week while 30% provide 50 or more hours per week.

### 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	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A



## 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	None	There is no impact on any equality category.
Political opinion	None	
Racial group	None	
Age	None	
Marital status	None	
Sexual orientation	None	
Men and women generally	None	
Disability	None	
Dependents	None	

**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	None
Political opinion	N/A	None
Racial group	N/A	None

**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		There is no impact on any equality category.
Political opinion		
Racial group		

### **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?

Post-assertion arrangements to facilitate access for all where possible have to be considered in the management of asserted and open public rights of way on the ground.

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

Post-assertion arrangements to facilitate access for all where possible have to be considered in the management of asserted and open public rights of way on the ground.

### **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.

#### **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, an 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.

#### **C: MAJOR IMPACT IDENTIFIED – EQIA REQUIRED**

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

## **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.

### **Policy Criterion**

Effect on equality of opportunity and good relations  
Social need  
Effect on people's daily lives

### **Rating (1-3)**

*Choose an item.*  
*Choose an item.*  
*Choose an item.*

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.

## **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 ([www.equalityni.org](http://www.equalityni.org)).

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 Nuala Hamilton <i>Nuala Hamilton</i>	Position/Job title Countryside Access Officer	Date 20/07/2023
Approved by: Gillian Dewart <i>Gillian Dewart</i>	Position/Job Title Sports Development Manager	Date 08/08/2023

Please forward a copy of the completed policy and form to:

[equality@armaghbanbridgecraigavon.gov.uk](mailto:equality@armaghbanbridgecraigavon.gov.uk) which will be made available on the Council's website.

The Equality & Diversity Team 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.

## Appendix 2 Rural Needs Impact Assessment (RNIA)

### SECTION 1

#### Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

##### 1A. Name of Public Authority:

Armagh City, Banbridge & Craigavon Borough Council

##### 1B. Please provide a short title which describes the activity being undertaken by the Public Authority that is subject to Section 1(1) of the Rural Needs Act (NI) 2016.

Review of the Council's Public Right of Way Investigation & Assertion Policy & Procedure (Nov. 2017).

##### 1C Please indicate which category the activity specified in Section 1B above relates to:

Developing a *Choose an item.*

Adopting a *Choose an item.*

Implementing a *Choose an item.*

Revising a **Policy & Procedure**

Designing a Public Service

Delivering a Public Service

##### 1D. Please provide the official title (if any) of the Policy, Strategy, Plan or Public Service document or initiative relating to the category indicated in Section 1C above

1. Public Right of Way Investigation & Assertion Policy
2. Public Right of Way Investigation & Assertion Procedure

##### 1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service

### **Aims and/or objectives of the Policy:**

- To clearly set out the Council's procedure for public right of way investigations and assertions.
- To ensure that the Council exercises its duty under the **Access to the Countryside (NI) Order 1983 ('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.

The Access to the Countryside (NI) Order 1983 came into force in Northern Ireland in March 1984. Therefore, this is not a new initiative. The **Public Right of Way Investigation & Assertion Policy** is based on established advice and practice and was agreed by Council in November in 2017. This is a review of that policy in line with Council practice with no substantive change recommended at this time. No new legislation has emerged, nor is any change to the existing legislation anticipated in the foreseeable future.

The **Access to the Countryside (NI) Order 1983** contains the principal legislative provisions governing access to the countryside in Northern Ireland. 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 a district council may institute proceedings in its own name."*

This places a mandatory, statutory duty on the Council. However, the Order does not set out a process for investigation or assertion, the 'how to', this is left to the discretion of councils. The Council must also look to the common law as regards the assertion and protection of public rights of way. This is also the case in the south of Ireland. However, in England and Wales legislation has superseded certain aspects of the common law, and Scotland has a different legal system. In common law, legal precedents or judicial rulings are used to decide cases. Relatively few rights of way or other access issues have been considered by the courts in Northern Ireland.

In 2006, the Environment and Heritage Service of the Department of the Environment, under its policy role, published a '**A Guide to Public Rights of Way and Access to the Countryside: Guidance Notes on the Law, Practices and Procedures in Northern Ireland**', also known as 'The Red Book'

*'...to assist the staff of district councils and others who are primarily concerned, on a day-to-day basis, with public access to the countryside. It is a practical, working manual which aims to overcome one of the main difficulties highlighted by the 1993 study of Access to the Northern Ireland Countryside, that of a lack of information about the legal position in Northern Ireland and the practice and procedures that should be followed.'* (P. 9).

The Department of Agriculture, Environment and Rural Affairs (DAERA) now has this policy role.

### **What is a Public Right of Way?**

There is no legal right to roam in Northern Ireland and very few public rights of way

have been asserted. Access to the countryside can be said to be relatively very limited. Public rights of way can be either footpaths, bridleways (use on foot and on horseback) or by-ways over which the public have a right of way on foot, riding on or accompanied by a beast of burden, with vehicles or cattle.

A public right of way has been defined in Walsh & Anor V Sligo County Council Supreme Court of Ireland, Nov 11, 2013, as follows:

“A public right of way is a highway. The general public has the right to pass and repass at all times across the land over which the way runs. The way may be claimed to run over the avenues of a great landed estate ... It may also pass over the fields of a farm, large or small; over a suburban garden ... It confers the unrestricted right of the general public to pass and repass at all times of the day or night, and at all seasons without notice to, or permission from, the landowner over whose land the way runs. The landowner must yield to and respect the rights of the public and must accept any consequent invasion of his right to undisturbed privacy and the enjoyment of his property. The law of public rights of way is of ancient origin. Except where it can be shown to have existed from time immemorial, or is created by statute, a public right of way is established by proof that the landowner dedicated the way to the public [ and the public accepted the dedication – demonstrated by use by the public] ...

The route must have been used by the public openly, without permission and without force. They must have followed a defined route and the landowner at some time in the path's history must have been capable (legally) of dedicating the route to the public.

Outdoor recreation in nature brings additional benefits to society including improving health and well-being (exercise, social engagement and mental well-being), increasing active travel, growing and greening the economy, tackling inequality and enhancing education and learning. Public rights of way can be a way and means of providing access to the outdoors in conjunction with parks, open spaces, greenways and permissive paths, etc.

**1F. What definition of ‘rural’ is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?**

- Population Settlements of less than 5,000 (Default definition)
- Other Definition (Provide details and the rationale below)
- A definition of ‘rural’ is not applicable

**Details of alternative definition of ‘rural’ used**

N/A

Rationale for using alternative definition of 'rural'.

N/A

Reasons why a definition of 'rural' is not applicable.

n/A

## **SECTION 2**

### **Understanding the impact of the Policy, Strategy, Plan or Public Service**

**2A. Is the Policy, Strategy, Plan or Public Service likely to impact on people in rural areas?**

Yes

No

If response is No go to 2E

**2B. Please explain how the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas.**

One definition of rural areas is that they **can be characterised by a dispersed population, agricultural or other extensive land use and distance from major urban centres.**

The Department of Agriculture, Environment and Rural Affairs (DAERA) guidance on RNIAs states:

**"The social and economic needs of people in rural areas may include the needs of people living in rural areas, people working in rural areas, people operating businesses in rural areas and people visiting rural areas for the purposes of tourism or recreation."**

Public rights of way and alleged public rights of way are often, but not exclusively, located in rural locations.

The investigation, assertion and management of public rights of way does have potential to have some impact, positively and negatively, on the farming community and other rural businesses, other landowners and householders along routes and those that reside in and visit rural areas. However, 2023 research for the NI Greenspace NI map (referred to below) estimates that there is only a total of 165 miles of asserted public rights of way in the whole of Northern Ireland. As so few public rights of way have been asserted, and considering the lengthy and often difficult process involved if the status of a route is contested, it is anticipated that the impact on people the wider rural area will not be extensive.

Potential adverse impacts are likely to be localised to the vicinity of alleged public right of way – impacting on individuals or a localised area.

Potential positive impacts will probably also be mainly local. Physical and mental health and wellbeing are improved through access to the outdoors. Access to the outdoors can facilitate the more active lifestyles which central and local government strategies aim to promote.



### Information on the Armagh City, Banbridge and Craigavon Borough:

- The usual resident population of Armagh City, Banbridge and Craigavon Local Government District (LDG) was 218,656 on Census Day 21 March 2021.
- This accounted for 11.5% of the Northern Ireland population.
- There were 84, 642 households in the LGD.
- Population density was 1.6 usual resident per hectare. <sup>1</sup>

The borough is a primarily rural area which covers an area of approx. 554 square miles stretching from Rathfriland to the shores of Lough Neagh, and from Banbridge to Middletown embracing a diverse landscape including the southern shores of Lough Neagh, Armagh Orchard Country, the Upper Bann Valley, the Rivers Bann, Cusher, Blackwater, Callan & Lagan and the historic Newry, Lagan & Ulster Canals.

The 4 urban areas in the borough are Craigavon Urban Area (which includes Central Craigavon, Lurgan and Portadown), Banbridge, Armagh and Dromore.

### ABC Rural Statistics

Results from the 2011 Census show: -

- 51% of the borough population lived in urban areas.
- 49% lived in rural areas.

As compared to Northern Ireland as a whole: -

- 63% urban
- 37% rural

The Northern Ireland Statistics and Research Agency (NISRA), for statistical purposes, splits Northern Ireland into 890 spatial areas known as Super Output Areas (SOAs), with an average population of around 2,100 people. The borough comprises 87 SOAs of which 42 are classified as urban, 36 are classified as rural with a further 9 being mixed urban/rural.

All other settlements are classified as rural based on the NISRA default urban/rural settlement classification where settlements with a population greater than or equal to 5,000 are classified as urban while those with a population less than 5,000 are classified as rural.

As a largely rural area agriculture and related business are a major part of the local economy. In March 2022, the Council published the **Armagh City, Banbridge & Craigavon Borough Council Agriculture Strategy**. In 2022, agriculture, forestry and fishing comprised up 26% (of VAT and/or PAYE registered businesses) in the borough with some 2,405 businesses.<sup>2</sup>

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<sup>1</sup> Source: *Armagh City, Banbridge and Craigavon Census Data* ([nisra.gov.uk](http://nisra.gov.uk))

<sup>2</sup> Source: Borough Statistics - Economy and Labour Market - Armagh City, Banbridge and Craigavon Borough Council ([www.armaghbanbridgecraigavon.gov.uk](http://www.armaghbanbridgecraigavon.gov.uk))

### NI Greenspace NI Map (2023):<sup>3</sup>

Launched in July 2023 this will prove a future tool for analysing access to green space in relation to social deprivation and other measures across Northern Ireland. One aim of the project was to measure progress towards the government target of increasing the percentage of the households within 400m of greenspace and trails.

Council Area	Percentage of households within 400m of Greenspace, bluespace or trail
Belfast City	73%
Derry and Strabane	62%
North Down and Ards	58%
Antrim and Newtownabbey	54%
Lisburn and Castlereagh	51%
Causeway Coast and Glens	49%
Mid and East Antrim	48%
Newry, Mourne and Down	41%
Armagh, Banbridge and Craigavon	35%
Fermanagh and Omagh	29%
Mid Ulster	24%

Figure 1 Access to greenspace and trails by Local Government Districts (LGDs). Source Greenspace Map Outdoor NI

### How will the Policy Impact on Rural Areas?

#### Possible Impacts:

The assertion of public rights of way can be a contentious issue as public law and private property rights can conflict. There is potential for positive and negative impacts arising from the assertion of the public rights as indicated below. However, they can provide a way and means of accessing the outdoors.

#### Positive:

**Our Great Outdoors: - The Outdoor Recreation Action Plan for NI 2013- 2020** (Sport NI) 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 **People in the Outdoors Monitor for Northern Ireland (POMI) November 2020 - October 2021 Survey<sup>4</sup>** based on the responses found that:

- 7 in 10 adults visit the outdoors for leisure each week – 144 million visits for one year.

<sup>3</sup> <https://www.outdoorrecreationni.com/news/greenspaceni-map/>

<sup>4</sup> [POMNI - Outdoor Recreation NI](#)

- The most common activities are short walks (61%), dog walking, spending time with children, and running.
- **Benefits** – 78% say it is good for wellbeing, 67% say it is good for health and fitness and 41% say connecting to nature is a key motivator.
- **Inequality** – People who live within a shorter walk of greenspace visit the outdoors more. Access to greenspace is not equal across the population – 72% say their local greenspace is within easy walking distance, 79% for urban areas but decreases to 57% for rural areas.
- **Economic contribution** – over £900 million was spent during visits to the outdoors over the year.

Public rights of way can form part of the heritage of the area - ‘...engraved on the face of the land by the footsteps of our ancestors.’ They can form part of a community trail network celebrating local history and heritage and provide a doorstep amenity for local people. Research shows that people are much more likely to exercise if there is somewhere to exercise near home.

#### **Possible Negatives re Public Rights of Way:**

- Impinges on private property rights and possibly on privacy – can be contentious.
- Can lead to disputes and lead to local friction if an alleged public right of way is contested. Where a route is contested it may be occasionally necessary to go to court to seek a declaration as to the status of the route. The evidence of users of the route is essential to this process. Local people may be reluctant to provide evidence needed if Council is to investigate for fear of offending a neighbour.
- Fear of rural crime.
- Fear of spread of disease.
- Perception of public liability claims
- Negative impacts through carelessness of a minority of users such as dropping litter, lack of dog control disturbing stock, and allowing dogs to roam in adjoining fields, failure to ‘pick-up after dogs’, blocking gates by parking in front of them or cars obstructing rural roads.

#### **Mitigations:**

- 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.
- The Council aims, subject to resources, to provide a responsive service to deal with problems or queries that arise and to carry out discretionary maintenance on asserted routes.
- The Council supports and promotes the ‘Rightside of Outside’ campaign by Outmore NI & ORNI (Outdoor Recreation NI) which promotes responsible behaviours whilst enjoying the outdoors and raises awareness of the impacts of possible unintentional harm through, for example, lack of dog control, picking up after dogs and impact of this on stock and crops and inconsiderate parking.

**2C. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas differently from people in urban areas, please explain how it is likely to impact on people in rural areas differently.**

**How it is the Policy likely to impact on people in rural areas differently?**

Public rights of way/alleged public rights occur in both rural and urban settings. There are currently only approximately 26 asserted public rights of way in the Borough (many of which are located either in urban areas or on the urban fringe), and several alleged public right of way cases are currently under investigation and frequent queries as to whether a route is a public right of way are received.

The impact on people can depend on the volume of users, facilities nearby and management.

Negative impacts of anti-social behaviour (ASB) in the countryside can have detrimental effects on farm livestock and possibly crops. Amenities provided by council in car parks, etc can be the target of vandalism. Litter, dog fouling, etc can have serious consequences. Thoughtless parking can lead to annoyance and impede rural life & business. In urban areas, ASB can also occur with fears of loitering, littering and broken glass, etc. Adequate resources and responsive management should be in place to monitor and address these issues in cooperation with other partners when required.

Rural roads, due to fast traffic and large agricultural machinery, can feel unsafe to walk, cycle or ride along. This, together with less publicly accessible greenspace within easy walking distance in rural areas, as compared to urban areas, is a disadvantage for rural dwellers. Asserted and open public rights of way can help address this deficit.

The public rights of way tend to be short, fragmented and not attracting large numbers of users at any one time, and likely to be used primarily by local people. However, such short, local routes can be of real value to local people to get outdoors, keep active and to connect with natural and built heritage around them.

A daily walk can bring immense health benefits. However, prior to recent research by Outdoor Recreation NI who commissioned the survey [People in the Outdoors Monitor for Northern Ireland \(POMNI\)](#) on data on the extent of provision and use across Northern Ireland was not collated or easily available. This research found that access to greenspace is not equal across the population and that people who live closer to greenspace visit the outdoors more. The population-wide survey showed that the highest number of visits were reported by those living within a 5-minute walk of greenspace, with participation rates dropping steeply for those living more than a 20-minute walk from their nearest greenspace.

Given this the initial analysis focused on access to greenspace at 400m, 1km, and 2km distances.

49.7 % of households in NI are within 400m of greenspace of greater than 2 hectares (ha)/4.94 acres, and trails.

74.8 % of households are within 1km of greenspace greater than 2ha and trails.

83.1 % of households are within 2km of greenspace greater than 2 ha and trails.

Following on from this research on 16 June 2023 the **Greenspace NI Map** was

launched<sup>5</sup>. This is 'A freely available digital map showing all publicly accessible green and blue spaces and trails across Northern Ireland'. It includes natural spaces and trails where the public have the landowner's permission to visit, such as in urban and country parks, forests, beaches and walking trails (see below). This provides the base line data on current access.

**2D. Please indicate which of the following rural policy areas the Policy, Strategy, Plan or Public Service is likely to primarily impact on.**

- Rural Businesses
- Rural Tourism
- Rural Housing
- Jobs or Employment in Rural Areas
- Education or Training in Rural Areas
- Broadband or Mobile Communications in Rural Areas
- Transport Services or Infrastructure in Rural Areas
- Health or Social Care Services in Rural Areas
- Poverty in Rural Areas
- Deprivation in Rural Areas
- Rural Crime or Community Safety
- Rural Development
- Agri-Environment
- Other (Please state)

**If the response to Section 2A was YES GO TO Section 3A.**

**2E. Please explain why the Policy, Strategy, Plan or Public Service is NOT likely to impact on people in rural areas.**

N/A

**SECTION 3**

**Identifying the Social and Economic Needs of Persons in Rural Areas**

**3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?**

Yes  No  If response is No go to 3E

<sup>5</sup> The Department of Agriculture, Environment and Rural Affairs (DAERA) and the Department for Infrastructure (DfI) on behalf of the cross-departmental Strategic Outdoor Recreation Group (SORG) provided grant aid to Outdoor Recreation Northern Ireland to create a map of Greenspace in Northern Ireland.

**3B. Please indicate which of the following methods or information sources were used by the Public Authority to identify the social and economic needs of people in rural areas.**

- Consultation with Rural Stakeholders
- Consultation with Other organisations
- Published Statistics
- Research Papers
- Surveys or Questionnaires
- Other Publications
- Other Methods or Information Sources  
(Include details in Question 3C below)

**3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.**

**Methods & Information Sources:**

**NI Greenspace NI Map (2023):**

Access to the outdoors can bring immense health benefits. However, prior to recent research by Outdoor Recreation NI who commissioned the survey [People in the Outdoors Monitor for Northern Ireland \(POMNI\)](#), provision to trails, public rights of way, parks, etc across Northern Ireland was not collated or easily available. This research found that access to greenspace is not equal across the population and that people who live closer to greenspace visit the outdoors more. The population-wide survey showed that the highest number of visits were reported by those living within a 5-minute walk of greenspace, with participation rates dropping steeply for those living more than a 20-minute walk from their nearest greenspace.

Following on from this research on 16 June 2023 the **Greenspace NI Map** was launched<sup>6</sup>. This is 'A freely available digital map showing all publicly accessible green and blue spaces and trails across Northern Ireland'. It includes natural spaces and trails where the public have the landowner's permission to visit, such as in urban and country parks, forests, beaches and walking trails. This indicator was under development in 2021/2022 to measure access to natural space. The April 2023 Greenspace Map has been developed by harmonising, combining and enhancing data from owners and managers. This will be the baseline for future comparison...'

This will provide a future tool for analysing access to green space in relation to social deprivation and other measures across Northern Ireland. The map links with NISRA Super Output Level data. One aim of the project was to measure progress towards the government target of increasing the percentage of the households within 400m of greenspace and trails (Environment Strategy -reported in the Northern Ireland Environmental Statistics Report (NISRA, May 2023) <sup>7</sup>

Access to and participation in outdoor recreation within natural space is not equal across society. This accessible natural space indicator (Greenspace NI Map) is designed so:

- Progress to increase accessible natural space can be measured and monitored.
- It can inform planning (e.g. housing, infrastructure and transport, integrating good green infrastructure connecting people to nature and enabling active travel), gap analysis in current provision, resource allocation, site suitability assessments and demographic analysis (e.g. health and deprivation etc), and;
- The data can be transformed to be accessible and visually engaging and published on Spatial NI (for stakeholders), OutmoreNI (for consumers) and OpenDataNI.
- Annually it will show where new areas of accessible natural space and trails have been created or new links to these, increasing the percentage of the population with access. It will also show where access has been lost.

<sup>6</sup> The Department of Agriculture, Environment and Rural Affairs (DAERA) and the Department for Infrastructure (DfI) on behalf of the cross-departmental Strategic Outdoor Recreation Group (SORG) provided grant aid to Outdoor Recreation Northern Ireland to create a map of Greenspace in Northern Ireland.

<sup>7</sup> [Northern Ireland Environmental Statistics Report 2023 \(daera-ni.gov.uk\)](https://www.daera-ni.gov.uk/northern-ireland-environmental-statistics-report-2023)

### Information Sources Digital Links:

[Agriculture strategy \(armaghbanbridgecraigavon.gov.uk\)](http://armaghbanbridgecraigavon.gov.uk)

[Armagh City, Banbridge and Craigavon Census Data \(nisra.gov.uk\)](http://nisra.gov.uk)

[Borough Statistics - Community - Armagh City, Banbridge and Craigavon Borough Council \(armaghbanbridgecraigavon.gov.uk\)](http://armaghbanbridgecraigavon.gov.uk)

[GreenspaceNI Map - Outdoor Recreation NI](#)

[Northern Ireland Environmental Statistics Report 2023 \(daera-ni.gov.uk\)](http://daera-ni.gov.uk)

[Tourism: Urban-Rural Statistics | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\)](http://daera-ni.gov.uk)

[www.outdoorrecreationni.com/POMI](http://www.outdoorrecreationni.com/POMI)

### Publications:

- **Connected: A Community Plan for Armagh City, Banbridge and Craigavon Borough Council 2017-2030** – The vision for 2030 is: “We have a happy, healthy and connected community, a vibrant and sustainable economy and appealing places for living, working and learning.”
- **Armagh City, Banbridge and Craigavon Borough Council Corporate Plan, 2018- 2023**
- **Armagh City, Banbridge Craigavon Agriculture Strategy (2022)**
- **Armagh City, Banbridge & Craigavon Age-Friendly Strategy & Action Plan 2022-2025**
- **Get Moving ABC Framework (2020 – 2030)** - “Get Places Moving - aims to promote and maximise the use of the Borough’s natural built infrastructure leading to better assets and a more active population.”
- **Outdoor Recreation: People, Nature and Health (2021)**, Outdoor Recreation Northern Ireland
- **The People in the Outdoors Monitor for Northern Ireland (POMI)** Nov. 2020 -Oct. 2021
- **Outdoor Recreation Northern Ireland Strategic Plan 2020- 2025**, Outdoor Recreation NI (ORNI)



### 3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?

*'The social and economic needs of people in rural areas may include the needs of people living in rural areas, people working in rural areas, people operating businesses in rural areas and people visiting rural areas for the purposes of tourism or recreation.*

#### **People Living in Rural Areas**

The research referred above found that urban areas have greater access to parks and open spaces trails, etc than rural areas. However, the figures do not give information on the quality or level of use of these amenities.

Despite being surrounded by countryside there is often no publicly accessible areas for rural people in which to walk, cycle ride or exercise without travelling by car to an amenity some distance away. Public transport links are often either non-existent or infrequent. Rural roads can feel unsafe to walk or cycle along. This, together with less publicly accessible greenspace within easy walking distance in rural areas, is a disadvantage for those living in rural areas.

Data from the People in the Outdoors Monitor for Northern Ireland (POMNI) revealed that access to greenspace is not equal across the population and that people who live closer to greenspace visit the outdoors more.

The Greenspace NI Map launched in June 2023 records 98,853 ha of greenspace over 2 hectares and 2,926 miles of trails in the whole of Northern Ireland. The results from its April 2023 analysis found that there is a clear contrast between access to greenspace in urban areas and rural areas.

- **59%** of households within **urban areas** are within 400m of a green space, blue space (i.e., access to water e.g., riverside path, park or towpath or lake, etc.) or trail.
- **10%** of households within **rural areas** are within 400m of a green space, blue space or trail.

The development of off-road cycling and walking trails, in consultation with local stakeholders, which link rural communities with amenities, such as greenways can be positive. They can enable people to exercise, reduce car use, walk or cycle to school, shops and amenities and support local tourism enterprises. The assertion of public rights of way could form part of these routes.

As outlined elsewhere, where recreation is provided this can bring problems as well as benefits. It is important that adequate management and back up is provided and that visitors act in a responsible way.

The Council published an **Age Friendly Strategy** in 2022. Some of the issues that came out of the consultation for this strategy that are more likely to impact on rural areas include:

- Transport Issues
- Loneliness and isolation
- Access to services
- Mental Health
- Community support and health services.

The research undertaken to develop this plan found that isolation and loneliness were issues for around half of survey respondents. Feedback also identified the value placed on social and other activities to address isolation but being able to access such activities was a concern for some, in particular those who either do not drive or do not have access to a car.

### **People Working in Rural Areas:**

As a largely rural area agriculture and related business are a major part of the local economy. The **Armagh City, Banbridge & Craigavon Borough Council Agriculture Strategy (2022)** states that agriculture, forestry and fishing comprised up 26% (of VAT and/or PAYE registered businesses) in the borough with some 2,405 businesses.<sup>8</sup>

The strategy makes the following recommendation (10) *'Promote the health and wellbeing of farmers and rural dwellers aligning to council's Community Plan outcome 'Healthy Community - people are making positive lifestyle choices. They are more resilient and better equipped to cope with life's challenges.'*

The strategy includes *'Developed and enhanced community trails and greenways'* in a list of suggestions that could make a difference to health and wellbeing in the rural areas. It also recommends supporting the development of existing rural community assets as places where people can meet, interact, access services and enhance their health and wellbeing is also crucial and many rural communities' assets (church, village and sports halls) are underutilised.'

As outlined elsewhere, where recreation is provided this can bring problems as well as benefits. It is important that adequate management and back up is provided and that visitors act in a responsible way.

### **People Operating Business in Rural Area**

The rural economy can benefit from spend by visitors (national and international). The Northern Ireland Urban-Rural Statistics (DAERA) show tourism expenditure in 2019 as 12% in rural areas compared to 88% in urban areas. This may be due to the lack of accommodation and places to spend money in rural areas as numbers visiting urban and rural attractions seem to be equal. Provision of outdoor amenities for enjoying the countryside, such as walks, etc can support farm diversification businesses such as farm shops, cafés, artisan food and craft businesses and hospitality.

### **People Visiting for the purposes of Tourism or Recreation**

During the Covid-19 pandemic people relied on outdoor physical activities for their daily exercise. This highlighted the need for safe, high quality, accessible and welcoming natural spaces and places. Access to and participation in outdoor recreation within natural space is not equal across society.

**Outdoor Recreation: People, Nature and Health (2021)**, (*Outdoor Recreation Northern Ireland*) found outdoor recreation plays a vital role in Northern Ireland, bringing wide ranging benefits to society:

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<sup>8</sup> Source: Borough Statistics - Economy and Labour Market - Armagh City, Banbridge and Craigavon Borough Council ([www.armaghbanbridgecraigavon.gov.uk](http://www.armaghbanbridgecraigavon.gov.uk))

- 73% of outdoor visits were for exercise and health.
- 56% took visits to relax and unwind.
- 22 million outdoor visits in November/December 2020 generated £95 million.
- 32% felt closer to nature.
- 32% stated their children had learnt something new about the natural world.

But more work is needed to address barriers and inequalities:

- 29% do not have greenspace within easy walking distance of their home.
- Only 50% of residents of the 10% most deprived areas typically visit the outdoors once a week.
- The unemployed, people with no car, those with a disability and people in the least affluent socio-economic groups visit the outdoors less regularly than the national average.

**Outdoor Recreation Northern Ireland Strategic Plan 2020- 2025**, ORNI presents a vision of ‘**A more active and healthy society appreciating the outdoors.**’ Outdoor recreation can bring many benefits to Northern Ireland, its society and economy – and most importantly, the health and wellbeing of its people. We need to take steps to ensure we increase people’s access to, participation in, and connection with nature.

**ORNI’s Vision**

**‘A more active and healthy society appreciating the outdoors’**

What does success look like?

- 90% of the population are within a 5-minute walk of quality green/blue space
- 90% of the population visit the outdoors at least once a week
- There is an annual increase in the % of journeys made by walking/cycling

**If the response to Section 3A was YES GO TO Section 4A.**

**3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?**

N/A

**SECTION 4**

**Considering the Social and Economic Needs of Persons in Rural Areas**

**4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.**

Proportionate to the anticipated impact of the reviewed policy & procedure on people in rural areas, which is not anticipated to be extensive, we have considered the general social and economic needs of people in rural areas including the needs of people living in rural areas, people working in rural areas, people operating businesses in rural areas and people visiting rural areas for the purposes of tourism or recreation by looking at existing studies and data available as outlined above.

In terms of considering the impact on individuals, particularly landowners, the procedure provides for a 2- stage consultation process with landowners prior to a

decision being made as to assertion or otherwise. Landowners are invited to provide evidence for or against the public right of way claim. There is also an opportunity for interested parties to make representations in person to a committee of the Council between the 2 decision making stages. However, legally, the only consideration is 'Does the evidence show beyond a reasonable doubt that the route is a public right of way.' If it does, the Council is bound to assert.

**Mitigations:**

- 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.
- The Council aims, subject to resources, to provide a responsive service do deal with problems or queries that arise and to carry out discretionary maintenance on asserted routes.
- The Council supports and promotes responsible access to the countryside through its social media messaging and by supporting campaigns such as the 'Rightside of Outside' by Outmore NI & ORNI (Outdoor Recreation NI) which promotes responsible behaviours whilst enjoying the outdoors and raises awareness of the impacts of possible unintentional harm through, for example, lack of dog control and impact of this on stock.

**SECTION 5**  
**Influencing the Policy, Strategy, Plan or Public Service**

**5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?**

Yes  No  If response is No go to 5C

**5B. Please explain how the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, has been influenced by the rural needs identified.**

As outlined at 4A above

**If the response to Section 5A was YES go to 6A.**

**5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.**

N/A

**SECTION 6**

**Documenting and Recording**

**6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.**

I confirm that the RNIA Template will be retained and relevant information compiled.

Rural Needs Impact Assessment undertaken by:  (Nuala Hamilton)

Position:  (Countryside Access Officer)

Department / Directorate:  (Health & Recreation)

Signature: *Nuala Hamilton*

Date: 20/07/2023

Rural Needs Impact Assessment approved by:  (Gillian Dewart)

Position:  (Sports Development Manager)

Department / Directorate:  (Health & Recreation)

Signature: *Gillian Dewart*

Date: 08/08/2023