



Access: an evolving situation

Access was a key focus of Mountaineering Ireland's work over summer 2018.



Written by
Helen Lawless,
Hillwalking, Access
& Conservation
Officer



Early in July several 'private property' signs were erected along the roadside overlooking Luggala Estate in Co Wicklow.

Mountaineering Ireland is actively working to improve and secure access for hillwalkers and climbers. Mountaineering Ireland acknowledges and appreciates that in the majority of hill and coastal locations public enjoyment of privately-owned land is available, mainly due to the goodwill and tolerance of the landowners rather than access being based on any formal arrangement. In some places landowners are inconvenienced as a result of allowing access (e.g., gateways blocked by parked cars, reduced privacy, and sheep scattered by dogs). Increasing participation in outdoor recreation activities, while on many levels a very positive development, is exerting greater pressure on this largely unmanaged situation. In addition to factors that affect

Mountaineering Ireland's policy on access

The policy of Mountaineering Ireland is that we are actively seeking reasonable access for responsible users. Our aim is to have:

- open, unrestricted access on foot across hills, mountains and coastal areas, where there are either minimal or no active farming practices apart from rough grazing;
- a network of paths allowing for access to the above areas, which could be permissive paths, leased paths or public rights of way.

The objective in relation to access in Mountaineering Ireland's new strategic plan is to strive for improved and assured access for responsible hillwalkers and climbers.

landowners and local residents, this pressure is clearly visible through the impact of increased footfall on our fragile upland environment.

Improved management of recreational activity in Ireland has the potential to make life better for everybody. This will require political support and

strategically directed investment, at national level and locally. As hillwalkers and climbers, we have a role in making a sustainable future for Ireland's upland areas. Our recreation experiences come with responsibilities attached – to engage with landowners, contribute to the local economy, care for the natural environment and to take responsibility for our own actions on the hills and crags.

Mountain Access Project
Comhairle na Tuaithe's pilot **Mountain Access Project**, first

proposed in 2009, appears to have all the characteristics required to give certainty of access for recreational users in upland areas. It is based on a voluntary agreement with landowners in a defined area (e.g., a mountain range) and includes measures to manage recreational activity so as to alleviate inconvenience for landowners and local residents.

The project is being trialled in two areas, Binn Shléibhe near Clonbur, Co Galway, and the MacGillycuddy Reeks in Co Kerry. In 2018, Mountaineering Ireland has stepped up its pressure on the Department of Rural and Community Development to advance this project, in particular to complete a long-promised indemnity arrangement for landowners in **Mountain Access Areas**.

Three members of Mountaineering Ireland's Access & Conservation Committee made a study visit to the MacGillycuddy Reeks in early August to meet with representatives of the **Reeks Forum** to discuss the pilot Mountain Access Project. It is

ACCESS ISSUES: Responsible behaviour and engagement with landowners will do a lot to prevent difficulty arising in relation to access. However, if you become aware of a problem or sensitivity in relation to access, please make Mountaineering Ireland aware of this by contacting **Helen Lawless** on 01 625 1115, or at helen@mountaineering.ie. As well as providing advice to members on access, having up-to-date information from across the country enables Mountaineering Ireland to be more effective in its work on behalf of hillwalkers and climbers at national level.

clear that the patience of the Forum members is running out and that the indemnity arrangement needs to be in place before the end of 2018. The Forum Chairperson, Stewart Stephens, expressed his view that agreed access can work in the Reeks, but that it requires sustained resources for path repair work and other activities.

As this year's Mountaineering Ireland **Autumn Gathering** takes place in Clonbur, Co Galway, very close to the second pilot Mountain Access Area, this model of agreed access will be discussed and highlighted over the weekend. The Gathering will open with a panel discussion on the Friday evening (October 12th) about the role that outdoor recreation can play in the future sustainability of rural areas. Local TDs – Éamon Ó Cuív and Minister of State with responsibility for Natural Resources, Community Affairs and Digital Development, Seán Kyne – have agreed to participate, and journalist Lorna Siggins will chair the discussions. In the months ahead, it should become clearer if the Mountain Access Project can provide certainty of access in Ireland's mountain areas.

Luggala Estate

Early in July, the erection of 'private property' signage at Luggala Estate in Co Wicklow prompted fears that a sale of this iconic property might be imminent, which could result in a change to the long tradition of public access on the estate's mountain lands. While clearly purchase by the State cannot be the solution to every situation where access is under threat, Luggala is at the heart of the Wicklow Mountains and surrounded on three sides by Wicklow Mountains National Park.

Mountaineering Ireland wrote to Minister for Culture, Heritage and the Gaeltacht, Josepha Madigan TD, urging the State to purchase the mountain lands of Luggala Estate (which include the mountains of Luggala and



Helen Donoghue, Chairperson of Mountaineering Ireland's Access & Conservation Committee, with committee member Vincent McAlinden at Lough Gouragh in the MacGillycuddy Reeks.

Knocknacloghoge, the cliffs at Luggala and the popular route from the Pier Gates down to Lough Dan). Mountaineering Ireland is currently awaiting a meeting with Minister Madigan and has written to local TDs and other relevant Ministers seeking their support.

Mountaineering Ireland has supported an **online petition** set up by a concerned individual in Wicklow and is urging hillwalkers and climbers to sign the petition. Those with concerns about future access to Luggala are also urged to write to, or visit, their elected representatives, asking for their support for the State to purchase the mountain lands at Luggala. The situation at Luggala should also be helpful in bringing the vulnerability of recreational access in Ireland into focus.

Northern Ireland

In 2017, a review of Northern Ireland's existing access legislation was initiated, prompting fresh thinking on what legislative framework is required to support the continued development of Northern Ireland's outdoor recreation sector. In response to the review, Mountaineering Ireland contributed to a

proposal from the National Outdoor Recreation Forum for the development of an **outdoor recreation bill** for Northern Ireland.

The proposal is based on providing quality outdoor recreation opportunities for this and future generations, in a way that achieves a balance between the common good, the rights of landowners and protection of the natural environment.

During summer 2018,

Mountaineering Ireland prepared a second written submission, highlighting the value and potential of the proposed outdoor recreation bill. While the realisation of such a bill may be years away, the work done over the last year should promote debate about what is needed for the future.

Exploring options

Other recent work in relation to access includes proposals for Mountaineering Ireland for amendment to the **Occupiers' Liability Act** in light of the Wicklow Way case (Wall v National Parks and Wildlife Service), and discussions about the potential for recreational access to be incorporated in future farm payment schemes.

Recreational access in Ireland, north and south, is an evolving situation. The growth in participation in outdoor recreation activity looks set to continue, bringing benefits to health and well-being, and to the rural economy, but also escalating challenges.

Mountaineering Ireland's Access & Conservation Committee is actively considering options for managing recreational activity and securing access for the decades ahead. If you would like to contribute to this process please get in touch ■

Working in the outdoors?

Many landowners have raised concerns with Mountaineering Ireland about people leading groups on privately-owned land, for payment, without the landowner's permission. In such circumstances, it is not surprising that a landowner could feel they were being taken for granted.

Those who work commercially in the provision of outdoor recreation activities have an added responsibility to ensure that a positive relationship exists with the owners of the land they are using, and to avoid any burden or nuisance on the landowners.

Through positive relationships with landowners, and a concerted effort to support local businesses, there is scope for the whole community to benefit from recreation activity in an upland area. Where that relationship breaks down, access could be withdrawn, with adverse impact for all hillwalkers and climbers and for the local area.

Note: Mountaineering Ireland does not support any additional charges on outdoor activity providers other than those that the State demands in taxation and by way of any future national regulation of activity providers.