



Mourne Area of Outstanding Natural Beauty Access Study

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MOURNE AREA OF OUTSTANDING NATURAL BEAUTY ACCESS STUDY

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1. Introduction

Celebrated and made famous by Percy French in his 1896 song *The Mountains of Mourne*, the Mourne Mountains or 'Mournes' are some of the best-known mountains within the British Isles. Renowned for their natural beauty, scenery and wealth of heritage, the mountains not only provide a source of water, timber, stone and other natural resources to both the surrounding area and further afield, but also provide year-round recreational opportunities to both residents and visitors.

Carved by Ice Age glaciers and relentless weathering, the mountains and their surrounding area were originally designated an Area of Outstanding Natural Beauty (AONB) in 1965 before being re-designated in 1986. Located in the south-east of Northern Ireland and covering approximately 570 square kilometres, the AONB extends over three District Council areas (See Figure 1.0). Around 75% of the area is located within Newry and Mourne District Council area, 15% within Down District Council area, and 10% within Banbridge District Council area¹. At the heart of the AONB region is the range of mountains which gives the areas its name and image. However, the AONB extends much beyond this upland core to embrace a wide range of hill, lowland and coastal landscapes.

Just to the north of the main body of the Mourne Mountains is Slieve Croob. Not only is this the source of the River Lagan which runs through Dromara, Lisburn and Belfast before flowing into Belfast Lough, but it offers unobstructed views of the surrounding landscape, the Mourne Mountains and, on a clear day, the coast of Galloway in Scotland.

Due to the varied and diverse nature of the Mourne AONB landscape, the area facilitates an extensive range of outdoor activities which are undertaken by both local residents and visitors. However, these activities have resulted in significant economic, social and environmental pressures on the area. In addition to issues such as erosion, traffic congestion and litter, one of the most major fundamental and arguably contentious pressures, is that of access to the land.

Figure 1.0 - Study Area - Mourne AONB



¹ Greer, John and Murray, Michael, *A Recreation Strategy for Mourne Area of Outstanding Natural Beauty*, (Belfast, June 1988) The Sports Council for Northern Ireland, p.9.

2. Aims and Objectives

In November 2006, Environment and Heritage Service (EHS) and the DOE Planning and Environmental Policy Group commissioned the Countryside Access and Activities Network [CAAN] to undertake a study examining the issue of access within the Mourne Area of Outstanding Natural Beauty.

The primary aims of the study were to:

- Undertake an audit examining existing countryside recreation access arrangements within the Mourne AONB. This included consultation with a number of stakeholders including; public and private landowners, the Countryside Officers of the three councils and other significant landowners such as the National Trust. Existing linear routes and areas used for open access were mapped and their status described and degree and pattern of use assessed.
- Carry out a consultation process with a representative selection of relevant stakeholders in order to identify issues relating to access and recreation. Consultation took place with selected public and private landowners/landmanagers, recreational users, outdoor education centres, activity tourism providers and district councils etc.
- Make recommendations on future access arrangements within the Mourne AONB and examine how issues raised, as a result of the consultation process, can be addressed. This included consideration of potential pilot projects.
- Present the results from the audit and consultation process to the Mourne National Park Working Party.



This report seeks to undertake a wide-ranging and broad analysis of access provision in the Mourne AONB. While it aims to put forward a comprehensive examination of the main issues and debates, it does not claim to present a definitive analysis of all issues and discussions. The report acknowledges that there are various sensitivities surrounding some of the issues to be addressed and it endeavours to deal with these in a sympathetic, impartial manner and from a wholly objective perspective.

The methodology employed in the study comprises two distinct sections. The first is an analysis of primary material which was obtained from work undertaken within the Mourne AONB itself. This includes observational data, information from surveys and extensive consultations with a broad spectrum of stakeholders including public and private landowners, representatives of relevant councils, recreational users, representatives from educational centres and activity tourism providers.

The second section utilises data from secondary sources including government studies, independent reports and additional literature. This material is not only used as contextual background but also supports many of the arguments put forward in this report.

Both of these methodological sections are analysed in conjunction with one another in order to ensure that the study includes all relevant literature and presents a balanced analysis.

4. Overview of the Mourne AONB

The Mourne Area of Outstanding Natural Beauty incorporates around 570 square kilometres of scenic countryside and coastal landscapes. Spread across three District Council areas - Newry and Mourne District Council, Down District Council and Banbridge District Council - the area rises spectacularly from the Irish Sea towards the summits of the High Mournes. Also included in the AONB, although set apart from and located to the north of the main body of mountains, is the upland area of Slieve Croob.

Much of the dramatic scenery within the area is a result of the close proximity of natural rugged mountain slopes to land that is actively farmed or forested. In the area between the coast and the mountain slopes, much of the region is used for agricultural purposes - including both arable and pastoral activities. Traditionally, the farms have remained small in size and the area farmed, while not insignificant, is smaller than that found in Great Britain (around 15 hectares² in the Mourne area). Much of the land is divided into small fields. The most predominant form of agriculture is sheep grazing which takes place on the high, unenclosed mountain slopes.

The AONB area provides an important water catchment for both the immediate surrounding area as well as for further away large-scale urban settlements. Several rivers such as the Glen, Shimna, Bann, Lagan and Annalong all have their source in the Mournes before flowing through glaciated valleys into estuaries, bays and loughs such as Dundrum Bay and Carlingford Lough. Additionally, several reservoirs are also located within the AONB including Silent Valley, Ben Crom, Foffany and Spelga. The famous 22 mile 'Mourne Wall', built between 1904 and 1922, connects no less than fifteen mountains and demarcates the 9,000 acre catchment area for Silent Valley.

Contained within the AONB is a wide range of publicly owned forests, several of which comprise popular forest parks. These include Castlewellan, Donard, Tollymore, Kilbroney and Drumkeeragh Forest Parks.

Along the coast from Warrenpoint to Ballykinler, the landscape continually changes, ranging from broad sandy dunes to inter-tidal mudflats and rocky shorelines. Carlingford Lough is a narrow sea lough which is overlooked by the Mournes to the

north and Cooley Peninsula to the south and is one of the most beautiful inlets on the east coast of Ireland.

The Mourne area is one of Northern Ireland's most popular tourist areas and attracts a significant number of visitors and tourists each year. A recent report estimated that there were approximately 145,454,000 trips to the Mourne AONB in 2003 with Down District Council area receiving 90,325,000 trips, Newry and Mourne District Council area receiving 49,365,000 trips and Banbridge District Council area receiving 5,764,000 trips.³

A Visitor Survey undertaken in 2005 at fourteen locations across the Mourne AONB found that around 60% of respondents were on day trips to the area with 35% stating that they were on holiday. Of these, the vast majority (95%) either drove a car or van to the area or were passengers in a car. The most commonly mentioned locations visited were Newcastle town (58%), Tollymore Forest (24%) and the Mourne uplands (24%).⁴

The Mourne AONB area presents many opportunities to a wide range of people with both tourists and recreational users coexisting with those who actively utilise and work the land. The relationship between these two groups has, traditionally been one of welcome and courtesy and it could be argued that this has not only helped shape the area into what it is today but has allowed a diverse range of people to make use of the land.

5. Overview of Recreational use of Mourne AONB

While specific areas of the Mourne AONB are heavily used for recreational activities, this is not the case for the area in its entirety. A recent study⁵ examined a range of different recreational activities which took place across the region and found that the activities were not undertaken on a geographically uniform basis.

The study also found that the activities within the area usually require people to have knowledge, experience and usually equipment and that it is almost impossible to arrive as a visitor and participate in the majority of activities. The area therefore currently favours the experienced user and limits its use by the 'come and try it' holiday activity and day visitor market.

The study also found that the local economy received little direct revenue gain from activities due to the lack of provision of activity equipment, guiding instruction and other services such as cafes, transport, parking and camping.

In terms of promoted activity events, these generally tend to be undertaken on an ad-hoc basis although some, such as the Mourne International Walking Festival, the Mourne Mountain Marathon, the Winter League Mountain Biking event take place annually.

Primary Recreational Activities Undertaken in the Mourne AONB

Land Activities	Water Activities	Off-Road Motor Sports
Walking	Canoeing	2 Wheeled Motor Sports
Climbing	Game Angling	4 Wheeled Motor Sports
Field Archery	Sea Fishing	
Fell Running	Jet Skiing	
Horse Riding	Sailing	
Field Sports	Rowing	
Mountain Biking	Sub-Aqua Diving	
Orienteering	Kite surfing	
Kite Buggy	Wind Surfing	

Although the Mourne AONB provides for all of the recreational activities listed, albeit to varying degrees, anecdotal evidence suggests that walking, cycling (including mountain biking) and horse riding are three of the most popular activities undertaken in the area and that the numbers participating in these activities is continuing to rise.

² Department of the Environment (Northern Ireland), *Mourne: Area of Outstanding Natural Beauty - Policies and Proposals*, (Belfast, 1989), p.7

³ Colin Buchanan and Partners Ltd, *Tourism in Mourne: Current and Potential Economic Impact*, (Belfast, 2006), p. 16.

⁴ Mourne Heritage Trust, *Mourne Area of Outstanding Natural Beauty Visitor Survey: Report December 2005*, p.2. <http://www.mournelive.com/documentbank/uploads/2005%20Visitor%20Survey%20Final%20Report.pdf>

⁵ Countryside Consultancy, *Mourne Countryside Recreation Strategy 2002-2006*



Walking

Walking is by far the most popular recreational activity taking place in the Mourne AONB catering for a wide range of people through a variety of walks. The area provides short, medium and long distance walks including coastal, beach, forest and hill walks.

The AONB has two long distance walks crossing the area. These are the 44km Newcastle Challenge Trail and the 38km Mourne Way.

With all levels of ability catered for, the AONB inevitably acts as an attraction for visitors who plan to undertake some level of walking. These include hillwalkers who spend several days walking in the mountains, through to day-trippers who take a more leisurely and less-strenuous walk through some of the forest parks.

Annually, the Mourne International Walking Festival, the Down District Walking Festival and the Wee Binnian Walking Festival are well attended and take place from June through to September each year.



Mountain Biking /Cycling

Although there are no purpose-built mountain bike trails in the Mournes, numerous venues are used in an unofficial capacity including forest, upland and lowland areas. During the past few years there has been a noticeable increase in the numbers of mountain bikers riding in the area.

In the past, Moneyscalp Wood (approximately one mile south-west of Tollymore Forest Park) has been used as a venue facilitating both local and national mountain biking competitions.

Cycling (excluding mountain biking) is also extremely popular in the Mourne AONB. Comprising roads that pass through impressive mountain scenery, sweeping coastline and picturesque towns, the area offers a wide variety of cycling experiences. Providing a broad spectrum of cycling routes (from family cycling trails in Castlewellsan Forest Park to bicycle touring across a large area), the AONB attracts cyclists of varying ages and abilities.



Horse Riding

Horse riding is a recreational activity which has gained increasing popularity within the AONB area. A number of equestrian centres are located across the region and these include, amongst others, The Gamekeeper’s Lodge, Mourne Trail Riding Centre and Mount Pleasant Trekking Centre. Most offer treks and rides through the countryside, along beaches and in forest parks.

In terms of accessing car-free places to ride, several of the local councils have asserted public rights of way which are bridleways, for example, Darby’s Loanin and Glen Loanin as well as a number of others. However, it should be noted that while such asserted public rights of way are useful in providing a valuable route for riders, the paths are of limited length.

In May 2007, the Mournes’s first ‘toll’ ride was opened in Mourne Country Park.



The table below shows a list of activities undertaken during leisure trips to the Mourne AONB in 2005. This illustrates both the number of respondents who mentioned a particular activity as their main one, as well as the number as a percentage of the total respondents.

Activities	Number	%*
Walking	1020	82
Visit Towns/Villages	663	53
Visit Bar/Restaurant	577	46
Visit Beach/Swimming	435	35
Visiting Ancient Monument	133	11
Cycling/Mountain Biking	90	7
Fishing	67	5
Climbing	54	4
Golf	41	3
Horse Riding	39	3
Watersports	32	3
Canoeing	22	2
Orienteering	20	2
Sailing	6	-
Motor Sports	5	-
Base Respondents: n = 1250		

* Sum greater than 100% due to multiple responses

Source: Mourne Heritage Trust, *Mourne Area of Outstanding Natural Beauty Visitor Survey: Report December 2005*, p.14. <http://www.mournelive.com/documentbank/uploads/2005%20Visitor%20Survey%20Final%20Report.pdf>

As illustrated in the results (above), walking is by far the most popular activity within the Mourne AONB area, followed by visiting towns/villages and visiting bars/restaurants. When those respondents who stated they would be in the area again (total respondents = 1111) were asked what activities they would be participating in during the next visit, walking received an even higher response rate (87%), further underlining its importance in terms of recreational activity.

Apart from activities such as walking, hiking, cycling, mountain biking and horse riding etc., the provision of other activities is primarily orientated towards club users and to those who already have a detailed knowledge of the types of activities available. Similar access for visitors and tourists is more difficult. For those visitors who wish to participate in recreational activities on a come-and-try it basis, there is limited equipment hire in the area and limited opportunities to come and try activities in a safe and supervised way.⁶

There are a number of multi-activity providers who use the area for recreation and these include Peak Discovery, Blue Lough Mountain and Water Sports Centre, Tollymore Mountain Centre (which is Northern Ireland’s National Centre for Mountaineering and Canoeing activities) and others. In addition, Ardnabannon Outdoor Education Centre, Shannaghmore Outdoor Education Centre and Killowen Outdoor Education Centre provide activities for school and youth groups in the area.

⁶ Ibid., p.34.

6. Legislative Background

6.1 Legislative Background to Areas of Outstanding Natural Beauty

Following the passing of the Amenity Lands Act in 1965, Areas of Outstanding Natural Beauty (AONBs) have been used as a form of legal status for the conservation of natural beauty across Northern Ireland. The 1965 Act not only provided for the designation of AONBs but also for the designation of National Parks. However, although eight areas were classified as AONBs, none were classified as National Parks.

In 1973 planning powers passed from local Councils to national government and in 1985 the Amenity Lands Act was superseded by the Nature Conservation and Amenity Lands (Northern Ireland) Order. This Order specified that where the Department of the Environment considered an area, which was not already within a designated National Park, to be of outstanding natural beauty, they were able to make an order designating that region as an Area of Outstanding Natural Beauty (AONB)⁷. The Nature Conservation and Amenity Lands Order made provision for the development of management plans for AONBs, although not all AONBs in Northern Ireland have these.

The Mourne AONB was originally designated an AONB in 1965 before being re-designated in 1986.

6.2 Access to the Countryside

6.2.1 Defining Access

One of the most important but contentious issues surrounding the use of land in the Mourne AONB is that of access.

In general, the term 'access' refers to the right to make use of an area of land. Therefore, not only does this include the act of entering an area but also of exiting an area. In terms of access to the Northern Ireland countryside, there are several different types of access which themselves exhibit very clear distinctions and legal contexts.

Access as of Right:

All public rights of way are highways which may be used by anyone, as of right, at any time. This entails the right of passage to cross over the land but not to use the land itself in any way. The owners and occupiers of land crossed by a public right of way must respect the public's right of passage.

Access by Consent:

This form of access is dependent on consent or permission granted by the landowner and may also be dependent on terms and conditions set by the landowner (other than for access along any public right of way that happens to cross the land).

Access by Trespass:

Where no permission or consent has been granted by the landowner for the public to use the land but where the public access the land on a de facto basis, this amounts to trespass. Provided certain conditions are fulfilled, the occupiers' duty of care extends to trespassers.



6.2.2 Legislative Background to Countryside Access

One of the most significant pieces of legislation regarding countryside access was the introduction of the Access to the Countryside (Northern Ireland) Order in 1983. Under this legislation, District Councils have a duty to assert, protect and keep open and free from obstruction or encroachment any public right of way.⁸ Although the general public have no general right of access to the countryside in Northern Ireland, district councils can establish a public path where the creation of the path would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of the persons residing in the district.⁹

Responsibility for implementing the Order lies with the District Councils who also have a wide range of discretionary powers including erecting and maintaining signposts and stiles on Public Rights of Way¹⁰, as well as securing access to open country either by agreement or order.¹¹ Although such an agreement could facilitate the right to roam over a defined area of open countryside as opposed to the type of linear access facilitated by Public Rights of Way and Permissive Paths, to date no such access agreements have been entered into.

⁷ HMSO, 1985 No.170 (N.I. 1), The Nature Conservation and Amenities Lands (Northern Ireland) Order 1985. http://www.hmso.gov.uk/legislation/northernireland/nisr/yeargroups/1980-1989/1985/1985oic/no170_000.htm

⁸ HMSO, 1983 No.1895 (N.I. 18), The Access to the Countryside (Northern Ireland) Order 1983.

⁹ *Ibid.*

¹⁰ *Ibid.*, Part II, Sections 4 and 5

¹¹ *Ibid.*, Part III, Access to Open Country

7. Occupiers' Liability

7.1 Duty Towards a Visitor

Associated with the issue of countryside access is that of Occupiers' Liability. Currently determined under both the Occupiers' Liability Act (Northern Ireland) 1957 and the Occupiers' Liability (Northern Ireland) Order 1987, the occupier (who need not be the landowner) has a duty of care over the condition of the land. This duty is to take such care as is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which they are invited or permitted by the occupier to be there.¹² This duty applies to visitors but not to anyone who willingly accepts a risk.

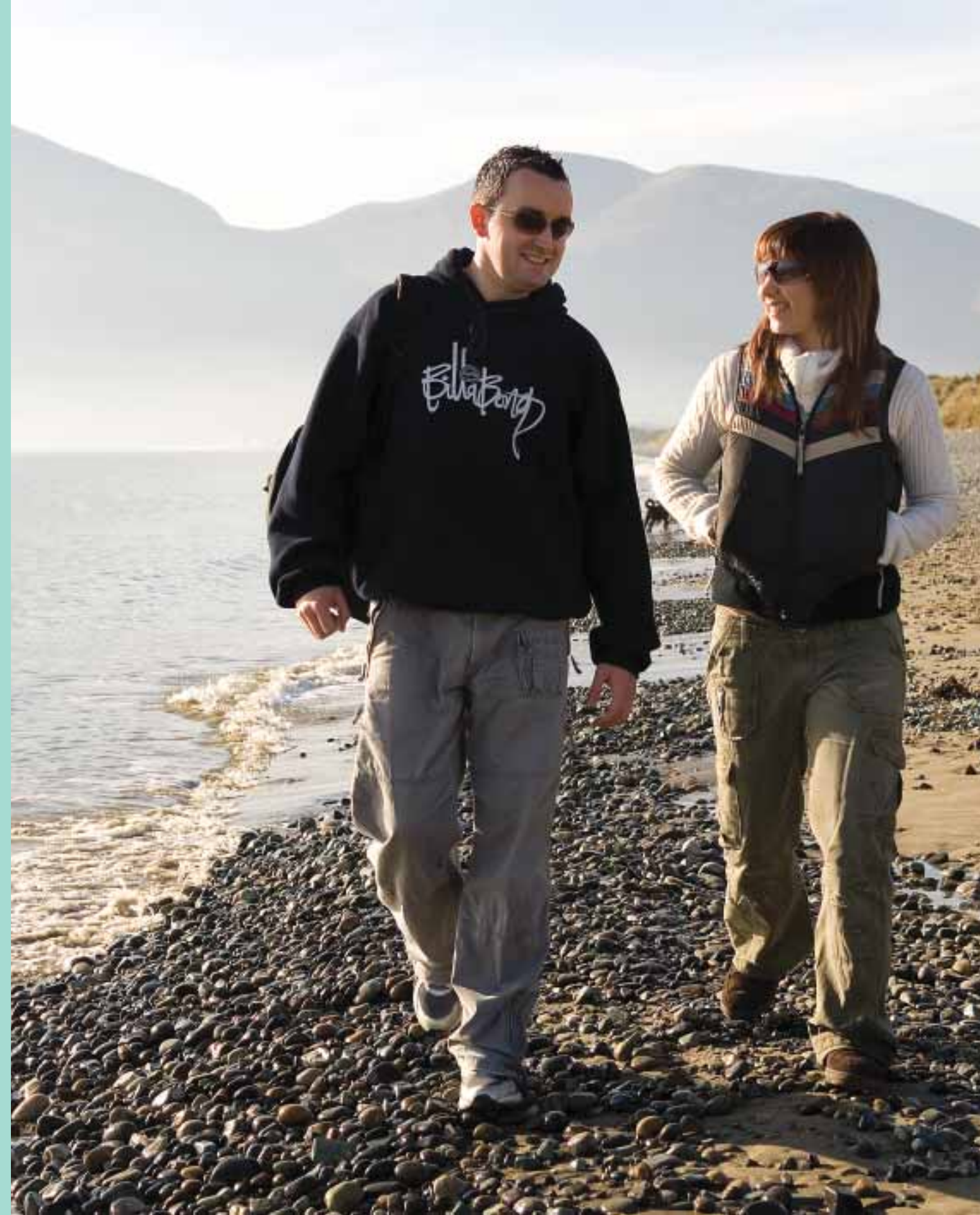
It should also be noted that an occupier has no obligation to anyone who willingly accepts a risk. Thus, anyone who engages in an activity such as hang-gliding, mountaineering, or walking over uneven tracks will be regarded as having willingly accepted the risks involved. The occupier may be able to discharge their obligations by putting up a notice or by giving a verbal warning of the danger and discouraging people from taking risks.¹³ Importantly, occupiers should make additional allowances for children and be prepared that they may be less careful than adults. Special precautions may be needed where children can be expected to come onto the land and where there is something that may be dangerous.

7.2 Duty Towards a Trespasser

The duty of care also applies to trespassers provided it can be shown that the occupier was aware (or should have been aware) of a danger on the land; knew or anticipated that a trespasser might go near the danger; and could have been expected to offer some form of protection.¹⁴

7.3 Duty Towards Users of a Public Right of Way

Anyone using a Public Right of Way is regarded by law as doing so 'as of right' rather than with the occupiers' permission. Therefore, the question of liability is determined under Common Law. An occupiers' duty of care does not apply to anyone using a Public Right of Way, nor is the occupier usually responsible for the condition of the safety of a Public Right of Way.¹⁵ In these circumstances, the public must take the condition of the path as they find it.



¹² HMSO, Occupiers' Liability Act (Northern Ireland) 1957 Chapter 25.

¹³ Countryside Access and Activities Network, *Whose Fault is it Anyway? A Review of Occupiers' Liability Relating to the Recreational Use of the Countryside in Northern Ireland: Consultant's Final Report and Recommendations Made to the Northern Ireland Countryside Access and Activities Network*, March 2001.

¹⁴ HMSO, 1987, No. 1280 (N.I. 15), Occupiers' Liability (Northern Ireland) Order 1987

¹⁵ The Countryside Access and Activities Network (for Northern Ireland), *Whose Fault is it Anyway? A Review of Occupiers' Liability relating to the Recreational Use of the Countryside in Northern Ireland: A Summary of the Consultant's Interim Report and Draft Recommendations*, (No date available)

8. Current Access Provisions within the Mourne AONB

Within the Mourne AONB, the vast majority of user access is on a de-facto basis as there are few written landowner agreements permitting individuals and groups to use their land. Of the paths which have been established, these mainly include the designation of Public Rights of Way and a small number of Permissive Paths. See Figure 2.0.

8.1 Provision of Public Rights of Way

Across the Mourne AONB there is a small, although not insignificant, network of Public Rights of Way which tend to be predominantly concentrated around three locations.

- The majority of designated Public Rights of Way are located in a triangular-shaped area extending between Castlewellsan, Dundrum and Newcastle. Within this area there are in excess of a dozen designated Public Rights of Way which vary in length and often follow already established paths and trails.
- A second area can be found in and around Slieve Croob where there are seven Public Rights of Way.
- The third location is largely coastal in nature and covers the largest land area. Here, many of the Public Rights of Way are located around the coast between Newcastle and Warrenpoint. A significant number of these originate close to, or on, the main A2 road (which connects the two locations) before either bearing towards the main body of mountains, or down towards the coast itself.

The two most significant and heavily used Public Rights of Way in the Mourne are the lower section of Trassey Track and the Glen River path. Both these are major linear access routes bringing walkers up into the higher unenclosed land.

8.2 Provision of Permissive Paths

From the information obtained, four Permissive Paths were shown to be located within the Mourne AONB.

These are as follows:

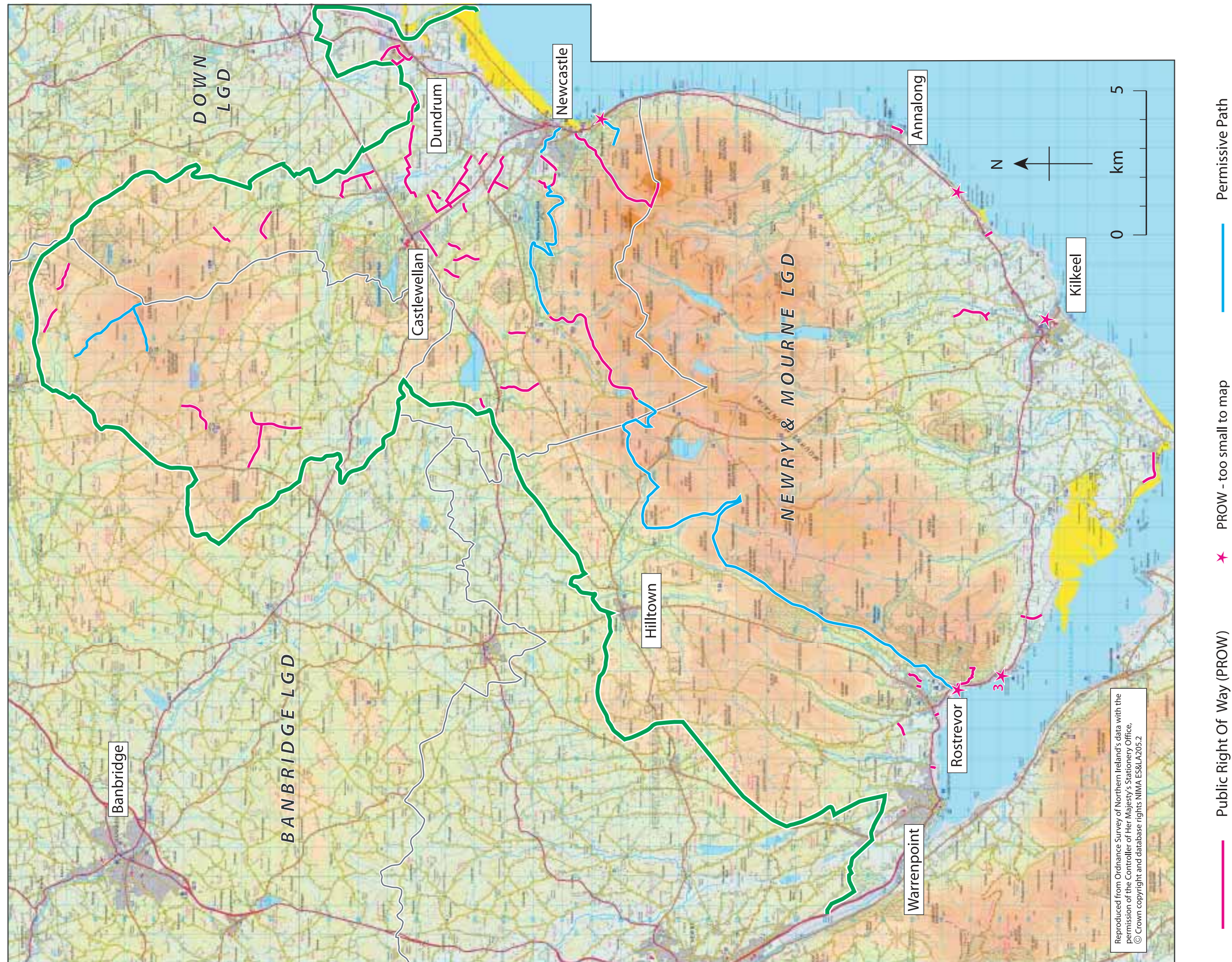
- The majority of the Granite Trail (originating at Newcastle Harbour before travelling through Donard Wood and finishing at Thomas's Mountain Quarry). However, it should be noted that the small length of path which begins at Newcastle Harbour is a Public Right of Way.
- The Slieve Croob Transmitter Road. This is approximately 2.19 km in length and runs from Dree Hill Road to the summit of Slieve Croob.
- Also running to the summit of Slieve Croob is Pass Loanin. Approximately 4.04km in length, this originates at Drin Road, Finnis.
- The majority of the Mourne Way. Starting at Newcastle and finishing at Rostrevor, the Mourne Way is approximately 41km in length. It should be noted, however, that several sections are designated Public Rights of Way. These include a length of the trail running from Fofanny to where Trassey Track meets Trassey Road and also a couple of sections close to Newcastle.

8.3 Major landowners in Mourne AONB

The vast majority of landowners within the Mourne AONB are smallholders with the average holding comprising around fifteen hectares.¹⁶ The small nature of farms within the area is further emphasised by the fact that within the wider context of Banbridge and Newry and Mourne, around half of all farms in these Districts are classified (by the Department of Agriculture and Rural Development (DARD) under European standards) as being 'very small'. Only 3% of holdings in Banbridge and 1% in Newry and Mourne are described as large.¹⁷

In terms of substantially larger areas of land, these mainly fall under the remit of four authorities and bodies. These are the Mourne Trustees (in various groupings), the Forest Service of Northern Ireland, Northern Ireland Water and the National Trust. Figure 3.0 shows the main landowners within the area.

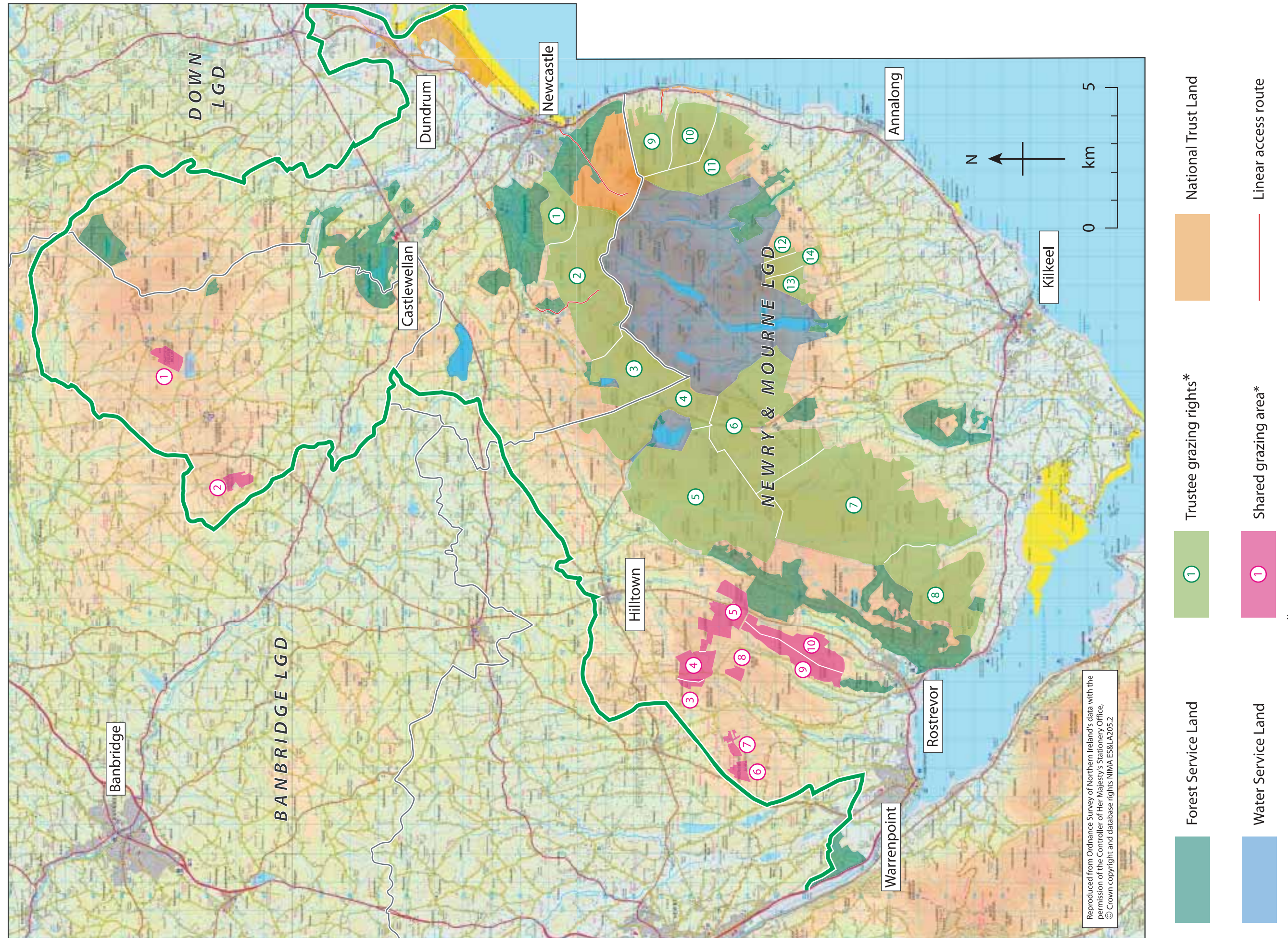
Figure 2.0 Access within the Mourne AONB



¹⁶ Mitchell, Arthur, *The Evolution of Environmental Management in Mourne*, Policies and Priorities for Ireland's Landscape - Paper 10, The Heritage Council of Ireland, Policies and Priorities for Ireland's Landscape Conference, Tullamore, Co. Offaly, April 1999. <http://www.heritagecouncil.ie/publications/landscape/p10.htm>

¹⁷ The Planning Service (Northern Ireland), *Banbridge, Newry and Mourne Plan 2015: Strategic Plan Framework - Agriculture, Forestry and Fishing*, http://www.planningni.gov.uk/AreaPlans_Policy/Plans/BNM/draft_plan/plan_framework/agriculture_forestry_fishing.htm

Figure 3.0 Main landowners within the Mourne AONB



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8.3.1 Mourne Area Trustees

According to information provided by the Department of Agriculture and Rural Development for Northern Ireland (DARD), there are thirteen trustee grazing rights within the Mourne AONB. These are: Clanawillin (2), Portadown and Banbridge (3), Downshire Estate Stang (4), Batts Estate (5), Mournes Middle (6), Mourne Mountains West (7), Killowen (8), Crossan (9), Slievenagarragh/Ballagh (10), Spences Mountain (11), Browne Knowe (12), Forks (13), Slievenabrock (1) and Slieve Binnian (14). In addition, there is also a further Trustee area which encompasses a significant section of the coast - it is believed that this stretches from Greencastle to Annalong. (See Fig. 3).

Within each Trustee area there is a number of 'shareholders' who each have a stake in that particular location. Not only do they have grazing rights within the boundaries of the Trustee area but they are also responsible for managing the area.

In addition to the Trustee areas, ten additional locations are designated as Areas of Shared Grazing. These are: Carmeen (4), Crotlieve (5), Cratlieve (1), Ballyvalley (8), Dechomet (2), Drumreagh (9), Edentrumley (3), Tamnaharry (6), Kilbroney (10) and Mayo (7). (See Fig. 3).

8.3.2 The Forest Service of Northern Ireland.

Although Forest Service has no recreation policy in place, its Customer Charter of May 2006 states that most of its woodlands are open to visitors on foot.¹⁸ Forest Service grants a permissive right to the public to access all publicly owned forests and managed forests where they are in a position to do so (i.e. where there are no lease clauses restricting an area to timber production and where there are no rights of way issues etc.), and has proposed creating a statutory right of pedestrian access to many of its forests while limiting its liability towards people in exercising that right.¹⁹

Within the Mourne AONB, Forest Service owns

and/or manages a significant proportion of land. This extends from large areas such as Rostrevor Forest (1700 hectares) and Tollymore Forest Park (630 hectares) to smaller areas such as Crocknafeola Woods and Moneyscalp Wood. In some areas such as Silent Valley, the land is owned by Northern Ireland Water but is managed by Forest Service.

8.3.3 Northern Ireland Water

Similar to Forest Service, Northern Ireland Water does not have a recreation policy. However, its Environmental Policy Statement covers a commitment to 'manage landholdings and natural resources in a sustainable manner to protect and enhance water quality, permitting public access where practicable'.²⁰ In addition to smaller reservoirs such as Fofanny and Lough Island Reavey, Northern Ireland Water also owns and manages one of the largest single areas of land within the AONB - that surrounding the Silent Valley and Ben Crom Reservoirs. Located within the perimeter of the Mourne Wall, the area includes land on fifteen mountains: Slievenaglogh, Slieve Muck, Carn Mountain, Slieve Loughshannagh, Slieve Meelbeg, Slieve Meelmore, Slieve Bearnagh, Slievenaglogh, Slieve Corragh, Slieve Commedagh, Slieve Donard, Rocky Mountain, Slieve Binnian, Wee Binnian and Moolieve.

The Silent Valley site is open daily throughout the year with public access being facilitated through a fee-paying car park in the grounds. Access to some of the other Northern Ireland Water reservoirs is also permitted, although this is considered on an individual site basis.

¹⁸ Forest Service, *Customer Charter*, 16th May 2006, <http://www.forestserviceni.gov.uk/customer-charter-may2006.pdf>

¹⁹ Forest Service, *Northern Ireland Forestry: A Strategy for Sustainability and Growth*, 24th March 2006, p.14, <http://www.forestserviceni.gov.uk/strategy-for-sustainability-growth.pdf>

²⁰ Water Service, *Environmental Policy Statement*, <http://www.waterni.gov.uk/home-envi.htm>

8.3.4 National Trust

In addition to the land owned and managed by Forest Service and Northern Ireland Water in the Mournes, the National Trust is also a significant landowner/landmanager. The main regions of responsibility within the AONB are the north-east-facing slope of Slieve Donard, Murlough National Nature Reserve, the Mourne Coastal Footpath and Bloody Bridge. Of these, Slieve Donard and Murlough National Nature Reserve are the most significant in terms of size.

At present, the National Trust in Northern Ireland does not have an access policy in place. However, this is currently being revised and it is anticipated that the issue will be addressed in a forthcoming strategic plan to be published in 2007.

8.4 Main Entry Points into AONB

Throughout the Mourne AONB are numerous points which provide access into the area. Aside from the numerous pathways, tracks and small roads which cross into the area there are a number of major vehicle routes which do likewise.

8.5 Main Entry Points into the High Mournes

The High Mournes is the most frequently used area within the AONB. Of the access points available, four dominate namely, the Glen River, Bloody Bridge, Carricklittle and Trassey Track. [See Figure 2.0] Reasons for their popularity include the provision of on-site facilities such as car parking and toilets, their close proximity to the area's major roads and the ease at which walkers can access from them some of the more challenging peaks within the Mournes.

8.5.1 Glen River

Originating at the Saddle between Slieve Commedagh and Slieve Donard, the Glen River commences its flow through National Trust land before flowing towards

Newcastle through Donard Forest (on Forest Service land). At the base of the forest is Donard Park, a sizeable car park located beside playing fields and providing toilet facilities. The proximity of the car park to local amenities in the centre of Newcastle encourages its use by car drivers as well as groups in minibuses and coaches. The Glen River path is a designated Public Right of Way.

8.5.2 Bloody Bridge

The Bloody Bridge area is situated on the main road between Newcastle and Annalong. It marks the beginning of a coastal path which is managed by the National Trust and which extends southwards along the coast, while a second path heads west up between Slievenagarragh and Slieve Donard towards the Brandy Pad. The path itself closely follows the route of the Bloody Bridge River. At the base of the area and sited alongside the main road is a substantial car park with toilet facilities.

8.5.3 Trassey

Trassey Track is located off Trassey Road which lies off the main road between Bryansford and Hilltown. The track which follows the route of the Trassey River is a designated Public Right of Way and runs from Trassey Road up towards Hares Gap. At the bottom of the track is a small car park. A few hundred metres further on is an additional pay car park, owned by a local farmer and comprising camping, café and hostel facilities.

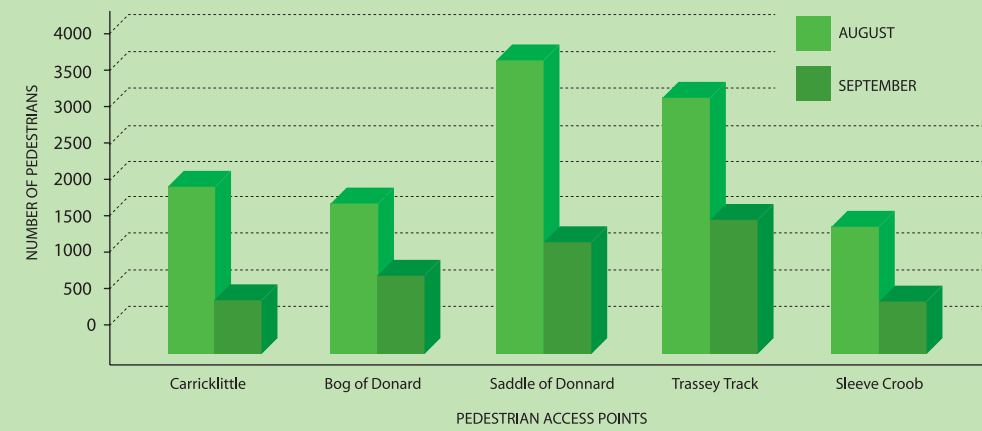
8.5.4 Carricklittle

Carricklittle Track located off the Head Road is serviced by a small car park. The track is both popular with walkers accessing Slieve Binnian and Slieve Lamagan, and climbers accessing Cove Mountain etc.

8.5.5 Additional Access Areas

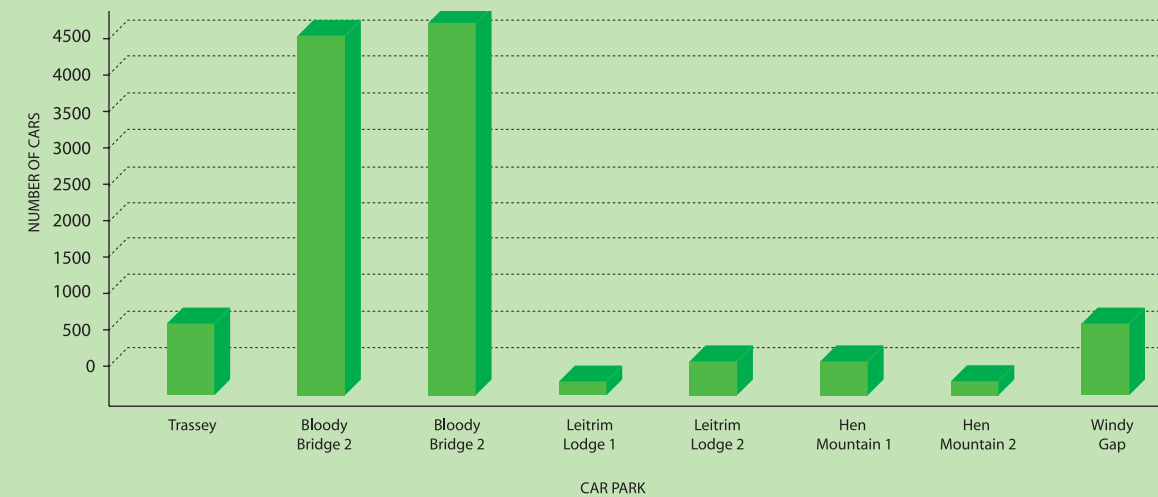
Entry to the Mournes is also popular at the following points: Annalong Wood, Slievenagore, Windy Gap, Leitrim Lodge, Spelga Dam, Lough Shannagh Track, Hen Mountain, Ott Mountain and Happy Valley. Along the coast of the AONB there is limited public access although the Lecale Waymarked Way, along with a National Trust walk and area at Murlough provide some access.

Figure 4.0 (below) shows the number of pedestrians using the access points of Carricklittle, Bog of Donard, Saddle of Donard, Trassey Track and Slieve Croob during August and September 2006.



Source: Mourne Heritage Trust
Figure 4.0 Number of Pedestrians using Access Points during August and September 2006

Figure 5.0 (below) shows the number of cars using Trassey, Bloody Bridge, Leitrim Lodge, Hen Mountain and Windy Gap. (In some circumstances, several counters have been located in the one car park.)



Source: Mourne Heritage Trust
Figure 5.0 Number of cars using some of the main car parks within the Mourne AONB during the month of September 2006.

Although the data shown above is limited to a period of one month and does not include data for Donard Car Park (arguably one of the most popular car parks within the AONB), it nonetheless illustrates the large number of cars which use Bloody Bridge car park. This averages at around 155 cars per day.

Trassey car park averages around 20 cars per day (the close proximity of a secure pay car park may impact this and reduce the number of cars using Trassey) while Windy Gap car park averages 10 cars per day during the month of September. However, it should be noted that the capacities at both Trassey and Windy Gap are considerably less than at Bloody Bridge. Furthermore, the provision of amenities such as toilets at Bloody Bridge are undoubtedly a significant draw.

It should also be noted that Carricklittle car park serves as a major gateway into the High Mourne. Unfortunately data is not available for this car park but anecdotal evidence suggests that on the busiest weekends, there can be up to 100 cars parked along the side of the road given the small size of the car park.



9.0 Key Access Issues

The consultation process which formed a key component of this access study commenced in November 2006 and finished in March 2007. The process comprised meetings with a representative selection of relevant stakeholders including public and private landowners/landmanagers, recreational users, outdoor education centres, activity providers, district councils and others.

It should be noted that the information submitted during the consultation process has been accepted as it is and no attempt has been made to validate it, except where reference has been made to other information submitted in the course of the consultation process. It must also be noted that some of the views expressed by individuals has not been backed up by evidence.

From the consultation process it should be noted that the majority of individuals and groups interviewed had not experienced significant difficulties regarding access within the Mourne AONB as a whole. Although a small number of locations were identified as being problematic in terms of access, these were not common across the wider AONB area. In most instances, local knowledge of potential difficulties at particular locations prevented and/or reduced conflicts of interest and antagonistic situations. Such local knowledge of problematic areas was exhibited by walking groups, activity providers and education centres.

While the vast majority of respondents appeared to be content with the current de facto access arrangements, two major issues emerged:

i. Access should be formalised to secure permanence

A significant proportion of respondents voiced concern that given the limited number of formalised access arrangements in the Mourne that the current access privileges they enjoyed, largely due to the goodwill and tolerance of the area's landowners, could be removed at any time if so desired by the landowners. Consequently many respondents

commented that the only way of securing future access to the Mourne was by formalising it through increased permissive paths agreements and public rights of way.

This need for formalizing access was further underlined by a general consensus from recreational users that there has been a loss of access in recent years and that certain areas frequently used by groups and individuals in the past have now been blocked and access denied. Many thought that this loss of access was mainly attributed to the ongoing debate surrounding the potential designation of a National Park for the area. This was confirmed to be true by the landowning community who feared that National Park designation would lead to increased numbers using the land and consequently corresponding increases in liability.

ii. Access should be at the discretion of the landowner

A sizeable number of respondents were opposed to access privileges being given any degree of permanence and believed that access should be solely at the discretion of the landowner. The main reason for this was to enable the landowner to have responsibility for determining when it is suitable for people to access the land and could, if required for example during lambing, deny access.

In order to facilitate a detailed examination of the issues raised during the consultation process, the major issues have been categorized under several themes. These are Economic, Institutional, Legal, Management, Practical, Recreational, Social and Other Issues.

9.1 ECONOMIC ISSUES

9.1.1 Insurance Premiums

As a result of the Occupiers' Liability Order, many landowners believed that by allowing an increased number of users onto their land, their insurance premiums would rise. Few therefore saw any benefit in facilitating access and claimed that the associated insurance was a financial drain from which they got nothing substantive in return. Several landowners even alleged that they had experienced occasions where insurance companies had refused to insure their areas of land where public access was provided. This claim however was not backed up by written evidence.

9.1.2 Litigation

In addition to potentially higher insurance premiums, an increase in the potential for litigation and the awarding of financial compensation was a major issue raised. For many landowners, an increase in the number of people using their land was perceived to equate to a greater potential for litigation and financial penalties. By reducing access, their exposure to litigation was greatly reduced. Once again, the issue of litigation from trespassers was raised and it was generally believed that by discouraging access, the potential for litigation was greatly reduced.

In areas where groups such as the Duke of Edinburgh Scheme had traditionally walked, many landowners said that while they did not object to them crossing their land, they would not give them permission (either official or unofficial) for fear of litigation.

9.1.3 Recompense for Damage to Property

Concern was expressed by landowners regarding the cost of repairing any damage to property caused by increasing numbers of recreational users accessing their land. Having experienced instances of walls being knocked down and gates left open, thereby allowing livestock onto roads, most voiced unease

and discontent at the prospect of these problems increasing. Not only did landowners have to spend time undertaking remedial action on property damage, but they were also responsible for covering any costs occurred. As a result of this, few, if any, could see how increased access would alleviate the problem and reduce their expenditure on maintenance and repairs.

9.2 INSTITUTIONAL ISSUES

9.2.1 Lack of Government Leadership

The approach to 'access' by government bodies is generally disjointed, inconsistent and lacks a cohesive policy framework. With different government departments following their own, often distinctive, access policies relating to their own landholdings, there is a risk of a precedent being established and smaller landowners following suit with the adoption of their own diverse range of access arrangements.

The uneven approach to access by government departments also acts to further obscure recreational users' understanding of access as they may be unreservedly admitted onto some areas of publicly owned land yet are refused admittance to others. For example, in order to obtain access to some areas, recreational users such as activity providers have to complete written agreements whereas in other circumstances they do not. This sends out confused signals.

A further difficulty exhibited through the non-uniformity of government access policies is that of land closure. Landowners frequently cited incidents where government departments stopped access to their own land when required and landowners then used these as the basis for reasoning why they too had the 'right' to close and / or limit access to their own land. An example frequently stated was the closure of the area within the Mourne Wall due to a cryptosporidium outbreak. Landowners thought that they too should have an entitlement to stop access to their own land when necessary, for example, for biosecurity reasons.

In terms of the current access status of government-owned land, many users felt that this was insufficient and that Northern Ireland Water areas such as Lough Island Reavey and Ben Crom should be opened up and that Forest Service should be working to accommodate an increased number of activities on its properties, especially mountain biking.

9.2.2 Land Ownership

Some landowners within the Mourne AONB are of the opinion that by granting access to their land, their rights as landowners are being compromised and are under threat. Although it is debatable whether these views are coloured by Northern Ireland's chequered history of landownership and its often political connotations, it nonetheless appears that a proportion of individuals equate access with ownership. By allowing an increased level of access to their land, they believe that their tenure is threatened and diminished, therefore until the link between 'ownership' and 'access' is clarified and reassurance given, it is likely that problems will remain.

For many landowners the ability to continue to own land which, in many circumstances, has been held in the family for several generations, is of great importance. There is a strong attachment to the land and many view the promotion of access as a loosening of these ties. In some cases, landowners have spent many years paying off annuities to enable them to fully acquire their land and its associated rights. By being asked to let an increasing number of people onto it they believe their rights are being undermined.

Several landowners believed that if they allowed limited numbers of users onto their land now, this would set a precedent for the future when they would have to let an ever-increasing number of people onto their land. By restricting and limiting access at an early stage, they were of the opinion that future users would be deterred.

9.2.3 Provision of Public Rights of Way and Permissive Paths

The three councils responsible for the Mourne AONB have a number of designated Public Rights of Way and Permissive Paths within the area. While these are useful in terms of offering users the opportunity to undertake activities along designated linear routes, they are limited in terms of providing for a wide-range of recreational activities and are not always of a significant length. The linear nature was also considered inappropriate.

It is apparent that many landowners are reluctant to agree to having lanes on their land asserted as Public Rights of Way. Although such a designation could result in a maintenance agreement being signed with the local council, landowners perceived that they would eventually be responsible for a route's upkeep and that this could entail action every couple of weeks (e.g. to keep briars cut back). They also believed that their failure to do so could result in litigation against them by the public if injuries were incurred.

9.3 LEGAL ISSUES

The current legal status of access within the Mourne AONB is ambiguous and as a result, there is a distinct difference in the knowledge held by landowners and by recreational users. In terms of public liability, this is extremely ambiguous and from the landowners perspective, is arguably one of the most confusing and contentious issues being faced.

9.3.1 Legal Access

From a legal perspective, a large part of the Mourne AONB is inaccessible to the public. Aside from the listed Public Rights of Way, Permissive Paths, government-owned land and National Trust-owned land, there is no legal right of access to privately-held land. However, through the consultation process it was apparent that many recreational users were not aware of this status and a number believed that they had a right of access to the High Mournes. They had

little or no knowledge that much of the area was subdivided into grazing areas which were privately owned by Mourne Trustees.

Many landowners believed that the entire concept of 'access' needed to be re-defined and re-thought in order to change the perception that members of the public had a 'right' to access their 'privately-owned' land. In addition, some believed that it should be better publicized that much of the land was privately-owned.

9.3.2 Legal Responsibility for Land Users

Arguably, the most commonly cited and contentious aspect of access to land within the Mourne AONB is the issue of a landowner's legal responsibility for users of his/her land. An overwhelming majority of people interviewed believed that the current Occupiers' Liability legislation is unsuitable and needs to be changed. Many landowners cited the potential to incur liability should an individual sustain injury on their land as the primary reason for their reluctance to allow access.

A particular point of issue was a landowner's responsibility towards trespassers. Most individuals believed that this was unfair and should be changed. They argued that they should not be held responsible for someone coming onto their land illegally and without their permission. As a result, a number of landowners said that they were left with no option but to try and discourage people coming onto their land and to block or make inaccessible, paths and tracks.

Although it was suggested by a few individuals that groups who have an active interest in acquiring access to the Mourne AONB had been passive in terms of lobbying for a change to Occupiers' Liability, the large majority of respondents acknowledged the work undertaken by the Countryside Access and Activities Network in partnership with the UFU and NIAPA to get the existing Occupiers' Liability legislation changed.

9.4 MANAGEMENT ISSUES

9.4.1 Communication

i) With Landowners

Although some users have a policy of undertaking dialogue with landowners before accessing and using their land (in order to ensure they are not infringing the landowner's privacy and rights), the number following this form of verbal agreement was generally low.

Those most likely to undertake dialogue with landowners before using their land were 'official' walking groups, orienteering groups and Duke of Edinburgh groups. Some others negotiated time slots with the local landowner thus facilitating controlled and agreed access.

Of those groups who sought to negotiate access with landowners, many found it difficult to ascertain who the appropriate landowners were. Further complicated by the considerable number of small landowners and fragmented nature of the AONB as a whole, communication between the groups had been greatly hindered by a lack of information regarding major private landowners.

ii) Between Landowners, Users and Government

The consultation revealed that overall, there is a distinct lack of communication between individuals and bodies that have a vested interest in the Mourne AONB as a place for undertaking recreation. This includes users (representing both recreational and non-recreational activities), government bodies and landowners. It is apparent that this complete lack of communication has resulted in significant mistrust building up between the individual parties.

9.4.2 Engagement

i) Between Landowners and Recreational Users

The consultation revealed that in the past limited engagement has taken place between those who own and manage much of the land in the Mourne and

those who use it for recreational activities. This has unfortunately often led to misinformation and misunderstanding between the two groups and a perception that the two groups are diametrically opposed in their views. In reality, both groups were found to share many of the same concerns for the area but had never engaged sufficiently to discover this.

ii) Between Landowners and Mourne Heritage Trust

On several occasions, landowners stated that they had reservations about the role of the Mourne Heritage Trust. While many respondents acknowledged that the Trust had limited resources, a significant majority attributed their dissatisfaction to the Trust's endorsement of the proposed Mourne National Park. They also claimed that the Trust had little, if any, representation from the Mourne Trustees.

9.5 PRACTICAL ISSUES

9.5.1 Car Parking

One of the major access issues which was repeatedly mentioned was that of car parking, with the vast majority of all those interviewed claiming that current car parking arrangements were wholly inadequate. Although recognition was given to the current re-landscaping and refurbishment taking place in many of the car parks by Mourne Heritage Trust, a number of people interviewed believed that this was actually responsible for creating additional problems. These included a reduction in the number of car parking spaces available (which in turn had forced traffic onto the nearby roads), and a general reduction in space so that minibuses were unable to use the car parks. As a result, they too had to park on the nearby verges alongside roads. Consultation with Mourne Heritage Trust revealed that to accommodate disabled users changes had been made to 13 car parks, but that the number of spaces had not declined. It should be noted that in many circumstances minibuses did not always fully utilize the car parks, for example, buses used to transport educational groups tended to drop groups off and then collect them again at a later stage.

The difficulty surrounding car parking in public parks was further epitomized by the fact that several prominent recreational groups have agreements in place whereby they use private car parking facilities provided by local churches and sports clubs. In some circumstances, a token financial gift is made to the relevant body/association in recognition of this use. There were two main reasons underpinning the use of private car parks. On the one hand many of the public car parks were full to overflowing at weekends (as well as during the busier summer months) and thus it was often difficult to obtain a space, even though many recreational groups met outside the Mourne AONB to share transport and reduce the number of vehicles entering the area, many claimed that they still found it difficult to find parking space. The second reason was the potential for car crime. Many of the public car parks were renowned 'hot spots' for vehicle theft and this deterred people from using them. [This issue is also examined under 'Social Issues'].

It was habitually argued that a lack of car parks at traditional gateways into the High Mourne often 'forced' people to park along roadways and lanes. In one particular incident, it was alleged that a considerable number of cars parked along a lane suffered vandalism.

The overall consensus was that the major car parks needed to be enlarged and some additional parks located in areas close to popular walks. The provision of additional car parks would also alleviate overcrowding. However, although this was the majority view, it should also be noted that concerns were voiced regarding the development and expansion of existing car parks. Some individuals argued that they should be developed sympathetically and should not lead to detrimental environmental effects.

9.5.2 Traffic Congestion

While the majority of people interviewed agreed that traffic congestion was a major problem likely to increase regardless of access arrangements, there was almost universal agreement that such an increase would be further accentuated should access be promoted. Responses to such an increase were mixed, with many suggesting that greater financial resources be allocated to alleviate the problem, while others argued that access should not be promoted in the first place and therefore the problem would not be so serious. It was suggested that the use of one primary car park and the 'Rambler' bus service should be encouraged. Traffic congestion was an issue over which landowners said they felt powerless. Although it was outside their sphere of responsibility, they nonetheless considered any move to increase public access to their land as one which would contribute detrimentally to the problem.

9.5.3 Provision of Facilities

Although it was generally agreed that the provision of facilities such as toilets at car parks was of a relatively high standard, it was frequently stated that current provision was inadequate to cope with the growing number of visitors. It was suggested that additional toilets were required at many of the sites to facilitate the number of large groups using the areas, for example, the provision of five or six toilets was insufficient when a group of twenty to thirty individuals arrived - some from as far away as Dublin and Belfast - to participate in an afternoon hillwalk. It was believed that this lack of facilities increased sanitary problems on the hills themselves.

It was also mentioned that some facilities were not always open at weekends and that this led to inconvenience.

[It should be noted that many of the individuals interviewed who stated that toilet provision was inadequate, tended to access the Mourne AONB during weekends and holidays when these areas were at their busiest.]

9.5.4 Wild Camping

Although many mentioned wild camping as a problem, few believed that it was the most important issue. However, there was a limited number of individuals who suggested that school groups and Duke of Edinburgh groups should use designated areas for camping in the Mournes (for example, particular woods and established private camp sites). While these opinions tended to be expressed by a minority of individuals, a more commonly expressed problem relating to groups wild camping was that of sanitary issues and the fact that many groups did not always follow sanitary etiquette on the mountains.

Additional consultations with school groups and Duke of Edinburgh groups suggested that they already tended to use the same campsites on each trip. It was also argued that the provision of formal camping areas for school and youth groups might not only be subjected to 'external' influences such as thieves, but that the static locations would only encourage more concentrated erosion and establish well-worn paths between sites.

9.5.5 Erosion

Erosion within the Mourne AONB is an increasing problem. Almost all parties consulted, agreed that it was an escalating issue which had to be addressed. The two most popular ways proposed were to reduce the areas available for recreational activities and put in place the mechanism to undertake remedial work on badly eroded areas. It was strongly argued by landowners, that erosion should be halted by reducing access.

As several locations within the Mourne AONB are designated Areas of Special Scientific Interest, concern was expressed that many recreational groups were unaware of the designation. In some circumstances an Article 6 Assessment may be required to gauge the environmental impact of their proposed activities, before permission to use the area could be granted. It should be noted that Article 6 assessments are only needed on European sites, for example, Special Area of Conservation (SAC) and not necessarily on ASSIs unless the ASSI overlaps with a SAC.

9.6 RECREATIONAL ISSUES

9.6.1 Use of Mourne AONB for Recreational Activities

It was generally agreed by all groups consulted, that the Mourne AONB is being used by an increasing number of people for recreational activities. While the list of activities is wide-ranging, walking, hillwalking, mountain biking and cycling predominated

It was also suggested that a considerable increase in the number of recreational users from the south has further added to pressures on the area.

To reduce erosion and other associated pressures, it was believed by some individuals that groups in excess of 100 persons should not be allowed onto the mountains. To alleviate car parking problems, it was suggested that groups be encouraged to use the 'Rambler' bus service although it was noted that, this service only runs on an hourly basis

9.6.2 Lack of Designated Recreational Venues

Many participants in outdoor recreational activities in the Mourne AONB considered the current provision of designated areas for their activity to be insufficient. With activities such as mountain biking this has led to the development of unofficial trails, which are used on a regular basis.

In terms of horse riding, a lack of venues was once again a key issue. While it was acknowledged that there are many quiet laneways and roads which could be used as well as several designated bridleways, individuals felt that there was scope for the development of more Public Rights of Way and some of a longer length. In particular, one of the important issues was the ability to have a range of treks and paths which could be used, for example, although it was suggested that disused railway lines should be developed as possible trails, it was also pointed out that in some circumstances, the old railway lines had, over a number of years, been subsumed by neighbouring farmers' lands.

9.6.3 Recreation on Government-Owned Land

As previously stated under 'Institutional Issues', many recreational users interviewed felt that government bodies such as Northern Ireland Water and Forest Service should be proactively seeking to increase the degree to which their land is opened up for recreational use.

The mountain bikers in particular stated that they already use, albeit illegally, on a regular basis Tollymore, Castlewellan, Donard and Rostrevor Forests but would like to see these sites having proper mountain bike trails and facilities built within them. Others areas specifically mentioned for development by Northern Ireland Water included Ben Crom Reservoir and Lough Island Reavey.

9.6.4 Knowledge of Access

A key point which was frequently mentioned in relation to recreational activities was a general lack of knowledge regarding areas where access was permitted and where access was denied, for example, many walkers were unaware of the areas in which they could walk 'legitimately'. Where they were interested in asking for permission to use an area of land, they often did not know who the relevant landowner was. As a result, both landowners and users needed a contact point whereby such information could be communicated.

9.7 SOCIAL ISSUES

Several main topics were raised under the category of 'Social Issues'. The most common issue which tended to be mentioned by landowners was that of 'damage to property' while the most commonly stated problem from recreational users was 'litter'.

9.7.1 Damage to Property

Many landowners believed that an increase in the number of people accessing their land would give rise to an increase in damage (either intentional or unintentional) to their property. A significant number had already had direct experience of the problem through the destruction of dry-stone walls, damage to farm machinery, damage gates and stiles, and damage to barbed-wire fences. In the majority of circumstances, any repairs carried out were financed by the landowners themselves. For example, it was suggested that dry-stone walls cost approximately £14 per metre to repair. [This issue was raised under 'Economic Issues'.]

Most landowners generally agreed that in recent years, damage to property had been increasing. As well as incidents such as malicious fires in hay storage areas, vandalism to farm machinery and property and the destruction of walls and gates, it was stated that break-ins, theft and robberies had also been increasing. This was attributed to a marked increase in visitors to the area (although not necessarily to recreational users).

A further 'type' of damage' raised as an issue was that of disease. Considerable concern was expressed that an increase in the number of individuals using the land would also increase the possibility of contamination by disease with the potential of devastating livestock.

9.7.2 Litter

The problem of litter was not just repeatedly mentioned by recreational users but also by landowners. Almost all individuals thought that litter was a major problem in both the High and Low Mournes, as well as in the neighbouring urban settlements. While there was acknowledgement that some action had been taken in order to address the problem, most felt that this was far from satisfactory and that the current resources provided were inadequate. Landowners also flagged up the fact that they were responsible for the removal of other people's litter from their property.

9.7.3 Car Crime

The majority of individuals and groups interviewed, agreed that car crime was a major issue within the Mourne AONB, particularly in well-known and popular car parks throughout the area, where criminals were aware that the vehicle owners were unlikely to return for several hours. Most users stated that they would be prepared to pay a nominal fee for secure parking. Many made reference to recent private initiatives by local landowners who had made secure parking available for a small cost and agreed that this was a positive development.

9.7.4 Other Anti-Social Behaviour

Other anti-social behaviour activities which impacted landowners and users in a negative way included fly-tipping, graffiti, noise and a general lack of respect. The latter of these, lack of respect, was recurrently cited by landowners as many had experienced occasions when they were subjected to abuse when requesting users to close gates and not cross their land, or tamper with machinery. Most respondents agreed the potential was there for these problems to increase in correlation with an increase in access. It was alleged that at least one individual had been the victim of grievous bodily harm and had suffered injuries when confronting trespassers on his property.

9.8 OTHER ISSUES

9.8.1 Slieve Croob Area

The number of people using Slieve Croob for outdoor recreation appears to be limited, with very few interviewees claiming to use the area on a regular basis. One of the main reasons cited for this was a general lack of knowledge about the area and current access arrangements. In many circumstances Slieve Croob was not considered an integral part of the 'Mournes' AONB area. This was an issue that was raised on numerous occasions by residents of the Slieve Croob area.

An additional problem cited in the Slieve Croob area was the annual 'Blaeberry Sunday' walk. Taking place on the first Sunday of August each year, communities on either side of Slieve Croob trek to the top of the mountain. However, as a result of the large number of people taking part in the walk, a smaller group of walkers (at a later date) claimed they had been discouraged from using the mountain by a landowner who claimed he had been inundated with users a few weeks earlier.

9.8.2 Coastal Access

Access to the Mourne AONB coast is very difficult. Although several Public Rights of Way have been designated from the main coastal road to the foreshore, general access is still restricted.

Due to an overall lack of slipways, coastal access has been particularly problematic for recreational users wishing to transport water-based craft down to the shore.

A secondary problem has been a lack of car parks to facilitate long-term, secure parking and the parking of trailers used to transport boats and other craft.

Although some users proposed the creation of a coastal walk, this was not an issue of high priority.

9.9 ACCESS SYNOPSIS

The minefield of issues surrounding access within the AONB are numerous and extremely diverse. For every individual proposing one opinion there is nearly always someone with an opposing view. Although the majority of the core access issues have been discussed and highlighted above, throughout the consultation process it was obvious that several of these underlie the granting of access and are of considerable importance. These are outlined below.

- i. Arguably, the most controversial and most vocal issue proposed during the consultation process was that of Occupiers' Liability and its perceived associated

financial implications. Not only did many landowners and recreational users agree that the current legislation was unfair to landowners but they also felt that it put undue financial pressure on them. In particular, this financial pressure included the potential for litigation and its connected monetary punishments, as well as the cost of insurance premiums.

- ii. The issue surrounding communication and engagement between landowners, recreational users and government bodies was high on the agenda. There was an overwhelming sense of 'them' and 'us' and as a result, agreement between the parties on numerous issues was fraught with difficulties.
- iii. Damage to property, as a consequence of increased access, was a major issue. Many landowners considered themselves to be at a financial loss due to repairs they had to undertake as a result of people using their land for recreational purposes. A significant proportion also felt that they had limited avenues from which to request assistance - both in the form of financial aid and manual help. Many land users were also sympathetic towards this problem but felt that it was part of the wider difficulty of a general lack of resources.
- iv. Car parking is a core issue within the Mourne AONB. The vast majority of people consulted agreed that provision should be substantially increased - particularly at the main routes into the High Mournes. Included with this was the provision of facilities such as toilet blocks.
- v. Lastly, but equally important, was a lack of recreational venues to allow enthusiasts to pursue their designated recreational activity. This covered a wide range of activities from walking (with individuals requesting information on where they could walk) through to mountain biking and horse riding where enthusiasts needed specific trails.

From the consultation it can be concluded that recreational provision within the Mourne AONB requires a strategic approach to its development and management. There are a number of issues relating to current provision which could be addressed through a variety of approaches and these are discussed in the following section.

10 Recommendations

10.1 Establishment of a Mourne Access and Activities Forum (MAAF)

A Mourne Access and Activities Forum should be established to initially facilitate discussion and ultimately advise on key access and recreation issues within the Mourne AONB. The Mourne Access and Activities Forum should include a wide range of organisations including: landowners, land managers, recreational users, central and local government, education, youth and community organisations.

10.2 Promote a review of Occupiers' Liability legislation with a view to revision.

In light of the recent announcement from the Office of Law Reform not to change the existing Occupiers' Liability legislation, a review of its recently published booklet should be undertaken with landowners in the area. In addition, lobbying of the Northern Ireland assembly for a change in the current Occupiers' Liability legislation should be undertaken

10.3 Publish a succinct guide for landowners explaining the different types of access arrangements

Despite the Office of Law Reform's recent publication for landowners, there is still a need for a more succinct document/table which sets out in 'plain English' the different types of access arrangements, eg. PROW, permissive paths etc., and what each access arrangement means for a landowner and conversely what it does not mean for a landowner. This should detail the responsibilities of local Councils, land users and land owners and degree of liability afforded to the landowner by each type of access arrangement

10.4 Encourage District Councils to work with landowners to enter into access agreements

District council should be encouraged to work with landowners to enter into more formalised access agreements. This could help facilitate the fears of landowners over liability and also offer the potential for landowners to be financially recompensed for access.

10.5 Encourage the production of an information leaflet setting out recreational users' legal position towards landowners.

A leaflet should be published which explains to recreational users their legal position towards landowners when participating in countryside recreation activities.

10.6 There should be more adequate and improved information made available to recreational users regarding where access is permitted.

By increasing levels of access information, recreational users will be informed as to where access is permitted. For example, this information could be sited in areas which act as main access points into the Mourne, or on existing web sites (Mourne Heritage Trust, local councils, Countryside Access and Activities Network). Promotion should be focused on legally available access.

10.7 Forest Service and Northern Ireland Water should be actively encouraged to produce recreational policies relating to access on their land.

At present public land in the Mourne, particularly that of Forest Service and Northern Ireland Water is under utilised for recreational activities. In light of changing recreational user expectations and operating environments, Forest Service and Northern Ireland Water should publish recreation policies in order that they can manage the challenge of

delivering worthwhile recreation opportunities experience to all users while managing their land to deliver economic, social and environmental objectives.

10.8 A network of managed trails and recreational sites should be developed to facilitate those recreational activities currently taking place in the Mourne and for which there are inadequate facilities eg. mountain biking, horse riding and two wheeled motorsports.

As the number of mountain bikers, horse riders and motorsport enthusiasts continues to increase in the Mourne, better provision must be made for these activities. Provision of specialist facilities will not only help to manage any existing conflict between these users and landowners, but also increase the potential for the area to receive direct revenue gain through for example, holding competitions/events.

10.9 A detailed study should be undertaken to examine the Mourne AONB coastline and assess its potential for recreational use.

The potential of the coastline of the Mourne needs to be assessed for recreational use and a strategic plan prepared. To date an over concentration on the uplands for recreation within the Mourne has resulted in the Mourne coastline not being given the attention that it warrants.

10.10 Review of Transport and Associated Facilities

Inadequate car parking provision at the major access routes especially at weekends and Bank Holidays needs to be addressed sensitively with a view to supporting a sustainable level. This should include the better promotion of existing services such as the Mourne Rambler, as well as the introduction of park and ride schemes and private parking schemes etc.

10.11 Youth Groups should be encouraged, where possible, to use recognised facilities such as camp sites and toilets.

In order to address in particular the increasing sanitation problems in the hills, youth groups and Duke of Edinburgh should be encouraged to use recognised camp sites.

10.12 A pilot Ranger project should be undertaken in the High Mourne.

A Ranger Service should be established to address, at a practical level, problems such as anti-social behaviour, crime, litter, fire prevention etc., and also to allow for improved liaison and communication between the recreation and landowning communities. It is proposed that the pilot area should cover the area extending from Trassey to Attical. This area will include the access points of Trassey, Happy Valley, Ott, the Y bends, Pigeon, Bann's Road and Windy Gap.

10.12a Review pilot Ranger Service

The pilot Ranger Service programme should be kept under review and expanded or relocated if necessary depending on the circumstances and resources available.

10.13 Erosion repair and prevention

The pressures of the numbers of walkers accessing the Mourne mountains for recreation has resulted in significant erosion of paths. In particular during the past five years there has been a noticeable increase in erosion of many of the paths leading to the summits of the High Mourne, for example, Slieve Binnian and Slieve Lamagan. A structure should be put in place which will allow for remedial footpath work to be undertaken across the area on an on-going basis. Consideration should also be given to resourcing remedial action on for example, the Mourne Wall.

11 Implementation of Select Recommendations

It is recognised that it will not be possible to act immediately on all the above recommendations. It is therefore proposed that the following recommendations are implemented as part of a Pilot Programme.

11.1 Establishment of a Mourne Access and Activities Forum (MAAF)

A Mourne Access and Activities Forum should be established to initially facilitate discussion and ultimately advise on key access and recreation issues within the Mourne AONB. The Mourne Access and Activities Forum should include a wide range of organisations including: landowners, land managers, recreational users, central and local government, education, youth and community organisations.

The following bodies should be invited to take a place on the Forum:

- Landowners/Landmanagers
- UFU, NIAPA
- Mourne Trustees
- Environment and Heritage Service
- Sport Northern Ireland
- Forest Service
- Northern Ireland Water
- Local Councils
- DoE (Planning and Natural Resources Division of Planning and Environmental Policy Group)
- DARD – Rural Development Division
- National Trust
- Community Groups
- Mourne Heritage Trust
- Countryside Access and Activities Network
- Private Activity Providers
- Outdoor Education Centres
- Mountaineering Council for Ireland
- Ulster Federation of Rambling Clubs
- Duke of Edinburgh Award
- British Horse Society
- Local mountain biking clubs eg ‘mtb rider’ and

- ‘not the Sunday run’
- 2 and 4 wheeled Motorsports Ltd
- Other appropriate recreational groups

Options for the delivery of this project include:

- i) Sport Northern Ireland
- ii) Countryside Access and Activities Network
- iii) Mourne Heritage Trust
- iv) Environment and Heritage Service
- v) Collective of Above

11.2 A Pilot Ranger Project should be undertaken in the High Mournes.

A Ranger Service should be established to address, at a practical level, problems such as anti-social behaviour, crime, litter, fire prevention etc., and also to allow for improved liaison and communication between the recreation and landowning communities. It is proposed that the pilot area should cover the area extending from Trassey to Attical. This area will include the access points of Trassey, Happy Valley, Ott, the Y bends, Pigeon, Bann’s Road and Windy Gap.

Options for the delivery of this project include:

- i) Local Councils
- ii) Mourne Heritage Trust
- iii) Mourne Trustees
- iv) Community Groups
- v) Collective of Above

11.3 Review pilot Ranger Service

The pilot Ranger Service programme should be kept under review and expanded or relocated if necessary depending on the circumstances and resources available.

11.4 Encourage District Councils to work with landowners to enter into access agreements.

District council should be encouraged to work with landowners to enter into more formalised access

agreements. This could help facilitate the fears of landowners over liability and also offer the potential for landowners to be financially recompensed for access.

Options for the delivery of this project include :

- i) Local Councils
- ii) Mourne Access and Activities Forum
- iii) Mourne Trustees
- iv) Mourne Heritage Trust
- v) UFU/NIAPA
- vi) Collective of Above

11.5 Review of Transport and Associated Facilities

Inadequate car parking provision at the major access routes, especially at weekends and Bank Holidays needs to be addressed sensitively with a view to supporting existing provision. This should include the better promotion of existing services such as the Mourne Rambler, as well as the introduction of park and ride schemes and private parking schemes etc.

Options for the delivery of this project include:

- i) Mourne Heritage Trust
- ii) Northern Ireland Tourist Board
- iii) Translink
- iv) Roads Service
- v) Police Service of Northern Ireland
- vi) Local Councils
- vii) UFU/NIAPA
- viii) Mourne Trustees
- ix) Collective of Above

11.6 There should be more adequate and improved information available to recreational users regarding where access is permitted.

By increasing levels of access information, recreational users will be informed as to where access is permitted. For example, this information could be sited in areas which act as main access points into the Mournes, or on existing web sites (Mourne Heritage Trust, local councils,

Countryside Access and Activities Network). Promotion should be focused on legally available access.

Options for the delivery of this project include:

- i) Northern Ireland Tourist Board
- ii) Local Councils and Tourist Information Centres
- iii) Mourne Heritage Trust
- iv) Countryside Access and Activities Network
- iv) Environment and Heritage Service
- vi) Sport Northern Ireland
- vii) Mourne Access and Activities Forum
- viii) Collective of Above

11.7 Publish a succinct guide for landowners explaining the different types of access arrangements

Despite the Office of Law Reform’s recent publication for landowners, there is still a need for a more succinct document/table which sets out in ‘plain English’ the different types of access arrangements, eg. PROW, permissive paths etc., and what each access arrangement means for them and conversely what it does not mean for a landowner. This should detail the responsibilities of local Councils, land users and land owners and degree of liability afforded to the landowner by each type of access arrangement

Options for the delivery of this project include:

Environment and Heritage Service in partnership with the Countryside Access and Activities Network and local Councils

11.8 A network of managed trails and recreational sites should be developed to facilitate those recreational activities currently taking place in the Mournes and for which there are inadequate facilities eg. mountain biking, horse riding and two wheeled motorsports.

As the number of mountain bikers, horse riders and motorsport enthusiasts continues to increase in the Mournes, better provision must be made for these activities. Provision of specialist facilities will not only help to manage any existing conflict between these users and landowners, but also increase the potential for the area to receive direct revenue gain through for example, holding competitions/events.

Options for the delivery of this project include:

- i) Countryside Access and Activities Network
- ii) Local Councils
- ii) Mourne Heritage Trust
- iii) Northern Ireland Tourist Board
- iv) Sport Northern Ireland
- vii) Collective of Above



Implementation of Remaining Recommendations

In addition to the implementation of the selected projects contained in the Pilot Programme consideration should be given to the implementation to the remaining recommendations as and when resources become available.

12.1 Promote a review of Occupiers' Liability legislation with a view to revision.

In light of the recent announcement from the Office of Law Reform not to change the existing Occupiers' Liability legislation, a review of its recently published booklet should be undertaken with landowners in the area. In addition, lobbying of the Northern Ireland assembly for a change in the current Occupiers' Liability legislation should be undertaken

Options for the delivery of this project include:

- i) Mourne Access and Activities Forum
- ii) Countryside Access and Activities Network
- iii) Concerned individuals and bodies (e.g., NIAPA, UFU , Mourne Trustees etc.)
- iv) Elected Representatives
- v) DoE (EHS & PEPG)
- vi) Collective of Above

12.2 Encourage the production of an Information Leaflet setting out Recreational Users' legal position towards Landowners.

A leaflet should be published which explains to recreational users their legal position towards landowners when participating in countryside recreation activities.

Options for the delivery of this project include:

- i) Environment and Heritage Service
- ii) Countryside Access and Activities Network
- iii) Local Councils
- iv) Office of Law Reform

- v) Mourne Access and Activities Forum
- vi) Collective of Above

12.3 Forest Service and Northern Ireland Water should be actively encouraged to produce recreational policies relating to access on their land.

At present public land in the Mournes particularly Forest Service and Northern Ireland Water land is under utilised for recreational activities. In light of changing recreational user expectations and operating environments, Forest Service and Northern Ireland Water should publish recreation policies in order that they can manage the challenge of delivering worthwhile recreations experience to all users while managing their land to deliver economic, social and environmental objectives.

Options for the delivery of this project include:

- i) Countryside Access and Activities Network
- ii) Mourne Access & Activities Forum
- iii) Mourne Heritage Trust
- iv) Sport Northern Ireland
- v) Local Councils
- vi) Collective of Above

12.4 A detailed study should be undertaken to examine the Mourne AONB coastline and assess its potential for recreational use.

The potential of the coastline of the Mournes needs to be assessed for recreational use and a strategic plan prepared. To date an over concentration on the uplands for recreation within the Mourne has resulted in the Mourne coastline not being given the attention that it warrants.

Options for the delivery of this project include:

- i) Mourne Access and Activities Forum
- ii) Mourne Heritage Trust
- iii) Local Councils
- iv) Countryside Access and Activities Network
- v) EHS
- vi) Collective of Above

12.5 Youth Groups should be encouraged, where possible) to use recognised facilities such as camp sites and toilets.

In order to address in particular the increasing sanitation problems in the hills, youth groups and Duke of Edinburgh should be encouraged to use recognised camp sites.

Options for the delivery of this project include:

- i) Duke of Edinburgh Award
- ii) Outdoor Education Centres
- iii) Mourne Access and Activities Forum
- iv) Local Councils
- v) Mourne Heritage Trust
- vi) Collective of Above

12.6 Erosion repair and maintenance

The pressures of the numbers of walkers accessing the Mourne mountains for recreation has resulted in significant erosion of paths. In particular during the past five years there has been a noticeable increase in erosion of many of the paths leading to the summits of the High Mournes, for example, Slieve Binnian and Slieve Lamagan. A structure should be put in place which will allow for remedial footpath work to be undertaken across the area on an on-going basis. Consideration should also be given to resourcing remedial action on for example, the Mourne Wall.

Options for the delivery of this project include:

- i) Duke of Edinburgh Award
- ii) Outdoor Education Centres
- iii) Mourne Access and Activities Forum
- iv) Local Councils



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Countryside Access and Activities Network (CAAN) is an umbrella organisation that brings together groups and bodies that have an interest in, or involvement with, countryside recreation. This includes those taking part in countryside recreation activities, local and central government organisations, farmers and landowners, environmental and community organisations, youth organisations and providers of outdoor education.

The Network is tasked with the strategic development, management and promotion of countryside recreation across Northern Ireland.

