

Newry, Mourne and Down District Council

Policy on Access to the Countryside



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Policy Control

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Statement

The Council endorses the policy on Access to the Countryside as a framework for merging the differing policies within the legacy Councils and ensuring the Council's compliance with the implementation of the Access to the Countryside (NI) Order 1983 and associated legislation.

Aim

The aim of the policy is to ensure the policies of the legacy Councils are merged to promote equitable treatment of access issues throughout the District and to ensure compliance with and consistent application of the Access to the Countryside (NI) Order 1983 and associated statutory obligations.

The policy will be implemented in the public interest to promote economic development and tourism in the District, to contribute to the health and wellbeing of local communities and to provide a framework within which to take potentially controversial decisions and to attempt to deal objectively with individual cases as they arise.

The policy will also promote consistency and openness as far as practically possible in relation to how the Council deals with Access to the Countryside.

Whilst the Council has a duty to assert, protect and keep open public rights of way in the district, the Council must balance this duty against the budget and resources available with which to investigate and assert public rights of way. For this reason the Council cannot investigate or assert all alleged public rights of way within the District which may be brought to the Council's attention. This policy therefore allows for the setting out of strategic priorities for action which serve to ensure the Council prioritises resources effectively in the fulfilment of its duty.

Scope

The policy applies to the selection of alleged public rights of way to be investigated, maintenance of asserted public rights of way and other routes, the creation of new public access, public path diversion and extinguishment orders including temporary closure or diversion orders, development of long distance routes, access to open countryside including countryside facilities and access to the coast.

All Council officers and members are expected to comply with Council's policy and procedures in relation to Access to the Countryside.

Non-compliance with the Access Order and the Council's Policy and Procedures in relation to Access to the Countryside may result in the Council breaching its legal obligations under the Order.

Related Policies / Legislation

A Guide to Public Rights of Way and Access to the Countryside-guidance notes on the Law, Practices and Procedures in Northern Ireland, Environment and Heritage Service (now NIEA)
Making Northern Ireland's Outdoor Great-a strategic plan for outdoor recreation in NI 2015-2020, Outdoor Recreation NI
Recreation and Youth Service (NI) Order 1986
The Environment Order (NI) Order 2002
The Local Government (NI) Act 2014
Freedom of Information Act 2000
Disability Discrimination Act 1995 and
The Special Educational Needs & Disability (NI) Order 2005 (as amended)
The Human Rights Act 1998
Valuing Nature: a Biodiversity Strategy to 2020
Occupiers' Liability Act (NI) 1957
Occupiers' Liability (NI) Order 1987
Newry Mourne and Down District Council Corporate Plan 2015-2019
Newry Mourne and Down District Economic Regeneration and Investment Strategy 2015-2020

Procedures

The Access to the Countryside Procedures attached hereto must be adhered to in the delivery of this Policy.

Equality Impact Assessment

This Policy has been assessed under Newry, Mourne and Down District Council's Equality Impact Assessment process and has been screened out as having no impact on any of the groups designated in Section 75 of the Northern Ireland Act 1998, the decision of the Council is therefore that the policy is not to be subject to an EQIA and no mitigating measures are required.

Rural Impact Assessment

This Policy has been assessed under Newry, Mourne and Down District Council's Rural Needs Impact Assessment process and no rural specific indicators have been set.