

Belfast City Council's response to the Consultation Document on Enabling Legislation for National Parks (August 2011)

1. What are your views on the proposed aims of national parks?

Belfast City Council welcomes the proposed aims of national parks and views these as aiming to balance conservation of natural and cultural resources with developing tourism and sustainable business.

2. What are your views on the proposed criteria for identifying areas that may be suitable as national parks?

We would see the criteria as appropriate and sufficiently challenging to ensure that appropriate locations are designated. One point that we feel requires clarification is whether or not there is a minimum size requirement for areas to be considered for national park status.

3. What are your views on the proposed arrangements for consulting on a proposal to designate a specific area as a national park?

We are in agreement with the proposed arrangements for consulting on a proposal to designate a specific area as a national park and welcome the proposal that any decisions will be Executive rather than Ministerial. We would suggest that the point in the process at which a public enquiry may be justified needs to be carefully considered.

4. What are your views on the proposed management framework arrangements for national parks?

The Council believes that the management framework arrangement that is chosen for national parks needs to ensure both local and wider interests are taken into account, as national parks will be of regional significance. We would concur that the management body requires a long-term commitment from Government to support it.

5. What are your views on the proposed duties, functions and powers of a national park management body?

The Council agrees that it would be important for any national park management body to provide the leadership needed to bring together all relevant organisations and individuals and to engage all relevant players in developing a vision and drawing up plans for the national park.

6. What are your views on the proposed role of a national park management body in planning matters?

The Council would suggest that the management body should be a statutory consultee and we would welcome clarification on whether this will be the case.

7. What are your views on the governance options?

The Council advocates any proposals which would strengthen the role of local government, and we would agree that the governance of national parks by district councils, as set out in option 4, would sit comfortably with proposed devolved powers such as land use planning and community planning. It would also complement areas that local authorities already have responsibility for such as local tourism and economic development. We recognise that there may be an issue with this option in that any site chosen may straddle several district council areas, and that there may be a conflict of interest in relation to planning issues. We also acknowledge that elsewhere there has been experience of this model not working.

With respect to option 1, we would have concerns that, with DoENI acting as Northern Ireland's National Parks Service, governance would be too centralised, with limited local focus and the danger that local needs would not be sufficiently considered.

We would also have concerns over options 2 and 3 as we feel that local representation is important on any body that oversees national parks and/or AONBs, and we feel that neither option would facilitate sufficient local representation.

We would agree that option 5 'would permit a flexible, responsive and innovative approach' and allow for local decision making with local buy-in. If this option is chosen, we believe that the appropriate and balanced involvement of district councils should assist in providing vital links to a wider knowledge base and be to the mutual benefit of both councils and the independent bodies.

The Council believes that the chosen governance option needs to ensure both regional and local interests are represented. Indeed, national parks are of regional significance and, as gateways to Northern Ireland, their governance could benefit from suitable inputs from Belfast City Council and/or the Belfast Visitor and Convention Bureau.

8. What are your views on the proposed constitution of a national park management body?

We are in agreement with the proposed constitution of a national park management body and welcome the proposed mix of local and regional representation.

9. Do you share the Department's analysis in the Partial RIA that national parks will have little or no negative impact?

The Council does not feel that it is in a position to comment, as national park locations have yet to be designated.

10. Are there any other comments which you wish to make about the Department's proposals?

In relation to the section on access and occupiers' liability, the Council would like to highlight the following points:

The document states that 'it is proposed that district councils would continue to exercise their powers under the Access to the Countryside (NI) Order within the national park'.

The only piece of legislation in Northern Ireland that relates to access to the countryside is the Access to the Countryside (NI) Order 1983. Under this order the Council has a duty to assert rights of ways and this is currently carried out through the Countryside Officer. However, whilst the legislation imposes a duty on Councils to assert, protect, keep open and free from obstruction rights of way, it does not actually empower the Council to enter another person's land to do so. We would also suggest that the legislation may need to be revisited with a view to making it more user-friendly for landowners, and that consideration should be given to issues such as removing liability from landowners to encourage promotion of access.

If a national park were to be instated, then there may be a perception that there is open access to all land within the park - as in England and Wales under the Countryside and Rights of Way Act 2000. This would require careful consideration in order to protect private landowners.

Under the Access to the Countryside (NI) Order 1983, it is only possible to enter into a public path agreement, ie dedicating land in perpetuity, which is not favourable to many landowners. It is possible through the Recreation & Youth (NI) Order 1986 to enter into a permissive path order thereby constraining the land for a limited time. This approach is generally more favourable with landowners, and if access is to be achieved then this opportunity needs to be explored and strengthened.

We would also seek clarification around payment for land access with regard to the value and source of this money.

The Council would also ask that consideration is given at any site designated as a national park to the proper management of waste and adequate public toilet provision.

Whilst the Council welcomes developments that increase tourism to Northern Ireland, we would be concerned that tourism funding would be directed towards new national parks to the detriment of other areas.

The Council feels that In advance of proposed designations, equality issues are difficult to define and that equality issues may be become apparent when preliminary designations are published.