

THE NEED FOR CHANGE: KEEP IRELAND OPEN'S PROPOSED HEADS OF A BILL TO SECURE FAIR ACCESS TO THE COUNTRYSIDE.



Keep Ireland Open's vision is for a network of interconnected paths across the Republic of Ireland along with open access to certain lands where farming would not be adversely affected and that this should be enshrined in law. Walking on footpaths in the open countryside is pleasurable and affordable. It can provide immense mental and physical health benefit to the population of Ireland and its visitors. The encouragement of walking can contribute to the economic well-being of the country, increase the use of public transport and play its part in reducing carbon emissions.

Rights of way are essential for people to walk. However, in almost all instances, rights of way do not exist in Ireland in terms of walking in off road situations. As a result, walkers in Ireland are regularly restricted to roads or paths alongside tarmac roads, a dangerous and unpleasant experience. Many traditional paths, part of our heritage, are now blocked by fences and gates. This points to the need for a legal solution to this issue. The development of permissive trails is a valuable contribution to this vision which we share with Comhairle na Tuaithe but research has shown that this can never be sufficient as permissive access can be withdrawn. This points to the need for new law.

The purpose of the new law is to give local authorities the power to identify lands to which the public ought to have access for amenity and recreation but not including camping.

A county council or the relevant government minister may by resolution declare land open access that is:

1. Over 200 metres above sea level.
2. Open or uncultivated land including bogs, moors, heaths and downs.
3. Within 5 metres of the bank of a river, lake or canal.
4. Within 10 metres of a coastal high-water mark.
5. Land owned by Iarnród Éireann or adjacent to a disused railway line.
6. Land owned by State Agencies, Bodies and Authorities, for example OPW or Coillte

Open access lands will not include:

1. Cultivated land.
2. Improved or semi-improved grassland.
3. Land within the curtilage of a habitable dwelling or farm building.

Appeals and Planning:

A Lands Access Programme will become part of any County Development Plan.

Before land is designated as open access there is an appeals system in place in line with the current planning appeals system.

If any local authority fails to implement legislation creating rights of way, that power transfers to the relevant government minister.

Investment in the Creation of Access:

A council may, in connection with an access route or access land, provide car parks, stiles, gates, safety equipment, information and refreshments etc. and may enter into a financial agreement with the landowner for the maintenance of stiles, gates etc.

Insurance:

Recent changes to the Occupiers Liability Act has resolved the issues previously of concern to landowners.

Comhairle na Tuaithe: Comhairle na Tuaithe, under this legislation, would be directed to produce maps of trails and walking routes and move towards creating slow ways linking places by off road routes.