

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

8th April, 2021

MEETING OF PEOPLE AND COMMUNITIES COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet remotely via Teams on Tuesday, 13th April, 2021 at 5.15 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. Restricted

- (a) Promoter Hire Requests - Boucher Road Playing Fields & Botanic Gardens (Pages 1 - 4)
- (b) Request to film using a drone at Mary Peters Track (Pages 5 - 8)
- (c) Community Provision Grant Funding Approach 2021/22 (Pages 9 - 28)

3. Matters referred back from the Council/Motions

- (a) Response from the Minister for Communities Re: draft Departmental Budget for 2021-22 in relation to the future funding for advice services (Pages 29 - 32)

- (b) Responses Re: Motion- Application fees in the private rented sectors (Pages 33 - 40)
- (c) Response from Department for Communities - Affordable Warmth Update (Pages 41 - 44)

4. **Governance**

- (a) Notices of Motion - Quarterly Update (to follow)

5. **Committee/Strategic Issues**

- (a) Consultation response for Provision of access for outdoor recreation in Northern Ireland to DAERA (Pages 45 - 80)
- (b) Lagan Gateway Update (Pages 81 - 90)
- (c) Naming of Parks and Bridges (Pages 91 - 96)
- (d) Update on Progress with Development of a new Air Quality Action Plan and concerning the Detailed Assessment for Fine Particulate Matter (PM2.5) and Nitrogen Dioxide (NO2) for Belfast City (Pages 97 - 102)

By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	Response from the Minister for Communities re: draft Departmental Budget for 2021-22 in relation to the future funding for advice services.
Date:	13th April, 2021
Reporting Officer:	Sara Steele, Democratic Services Officer
Contact Officer:	Sara Steele, Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider a response from the Minister for Communities in relation to the draft Departmental Budget for 2021-22.
2.0	Recommendation
2.1	The Committee is asked to <ul style="list-style-type: none"> Note the response.
3.0	Main Report
3.1	<p><u>Key Issues</u></p> <p>The Committee will recall that at its meeting on 9th February, it was agreed that the Council write to the Communities Minister to highlight the Committees concern in relation to the future funding for advice services. A response has now been received on behalf of Minister Hargey, a copy of which is attached.</p>

3.2	The response advises that the Department allocates more than £6.4m annually to support Advice Services, including debt advice and help with benefit appeals. Most of this funding is allocated to Councils through the Community Support Fund.
3.3	It advises that the draft 2021/22 budget presents very significant challenges for the Executive and across departments. However, outlines that the Members should take comfort from the Minister's very clear public commitment to the work of the independent advice sector and the need to continue these services, particularly for those who are going through welfare changes.
3.4	It concludes by stating that the Minister has advised the Assembly that she will find the required funding in the budget as we come into the new financial year. <u>Financial and Resource Implications</u>
3.5	None associated with this report. <u>Equality or Good Relations Implications</u>
3.6	None associated with this report.
4.0	Appendices - Documents Attached
	Appendix 1 - Copy of response from the Minister for Communities.



Department for

Communities

An Roinn

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Depairtment fur

Commonities

www.communities-ni.gov.uk

Sara Steele
Democratic Services Officer
Democratic Services Section
Belfast City Council

Voluntary & Community Division
Department for Communities
4th Floor, 9 Lanyon Place
Belfast
BT1 3LP
Phone: 07885656263
e-mail:
Sharron.Russell@communities-ni.gov.uk

Email: steelesara@belfastcity.gov.uk

Your ref: SS 09.02/.2221

Our ref: CORR-0537-2021

19 March 2021

Dear Ms Steele

Thank you for your correspondence of 10th March 2021 to Minister Hargey expressing the Committee's concern in relation to future funding for advice services. As the senior officer with responsibility for independent advice services I have been asked to respond.

To give you a sense of levels of investment, the Department allocates more than £6.4m annually to support Advice services, including debt advice and help with benefit appeals. Most of this funding is allocated to Councils through the Community Support Fund.

It is clear that the draft 2021/22 budget presents very significant challenges for the Executive and across departments. However, your members may take comfort from the Minister's very clear public commitment to the work of the independent advice sector and the need to continue these services, particularly for those who are going through welfare changes.

The Minister has advised the Assembly that she will find the required funding in the budget as we come into the new financial year.

I hope that you find this response helpful.

Yours sincerely,

A handwritten signature in cursive script, reading "Sharon Russell".

SHARRON RUSSELL
Director, Voluntary & Community Division



Subject:	Response from the Minister for Communities and Minister for Finance re: Application fees in the Private Rented Sector.
Date:	13th April, 2021
Reporting Officer:	Sara Steele, Democratic Services Officer
Contact Officer:	Sara Steele, Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider responses from the Minister for Communities and Finance Minister in relation to Application fees in the Private Rented Sector.
2.0	Recommendation
2.1	The Committee is asked to <ul style="list-style-type: none"> note the responses.
3.0	Main Report
	<u>Key Issues</u>
3.1	The Committee is reminded that the Council, at its meeting on 1st March, passed the following motion which had been proposed by Councillor Flynn and seconded by Councillor Kyle:

“This council notes that tenants in the private rented sector are still being charged illegal letting fees by letting agents despite the June 2018 legal case of Loughran v Piney Rentals Limited and F5 Property Limited having determined the illegality of these fees under The Commission on Disposals of Land Order 1986.

Council further notes that the “Joint Ministerial Communiqué on Letting Agency Fees” published by the Ministers for Communities and Finance in March 2020 has been helpful, but ineffective in stopping the illegal practice of letting agents charging tenants for professional services that would normally be carried out by them.

This council believes:

- The charging of illegal letting fees by letting agents restricts access to the private rented sector while placing a heavy financial burden on low income households, particularly in the context of a global pandemic and looming economic/housing crisis’.
- There is a need to strengthen regulation of the private rented sector, including legislation regarding the charging of illegal application fees where adequate penalties and enforcement arrangements are put in place to deter those who seek to continue to charge these fees.
- Enforcement of any new legislation regarding the charging of illegal application fees should be carried out by local councils across Northern Ireland with adequate resources provided for by government.
- Council agrees to write to the Minister for Communities and the Minister of Finance, outlining concerns above and pledging council’s support for the regulation of the private rented sector.”

3.2

Letters were subsequently forwarded to both the Minister for Communities and the Minister of Finance and responses have now been received, copies of which are attached.

3.3	The Department for Communities (DfC) advises that the court ruling referred to was based on Department of Finance legislation - The Commission on Disposals of Land (Northern Ireland) Order 1986. This legislation prohibits letting agents from charging a tenant any fee for a service that should be paid by the landlord. It states that the Department welcomes the protection this provides to private tenants, and advises that steps have been taken to advise those living in the sector of their rights under the Department of Finance legislation.
3.4	The correspondence goes onto state that the 2017 Review of the Role and Regulation of the Private Rented Sector examined the broader issue of introducing a regulatory framework for all letting agents. It advises that the Minister had recently recommitted to this work and that the Department would pursue this objective in the longer term.
3.5	The Finance Minister advised that his Department had responsibility for substantive land law matters and in the absence of specific legislation relating to letting agent fees, tenants had been able to rely on the provisions of the Commission on Disposals of Land (NI) Order 1986. He explains that those provisions highlight a general rule of land law that the buyer (or tenant) is not liable to fees that should be paid for by the seller (or landlord). With this in my mind he advises that he, along with the Communities Minister, issued correspondence to remind such agents of the law in relation to such fees. He states that he is disappointed that there is evidence of continuing practice by agents in charging fees that have been ruled unlawful by the courts.
3.6	He advises that it appears that further targeted action might be required, including steps to regulate letting agents, and states that Department of Finance officials will liaise further with officials in the Communities Department in the context of that Department's remit over the private rented sector.
	<u>Financial and Resource Implications</u>
3.7	None associated with this report.
	<u>Equality or Good Relations Implications</u>
3.8	None associated with this report.
4.0	Appendices - Documents Attached
	Appendix 1 - Copy of responses from the Minister for Communities and Minister for Finance.

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From: David Polley

By email - SteeleSara@BelfastCity.gov.uk

Your Ref: SS.CLL.01.03.2021

Ms Sara Steele
Democratic Services Officer
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast BT1 5GS

Dear Ms Steele

**Level 9
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG**

Telephone: (028) 9051 5286
e-mail: david.polley@communities-ni.gov.uk
Our ref: CORR-0538-2021

Date: 19 March 2021

APPLICATION FEES IN THE PRIVATE RENTED SECTOR

Thank you for your correspondence of 10th March to the Minister regarding the motion passed by the Council at its meeting on 1st March 2021. I have been asked to reply

The court ruling you have referred to was based on Department of Finance legislation - The Commission on Disposals of Land (Northern Ireland) Order 1986 and I understand you have written separately to that Department on the matter.

As you are aware this legislation prohibits letting agents from charging a tenant any fee for a service that should be paid by the landlord. We welcome the protection this provides to private tenants, and we have taken steps to advise those living in the sector of their rights under the Department of Finance legislation. This included issuing a communication to private tenants through the Tenant Deposit Scheme managers, publication of an article in our Landlord Newsletter and as you have noted

in your correspondence to us, the Minister issued a joint communique along with the Finance Minister within 2 months of taking up her post.

Further to this the 2017 Review of the Role and Regulation of the Private Rented Sector examined the broader issue of introducing a regulatory framework for all letting agents. The Minister has recently recommitted to this work and the Department will pursue this objective in the longer term.

It is worrying that some letting agents are continuing to charge these fees and it is important therefore that anyone who may have been adversely impacted seeks advice and they can visit the Housing Rights website at <http://housingrights.org.uk/news/letting-agents-ordered-court-repay-fees-charged-tenants> or call the Housing Rights helpline on 028 9024 5640 for more information.

Yours sincerely



David Polley

Director Housing Supply Policy and Delivery

From the Minister of Finance

Mrs Sara Steele

*Democratic Services Officer
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS*

Private Office
2nd Floor
Clare House
303 Airport Road West
BELFAST
BT3 9ED
Tel: 028 9081 6216
Email: private.office@finance-ni.gov.uk

Your reference: SS.CLL.01.03.2021
Our reference: Corr 0600/2021

Date: 19 March 2021

Dear Sara

APPLICATION FEES IN THE PRIVATE RENTED SECTOR

Thank you for your letter of 10th March 2021 on behalf of Belfast City Council in which you have set out details relating to a motion passed by the Council relating to application fees in the private rented sector.

My Department has responsibility for substantive land law matters and in the absence of specific legislation relating to letting agent fees, tenants have been able to rely on the provisions of the Commission on Disposals of Land (NI) Order 1986. Those provisions highlight a general rule of land law that the buyer (or tenant) is not liable to fees that should be paid for by the seller (or landlord). With this in my mind I, along with the Communities Minister, issued the communique to which you refer to remind such agents of the law in relation to such fees. I am disappointed that there is evidence of continuing practice by agents in charging fees that have been ruled unlawful by the courts.

I note the content of the motion of the Council and further note that you have forwarded same to the Communities Minister who has responsibility for the regulation of the private rented sector. It appears to me that further targeted action may be required, including steps to regulate letting agents, and my officials will liaise further with officials in the Communities Department in the context of that department's remit over the private rented sector.

Is mise le meas

A handwritten signature in black ink that reads "Conor Murphy." The signature is written in a cursive style with a period at the end.

CONOR MURPHY MLA
MINISTER OF FINANCE



Subject:	Response from the Minister for Communities re: Affordable Warmth Scheme Update
Date:	13th April, 2021
Reporting Officer:	Sara Steele, Democratic Services Officer
Contact Officer:	Sara Steele, Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider a response on behalf of the Minister for Communities in relation to the Affordable Warmth Scheme Update.
2.0	Recommendation
2.1	<p>The Committee is asked to note:</p> <ul style="list-style-type: none"> the response in relation to the underspend in funding; and that Mr. David Polley, Director of Housing Supply Policy, will be attending the next meeting of the People and Communities Committee to discuss the Affordable Warmth Scheme.

3.0	Main Report
	<u>Key Issues</u>
3.1	The Committee was reminded that, at its meeting on 9th March, it agreed that the Council write to the Communities Minister to request that any underspend in funding for the Affordable Warmth Scheme in 2020-2021 be ring-fenced for the use of the scheme and carried over into the next financial year. A response has now been received on behalf of Minister Hargey, a copy of which is attached.
3.2	The correspondence advises that, under current budgeting rules, the Department does not have year-end flexibility and therefore any funding not used before the end of March 2020 will be lost to the Department. It goes on to state that the Department will, however, aim to minimise any reduced requirements and seek to use these elsewhere within the Department, where budget rules permitted.
3.3	The Committee is further asked to note that Mr. David Polley, Director Housing Supply Policy, will be attending the May meeting of the People and Communities Committee to further discuss the AWS following an invitation extended to him after the February meeting of the Committee.
3.4	<u>Financial and Resource Implications</u> None associated with this report.
3.5	<u>Equality or Good Relations Implications</u> None associated with this report.
4.0	Appendices - Documents Attached
	Copy of response from the Minister for Communities.



From: David Polley
Director Housing Supply Policy

Level 3
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

Telephone: (028) 9051 5286
e-mail: david.polley@communities-ni.gov.uk
Our ref: CORR-0580-2021
Date: 01 April 2021

Sara Steele
Democratic Services Officer
Belfast City Council
Legal and Civic Services Department
City Hall
Belfast
BT1 5GS

SteeleSara@BelfastCity.gov.uk

Dear Ms Steele,

Affordable Warmth Scheme Update

Thank you for your letter dated 18 March 2021 on behalf of Belfast City Council to Minister for Communities Deirdre Hargey MLA. The letter has been passed to me for response.

Belfast City Council, has requested that any underspend in funding for the Affordable Warmth Scheme in 2020-2021 be ring-fenced for the use of the scheme and carried over into the next financial year.

Under current budgeting rules the Department does not have year-end flexibility and any funding not used before the end of March will be lost to the Department. The Department will however aim to minimise any reduced requirements and seek to use these elsewhere within the Department, when budget rules permit.

I hope this reply is helpful.

Yours sincerely

David Polley
Director Housing Supply Policy

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Subject:	Consultation response for Provision of access for outdoor recreation in Northern Ireland to DAERA
Date:	13 April 2021
Reporting Officer:	Ryan Black - Director of Neighbourhood Services
Contact Officer:	Duane Fitzsimons – Outdoor Recreation & Education Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this report is to seek Members' feedback on the draft response to the consultation on the Provision of access for outdoor recreation in Northern Ireland by the Department of Agriculture, Environment and Rural Affairs (DAERA).
1.2	The aim of this consultation is to seek the views of key stakeholders on the current provision members of the public have to Northern Ireland's natural environment for outdoor recreation, and investigate how provision can be improved, while protecting the environment and recognising the needs of landowners.
1.3	This consultation is not considering an overall 'Right to Roam', or the development of National Parks in Northern Ireland.
2.0	Recommendations
2.1	The Committee is asked to; <ul style="list-style-type: none"> Approve the draft consultation response subject to any comments provided.

3.0	Main report
	<p><u>Key Issues</u></p> <p><u>Background to consultation</u></p> <p>3.1 Members are advised that DAERA are currently undertaking a consultation exercise on the 'Provision of access for outdoor recreation in Northern Ireland'. Members should note that the closing date for responses was 29 March 2021 but we have obtained an extension from DAERA to allow us to bring the draft response through the Committee process for approval.</p> <p>DAERA are consulting a number of stakeholders, including district Councils, on a review of the legislation. The stakeholders that have been identified for initial consultation include:</p> <ul style="list-style-type: none"> • Representative groups of those who use the outdoors for recreational purposes • Representative groups of landowners/land managers • Environmental groups • Those who enforce related legislations <p>It is expected that DAERA will undertake a broader public consultation following the consideration of responses from key stakeholders.</p>
3.2	<p>Members should note that this consultation response provides an opportunity for the Council to highlight its position on three pieces of legislation. Namely:</p> <ul style="list-style-type: none"> • The Access to the Countryside Order (Northern Ireland) 1983 • The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 • The Recreation and Youth Services (Northern Ireland) Order 1986 <p>The Access to the Countryside (Northern Ireland) Order 1983 imposes a duty on District Councils to assert, protect and keep open and free from obstruction or encroachment any public right of way. It also provides the Council the powers to enter into a public path creation agreement with any landowner. If it appears to a district council that there is need for a public path, the Council can invoke a public path creation order which must be confirmed by DAERA.</p> <p>The legislation is used for 15 public rights of way and 4 public paths within the Council area.</p>

	<p>The Recreation and Youth Services Order allows the Council to enter into permissive path agreements under Article 5 of the Order.</p> <p>The legislation is used for 1 permissive path in the Council area</p> <p>The Nature Conservation and Amenity Lands Order places a duty on the Council to conserve the natural beauty and amenity of the countryside. It also provides DAERA with powers to undertake a variety of roles for the enjoyment and conservation of the countryside and amenity lands.</p>
3.3	<p><u>Draft response</u></p> <p>Members are advised that input on the draft response was sought from relevant officers across the Council including:</p> <ol style="list-style-type: none"> The Outdoor Recreation and Education Officer who oversees the Council's duties in relation to public rights of way, and powers to enter public path agreements and permissive path agreements. Open Spaces and Streetscene Area managers. Landscape Planning Unit. Legal Services who provide counsel on the matter for Belfast City Council and for other district councils. Planning Department. Place and Economy Department. <p>The consultation covers 4 main areas:</p> <ul style="list-style-type: none"> Current Provision Current Legislation Opportunities Miscellaneous <p>A copy of the draft response is attached as appendix 1 and a summary of the key issues raised are outlined in this report.</p>
3.4	<p><u>Current Provision</u></p> <p>The response acknowledges that:</p> <ul style="list-style-type: none"> There is not enough public access to the natural environment for outdoor recreation. Information regarding public rights of way is not easily found.

	<ul style="list-style-type: none"> • A centralised fund managed by DAERA would encourage Council to explore creation of more access. • There are issues which arise from the provision of access including littering, dog fouling, damage to property, and potential loss of biodiversity. • In urban contexts lighting must be a consideration.
3.5	<p><u>Current Legislation</u></p> <ul style="list-style-type: none"> • Current legislation does not: <ul style="list-style-type: none"> - Distinguish the differences between urban and rural areas. - Address the Disability Discrimination Act 1995. - Address public liability of landowners. • Difficulties arise because the legislation tries to address two issues which should be treated separately: public rights of way and public path creation. • Does not explain in full the Council's powers in regard to the protection of a public right of way • Does not make provision for the Council to intervene on Government department lands.
3.6	<p><u>Opportunities</u></p> <p>The Council's draft response proposes the following actions:</p> <ul style="list-style-type: none"> • Development of National and Local Access Strategies across councils and Government departments. • The need to address the occupier's liability toward walkers, cyclists and other recreational users on their land. • To enable access to the rural landscape in a way which promotes and protects biodiversity and generates a wider appreciation of the rural economy, including agriculture. <p>Members are advised that the consultation document seeks views on whether a Core Path Network would be a possible solution to improving access for outdoor recreation. The proposed response is that, whilst the Council would support this in principle, we suggest that this would need to be researched in further detail with the involvement of all stakeholders, and the options around Council involvement would have to be brought through the Council Committee system for consideration and approval.</p> <p>It is likely that a Core Path Network would bring benefits for active travel opportunities and potential benefits to the local economy through tourism and visitor spend. Within the</p>

	<p>response, however, the Council have identified potential issues around the creation, management and maintenance of new path builds and these would need to be addressed in the planning stage for such a network.</p> <p><u>Financial & Resource Implications</u></p>
3.7	<p>There are no Financial or Resource implications relating to this report.</p> <p><u>Equality or Good Relations Implications</u></p>
3.8	<p>There are no Equality or Good Relations Implications relating to this report.</p>
4.0	Appendices – Documents Attached
	Appendix 1 – Draft consultation response

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The provision of access for outdoor recreation in Northern Ireland

Key Stakeholder Consultation

27th January – 29th March 2021

NI Local Council Version



Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

Sustainability at the heart of a
living, working, active landscape
valued by everyone.

1.0 Introduction

1.1 The value of our outdoors

Northern Ireland has a mixture of extremely varied and beautiful lands and seascapes within a very small geographical area. Mountains, moorlands, forests, extensive inland waterways and a spectacular coastline all make up our local environment. Our towns and cities tend to be relatively small and therefore greenspace, such as hills, forests and parks are in close proximity to most of the people who live and work here. However, access to the natural environment is often restricted and the provision varies from area to area.

A recent survey* identified that the benefits of spending time outdoors during the COVID-19 lockdown were significant. 84% of participants reported feeling physical health benefits and 90% reported benefits related to mental health and wellbeing. Benefits were strongest amongst people who visited the outdoors most often during lockdown and people with quality trails and greenspaces close to home. 51% of respondents expected to spend more of their free time outdoors than they did pre-lockdown. People would most like to be able to visit local parks, the countryside and coast, to walk on off-road trails and to spend time with family and friends. There was significant support for the development and improvements of walking and cycling trails.

* Survey carried out by Outdoor Recreation NI in May 2020. The full report is available at <http://www.outdoorrecreationni.com/news/new-survey-highlights-importance-of-accessing-outdoors-safely-during-covid-19/>

Apart from health and well-being benefits, outdoor recreation contributes to Northern Ireland society in a wide range of areas, including social inclusion, community cohesion, environmental awareness, rural development and economic opportunities.

However, our natural environment is also a living, working and active environment with the majority of the land farmed and producing our food, drinking water and supporting livelihoods.

The development of the Outdoor Recreation Action Plan for Northern Ireland ([Our-Great-Outdoors-The-Outdoor-Recreation-Action-Plan-for-Northern-Ireland_SportNI-2014.pdf](#) ([outdoorrecreationni.com](http://www.outdoorrecreationni.com))) identified a need to review and initiate the development and consolidation of appropriate outdoor recreation legislation.

It is important that a suitable balance is struck between enabling public access to our natural environment, while protecting that environment and ensuring landowners rights.

1.2 Accessibility

Public access to land in Northern Ireland is more restricted than other parts of the United Kingdom. Land ownership in Northern Ireland is significantly different from the rest of the United Kingdom as most farms are of a much smaller scale, with a proportionately higher number of the population with land owning interests.

Although some areas of the countryside may have been used freely for recreation for many years, the public have no general rights to wander over open land, mountains, moorland, woodlands,

the foreshore, etc. However, many landowners tolerate access to their land without a formalised agreement.

Generally speaking, in Northern Ireland, **public access is restricted to:**

a) Public Rights of Way;

A Public Right of Way is “a highway which any member of the public may use as a right - not a privilege granted by the landowner”. It is a permanent legal entity and remains in existence until it is extinguished, or diverted, by due legal process. Detail on Public Rights of Way is available on NI Direct at <https://www.nidirect.gov.uk/articles/public-rights-way>

b) where the public have the landowner’s permission to visit;

Local councils may make Permissive Path Agreements with landowners for people to use an agreed portion of their land, under agreed conditions, as a means to secure quality recreational access.

c) areas of land which are in public ownership and to which the public are invited to use; Northern Ireland’s public land comprises of just over 6% of the total land area. This includes public land managed by:

- Department of Agriculture, Environment and Rural Affairs (DAERA), including;
 - Forest Service
 - NI Environment Agency (country parks, nature reserves etc.)
- Department for Communities (DfC)
- District Councils
- Loughs Agency
- Northern Ireland Water
- Waterways Ireland

Note: Permitted access to public land does not necessarily create a Public Right of Way.

2.0 Aim of this consultation

The aim of this consultation is to seek the views of key stakeholders on the current provision members of the public have to Northern Ireland’s natural environment for outdoor recreation, and investigate how provision can be improved, while protecting the environment and recognising the needs of landowners. **This consultation is not considering an overall “Right to Roam”, or the development of National Parks in Northern Ireland.**

Stakeholders identified for initial consultation include:

- Representative groups of those who use the outdoors for recreational purposes
- Representative groups of landowners / land managers
- Environmental groups

- Those who enforce related legislation

A list of Key Stakeholders who have been invited to provide their views is provided at Annex A. If you feel we have omitted any significant group please contact us at the e-mail / address below.

A broader public consultation is expected following the consideration of responses from key stakeholders.

Submissions should be:

e-mailed (preferable) to: AccessforOutdoorRecreation@daera-ni.gov.uk

or

hard copies sent to: Stephen Emerson
RNRPD: Natural Heritage Policy Branch
Department of Agriculture, Environment & Rural Affairs
Klondyke Building
Cromac Avenue
Belfast BT7 2JA

The closing date for submissions is **29th March 2021**

3.0 Alternative Formats

On request, we can arrange to provide other formats of the documents above, such as -

- Paper Copy
- Large Print
- Braille
- Other languages

To request an alternative format, please contact us by one of the following methods:

e-mail (preferable): AccessforOutdoorRecreation@daera-ni.gov.uk

Write to: Stephen Emerson
RNRPD: Natural Heritage Policy Branch
Department of Agriculture, Environment & Rural Affairs
Klondyke Building
Cromac Avenue
Belfast BT7 2JA

Telephone: 028 9056 9432

Text Relay: If you have a hearing difficulty you can contact the Department via:

- Text Relay using the Next Generation Text Service (NGTS).
- Making a call from a textphone dial 18001 + number.
- Making a call from a telephone dial 18002 + number.

4.0 Your details:

We use this information in order to communicate with you if we need to clarify your response or for further communications.

Title (e.g. Mr, Mrs, Ms etc.)	Mr.
Forename or initials	Duane
Surname	Fitzsimons
Full postal address	Belfast City Council, 4-10 Linenhall Street, Belfast
Postcode	BT2 8BP
Email address	access@belfastcity.gov.uk

Are you responding as an:

a) Individual NO

If "YES", do you:

☐ Participate in outdoor recreational activities? YES / NO
Please identify which _____

☐ Own, or manage, land which the public may wish to use to facilitate outdoor recreation? YES / NO
Provide details (if relevant) _____

☐ Other (please state) _____

b) Organisation / Group YES

If "YES", does your organisation / group:

☐ Participate in, or organise, outdoor recreational activities? YES

Please identify which activities Various operations

- Own, or manage, land which the public may wish to use for outdoor recreation? YES
Please identify the type of land (e.g. mountain, lowland farmland, woodland etc.) A range of landscape typologies and sites including urban parks, landscaped parks, amenity open space, farmland, and hill and moorland.
- Other (please state) _____

Organisation / Group Details:

- Organisation/Group name Belfast City Council
- Full postal address 4-10 Linenhall Street, Belfast
- Postcode BT2 8BP
- Contact name Duane Fitzsimons
- Contact email access@belfastcity.gov.uk
- Which category best describes your organisation (select one item)
 - Community organization ☐
 - Third sector / equality organization ☐
 - Landowner / land manager ☐
 - Private sector organization ☐
 - Representative body for professionals ☐
 - Local government ☒
 - Community Planning Partnership ☐
 - Public Body, including Executive Agencies, NDPBs, NHS etc. ☐
 - Academic or Research Institute ☐
 - Other (please state) _____

Publication of responses - your permissions:

We may wish to publish responses to this consultation, in summary and where possible in detail.

We would like your permission to publish your response:

Please select one item (Required)

- Publish this response with your name ☐
- Publish this response without your name ☒
- Do not publish this response ☐

Note that when we publish reports on a consultation, we do not publish your email or postal address or other information about you.

We may share your response internally with other Northern Ireland Government policy teams who may be addressing the issues you discuss. They may wish to contact you. Are you content for Northern Ireland Government to contact you in relation to this consultation exercise?

Please select (Required)

Yes ☒ No ☐

5.0 Consultation:

You are invited to respond to whichever of the following questions are relevant to you, or those who you represent. However, you should not feel obliged to respond to questions which are not.

Do not feel limited to the space provided. Please feel free to expand the comments boxes or attach additional pages if required.

PLEASE NOTE: This consultation is not reviewing specific sports in Northern Ireland, it is specifically looking at the provision of access to the countryside to partake in outdoor activities.

5.1 Current Provision

Q1: Do you believe there is sufficient public access to the natural environment for outdoor recreation in Northern Ireland?

NO

Please feel free to comment below

Within Belfast City Council there is great variation across the Council area in terms of public access to the natural environment for outdoor recreation. For example, some parts of the Belfast City Council area have unfettered access to parks in Lagan Valley Regional Park and along the Connswater Community Greenway while other parts of the city do not have the same scale of open space large enough for outdoor recreation.

There are large public body landowners within the Council area but access to some of these sites is limited to one access point. This means the public must travel there using private transport or the limited public transport available.

The main issue is the necessity to travel to sites by private transport. Active travel opportunities to these locations is limited in many instances.

Residents of Belfast City Council would also seek outdoor recreation opportunities outside of the Council area. As this relies on the necessity to travel to these sites the choices are quite often limited by the availability of private and public transport as there are limited opportunities to walk or cycle to these locations in an off-road manner.

Access to the outdoors relies heavily on information being available prior to the visit. In essence this is by word of mouth, website information, and signposting. This can often mean that some locations can become more popular than others which puts pressure on these areas at peak times. This problem has existed for many years but during the Covid-19 pandemic has been exacerbated causing problems in areas like the Mourne Mountains, Marble Arch Caves Global Geopark and the Causeway Coast. Lesser known locations have also experienced higher visitor numbers.

Q2: Do you feel that Public Rights of Way are adequately identified to the public?

NO

Please feel free to comment below

The legislative requirements for identifying Public Rights of Way is now largely outdated due to advances in digital mapping. It refers directly to preparing maps of specified scales for the routes. Some routes in their nature are very short and therefore having a map prepared of this may not be a valuable resource or the route is used by a very localised demographic and there is local knowledge of it.

The way in which the public now undertake outdoor recreation such as walking and cycling relies more on digital platforms with a higher reliance on GIS. Printed maps while still advised for upland areas are not the main mode of retrieving information for many of those engaged informally in outdoor pursuits.

At present the Council can sign and way mark Public Rights of Way (with agreement of landowners) but in some instances this is not appropriate or the landowner refuses to agree.

Primarily for land owners/managers (however views are welcome from all participants):

Q3: What difficulties have you encountered, or do you foresee, in establishing or managing public access through your land, or the land you manage?

In urban locations Public Rights of Way have attracted antisocial behaviour in instances where they are in the form of short pathways between buildings and gardens. The present legislation has no means of dealing with this which means it can be a considerable issue to address. The interpretation of the legislation is that access to a Public Right of Way must be open 24/7. This means the Council cannot close off public rights of way in the evening.

At present the public have access to the vast majority of the Council's land which consists of park and open space. By opening-up new access points or facilities to the Council's land there are greater threats to biodiversity through for example disturbance, habitat loss and increase in invasive species and other nuisance issues such as littering and dog fouling. There are also increased associated costs in terms of maintenance of infrastructure but also increased management costs for example in terms of invasive species.

The Council have to make consideration in regard to obligations under the Disability Discrimination Act 1995 to ensure that access is open to all users. When designing access to parks the Council consider gradients, passing points and resting points. New accesses would also need to be considerate of these.

If opening hours are to be extended within the Council lands there is a decision to be taken regarding whether or not to light the paths.

The Council have other infrastructure considerations in urban areas where there are expectations around accessible public conveniences. In addition to this there is also an expectation that car parking would be provided.

Much of the public land is bordered by pockets of privately owned land. The present legislation has a number of barriers which hinder the progress of agreeing with landowners the right of access across their land. The other issue faced by landowners is that by opening up their land for public access across it they may encounter other adverse impacts such as trespass or damage to property.

At present the Council have an annual fund for maintenance of its path networks on the Council lands. Presently the Council do not have a budget for the maintenance of public rights of way and public paths.

The duty of care to the public in the event of adverse or seasonal weather. This includes the necessity to grit the path networks. This particular concern was raised through Council in January 2021. Gritting the entirety of the path networks would incur substantial cost beyond that already budgeted for.

Primarily for land owners/managers (however views are welcome from all participants):

Q4: What would encourage you to agree to public access through your land, or the land you manage, for recreational purposes?

A centralised fund designed for construction and maintenance of public paths would encourage Councils to approach landowners to enter into agreements for access across their land. The duty to maintain Public Paths restricts the desire of Councils to build new paths on land which they do not own. The present legislation puts an onus on the landowner to maintain any Public Right of Way. A fund to which the Council or landowner could apply would relieve both parties of potentially large financial obligations.

Reparations to compensate for a change in land management. The Council lands have been eligible for Single Farm Payment in the past. With this scheme now to be replaced it could be an opportunity for the landowners to be paid for allowing public access on or across their land. This money could be used to invest in and manage the assets.

At present the Council are holding an enquiry into the Local Development Plan which will inform the Council's powers in relation to planning. Within the framework there is an opportunity for a voluntary contribution from developers to enhance open space.

Public Land

Northern Ireland's public land comprises of just over 6% of the total land area. This includes public land managed by:

- Department of Agriculture, Environment and Rural Affairs (DAERA), including;
 - Forest Service
 - NI Environment Agency (country parks, nature reserves etc.)
- Department for Communities (DfC)
- District Councils
- Loughs Agency
- Northern Ireland Water
- Waterways Ireland

Q5: Do you believe that an adequate amount of public land is available for outdoor recreational purposes?

YES

Please feel free to comment below

In the Belfast City Council area yes. The Belfast Open Space Strategy (BOSS) 2035 identified that within the Council area the Field in Trust standard of 0.8 Hectares per 1000 people was surpassed. However, at a neighbourhood level there are disparities when the walkable distance to the parks is mapped. These vary across the Council area and are not unique to any particular neighbourhood. The disparities mean that in many instances members of the public either have to travel to a site to enjoy recreation or walk or cycle within their neighbourhood.

The utilisation of public land could be examined to determine opportunities to meet many policy areas in the BOSS which has 7 Strategic Principles which include a range of outcomes. These include better connectivity, improvements to health and wellbeing and protection and enhancement of the natural environment.

Q6: How could existing public land be better used in relation to outdoor recreation?

Formalised access by means of medium to long distance walking routes. Successful demonstrations of this are the Lagan Towpath (part of the Ulster Way), Connswater Community Greenway, and Comber Greenway.

Where there are satellite sites (for example in the Belfast Hills Working Area) to have access at more than one location could alleviate pressures on car parks. This issue while historic has come to the fore during the Covid-19 pandemic where the PSNI have had to close roads. However, in relation to opening more entrance points to sites this would need to be in line with any visitor management plan which the landowner has to ensure it is appropriate and resourced.

Consideration has to be given to conflict of use within public lands and how it is best to mitigate against risks. This includes cohesion between use of the land as an asset and enjoyment of the land for recreation. In some instances introduction of additional recreational use (authorised and unauthorised) can lead to user conflict on paths. If not dealt with effectively there may be a liability on the landowner from numerous perspectives.

N.B. outdoor recreation within Belfast City Council would also take into consideration outdoor sports. There are a number of parks and open spaces which include pitches used by local clubs.

Primarily for public land managers (however views are welcome from all participants):

Q7: What difficulties have you encountered, or do you foresee, permitting public access to the land you manage where access does not currently exist or where increased access is sought?

Budget to maintain the assets and infrastructure within the lands.

In many instances changes to the path network or new build path networks will require planning approval.

At sites where there is more than one access point difficulties arise in managing visitors at these locations. There are additional pressures on staff resources for opening and closing. In some instances new access points can:

- place pressures on residential parking within that area or cause problems with roadside parking preventing access for staff, tenants and lessees, users and emergency services.
- facilitate anti-social behaviour where the other exit points allow perpetrators to evade the police by dispersing into the park or neighbourhood.

In addition to this there are also other considerations such as habitat loss, disturbance and the introduction or increase in the spread of invasive species.

Any access or recreation facilities need to ensure compliance with Council's legal requirements including health and safety and environmental requirements.

Primarily for public land managers (however views are welcome from all participants):

Q8: How could any difficulties identified in Q7 be reduced or negated?

As a design approach, the Council seeks to build with natural surveillance as a guiding principle. This ensures that assets are not hidden from public view.

To undertake a full design and management plan for the introduction of new accesses.

This plan should look at issues such as:

- car parks/ parking available locally
- whether it will be required to open and close the access at dawn and dusk
- site management post development including the potential for grazing, woodland planting or open grassland.
- costed maintenance schedule post development.
- Community consultation through the design process to ensure that there is buy-in from the neighbourhood.

Where access is provided across another land parcel to have a legal agreement executed with clearly stipulated ownerships and responsibilities. To have secure boundaries and signage to ensure that the public stay on the agreed path without trespassing onto another land parcel.

5.2 Current Legislation

The **Guide to Public Rights of Way and Access to the Countryside: Guidance Notes on the Law, Practices and Procedures in Northern Ireland** is a practical manual, produced by the Environment & Heritage Service (now the Northern Ireland Environment Agency, Department of Agriculture, Environment and Rural Affairs), which aims to clarify the legal position in Northern Ireland, and the practice and procedures that should be followed.

The principle legislation relating to access to the countryside in Northern Ireland is **The Access to the Countryside (NI) Order 1983** (<https://www.legislation.gov.uk/nisi/1983/1895/data.pdf>) which deals with public rights of way and access to open country. It also identifies responsibilities on local councils and landowners.

The Nature Conservation and Amenity Lands Order (Northern Ireland) Order 1985 (<https://www.legislation.gov.uk/nisi/1985/170>) gives the Department of Agriculture, Environment and Rural Affairs powers to undertake a variety of roles for the enjoyment and conservation of the countryside and amenity lands.

The Recreation and Youth Service (Northern Ireland) Order 1986 (<https://www.legislation.gov.uk/nisi/1986/2232>) has been used by local councils to make Permissive Path Agreements with landowners for people to use an agreed portion of their land

as a means to secure quality recreational access. A permissive path agreement can operate under limitations and can endure for whatever period of time the council and landowner are willing to agree. It does not create a new public right of way (where one did not already exist), but a route which the landowner has given permission for people to use.

Questions 9 - 11 are aimed that those who have had cause to refer to legislation in relation to access issues, however views are welcome from all participants.

Q9: How often would you refer to legislation in relation to access issues?

- ☒ Daily / Weekly
- ☐ Monthly
- ☐ Yearly
- ☐ Rarely
- ☐ Never

Please feel free to comment below

Current legislation is referred to on a weekly basis.

Q10: Please identify any difficulties you have with current legislation and/or Guidance in relation to public access.

Please be as specific as you can and identify which legislation and section you are referring to.

- The layout of the Access to the Countryside (Northern Ireland) Order 1983 presents many difficulties. Much of the work undertaken by the Council looks only as far as Article 15 where most of the duties and powers lie. The remainder of the Order requires much in the way of legal counsel for interpretation. The legislation covers many areas and as such can be confusing. Any future changes to the Order need to make it clear as to what the legislation is trying to achieve; whether the legislation is trying to promote and protect public rights of way or promote and develop access to the countryside. These are separate issues in many instances and need addressed as such.

- There is no distinguishment made between urban and rural public rights of way. The Order legislates in both instances. This can become a stumbling block in assertion as the public may not read the title of Access to the Countryside (Northern Ireland) Order 1983 as being relevant to the matter. The legal obligations placed on councils in relation to the Order are not isolated to the countryside, any future legislation/guidance needs to bear this in mind. It is imperative that future legislation or Order takes into account outdoor recreation pursuits and the urban environment. Currently all public rights of way are not isolated to the countryside, some have absolutely no connection to the countryside.

- Terminology within the current Order it is unclear with reference to rights of way and public rights of way. This terminology needs to be made explicitly clear. Clarity is also required as to the which, if any, right of ways (asserted and alleged) are covered within the remit of the Order. Often in urban areas queries are raised with easements and rights of way for the benefit of private properties.

- Within the Belfast City Council area some asserted Public Rights of Way have become places for anti-social behavior. Public rights of way provide a legal means of passing through an area, however there are issues when people loiter in an area. Unfortunately, there is nothing in the current legislation to allow for actions to mitigate against this risk including temporary closure or extinguishment on these grounds. The present legislation does little to assist with mitigation of anti-social behaviour and as a result this can lead to a multiple agency resolution being required including police and anti-social behaviour officers. In a lot of urban cases asserted Public Rights of Way are short-cuts between housing developments where no one individual has any clear responsibility and in many instances the path falls into disrepair and becomes overgrown. This makes it undesirable for members of the public and for the adjoining homeowners. The Council does not currently have a right to go on to land that it does not own to maintain and undertake any remedial work to address issues: if the council had clearer duties, the issue could be more effectively addressed. However, this would have financial implications for the Council and we would advocate for a central fund to address issues such as this.

The duty to maintain (Article 3 (2))

- Much time is taken up with correspondence with landowners to remove vegetation which is enclosing the public right of way. The wording means that landowners often refute their duty to maintain resulting in delays in resolving the issue. This is largely due to a lack of clarity on the matter where the legislation states, "A district council may, after consultation with the owner of the land concerned, maintain any public right of way; but this paragraph shall not relieve any person from any liability to maintain a public right of way." "Any person" is an ambiguous term when in essence it actually should state owner of the land concerned. Furthermore, it should be clarified whether the duty to maintain lies with the freeholder or leaseholder. In most cases not all landowners of the pathway are known, this is quite likely to be the case where a pathway has existed for many centuries.

In cases where landowners are not known and because of the unclear duties of the Council, the ability for the Council to take action is not clear which leads to the issue not being resolved. If a Council surfaces a Public Right of Way (or makes changes to the boundaries by erecting fences) it should be made clear whether there is a requirement for a Public Path Order. Whether the Council are liable for the maintenance of any infrastructure they place on the route should be made explicitly clear. The Council would advocate for a central pot of funding for instances where the ownership of the land is not clear and they are required to undertake work to maintain or address issues relating to a Public Right of Way.

- The council's duty to keep open and free from obstruction should be expanded on. It is unclear at which point the Council should ask the landowner to take action. It is not clear what exactly the term obstruction covers. If, for example, a tree has fallen from an adjoining land onto a public right of way it should be made clear who is responsible for the removal of

the obstruction - whether it is the landowner of the ground the tree has fallen from, the landowner of the path or indeed the council.

Notices deterring use of public right of way (Article 10)

- The NI Direct website information on Public Rights of Way site states in Landowner's and Occupiers Duties and Rights there is a duty "not to put up a notice likely to deter use of a right of way." It is very unclear as to what is and is not acceptable. The following is used as an example only; is it appropriate for a landowner to warn members of the public that there is livestock in the field? Is it appropriate for a landowner to ask members of the public walking dogs not to walk dogs across a particular right of way? (There have been instances in the past few years where members of the public have been trampled to death when out walking dogs in areas where livestock are present). Could this type of a notice be seen as a deterrent? Any future changes to the Order must make it clear what is and is not acceptable.

Cycling (Article 20)

- Cycling on public paths is stated as a right under Article 20 on a public path. In some areas the necessity to enter into Public Path Agreements or Orders is because the council is unable to determine the true status of the route or as per article 12 it appears to a district council that there is need for a public path. In many instances the need to be able to cycle on a public path is unfeasible due to topography or where a path is agreed across a field. In these instances the ability to surface a path to make it usable is unfeasible or would have an adverse impact on the safety of other users. In the case of a Path Order on farmland the ability to carry on the ordinary business of a herd farm would be impossible due to the need for gates and the destruction of the pasture.

- The Recreation and Youth Services (Northern Ireland) Order 1986, under Article 5, which district councils use to enter into permissive path agreements is determined from the power for a council to provide facilities for recreational, social, physical and cultural activities. This power at face value refers more so to the lease of land parcels as opposed to the capacity for a council to place a path on the land. A bespoke piece of legislation would make the actual power to undertake this more explicit.

Other issues

- The council's duty to record public rights of way, while undertaken, should be registered with the Land Registry. At present there is no onus to do this except for Public Paths.

- Whether or not a landowner or the Council should indemnify against public liability should be stated. The implications of health and safety and accessibility are not considered.

- The process where a public right of way is alleged on a piece of land owned by a government department should be made clear.

- Most of the information available to Officers has been gleaned over the years from best practice examples and case history. This sharing of information was undertaken previously through a Countryside Officers Forum. Unfortunately this group has largely lapsed with occasional reconvening by third party organisations. This was a pivotal forum for sharing information. Most officers overseeing this legislation, work in isolation so sharing principles

and case history is vital. There would support a consistent approach taken by the 11 Councils in relation to the implementation of the Order.

Q11: How could the issues raised in Q10 be resolved?

Please be as specific as you can and identify which legislation and section you are referring to.

- To have a concise piece of legislation which makes reference to both urban and rural public rights of way. For the legislation to explicitly state the means for recording Public Rights of Way in a meaningful manner. For the legislation to state what constitutes an obstruction. For DAERA to designate the classifications of land uses in terms of open country. The Council have been able to determine the typologies of parks within its own estate however where lands are outside of public ownership it is difficult to determine whether invoking Article 39 of the Access to the Countryside (Northern Ireland) Order 1983 is appropriate.
- To have a centralised fund within DAERA to which councils and landowners can apply to for the maintenance of public rights of way. This could alleviate the duty to maintain from the landowner which can prove expensive in the long term. It would also allow for a more expedient way to deal with issues like vegetation encroachment in a proactive manner as opposed to reactive. If the landowner refuses to undertake the work, the powers of the council should be made clear to ensure the public right of way remains open as per the statutory duty.
- For legislation to be reflective of other uses of paths outside of walking. For cycling to be an activity which the Council and the landowner agree on, or in the case of the Public Path Creation Order, to have a degree of variance in instances where the activity is inappropriate. Also within the Legislation to have consideration provided where all or part of the route has a vehicular right of passage and how this should be recorded and the Councils duties in this regard.
- Have guidance on the issue of alleged public rights of way on government land and how a satisfactory resolution can be achieved.
- A more consistent approach taken across Northern Ireland with the opportunity for Countryside Officers to share principles, working examples and case history through a Countryside Forum
- Consideration should be given to the development of access forums, (land owner (public and private) and user representation) access strategies and networks, including core path networks (discussed later in this response.) However work would be required to look at how these are established support including membership, roles and responsibilities and also what support would be required including appropriate funding.

5.3 Opportunities

Q12: How could the provision of access to the outdoors for recreational purposes be improved?

- Within Belfast City Council there is a large amount of public land owned by many different public bodies. Overarching landowner consortiums have been able to identify opportunities and work to resolve issues. However, the Access to the Countryside Order relates only to lands which are not managed by Government departments. This means that there is often a query over the council's powers in relation to access. To have clearer guidance on this matter would help to resolve the unanswered questions.

For example within Lagan Valley Regional Park the centralised body overseeing the working area of the Regional Park brings together two district councils, a number of government departments, and land managing NGOs. Without this centralised body, open dialogue between the various stakeholder groups would not be possible. The success of the Regional Park can be seen in the numbers of visitors to the area from local, national and international visitors.

In East Belfast the Connswater Community Greenway has had similar benefits for the local community. This includes animation of the parks and open space along it. This model will be replicated in other areas of the city such as the Forth Meadow Community Greenway currently in development. However the existence of these types of organisations is largely due to community leadership around the issues of access for outdoor recreation and the protection and enhancement of wider environment.

- Access should be aligned with other policy agendas and projects, such as *A Bolder Vision for Belfast* which is informing the Belfast Urban Greenways, Living with Water Programme, sustainable transport, health, physical activity, carbon reduction, air quality improvement, school Education provision outdoors, stewardship, outdoor education.

What have other jurisdictions done to improve access for outdoor recreation?

Legislative changes in Great Britain over the past 20 years have increased the availability of access to the natural environment significantly. Under the Countryside & Rights of Way Act 2000, especially since 2005 people across England and Wales have the freedom to access land, without having to stay on designated paths. Approximately 8% of England and 20% of Wales is classed as 'access land'. In Scotland the Land Reform (Scotland) Act 2003 established a right of non- motorised access over most land and inland water.

The provision of a "Right to Roam", and the development of National Parks has previously been considered in Northern Ireland and **is not being considered as part of this consultation.** However some aspects of Scotland's Land Reform Act 2003 may provide the basis for improvement in Northern Ireland.

As a requirement of the Land Reform (Scotland) Act 2003, core path plans are drawn up by local authorities after consultation with communities, land managers and path users. **Core path networks** are interlinking routes that normally join, or are close to, communities. They are normally part of the wider path network of long distance walking and cycling routes, and local and community paths. Many Northern Ireland local councils have included the development of path networks in their current Community Plans.

Q13: Do you believe that a Core Path Network would be a possible solution to improving access for outdoor recreation?

YES

Please feel free to comment below

In principle, the Council would support the concept of a Core Path Network but this would need to be researched in further detail with the involvement of all stakeholders, and the options around Council involvement would have to be brought through the Council Committee system for consideration and approval.

A process for the identification of a Core Path Network would need to give landowners, public and private, an opportunity to provide any access opportunities they can or address any issues they have, such as trying to keep people to one area and protect the commercial interests they have in their property and bring to the fore any concerns that they have around biosecurity.

A Core Path Network could be useful in relation to rural areas. However, in the Belfast City Council area footpath provision along roadsides is already largely undertaken by the Department for Infrastructure. In relation to greenways within the urban context for active travel this is largely something which falls under remit of DfI, again often in partnership with the Council. Due to the limitations of the legislation falling outside of the Government maintained lands again there is a query regarding powers. To resolve this the Connswater Community Greenway was constructed on lands largely purchased by the Council.

A Bolder Vision for Belfast states that there is a need to revise and rebalance the road network within the council area. The network has been designed in such a way that it caters more for the private car and public transport than for active travel.

However connectivity into other council areas is of benefit to the entire region as it has potential to provide for all types of users, and may include routes on inland water for paddlers and other water users connecting with the work being done on and money being provided for Green and Blue networks.

Q14: What would be the potential opportunities, benefits, or uses, of a Core Path Network in Northern Ireland?

In relation to the rural communities within the Belfast City Council area it has the potential to connect these areas to the urban area and services in a safe manner. In the case of Edenderry, the rural community is already connected to the urban area by means of several Public Rights of Way. In the other areas like Hannahstown and Lough View this matter is a little more complex due to the topographical nature of these settlements.

To look in greater detail a core path network at Hannahstown has the potential to become part of a greater connection to the Belfast Hills bringing with it tourism potential. This has potential linkages to a number of public body assets including Divis and Black Mountain and Colin Glen Forest Park. However, there would be limited scope for outdoor recreation other than walking. Inclusive access could prove to be a challenge due to topography. At Lough View there is a potential to link to the Connswater Community Greenway in a circular loop.

The core paths planning process involves extensive consultations, and included any objections being formally considered through local inquiries where necessary, before each plan was finalised and adopted. This provides landowners with a forum through which their views can be expressed.

The benefits to developing infrastructure for walking and cycling are widely documented in other jurisdictions. Provision of a choice of routes and the option to get out and about from your door in an urban environment can remove the need to drive to the start of a route. Having access to good quality, well maintained community paths close to where people live is essential for encouraging everyone to be active. Well-connected and attractive public places, routes and streets encourage more people to walk and make active travel choices in their daily routines (e.g. shopping, exercising, and meeting people).

An increase in the attractiveness of walking as an option for local journeys can benefit all in society. Safe and convenient pedestrian facilities can provide an increased sense of community identity, feelings of 'belonging' and can lead to expansion of social networks, as areas can become hubs for social recreation. This case has been proven on the Connswater Community Greenway in Belfast.

To look back to Scotland as a case study, the promotion of walking for children can take place during school, as well as part of travel (walking and cycling) to and from school. Evidence shows that walking to school can improve performance, concentration and learning. Regular visits for outdoor learning to local woodlands, beaches or other greenspaces incorporating opportunities for walking help young children learn healthy and active habits and make connections across all curriculum areas.

Q15: What difficulties do you foresee in establishing a Core Path Network in Northern Ireland?

We would suggest that further detailed research around the options for establishing a Core Path Network is required and that this should explore role and responsibilities of various organisations including councils, the resources required for both build and maintenance and potential funding models.

From the Council's experience we would suggest that the key difficulties will be around allocation of funds for construction, management and maintenance of a Core Path Network. Currently in terms of management and maintenance, where the owner of the land is not evident from land searches, the Council has had difficulty sourcing budget and departmental responsibility to clear asserted Public Rights of Way. While the Council do have powers under Environmental Health these deal with the matter when the problem has arisen and not proactively maintaining the route. These budgetary constraints would be exacerbated by an increase in paths to maintain.

There is a lack of centralised information relating to public rights of way and public paths in the 11 council areas. Some information does exist on third party websites relating to walking routes. If a Core Path Network is to be led by the 11 Councils rather than by central government then a lack of shared information could lead to a parochial style of development with cross council networks aligning to the adopted road network. The limited capacity for councils to work together outside of landscape partnerships and join a network of paths could prove to be an impediment to development of such a network. There is also a lack of information available regarding the road and footpath network adopted by the Department for Infrastructure.

If there is no agreed standard of path build then disparities will arise from council to council. The implications of the Disability Discrimination Act 1995 on the construction standard of a Core Path Network should be explicitly stated. The intended nature of a Core Path Network should be made clear. Routes for connection to green space, to other settlements or active travel all have their own design requirements. There are also considerations to be made around what makes these spaces safe for younger and older members of the population including natural surveillance and gradients.

The lack of centralized information again arises in relation to government department, local Council and Housing Executive lands. While these lands may be viewed as public assets by their respective owners the lack of shared information means they often are not recorded within the public land databases within the area.

Liability is a real concern for landowners. In 2017 Belfast City Council met with DAERA on this issue and tabled an assessment of the situation from BCC Legal Services, on case Law and specific examples which showed the issue is not clear. This does not provide a council officer any comfort in providing that clarity and assurance to a landowner who they are trying to secure a route through their land. More recently Outdoor Recreation Northern Ireland identified that there have been no successful challenges against a landowner in court, however the settlements made outside of court are unknown.

Biosecurity is a concern for many farmers who hope to sell to large supermarket chains. The lack of public conveniences for recreational users causes concern. Additionally there are also hazards posed by littering which can kill or seriously injure livestock. The biosecurity risk is also posed by recreational

users carrying disease from one area to another is another hazard which needs to be addressed. Dogs in particular cause concern for landowners of herd farms. Especially in relation to sheep worrying which by the 1990s had made sheep farming in the Belfast Hills unprofitable. Additionally cattle may pose a threat when startled or divided from their young.

Q16: How could landowners be encouraged to provide access, through their land, to develop a Core Path Network?

To have landowners duties and undertakings written concisely within the legislation. Clarity on their liability and duty of care toward the public would enable the Council to assure the landowners and open more conversations around access.

An availability of funds to construct, maintain and manage a path across their land.

The ability to manage access in respect of the vested interest they have on their property.

For the legislation to address certain misnomers often cited in relation to public rights of way including the requirements of usage levels and the length of time the public right of way has been in use.

To ensure the involvement of landowners in any relevant forums as outlined in other answers.

Q17: What features would you like to see in a Core Path Network? (e.g. cycle lanes, circular routes etc.)

Within a Core Path Network there should be considerations made in regard to cycling and also where appropriate bridleways. Where possible the Core Path Network should also look at the recreation potential of blueways. With these considerations in mind there should be a distinction allowed for whether the core path is for active travel or enjoyment.

Circular routes from urban environments should be an aspiration to promote more physical activity, more often.

An ideal position for Northern Ireland to be in, would be to have people choosing to walk and cycle from their door for leisure and going further than that to people choosing to walk and cycle for journeys of 2 and 5 miles respectively, seeing a reduction in single occupancy car journeys to work and school. People will only consider walking and cycling for utility journeys if they are able to participate in these activities for leisure.

Consideration of car parking and public transport as part of the plans. While the idea is to remove the need to travel for outdoor recreation the interest of a core path as a tourism asset should not be overlooked, for example Lagan Towpath opening up Lagan Valley Regional Park. There are long term historic issues around certain areas of the towpath near to large road networks where there are car parking pressures, for example Shaws Bridge.

In addition to this there should be guidance provided around the need for services like toilets and bins.

New access to the natural environment should take in the opportunity to enhance biodiversity and broader ecosystem services. Provide an opportunity for all members of the public to experience, learn about and enjoy nature. All opportunities to encourage the public to engage more with the rural landscape and appreciate the agricultural use of it, while mitigating against adverse impacts such as littering, dog worrying, and overfeeding.

Q18: What other opportunities, in relation to the provision access for outdoor recreation, should be considered?

The BOSS identifies a number of outcomes in its strategic principles including: providing welcoming shared spaces; improvements to connectivity, health and well-being; enhancing the built environment; increased resilience to climate change, and protection and enhancement of the natural environment; as well as civic pride.

We would propose the re-establishment of the Outdoor Recreation Forum – however we would suggest a review of membership and ensure that it include all relevant officers that have a role and across in 11 Councils. And that feedback is sought from key stakeholders and partners at relevant points.

In the Belfast City Council context to inform other policy agendas and projects, such as Belfast Urban Greenways project, Living with Water Programme, sustainable transport, health and physical activity programmes. The benefits could contribute to carbon reduction, and air quality improvement.

A population who make use of access routes local to them and act responsibly when doing so. That there are measurable benefits as a result which provides continued justification for infrastructure for walking and cycling versus provision for further road building/widening.

Access in Northern Ireland should be aligned to a national performance framework and to physical activity outcomes. National and local walking and cycling strategies, physical activity strategies and active travel programmes should tie directly into this with outcome based performance indicators. The opportunity should be taken to look at future path construction with a view to capturing the social return on investment. This will identify areas where the intervention has wider benefits to include health and wellbeing, the local economy, and environmental services including land management and ecosystems.

5.4 Miscellaneous

Q19: Please feel free to provide further views on any aspect of the provision of access for outdoor recreation in Northern Ireland

The present format of reporting asserted Public Rights of Way to DAERA is an opportunity to begin a centralised mapping file to record Public Rights of Way using GIS software. This could be made available to the public through the various Ordnance Survey NI websites.

The OutmoreNI.com website is a great resource for all outdoor recreation and is currently the only website that includes these opportunities. However, some of the routes are missing as there is an onus on the promoted walking/cycle/canoe routes.

There is a dataset created by DfI for a large portion of the Belfast Metropolitan Area which includes the cycle infrastructure in its various forms. There are gaps with the other 10 Council areas. However, I understand that Derry City and Strabane District Council record theirs on an OSNI platform.

Within the scope of this consultation the definition of outdoor recreation should be explained further. It can be interpreted that this is solely focused on walking and cycling while others may see outdoor recreation as encompassing outdoor team sports as well as solo or passive activities.

Submissions should be e-mailed (preferable) to: AccessforOutdoorRecreation@daera-ni.gov.uk

or hard copies sent to:

Stephen Emerson
RNRPD: Natural Heritage Policy Branch
Department of Agriculture, Environment & Rural Affairs
Klondyke Building
Cromac Avenue
Belfast BT7 2JA

The closing date for submissions is **29th March 2021**

**THE FOLLOWING QUESTIONS ARE SPECIFICALLY FOR LOCAL COUNCIL OFFICERS
AND HAVE NOT BEEN INCLUDED IN THE GENERAL KEY STAKEHOLDER VERSION**

Q20: How many Public Rights of Way are in your council area?

15 public rights of way, 4 public paths

Comments:

Two public paths relate to lands owned by a government department and have no public right of way as per the agreement of the departments.

One public path is a diversion on a previously asserted public right of way.

The fourth public path is a 5 metre stretch of the Connswater Community Greenway where the landowner could not be contacted.

What barriers are there to providing/maintaining this information?

None

Q21: How many of these Rights of Way are currently being asserted?

None

Comments:

There are 52 alleged public rights of way files. Of these 13 cases are open some are in the preliminary stages of neighbourhood survey. Others are potential strategic links which are being considered for public path creation where the evidence has not proven conclusive or there is no basis to assert.

What barriers are there to asserting Rights of Way?

Government Department freehold title on the land, difficulties identifying landowners, inconsistency in evidence from public survey. A lack of public knowledge and understanding of the legislation and council duties.

Q22: (a) Is there an up to date map which identifies Public Rights of Way are in your council area?

YES

(b) Is it publically accessible?

NO

Comments:

The short nature of some public rights of way and public paths makes mapping them at a relevant scale difficult.

What barriers are there to providing/maintaining this information?

In urban areas there are also a number of adopted roadways which makes map making difficult.

Q23: How many Public Rights of Way have been developed in your council area in the past 5 years?

None

Comments:

Belfast City Council does not undertake any maintenance of public rights of way other than removing encroaching vegetation in instances where the landowner cannot be determined. In general the wording of this question is unclear. Under the present Legislation whether or not a council can develop a public right of way is unclear. Public paths (which are public rights of way unless stipulated otherwise in the agreement), however, are another matter as the council powers are clearer in this regard.

What barriers are there to developing Rights of Way?

The financial implications of maintaining these in perpetuity as assets. Whether the council have the legal powers to instigate improvements to the surface and surrounds of Public Rights of Way is not made clear in the legislation.

Land which has not been registered in freehold makes engaging with a landowner a difficult task.

List of Groups invited to participate in “The provision of access for outdoor recreation in Northern Ireland - Key Stakeholder Consultation”

If you feel we have omitted any significant group please contact us at

AccessforOutdoorRecreation@daera-ni.gov.uk

Angling NI
Antrim and Newtownabbey Borough Council (Countryside Officers)
Ards and North Down Borough Council (Countryside Officers)
Armagh City, Banbridge and Craigavon Borough Council (Countryside Officers)
Belfast City Council (Countryside Officers)
Belfast Hills Partnership Recreation Group
British Horse Society
Canoeing Association of Northern Ireland
Causeway Coast Adventure Racing (CCAR)
Causeway Coast and Glens Borough Council (Countryside Officers)
Causeway Coast and Glens Outdoor Recreation Forum
Council for Nature Conservation and the Countryside
Cycling Ulster
Derry City & Strabane District Council (Countryside Officers)
Disability Action NI
Disability Sport NI
Fermanagh & Omagh District Council (Countryside Officers)
Horse Sport Ireland
Irish Kite Surfing Association
Irish Water Ski Federation
Leave No Trace Ireland
Lisburn and Castlereagh City Council (Countryside Officers)
Local Rural Support Networks
LVRP recreation forum
Marble Arch Caves UNESCO Global Geopark
MENCAP
Mid and East Antrim Council (Countryside Officers)
Mid Ulster District Council (Countryside Officers)
Mountaineering Ireland
Mourne Outdoor Recreation Forum
National Outdoor Recreation Forum (NORF)
National Trust Northern Ireland
Newry, Mourne and Down District Council (Countryside Officers)

NI Agricultural Producers Association (NIAPA)
NI Association for Mental Health (Niamh)
NI Environment Link
NI Greenways
NI Heritage Fund
NI Mountain Bike Alliance
NI Protected Area Network
NI Rural Women's Network
Northern Ireland Archery Society
Northern Ireland Federation of Sub Aqua Clubs
Northern Ireland Orienteering Association
Northern Ireland Sports Forum
Northern Ireland Surfing Association
Outdoor Industry Association (NI)
Outdoor Recreation Northern Ireland (ORNI)
Ring of Gullion Outdoor Recreation Forum
Royal Yachting Association (NIC)
Rural Action
Rural Community Network
Speleological Union of Ireland
Sperrins Outdoor Recreation Forum
Sport Northern Ireland
Strangford Lough and Lecale Outdoor Recreation Forum
Sustrans
Triathlon Ulster
Ulster Branch, Irish Amateur Rowing Union
Ulster Farmers Union (UFU)
Ulster Federation of Rambling Clubs
Ulster Gliding Club
Ulster Hang Gliding and Paragliding Club
Young Farmers' Clubs of Ulster

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Subject:	Lagan Gateway update
Date:	13 th April 2021
Reporting Officer:	Ryan Black, Director of Neighbourhood Services
Contact Officer:	Jacqui Stewart, Asset & Facilities Management Coordinator Stephen Leonard, Neighbourhood Services Manager Sabine Kalke, Project Sponsor

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	To update Members about the Lagan Gateway project and particularly about future management arrangements of the navigation lock and artwork on the bridge piers combined with UK Youth for Nature campaign.
2.0	Recommendations
2.1	The Committee is asked to: <ul style="list-style-type: none"> agree to explore the option of entering a Service Level Agreement or similar with the Lagan Navigation Trust to operate and manage the navigation lock and associated areas after completion of the project

	<ul style="list-style-type: none"> • agree to develop an art piece on the bridge piers as part of the UK Youth for Nature high-profile national campaign (involving more than 10 UK cities)
3.0	Main Report
3.1	<p>Background</p> <p>The Lagan Gateway project proposes a number of structural improvements and development works at Stranmillis including the development of a navigation lock, an iconic foot and cycle bridge, the refurbishment of the existing weir and high quality landscaping with associated path connections. The project will create a connection both on the water and on land by building a navigation lock and a pedestrian/cycle bridge.</p> <p>The key objectives identified for the Lagan Gateway are:</p> <ul style="list-style-type: none"> • improve the navigation of the Lagan and create a gateway to Lagan Valley Regional Park and beyond • improve the access, safety and quality of green and open space around the Lagan • increase the pedestrian and cycle facilities and links into Belvoir Forest Park • improve health and well-being through providing a better living environment and enhanced exercise and recreation opportunities, accessible by all • realise the potential of the Lagan and its surroundings as an asset for current and future generations <p>The project will result in improving connectivity and linkages in the area and improve biodiversity and natural habitats (removal of contaminated soil and invasive species etc). The area is partly a heritage site and the project will aim to educate and inform visitors of its significant economic and environmental history. The proposed Greenway connection will ease the pressure on the existing towpath on the Stranmillis side; the new Greenway connection will take a high number of users from the towpath and bring them onto the other side of the Lagan and into Belvoir Forest Park, which is underused.</p> <p>The total investment in the project is £5.2m, with £2.15m coming from the Council's Belfast Investment Fund. Other partners are Ulster Garden Villages, Department for Communities, Department for Infrastructure Rivers, the Department for Infrastructure and the Lagan Navigation Trust. Other partners are Ulster Garden Villages, Department for Communities, Department for Infrastructure Rivers, the Department for Infrastructure and the Lagan Navigation Trust.</p>

	<p>Phase 1 of the project is nearing its completion; the first section of the bridge has been lifted into place in February and the installation of the last bridge sections are planned for April 2021. The navigation lock will be completed in summer this year.</p>
3.2	<p>Operation/maintenance of the navigation lock</p> <p>Once the navigation lock is completed it will become a Council asset and need to be operated and maintained. It is part of a wider programme that the Lagan Navigation Trust is pursuing – to open the whole navigation from Belfast to Lough Neagh and create a working waterway, which serves collaborations and local businesses playing a role in the economic and social regeneration of this heritage asset along 27 miles of the Navigation. It is the first lock reopened in the Belfast area and will set a precedence for the further development of navigation locks. The Lagan Navigation Trust, as the custodians of the Lagan navigation expressed an interest to operate and maintain the lock and surrounding area as they aim at opening all 27 locks along 27 miles in three local government areas (Belfast City Council, Lisburn & Castlereagh City Council and Armagh City, Banbridge, Craigavon Borough Council). The Trust's remit is geographically specific - the Lagan Navigation and its stated purpose is to reopen the Navigation. They have civil engineers and waterways users on their Board with expertise in education, major charitable investment and Local Government expertise at both Director and elected member levels. To support their work, the Trust established a new charity, The Waterways Community, specifically to work with waterways in terms of animation, health and wellbeing, educational and cultural services related to those waterways. This is the driver for delivery of a working waterway on the Lagan. Council officers are currently working with the Chief Officer and Board (BCC has representatives on the Board) of the Lagan Navigation Trust on an appropriate agreement (Service Level Agreement or similar) to ensure that the navigation lock of the Lagan Gateway project is being operated and maintained expertly. Specifically the management will be looking at the following:</p> <ul style="list-style-type: none"> ▪ how to address security concerns ▪ how to prevent inundations during surges ▪ potential role of a lockkeeper in operating and maintaining the lock and carrying out works such as opening and closing the gates, providing assistance with launching /tying up boats at the site, ensuring that there is free-flow of water and removal of debris such as branches, cleaning of the gates and management of stop logs <p>Currently the Council contributes to the core funding of the LNT – one potential mechanism being considered is 'divert' this into project funding i.e. the operation of the navigation lock on behalf of the Council.</p>

3.3	<p>Art piece on bridge piers as part of UK Youth for Nature campaign</p> <p>The piers of the bridge at Stranmillis have been covered in graffiti a number of times. Though anti-graffiti paint has been applied to the piers, it is a laborious (and costly) task to remove the graffiti by the contractor. A number of longer term solutions have been explored and options have been assessed. A number of options have been ruled out including planting and the installation of panels as the bridge will require regular inspection. It is therefore recommended that artwork/murals are progressed and a number of ideas where proposed including nature murals reflecting the natural surroundings or maritime theme reflecting the river or a combination.</p> <p>At the same time, UK Youth for Nature, the UK's leading youth-led network calling on the politicians and governments of the UK to take urgent action and tackle the loss of nature, approached the Council. To draw a link between COP15 and COP26, they are aiming to create a connected pathway of wildlife murals from London to Glasgow (2+ per city) that highlight biodiversity decline and the impacts of climate change on nature. Priority locations (at this time) are: London, Exeter, Bristol/Bath, Cardiff, Birmingham, Norwich, Nottingham, Liverpool, Belfast, Manchester, Edinburgh, and Glasgow. The UK Youth for Nature team will work with local partners to identify appropriate walls and contact and secure local artists. The topic of the design will be on biodiversity - any key habitats or species that are iconic that are disappearing from the area, to evoke people's imaginations.</p> <p>They have approached the Council about the potential of using the bridge piers for the Belfast part of the campaign. The work will be carried out by a local Belfast artist/collective of young artists. Members are asked to agree that the Council works with UK Youth for Nature Team on taking forward this proposal. In agreeing this Members are asked to note that the Council will have the opportunity to agree the artists involved and so quality assure this aspect of the work. Officers from the PP Department have recently taken forward the delivery of the Entries projects in the city centre which have included a number of high quality murals and a similar approach to choosing the artist(s) will be undertaken for this project.</p> <p>In addition if the proposal is agreed then Members are asked to note that the Council will need to make a financial contribution towards the costs of the project to cover the costs of paint/materials and artists costs. These costs would be taken from the existing project budget.</p> <p>Benefits for the project and city as a whole:</p> <ul style="list-style-type: none"> • Reputation as supporting a green youth movement • Environmental credentials • Community involvement
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	<ul style="list-style-type: none"> • Low-cost quality art piece • Positive media attention • Potential to cooperate with other biodiversity groups/organisations • Be part of a wider UK network • International recognition (UN climate conference in Glasgow in 2021) <p>Members are asked to agree the proposal of developing an art piece on the bridge piers as part of the UK Youth for Nature high-profile national campaign (involving more than 10 UK cities).</p>
3.5	<p>Other</p> <p>Members are asked to note that other issues have been raised in relation to ASB in the area. Members are asked to note that the Council's community safety team are aware of this and additional patrols are being carried out on the area. In addition we have installed mobile CCTV to monitor the bridge which will alert the contractor if there are any issues. Officers are also looking at longer term mitigation measures including the installation of permanent CCTV and are working with DFI on this. We have also had a request in terms of looking at the installation of night time gates on the Bridge. Members are asked to note that gates on the bridge were not part of the original design/scope and would not be in keeping with the ethos of the Bridge which was to open up access to the area. Given this at this stage we are not looking at the installation of these as there is no evidence that these are required as the Bridge has not yet opened. This will be kept under review.</p>
3.6	<p><u>Financial & Resource Implications</u></p> <p>Additional financial or resource allocations for the operation/management of the navigation lock are being explored at the moment; once these are being established a report will be brought back to committee.</p>
3.7	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None</p>
4.0	Appendices – Documents Attached
	Appendix 1 – UK Youth for Nature Proposal

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UK YOUTH for NATURE

The 2021 Environmental Super Year - COP26 MURAL PROJECT



Who we are – UKY4N

UK Youth for Nature (UKY4N) is the UK's leading youth-led network calling on UK politicians to take urgent action to address the loss of nature and wildlife. We are a network of determined volunteers between the ages of 16-30: early conservationists, campaigners, and environmentalists of diverse backgrounds and disciplines from across the UK. Through issue-led online and live campaigns, we target politicians, work with organisations and individuals on-the-ground, and provide a platform for young people to speak up and be heard.

2021

Nature is in catastrophic decline in the UK and around the world. However, the biodiversity crisis comes in second to the climate emergency. Whilst fortifying and safeguarding nature mitigates climate change and builds resilience amongst our societies, these solutions are too often ignored. In 2021, the UN Convention on Biological Diversity COP15 and the UN Climate change Conference COP26 in Glasgow will define the future of our natural environment for decades. There has never been a better or more urgent moment to tackle the biodiversity and climate crises together. The Covid-19 pandemic has powerfully demonstrated the extent to which we can adapt to sudden and rapid change. And as the UK hosts COP26, this is our moment to reprioritise nature in the public eye and political processes, now and always.

COP26 Mural Project – The Vision

To create a series of murals in cities/towns throughout the UK that highlight the biodiversity and habitat decline of that area. Driven by the power of the visual arts as an effective means of engaging people in a tangible, creative, and emotive manner, and supported by our communications, community, and political engagement strategies¹, this creative campaign will:

- Spark people's imaginations, show them what's missing, and paint a vision for the future.
- Be a youth and community-led statement for greater consideration of nature at COP26.
- Create local and national narratives about the importance of biodiversity.
- Platform these voices across the UK, to politicians, individuals, and the COP26 negotiations.
- Creatively engage diverse audiences, drawing attention and interest no matter political orientation, background, or opinion on nature.

¹ Please ask us for more details on our communications, community, and political strategies.



This project is scalable and has the potential to engage hundreds of thousands of people across the UK on the issues of biodiversity decline and the role of nature in climate change mitigation. Our main challenge is covering the costs to produce the murals. Funding is therefore vital to its success.

Logistics

We are working with partners, artists, organisations, and individuals in our 14 priority cities to secure walls and artists, ensuring that the murals are created by the communities they are embedded in. They will be painted June-September.



*14 priority cities in black *12 additional cities in purple – all subject to change

Artists

Professional artists conditionally secured include: [ATM](#), [Emic](#), [Alex Rubes](#), and [Michelle Meola](#). We are also working with talented youth, e.g. in Cardiff, thanks to the Prince's Trust.

Support

We have received enthusiasm and support from a range of organisations including: *Circumference Productions*, *The Climate Coalition*, *RSPB*, *Belfast City Council*, *Liverpool City Council*, *the Good Business Festival/Cultural Liverpool*, *the Prince's Trust*, *Nottingham Wildlife Trust*, *Northumberland Wildlife Trust*, *Daubeney Fields*, *Purpose*, *Seedhead Arts*, *Bristol & Bath Parks Foundation*, *the Diocese of Manchester*, *Wild West End*, *Cambridge Conservation Forum*, and individuals (letters of support can be provided). More information on pledges in the Income section below. Our extended network will support us with community engagement and communications.



Funding

Funding will allow us to achieve this vision. We are seeking funding to:

1. Cover the practical costs, which includes materials, shipping, and travel.
2. Compensate the artists who have joined this project to dedicate their time and skills towards prioritising and protecting the UK's nature and wildlife.
3. Support us with marketing/PR and printing/hosting QR codes to create further engagement with the mural.

In return for your financial support and/or material in-kind, you would be listed as a key partner on our website, socials, and in any consequent media and local engagement. We would be thrilled to discuss how you, your brand, or your organisation can be featured further in our campaign.

Budgetary break down

Expenditure	Cost	No. of days	Total
<i>Fees: 14 artists</i>	150	3	6300
Materials	No. artists	Cost	Total
Primer & sealer	14	40	560
<i>Masonry paint*</i>			
White	14	20	280
Colours (Blue, Red, Yellow, Black)	7	100	700
<i>Spray paint</i>			
5 colours	7	80	560
Brushes, cloths, masks, gloves	14	55	770
Shipping	14	30	420
Travel to Site	14	50	700
Marketing/PR			
Social Media	14	50	700
QR codes	14	9	126
Printed codes	14	20	280
Other			
Cherry picker hire	14	100	1400
Subtotal			12796
<i>Contingency 15%</i>			1919.4
Total			14715.4



Cost per mural

	Fees	Materials	Travel, PR, Other	Total
Masonry artist	450	245	229	924
Spray artist	450	205	229	884

Income	Amount
Circumference Productions	1000
Natural Paints – paint donation	500
Belfast City Council	tbc.
Wild West End	tbc.
Manchester-based construction company	tbc.
Liverpool City Council/The Good Business Festival	tbc.

*We are looking to buy masonry paint from [Community Repaint](#) and their paint remanufacturing centre, where in-kind donations are not sufficient. Covid-19 allowing, this should equate to a 50-60% saving on masonry paint and has the double benefit of saving paint from landfill.

This vital funding would secure new opportunities and expand our network and reach:

Level	Communications Outreach
Level 1	Promotion on UKY4N socials and through partners and supporters (youth movements and influencers, 50+ local, regional, and national organisations that support our campaigns, and additional networks developed throughout the campaign).
Level 2	Level 1; shared branding with The Climate Coalition Climate Festival and partners.
Level 3	Level 1; Level 2; output from major conservation partners across the UK; a media partner; full-length features and paid media.

Legacy

These murals will continue to be relevant beyond 2021. We want the UK's leadership this year to extend into the next decade as we make new 2030 commitments on biodiversity and climate. Engaging people's imaginations, these murals will provide a point of reference from which to address the Government's progress towards effective policy and action on nature. The longevity of these murals will sustain public engagement with the importance of robust ecosystems for years.

Thank you for considering this partnership. We hope you join us to make this super year, superb.





Subject:	Naming of Parks & Bridges
Date:	Tuesday 13 April 2021
Reporting Officer:	Ryan Black, Director of Neighbourhood Services
Contact Officer:	Alistair Charles, Project Sponsor Alice McGlone, Neighbourhood Integration Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report
1.1	The purpose of the report is for Members to consider the naming process for the new park in Colin, being developed under the Urban Villages Programme and a naming process for the new bridge installed at Springfield Dam as part of the Forth Meadow Community Greenway, developed under the Peace IV Shared Spaces theme and the new bridge currently being installed as part of the Lagan Gateway Project.
2.0	Recommendations
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> Approve the naming process, in line with current Council policy, for <ul style="list-style-type: none"> a. New Park in Colin b. New bridge @ Springfield Dam

	c. New bridge @ Lagan Gateway Project
3.0	Main Report
3.1	Members are advised that the former Parks & Leisure Committee, at its meeting in August 2008 agreed a policy framework for managing requests to name parks.
3.2	<p>The policy has also previously been used to (re)name a bridge on the Connswater Community Greenway, and follows a 4 stage process;</p> <ol style="list-style-type: none"> 1. Engagement with key stakeholders to develop a long list of new park names, which reflect; <ul style="list-style-type: none"> ❖ a sense of place, reflecting the geographic location, community, neighbourhood or street where the park, facility or amenity is located. ❖ the historical significance of the area or reflects unique characteristics of the site (unique flora / fauna). 2. Shortlisted names based on stakeholder feedback and assessed against the policy criteria as outlined above; 3. Community consultation on the agreed shortlisted names; 4. Recommendation to People & Communities Committee to reflect preferred name identified via the community consultation.
3.3	<p>Names will not be considered which:</p> <ul style="list-style-type: none"> • Cause confusion due to duplication or names sounding similar to existing named facilities/locations within the City. • Unlawfully discriminate within the meaning and scope of the provisions of Section 75, the Good Relations Plan (2007) and the Shared Future agenda. • Are party-political in intention or use.
3.4	<p>Members will be aware that a number of new facilities / structures are due to be operationalised over the next number of months, which required to be named or where we have received representation that naming should be considered, these sites / structures are;</p> <ul style="list-style-type: none"> • New Park in Colin • New Bridge at Springfield Dam • New Bridge – Lagan Gateway Project

3.5	As each project is at different stages in their development and operate under different governance arrangements, mainly as a result of how the projects are funded, the consideration of naming are at different stages.
3.6	<p>Below for Members consideration is the proposed approach, in line with the agreed policy, for the 3 sites / structures detailed above;</p> <p><u>New Park in Colin</u></p> <p><u>Background</u></p>
3.7	The Council are currently working in partnership with the Urban Villages Initiative to develop a large scale 'destination' park in the Colin area of the city. The new park, which represents an investment of over £4m in the area, will include a new play park, pump track, education zone and extensive new pathways.
3.8	<p>Work on the park is currently well underway and completion is planned for June/July this year. As this is a new facility it is now appropriate to name the park.</p> <p><u>Naming Process</u></p>
3.9	<p>An initial engagement exercise was carried out with key local stakeholders to develop several options for a name for the new park. The initial, agreed options were:</p> <ol style="list-style-type: none"> 1. Páirc Nua Colin 2. Leap of Faith Park 3. Sherwood Park 4. Colin New Park
3.10	<p>Following some additional discussion with the Council's Irish Language Officer, it was agreed to look at adding a further option to this list:</p> <ol style="list-style-type: none"> 5. Páirc Nua Chollan
3.11	This option represents the 'full' Irish translation of the name 'Colin New Park', rather than the English/Irish hybrid version represented by option 1 above. It was agreed that offering the

3.12	English version of the name alongside an English/Irish hybrid option, whilst not offering a full Irish option, would not represent best practice and could leave the Council open to challenge. The spelling of the name Colin as 'Chollan' is also in line with the spelling used in many place names in the Colin area.
3.13	The addition of this fifth option has received supported from all the key stakeholders initially engaged to develop the original four options.
3.14	In line with the Council's naming policy, Committee approval is now being sought to carry out a full public consultation around these five naming options. The results of this consultation will then be brought back to Committee seeking approval to select the final name for the park prior to opening
	<u>Springfield Dam Bridge</u>
	<u>Background</u>
3.15	Springfield Dam Park opened to the public in December 2020 following the completion of a major refurbishment which included the installation of a new pedestrian and cycle bridge across the dam, new walking and cycling pathways, and the creation of a new event space. An outdoor classroom for schools and community groups was also created, as well as viewing platforms, additional lighting and planting.
3.16	Belfast City Council delivered the £1.2million project with funding from the EU's PEACE IV Programme, as well as Department for Communities who also provided 10 acres of land, including a former cooling dam, for the scheme.
3.17	Springfield Dam forms a key milestone in the cross-community Forth Meadow Community Greenway project, a 12 km long greenway which will link communities from North Belfast through the West, into the city centre.
	<u>Naming Process</u>
3.18	The park itself is known as Springfield Dam Park. However, interest has been expressed in naming the new bridge which has been built across the dam. There are number of workstrands under the Forth Meadow Community Greenway Project which would offer

	<p>opportunities for local engagement taking forward stage 1 of the (re)naming process. Following on from this the proposed long list will be brought back to Committee for consideration before going out to public consultation to enable the final name to be agreed.</p> <p><u>Lagan Gateway Bridge</u></p>
3.19	<p>The Lagan Gateway project proposes a number of structural improvements and development works at Stranmillis including the development of a navigation lock, an iconic foot and cycle bridge, the refurbishment of the existing weir and high quality landscaping with associated path connections. The project will create a connection both on the water and on land by building a navigation lock and a pedestrian/cycle bridge.</p> <p>Members will have already noted in the previous update report that the new pedestrian and cycle bridge will be fully installed later in Spring. The first section of the bridge has been lifted into place with huge interest of media and general public in February. The Council already received a number of queries regarding the potential naming of the bridge and we would like to give stakeholders an opportunity to suggest a name for this new asset in the area.</p> <p>The naming process will follow the four stage process as outlined above and include</p> <ul style="list-style-type: none"> ▪ 2 week consultation period during which stakeholders will have the opportunity to submit ideas for the name of the bridge ▪ Following this, a panel of judges will meet to consider the submissions and shortlist a number of potential names against the criteria in the naming policy. It is proposed that the Panel is made up of Council officers again with Project Board members which will include funding partners ▪ Public will then have an opportunity to vote on the shortlisted options. The final bridge name will be determined by the majority vote and will be brought back to Committee to be considered for agreement within context of BCC's naming policy.
3.20	<p>As with previous naming processes, communication and advertising will be used to engage and inform the public about the naming process and to ensure that people are aware of the opportunity to submit naming ideas etc.</p>
3.21	<p>Financial & Resource Implications</p> <p>All costs associated with the naming / signage requirements will be picked as part of the overall capital costs associated with each site.</p>

3.21	Equality or Good Relations Implications/Rural Needs Assessment The naming process followed will be in line with the Council's naming policy and the chosen name will be screened in line with the Council's equality process.
4.0	Appendices – Documents Attached
	None



Subject:	Update on Progress with Development of a new Air Quality Action Plan and concerning the Detailed Assessment for Fine Particulate Matter (PM _{2.5}) and Nitrogen Dioxide (NO ₂) for Belfast City.
Date:	13 th April 2021
Reporting Officer:	Siobhan Toland, Director of City Services
Contact Officer:	Valerie Brown, City Services Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The Committee will be aware that Council Air Quality staff have been working with Competent Authorities and other partner organisations within the city to develop a new 5-year Air Quality Action Plan for Belfast covering the period 2021-2026.
1.2	A paper was presented to the remote Committee meeting of 9 th February 2021 detailing a list of proposed actions that the Council and our partner organisations are proposing to implement throughout the duration of the new Action Plan in order to address the few remaining nitrogen dioxide (NO ₂) hotspots within our Air Quality Management Areas and to improve ambient air quality generally for the city.

1.3	Since that remote Committee meeting, Air Quality staff and our partners have continued development of the new Air Quality Action Plan, including arrangements for consultation and engagement on the requirements of the new plan.
1.4	Members may recall that following a previous air quality update report, presented to the Committee meeting on Tuesday 8 th September 2020 (agenda item 7a), the Committee agreed consultation and engagement in respect of the new Belfast City Air Quality Action Plan and noted the comments to include engagement with communities and business interests and specifically the West Belfast Taxi Consortium.
1.5	This report serves therefore to present final proposals for consultation and engagement on the new Belfast City Air Quality Action Plan 2021-2026 for Members consideration and approval.
1.6	This report additionally serves to provide, from paragraph 3.1 onwards, a brief update to Committee on progress with the Detailed Assessment for Fine Particulate Matter (PM _{2.5}) and Nitrogen Dioxide (NO ₂) and concerning the ambient monitoring component of this project.
2.0	Recommendations
2.1	<p>The Committee are invited to;</p> <ul style="list-style-type: none"> Consider and approve the proposals for consultation and engagement on the new Belfast City Air Quality Action Plan 2021-2026. Identify any additional specific groups to be included within the proposed consultation and engagement process. Agree that a report will be provided to the 11th May 2021 remote meeting of the Committee concerning ambient monitoring aspects of the Detailed Assessment project and that Council Air Quality staff and representatives from AECOM, the appointed consultant, will attend that meeting in order to answer Member questions or queries concerning the ambient monitoring proposals.

3.0	Main report
3.1	<p><u>Key Issues.</u></p> <p>Proposals for consultation and engagement on the new Belfast City Air Quality Action Plan 2021-2026.</p> <p>Part III of the Environment Order (Northern Ireland) 2002 establishes statutory requirements for Northern Ireland district councils to periodically review and assess ambient air quality within their districts, for the designation of Air Quality Management Areas when health based air quality objectives are not being achieved, and for the development and consultation on Air Quality Action Plans.</p>
3.2	<p>'Schedule 2 Air Quality: Supplemental Provisions' of the Order advises in relation to consultation requirements that a district council, in carrying out its functions in relation to the preparation of an Action Plan shall consult the Department of Agriculture, Environment and Rural Affairs (DAERA); each district council whose district is contiguous to the council's district; such competent authorities exercising functions in, or in the vicinity of, the council's district as the council may consider appropriate; such bodies or persons appearing to the council to be representative of persons with business interests in the district to which the action plan relates as the council may consider appropriate and; such other bodies or persons as the council may consider appropriate.</p>
3.3	<p>Moreover, the Defra template being employed for development of the new Air Quality Action Plan 2021-2026 contains a section for reporting on the outworkings of any consultation process and stakeholder engagement. As part of the template, councils are required to provide a summary of their engagement activities, including for example, websites used, articles in local newspapers and examples of any questionnaires distributed to households. In addition, the final Action Plan must include a section summarising responses to any consultation or stakeholder engagement, together with an explanation of the reasons for not pursuing action plan measures, taking account of stakeholder views or comments.</p>
3.4	<p>Considering the above-mentioned statutory consultation requirements, it is proposed that Belfast City Council will schedule a 12-week consultation and engagement exercise on the Air Quality Acton Plan 2021-2026, to include completion of an associated Equality Screening and Rural Needs Assessment. It is anticipated that the consultation and engagement exercise will run from 10th May 2021 until 30th July 2021.</p>

3.5	<p>As part of the consultation and engagement exercise, the Council will consult directly with DAERA and relevant Competent Authorities concerning the new Air Quality Action Plan. It should be noted however that the Competent Authorities are represented on the Air Quality Action Planning Steering Group that developed the new Action Plan and that they have contributed the majority of the Action Plan measures. It should also be noted that some Competent Authorities will themselves be required to undertake separate consultation exercises on the measures that they have proposed. Consultation and engagement on the Air Quality Action Plan will therefore be undertaken in a manner so as not to replicate any consultation exercises being undertaken by partner organisations. We will however encourage our partner organisations to publicise the Council's consultation and engagement exercise through their various fora.</p>
3.6	<p>In addition, Belfast City Council will provide copies of the Air Quality Action Plan to Antrim and Newtownabbey Borough Council, Lisburn and Castlereagh City Council and Ards and North Down Borough Council in order to obtain their views.</p>
3.7	<p>In respect of bodies or persons appearing to the Council to be representative of persons with business interests in the district to which Action Plan relates, the Committee has already identified the West Belfast Taxi Consortium. The Committee is invited however to identify any further business interests that should be specifically consulted and engaged concerning the new Air Quality Action Plan.</p>
3.8	<p>Whilst not identified as a specific consultee within Schedule 2 of the Environment Order (Northern Ireland) 2002, the Council intends to seek the views of the general public in Belfast on the new Air Quality Action Plan in order to address the Committee requirement for community engagement. It is proposed that public consultation and engagement will be facilitated via an article in the June 2021 edition of City Matters, via a tailored social media campaign and through an online consultation and engagement exercise delivered via the Council's '<i>Your Say Belfast</i>' engagement hub.</p>
3.9	<p>Air Quality staff have already received requests from some Councillors for engagement with specific Community Groups as part of the Action Plan consultation and engagement process. In view of likely continuing Covid-19 restrictions, it is anticipated that engagement of this nature could be achieved through the use of online meeting tools such as Microsoft Teams, Zoom or equivalent. Accordingly, the Committee is invited to identify any additional</p>

	Community or other groups to be included within this aspect of the proposed public consultation and engagement exercise.
3.10	At the conclusion of the consultation and engagement exercise, Air Quality staff will analyse the findings of the various surveys and submissions, provide feedback to our partners and agree any necessary final revisions to the Air Quality Action Plan 2021-2026. The completed Action Plan will then be submitted to Defra for technical appraisal, ahead of formal adoption and implementation. A further progress report will be provided to Committee at this time.
3.11	<p>Update on Progress with the Detailed Assessment for Fine Particulate Matter (PM_{2.5}) and Nitrogen Dioxide (NO₂).</p> <p>By way of a brief update on progress concerning the detailed assessment for fine particulate matter (PM_{2.5}) and nitrogen dioxide (NO₂), Members may recall from the, '<i>Update on Local Air Quality Management Matters</i>' paper (agenda item 8b) presented to the 12th January 2021 remote Committee meeting, that a tender exercise was underway with a view to appointing a contractor to deliver the detailed assessment project from early 2021. The Committee is advised that as a result of the competitive tender exercise, AECOM has since been appointed to deliver the detailed assessment project.</p>
3.12	Members may additionally recall that the detailed assessment project comprises three principal technical components; additional ambient monitoring across the city for fine particulate matter (PM _{2.5}) and nitrogen dioxide (NO ₂), development of an emissions inventory to characterise significant emission sources of these pollutants within the city area and atmospheric dispersion modelling for the city area in order to generate spatial and temporal predictions for nitrogen dioxide (NO ₂) and fine particulate matter (PM _{2.5}) concentrations that can be compared with national and European air quality standards and World Health Organisation air quality guideline values.
3.13	Having now concluded initial contractual arrangements with AECOM, Council Air Quality staff have recently commenced preliminary discussions with AECOM representatives in order to determine suitable locations for installation of the additional ambient monitoring equipment. The monitors are to be installed, having regard to the relevant public exposure requirements outlined within the government's local air quality management technical guidance document (LAQM.TG(16)). However, in order to afford Committee with an opportunity to consider the monitoring locations currently proposed by AECOM and to provide input into final locations, it is proposed that a report concerning ambient monitoring proposals will be presented to the

	<p>11th May 2021 remote Committee meeting. It is additionally proposed that AECOM and Council Air Quality staff will attend the remote meeting in order to respond to any questions or queries that Members may have.</p>
3.14	<p><u>Financial & Resource Implications.</u></p> <p>Development and delivery of the proposed consultation and engagement exercise is to be undertaken by Air Quality and Business Research and Development staff from within existing resources.</p>
3.15	<p><u>Equality or Good Relations Implications / Rural Needs Assessments.</u></p> <p>An Equality Screening and a Rural Needs Assessment are to be undertaken as components of the consultation and engagement exercise on the Air Quality Action Plan 2021-2026.</p>
4.0	Appendices – Documents Attached
	None