



OPR Case Study Paper CSP01

Public Rights of Way and the Local Authority Development Plan



**Oifig an
Rialaitheora Pleanála**
Office of the
Planning Regulator

A Survey Report on the Operation of Section
10(2)(o) of the Planning Act



June 2021



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The intention of the Case Study Papers is to support planning authorities in performance of their duties. For the avoidance of doubt, Case Study Papers do not have the status of Ministerial Guidelines under Section 28 of the Planning and Development Act 2000, as amended.* They are issued to promote shared learning and highlight best practice, in accordance with the OPR's statutory remit to engage in education, training and research activities. Case Study Papers cannot be relied upon as containing, or as a substitute for, legal advice. Legal or other professional advice on specific issues may be required in any particular case.

We invite comments, feedback, suggestions and other relevant case studies from users of this Case Study Paper and you should send them to research@opr.ie.

*here in referred to as the '2000 Act'.

1.0 Introduction

Public rights of way (PROWs) are an essential part of the amenity and recreational facilities available to the public, especially in order to experience the physical attributes of local communities, whether they provide access to rivers, seashore, lakes, uplands or other amenities.

Ireland, like many other places around the world, has seen unprecedented increased demand on access to such facilities since the Covid-19 pandemic.

The planning process has recognised the importance of rights of way for over 10 years. Since 2010, planning legislation obliges local authorities to include information for the public in their statutory development plans, including lists and maps, on the extent of PROWs existing in their areas.

Specifically, Section 10(2)(o) of the Planning and Development Act 2000, as amended, ('the Act') requires that:

*'The development plan **shall include objectives for... the preservation of public rights of way** which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility, **which public rights of way shall be identified both by marking them on at least one of the maps forming part of the development plan and by indicating their location on a list appended to the development plan.**'*



Section 14 of the Act sets out additional provisions where a local authority proposes new PROWs including public consultation and appeal procedures.

Further provisions in the Act relate to PROW, including Section 206 (creation of PROW pursuant to agreement) and Section 207 (compulsory powers for creation of PROW).

Correspondence to the OPR (the Office) in relation to PROW has claimed that there is an inconsistent approach across local authorities in relation to the requirement above, with only 31% of local authorities meeting the requirement under the Act.

On foot of the correspondence received, and the topicality of walking and amenity access in the current pandemic, the Office undertook a preliminary review of the matter to analyse local authorities' implementation of the above requirements, to examine the issue of countryside access mechanisms generally, to highlight emerging and ongoing good practice and in the light of that to ensure a more consistent approach.

The Office will refer to good practice findings in our statutory assessments of local authority plans and advices to local authorities in meeting their statutory requirements.

2.0 Rights of Way in Development Plans: Summary of Current Situation

The Office considered the contents of 35 local authority development plans in relation to PROWs, the results of which are contained in table form in Appendix A. In summary, we found that:

- ▶ All development plans **make reference** to the issue of public rights of way (PROW);
- ▶ 32 (91%) plans **identify policy objectives** for the protection/preservation of PROWs;
- ▶ However, only 11 (or 31%) plans have an **inventory** of PROWs including their recording on **maps**;
- ▶ 22 (or 63%) plans, including some plans that have an existing inventory and maps of PROWs, state **objectives to identify PROWs during the lifetime of plan**; *and*
- ▶ 10 (or 29%) plans had **no inventory or map** of PROWs nor an objective to identify any PROWs during life time of plan.

3.0 Engagement with Local Authorities

Following an initial desktop review of the development plans, the Office wrote to the 22 local authorities that had committed to examine the issue of rights of way over the lifetime of their development plan.

We sought information on progress in identifying PROWs and also offered the opportunity for local authorities to identify any issues or challenges that they experienced in implementing their objectives to include additional PROWs in map and list form.

Noting that many of the plans above state objectives to identify PROWs during the lifetime of the plan, we also requested a copy of the progress report on securing the objectives of the development plan that every local authority is obliged to prepare two years post the adoption of the relevant development plan under Section 15 of the Act, also referred to as the 2-year Development Plan Progress Report.¹

All 22 local authorities responded to the Office's request. Two local authorities submitted that they had fully met their obligations under Section 10(2)(o) of the Act and did not add further PROWs during the life of their development plan. The outcome of the individual local authority responses is summarised in table form in Appendix B.

Matters raised generally by these local authorities include:

- ▶ A high level of demand on resources in implementing the requirement given that information collation can be difficult, needing a high degree of checking land-ownership and legal requirements, where information may be scarce;
- ▶ Opposition from landowners and legal precedents (Lissadell case);²
- ▶ Difficulties in navigating legislation and case law relating to rights of way and the need for comprehensive legislative reform;
- ▶ Concern that the development plan list may establish an obligation on the authority to maintain the public rights of way, with potential for compensation claims; *and*
- ▶ Concerns from elected members representing local land holding interests.

¹ Section 15 of the Act requires local authorities to prepare a report on progress in implementing the objectives of the development plan two years after it is adopted. This report provides in presentation form how objectives to address various matters during the lifetime of a development plan are being progressed.

² Supreme Court Rulings no. 89 and 92 of 2011.

Three local authorities advised that they had not yet completed their respective Section 15 progress reports. A total of 17 Section 15 reports were submitted to the Office, and it was notable that all 17 responses confirmed that no local authorities provided for any additional/updated PROWs in their plans. Over half of the Section 15 reports made no direct reference to implementing the PROWs objectives in their plans and the remainder of the responses are summarised as follows:

- ▶ No progress on the PROWs objective;
- ▶ Unlikely to complete the necessary body of work within the lifetime of the development plan; *and*
- ▶ Work is ongoing to secure achievement of the PROWs objective.

Eight local authorities made suggestions on how future progress on PROWs could be improved or amended, including the following:

- ▶ An advice note on how best to identify PROWs would be helpful;
- ▶ Sharing of good practice or direction to local authorities with expertise;
- ▶ National guidance on best practice;
- ▶ Review of Section 10(2)(o) and Section 14 of the Act;
- ▶ A collaborative and engaging approach with landowners and community groups is a preferred approach;
- ▶ Alternatives such as better pedestrian ways along public roads and acquisition of land for the provision of public parks;
- ▶ Implementation of the public walkways through the development management process; *and*
- ▶ Sourcing suitably legally trained personnel to support the process.





4.0 Emerging Conclusions

The findings and feedback from this informal survey reveal a variety of approaches among local authorities to addressing this important planning matter, implementation of which can be challenging and contentious.

That said, there are a number of mechanisms to secure the development of improved access to the countryside and amenities besides the statutory planning process. These include ways that are not necessarily PROWs, but walking routes developed in conjunction with landowners through the permissive access approach and the use of the wider public road and laneway network.

Helpfully, Circular Letter PL 5/2015 (Department of Environment, Community and Local Government, 21st August 2015) sets out a distinction between PROWs and National Way Marked Ways (permissive trails).

The Circular Letter refers to public rights of way as ways that are accessible at all times to members of the public without requiring permission to access.

The Circular Letter then continues to explain permissive access, which by contrast to PROW, operates on the basis of a signed written agreement between for example, a local community development company or agency responsible for the development and management of a recreational trail and the landowner or occupier permitting a trail to be developed through his or her property.

Permissive access agreements do not constitute a dedication of a right of way over the property and the landowner retains a right to withdraw this permission. These agreements are normally for a specified number of years as agreed between the developer and landowner or occupier and any party may withdraw from the agreement following 12 months' notice or the agreement may be terminated at any time by mutual consent of all parties.

The permissive access approach has seen an extensive network of walks, ways and trails provided in recent years across the open countryside including long distance walking

routes and these ways are widely supported by a range of stakeholders including private landowners, the State, recreation bodies, tourism providers and community interests.

The permissive access mechanism complements statutory Section 10 (2)(o) development plan objectives. An integrated approach combining agreed ways and trails with PROW statutorily defined in the development plan has the potential to extend the amenity and recreational offer, and as such providing better access and improved connectivity throughout a local area or the wider county area. The overall combined approach, providing an inventory of permissive access routes and PROWs, offers an opportunity to enhance access at a time of high demand for local recreational access.

Acknowledging that there can be a number of mechanisms deployed in promoting better access to the countryside, as well as coastal amenities, waterways, uplands and

other natural areas, and considering the Office's statutory planning research mandate, we concluded that it would be helpful to consider what might be regarded as good practice in the analysis and inclusion of rights of way in statutory development plans.

Subject to further engagement with the local government sector, the Department of Housing, Local Government and Heritage and any other relevant stakeholders, the Office is aiming to ascertain what should be regarded as good practice fitting with the broad spirit of the legislative requirements of Section 10(2) (o) and other relevant sections. The research and analysis in this report will be used to inform our statutory plans evaluation function and to ensure that development plans effectively and consistently address the issue of countryside access in the context of wider amenity provision and enhancement, place-making and rural development matters.

5.0 Good Practice

Accordingly, this section of the report appraises some good practice examples across the most recent iteration of county and city development plans. Subject to feedback on this report, we will give consideration to finalising a brief OPR practice note that will be used in our evaluation of statutory plans and training processes.

The Office is obliged, in accordance with the provisions of Section 31AM of Act, to evaluate and assess county and city development plans, at least at a strategic level, in the context of certain statutory parameters, including matters generally within the scope of Section 10.

This report is timely given that many local

authorities currently find themselves preparing draft city/county development plans as part of the next 6-year development plan cycle, with nine local authorities publishing draft county development plans in the last 12 months.

The majority of the remaining draft city/county development plans will be drafted and adopted in the forthcoming 12-month period.

Section 10(2)(o) requires that a development plan identifies PROWs on a map (*'on at least one of the maps'*) and lists them in the development plan. As such, **and as a minimum requirement in the development plan preparation**, the publication of both a map and a list of PROWs is therefore required.

Given the legislation, only PROWs for which their existence is well established and, where possible, documented, should be included under the narrow definition of Section 10(2)(o). At the same time, it is apparent that many development plans that have addressed the issue of access do not confine themselves to statutorily defined PROWs in the meaning of Section 10(2)(o) but also include other types of ways in their inventory .

For example, many, but not all, local authority development plans provide detail on other types of ways, including those allowing for permissive rights-based access to seashore, mountain, lakeshore, riverbank or other places of natural beauty or recreational utility.

Accordingly, the inclusion of such detail in development plans complements the statutory Section 10(2)(o) development plan objectives with a map/list of other amenity walks and routes, many of which operate on the '*permissive access*' principle. This includes many of the greenways being developed in recent years.

Such practice above, reflects the fact that many local authorities are working with their local communities and many are highly proactive in encouraging better access routes to amenity areas in co-operation with landowners rather than taking on the provision of such access directly by the local authorities that have many demands placed on them.

Our examination of development plans on an ongoing basis points to a wide range of projects planned and underway by local authorities that have improved or will improve parks, play spaces and green infrastructure like walking, cycling and blueway linkages that connect communities and are intended to form part of wider regional, national and

even international networks.

For example, Carlow County Council has published **Slí 2040: County Carlow's outdoor recreation vision for 2040** which provides an important and useful input to the preparation of the draft Carlow County Development Plan 2022-2028. The production of the '*Slí 2040: County Carlow's outdoor recreation vision for 2040*' is an approach based on collaboration and engagement with landowners, community groups and relevant stakeholders.

In our analysis of plans, with regard to the implementation of Section 10(2)(o) of the Act, several local authorities demonstrated what could be regarded as good practice in mapping and listing a range of PROWs known to the local authority.

At a general level, rural local authorities would seem to have been more successful at including maps and lists in development plans than their urban counterparts. This is likely because in urban areas, the extensive public road and footpath (and now growing cycleway) network, coupled with the public parks system, already provides good public access to amenities such as seashores and watercourses.

The Act refers to PROWs being marked in relation to access being provided to seashore, riverbanks and other amenities, good examples of which are considered in more detail under the headings below.



Seashore Sligo

The Sligo County Development Plan 2017-2023 identifies six PROWs, including Lissadell, which was the subject of Supreme Court Rulings no. 89 and 92 of 2011. The six PROWs are all located in popular coastal settings providing public access to the seashore. The PROW indicated in Figure 1 below is located north of Enniscrone beach. The PROW is clearly depicted in the plan by an

aerial photograph image, indicating the approximate location of the PROW.

Moreover, the Sligo County Development Plan usefully signals that the inventory of PROWs is a non-exhaustive list and that the omission of a right of way from their inventory shall not be taken as an indication that such a right of way is not a PROW.

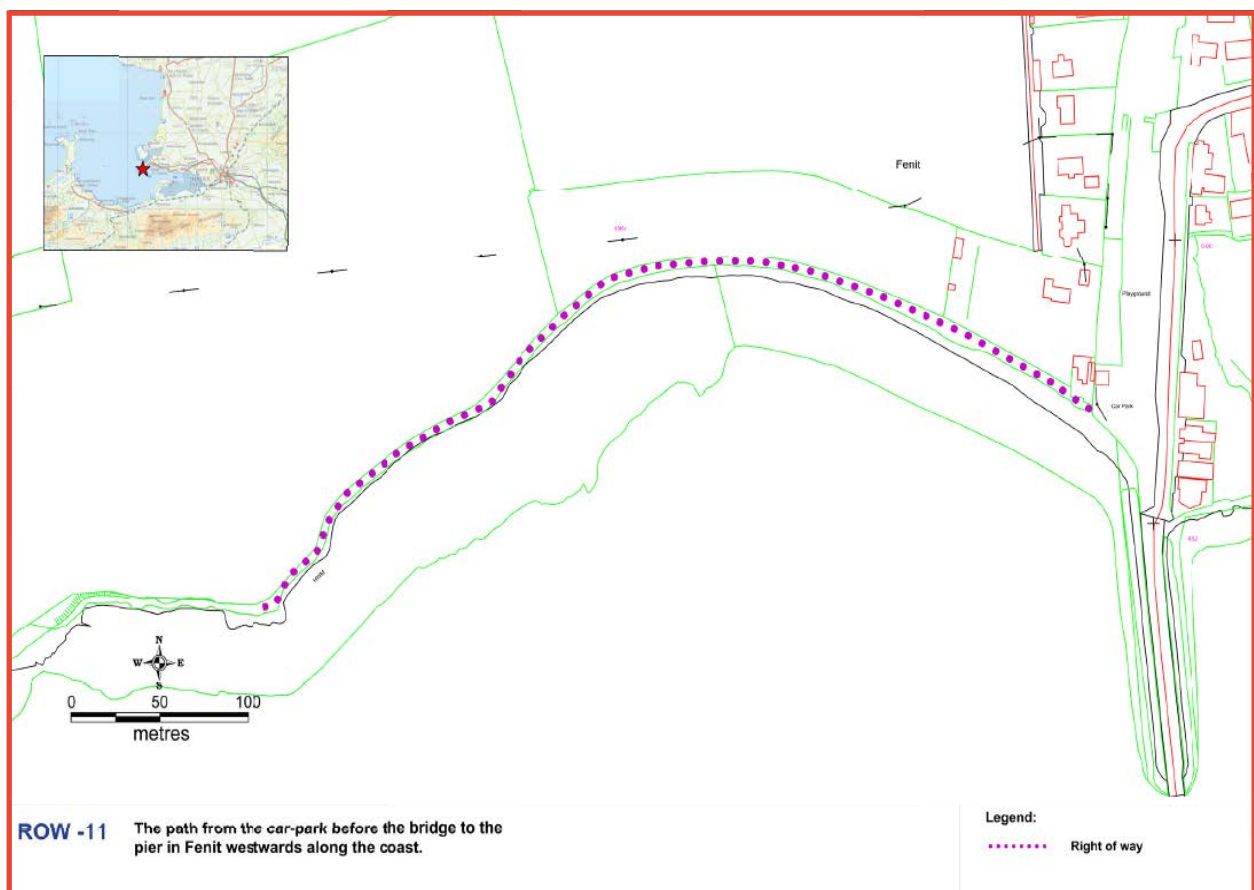


► Figure 1 Sligo County Development Plan 2017-2023

Kerry

The Kerry County Development Plan 2015 -2021 also recognises the value that PROWs can play in rural development generally and coastal tourism specifically. The plan illustrates 52 PROWs, 42 of which are in seashore locations, including being part of the Wild Atlantic Way.

The PROW in Figure 2 below is north of Tralee Bay and the right of way provides access to Fenit Pier.



► Figure 2 Kerry County Development Plan 2015 -2021

Wicklow

The current Wicklow County Development Plan 2016-2022 refers to seven PROWs and, given its coastal location, many of these provide access to seashore amenities.

One of these PROWs, depicted in Figure 3, includes the access from the Beach Road, Greystones to the coastline in Rathdown Lower and Rathdown Upper. This PROW provides access to one of the more popular

amenity routes on the east coast, i.e. the Bray to Greystones Cliff Walk. The overall length of the PROW, is 1.4km and includes access through the recently developed Marina Village development in the north Wicklow town.

This is another good practice example of a PROW linking up with an established walking route.

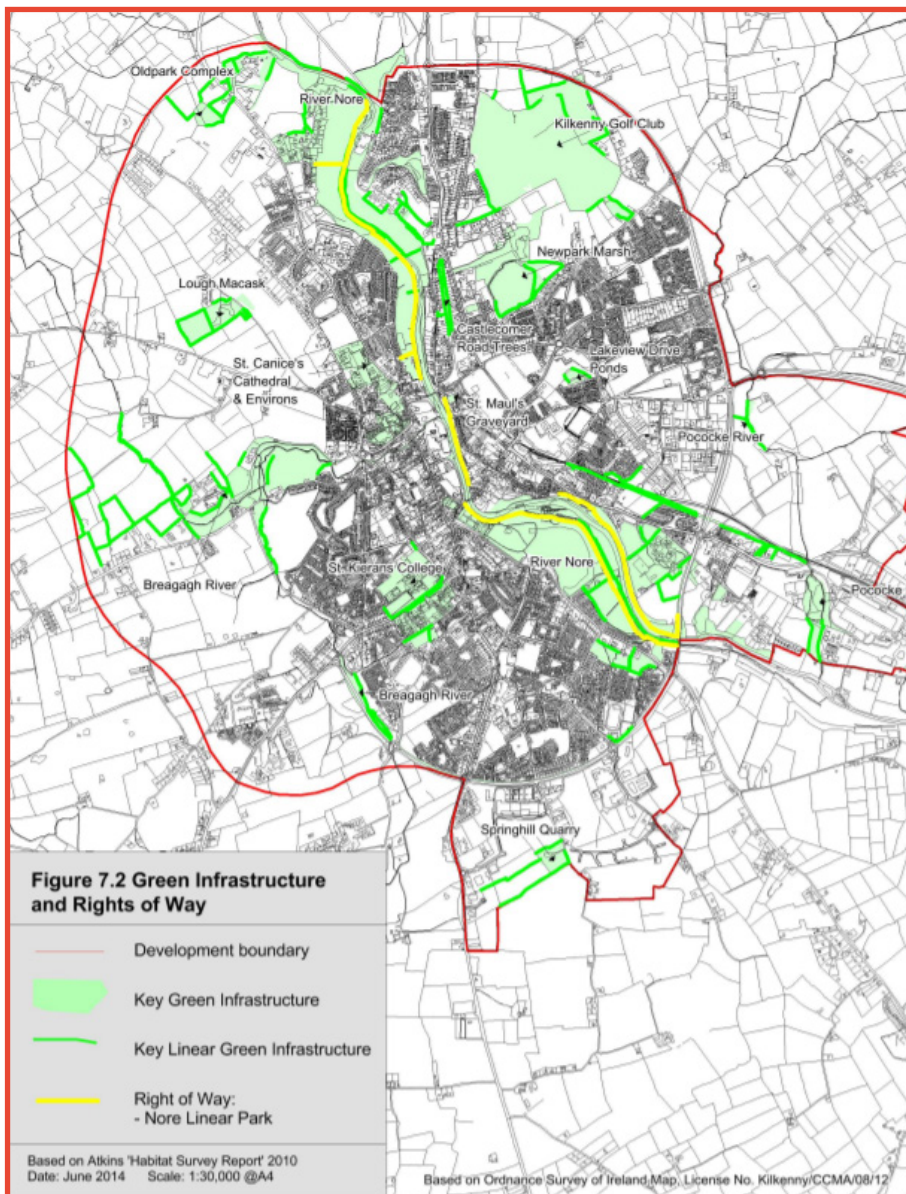


► Figure 3 Wicklow County Development Plan 2016-2022

Riverbanks Kilkenny

The Kilkenny City and Environs Development Plan 2014-2020 includes a good example of a PROW along a riverbank in an urban setting which serves a densely populated area. Figure 4 illustrates a PROW along the bank

of the River Nore, which is also part of the EU Natura network of ecological sites as both a Special Protection Area and a Special Area of Conservation, and critical wildlife habitats.

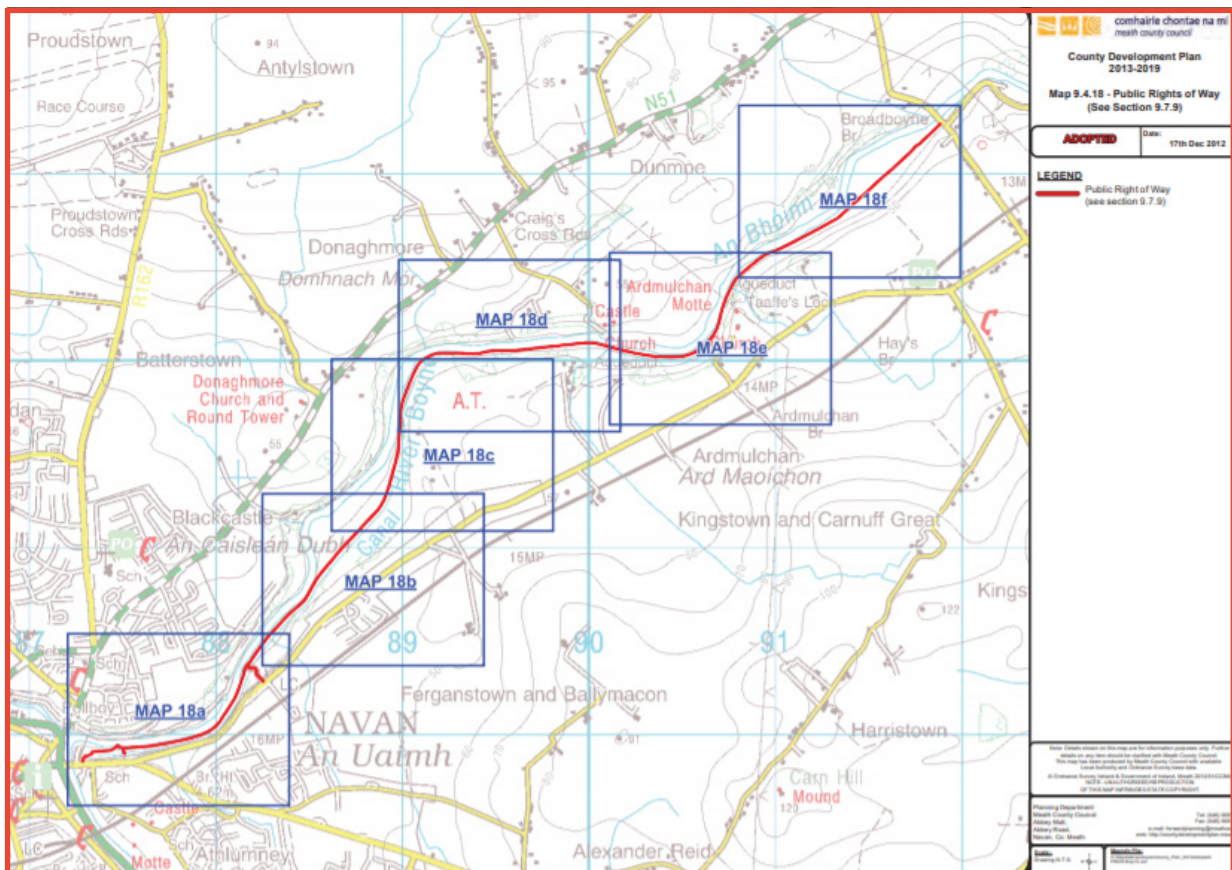


► Figure 4 Kilkenny City and Environs Development Plan 2014 - 2020

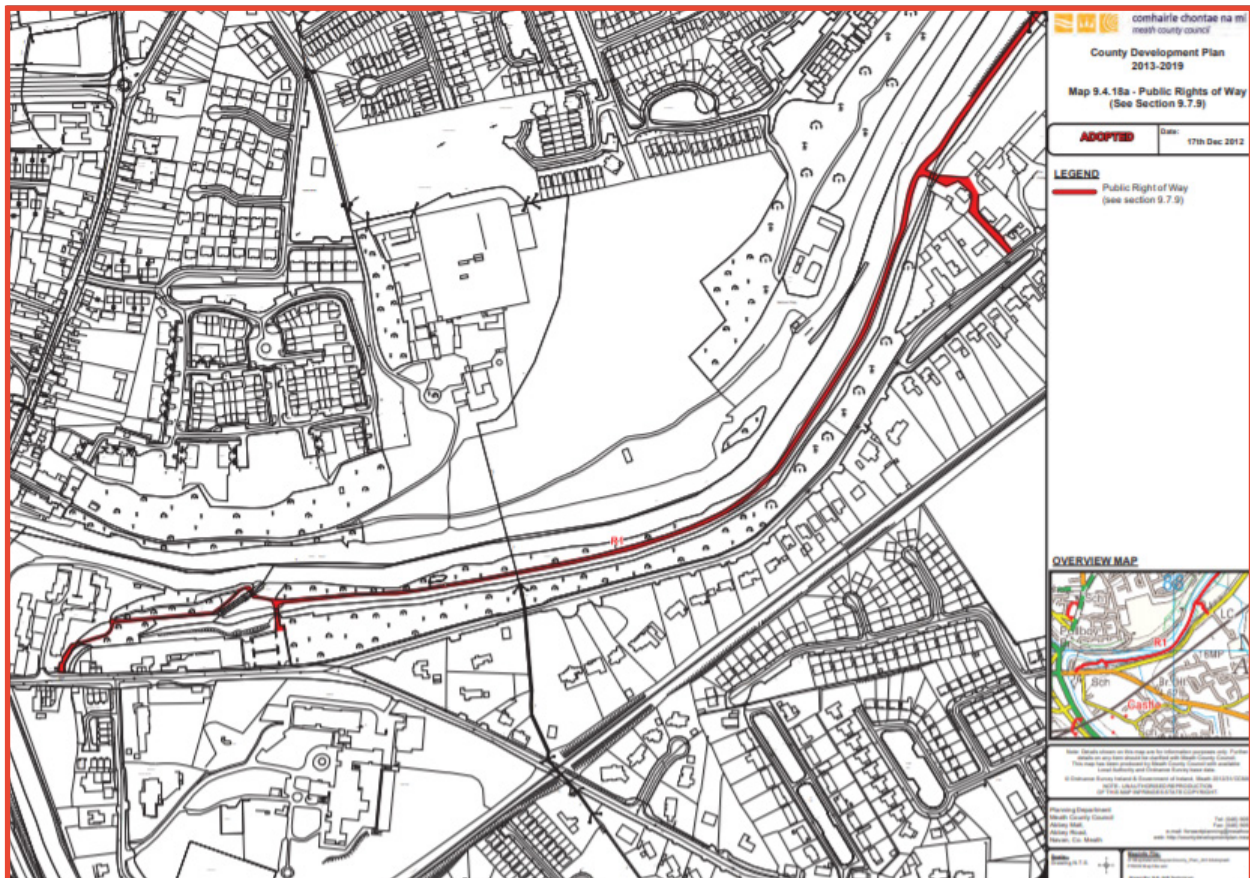
Meath

The Meath County Development Plan 2013 – 2019 refers to 24 PROWs and Figures 5 and 6 below illustrate a riverbank walk along the River Boyne in Navan.

This is another good practice example as it includes both locational and accuracy detail.



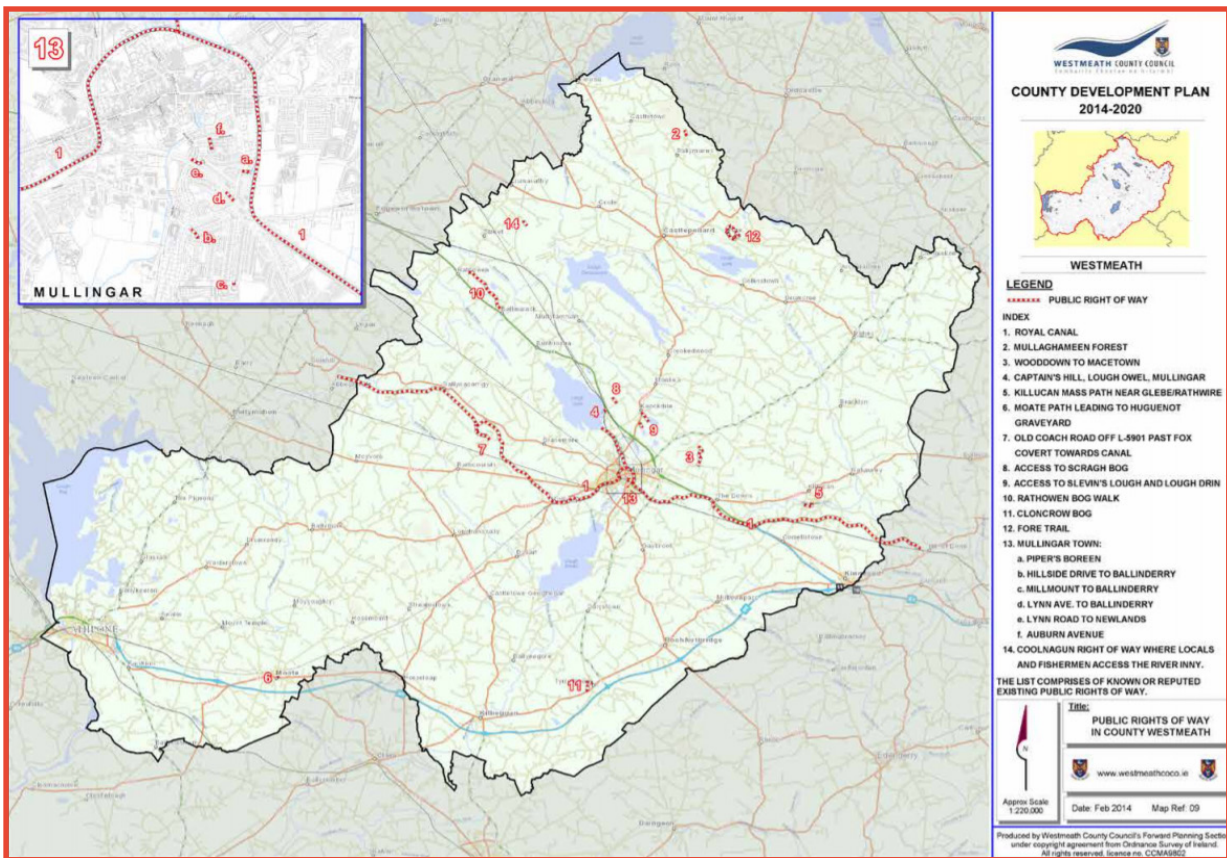
► Figure 5 Meath County Development Plan 2013 – 2019



► Figure 6 Meath County Development Plan 2013 – 2019

Lakeshore Westmeath

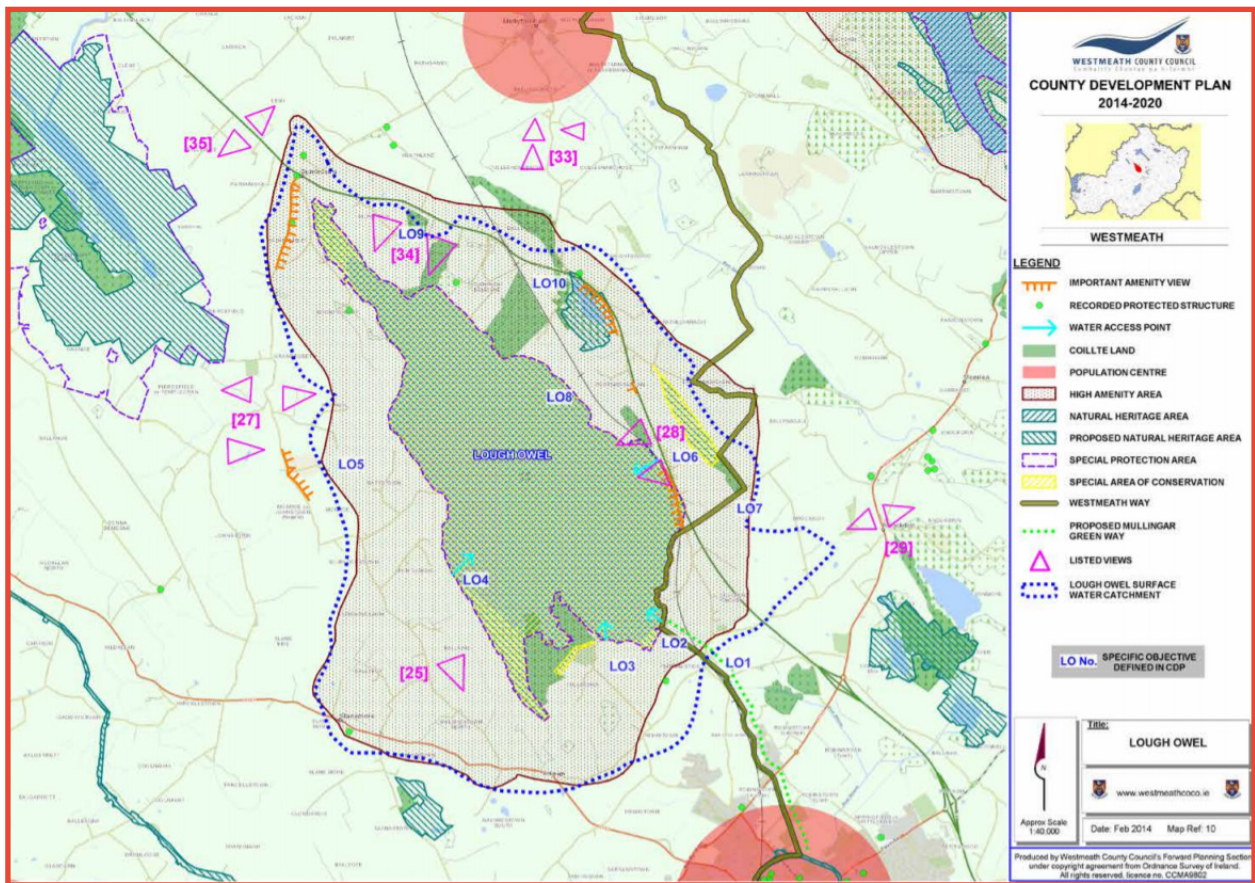
The Westmeath County Development Plan 2014-2020 identifies 14 PROWs, including the Royal Canal, bog walks, access to rivers for angler and lakeshore access. The Royal Canal is the longest of these PROWs which, as is evident from Figure 7 below, stretches across the entire county (west – east) including the urban area of Mullingar. The development plan also includes a PROW to Lough Owel illustrated in Figure 7 (PROW no. 4).



► Figure 7 Westmeath County Development Plan 2014 – 2020

The Westmeath County Development Plan 2014-2020 also identifies the PROW on a county map and some of the individual PROWs are illustrated in further detail on separate maps as evident from Figure 8 below.

Figure 8 illustrates the public access to Lough Owel in conjunction with the Westmeath Way. This is another good practice example as it identifies all the existing and proposed public amenities available at Lough Owel, including the proposed Mullingar Green Way which shares the same route as the PROW no. 4 and the Westmeath Way.



► Figure 8 Westmeath County Development Plan 2014 – 2020

Mountains & Uplands

Dún Laoghaire-Rathdown

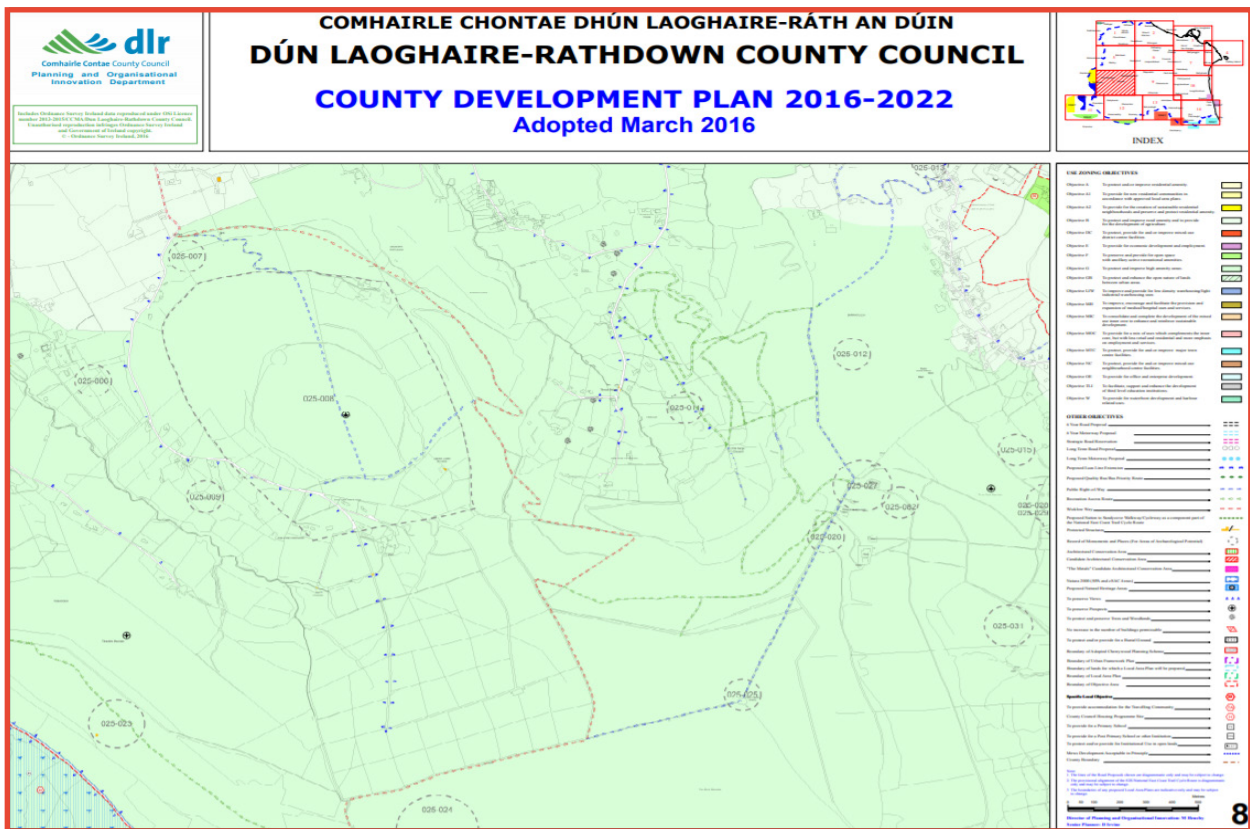
The Dún Laoghaire-Rathdown County Development Plan 2016-2022 is a good example of a plan including information on PROW access to upland and mountainous areas.

The following maps of the development plan, illustrated in Figures 9 and 10 below, illustrate the potential for using zoning maps as singular maps with a multitude of amenity objectives, and including statutory land-use zoning objectives.

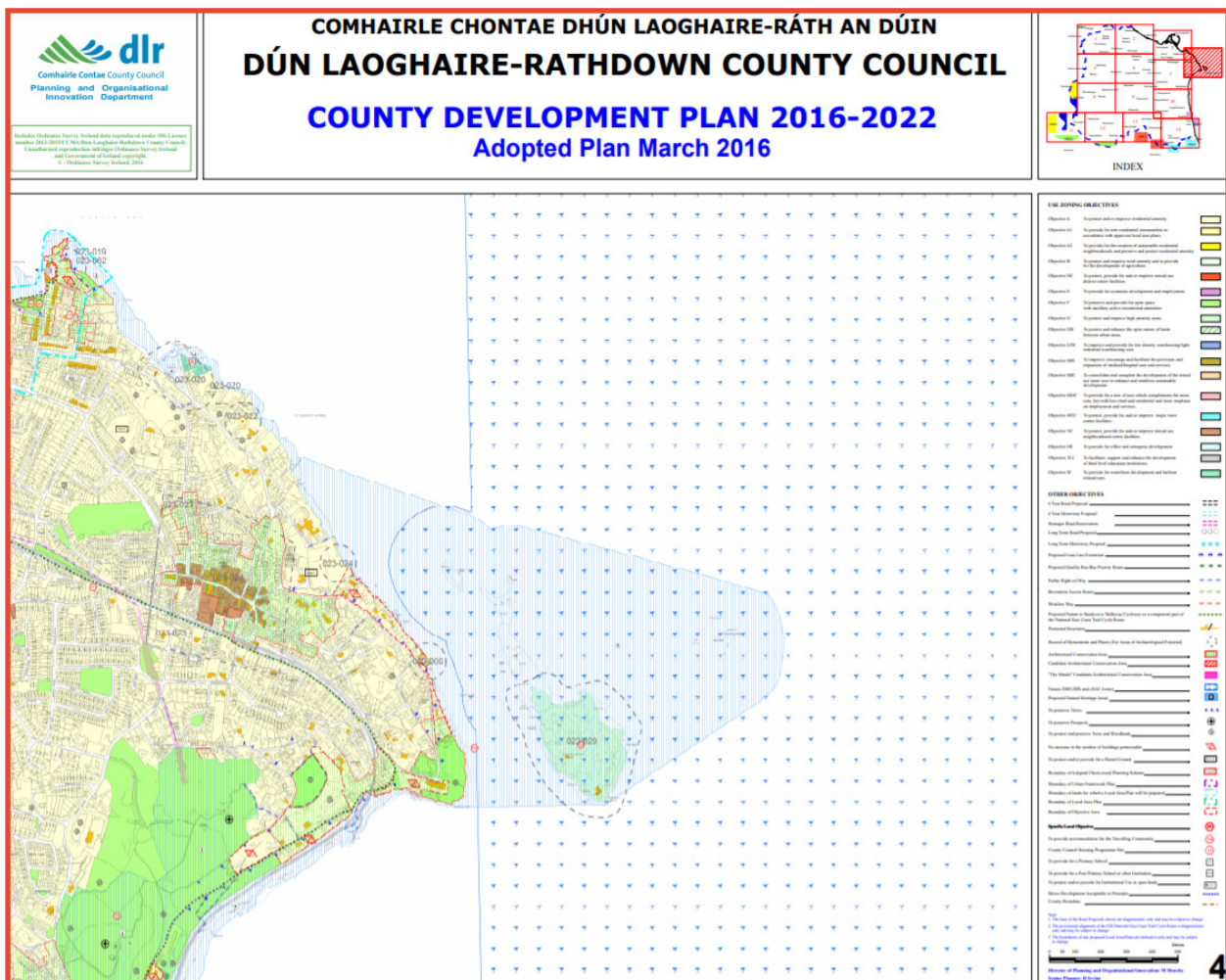
Zoning map no. 8 (Figure 9) illustrates how the PROWs from a settlement, i.e. Glencullen, provide public access to upland areas.

It is also evident how the value of the PROW is enhanced when linked up with established walking routes including the Wicklow Way and existing walking routes designed 'Recreation Access Route'.

Zoning map no. 4 (Figure 10) includes detail on public access routes, including the 'Metals' which provide walking access from Dalkey village to Dalkey Hill.



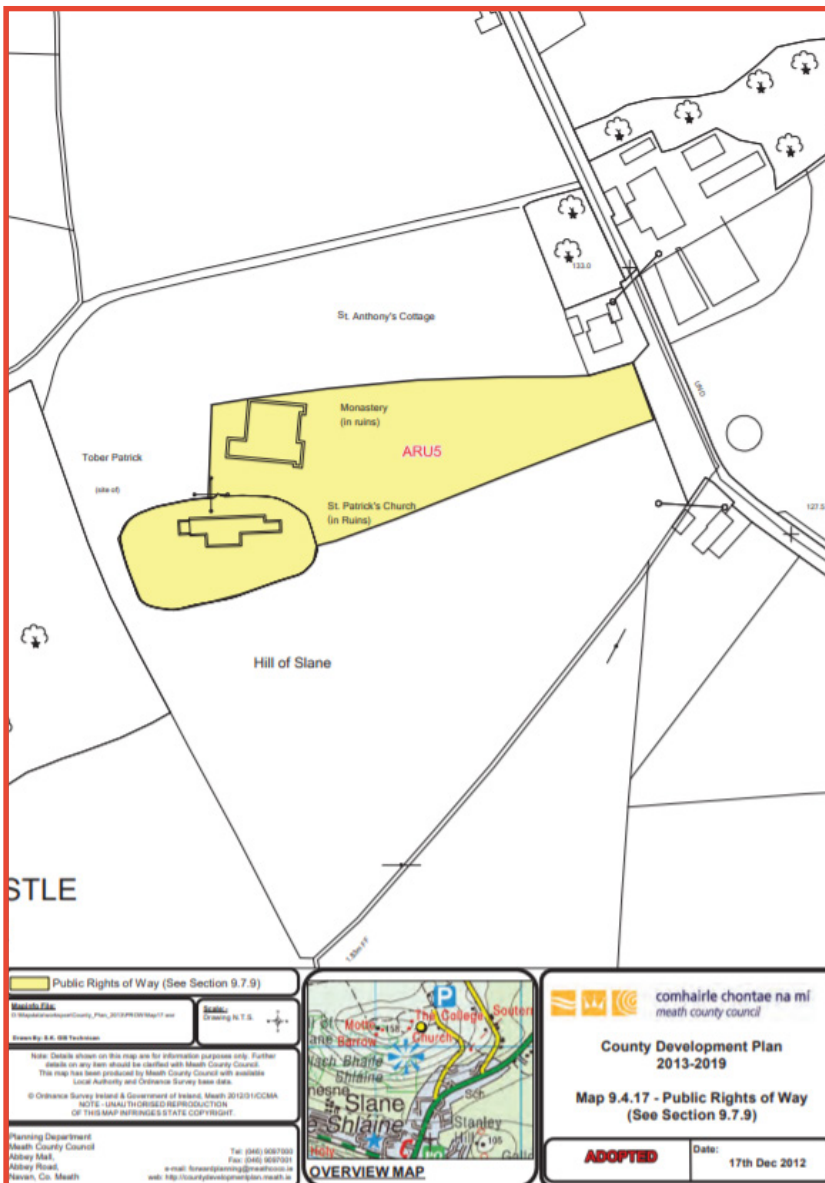
► Figure 9 Dún Laoghaire-Rathdown County Development Plan 2016-2022



► Figure 10 Dún Laoghaire – Rathdown County Development Plan 2016-2022

Meath

Figure 11 demonstrates the approach taken in the Meath County Development Plan 2013-2019 in securing public access to an upland area. The PROW is a designated upland area and as evident in Figure 11 with available access to Slane Hill.

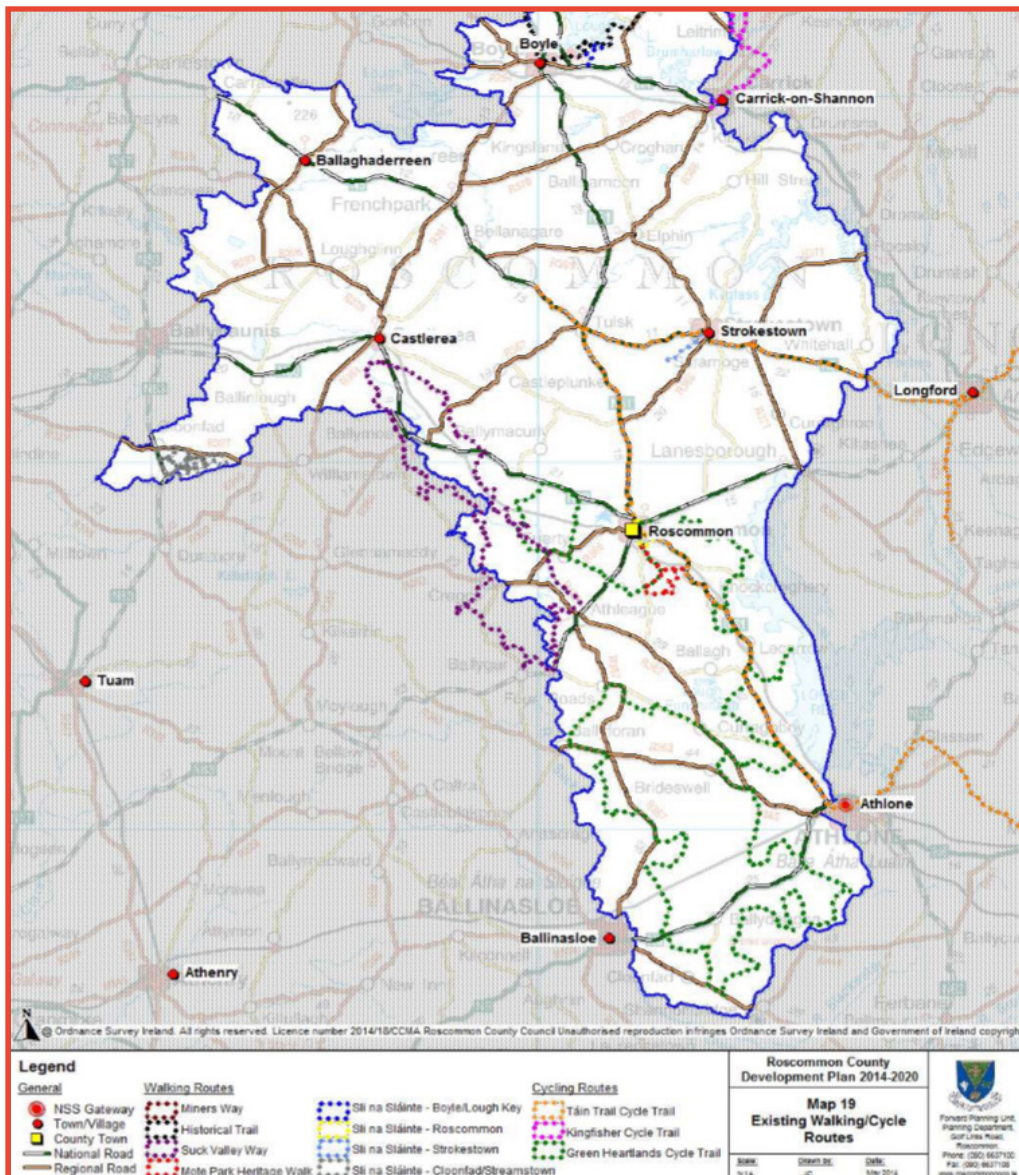


► Figure 11 Meath County Development Plan 2013 – 2019

Other Good Practice Approaches Roscommon

The illustrations below highlight other good practice examples used in county development plans in the form of a single county-wide map.

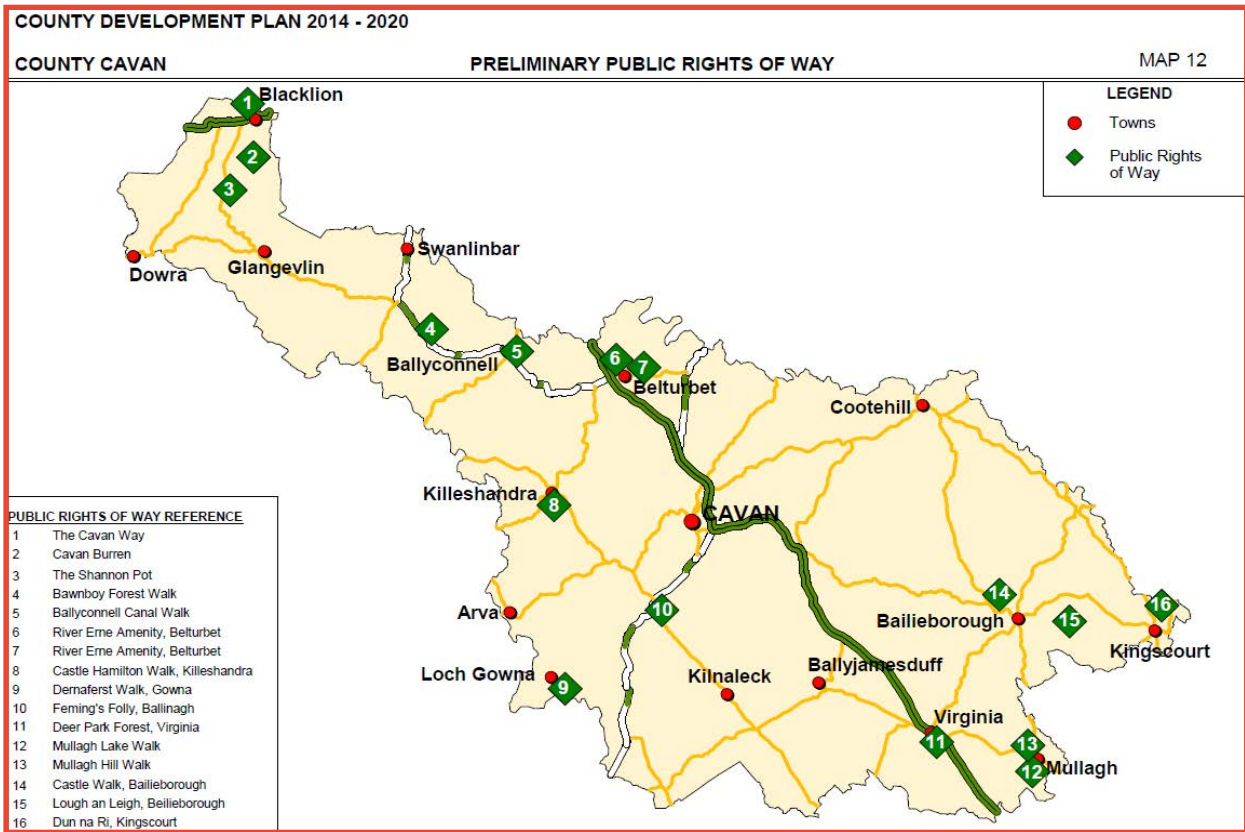
The Roscommon County Development Plan 2014-2020 in Figure 12 below, uses an indicative outline of access routes across the county.



► Figure 12 Roscommon County Development Plan 2014 – 2020

Cavan

Figure 13 is an extract from the Cavan County Development 2014-2020 which identifies numbered PROWs across the county and is another good example.



► Figure 13 Cavan County Development Plan 2014 – 2020



6.0 Good Practice Summary

Looking across the good examples of development plans that address the requirements of Section 10(2)(o) of the Act in a reasonable manner, the Office will work with the local government sector through our statutory plans evaluation function to work towards similar standards being followed in all future development plans.

Local authorities should take note that the Office will be raising this specific matter in our plan evaluation submissions in cases where it would appear that any forthcoming draft development plans have not reasonably addressed this mandatory requirement.

As several local authorities have demonstrated, it is possible to include a reasonable amount of detail in the development plan without getting bogged down in the recording of every way across a local authority area.

Having regard to the requirement in the Act, the Office will take the position that draft development plans effectively deferring the inclusion of such information to a later date do not meet such requirements.

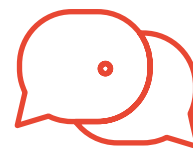
From our engagement with local authorities in preparing this paper and examination of development plans generally, the following good practice approaches are relevant for local authorities considering how to address the requirements of Section 10(2)(o).

1. Appropriately resource and prioritise analysis by the development plan team in establishing an inventory



of all known amenity routes in the local authority area. This should include walking, cycling and other routes, embracing both PROWs and other access routes such as those being progressed by agencies, landowners and community and environmental groups under permissive access mechanisms.

2. Task the development plan team to work with wider government bodies.



There are a range of national public bodies working with wider stakeholders in promoting and developing access to the countryside, some principal examples of which are included below:

- ▶ the **National Trails Office of the Irish Sports Council** which promotes over 40 national waymarked trails developed in conjunction with a range of partners including Coillte which maintains a large number of the trails. Some of the national waymarked trails and cycling routes interconnect with wider European walking and cycling networks such as EuroVelo;
- ▶ the **Heritage Council**, which has promoted a series of ways such as pilgrimage paths;

- ▶ the **Office of Public Works** which, with the **National Parks and Wildlife Service** has developed a number of boarded paths in uplands and national parks;
- ▶ **Waterways Ireland** which is developing a network of greenways and blueways along canal towpaths and inland waterways;
- ▶ **Bord Na Móna** which is developing a series of pathways across peatlands it owns and has developed and or managed over many years; *and*
- ▶ **LEADER** and other community development led ways promoted by the rural policy and schemes section of the **Department of Rural and Community Development**.

3. Map amenity routes

as researched above in line with information available to the local authority. Careful coordination with adjoining local authorities, including adhering to any relevant objectives of the Regional Spatial and Economic Strategies, will ensure that each local authority development plan forms part of a strategic network.



The map should distinguish between rights of way designated under Section 10(2)(o) and other ways, trails and paths, but it is best to focus on strategic networks.

4. Researching Legal Status of Rights of Way.

If in doubt as to whether a way is a PROW or not, case law suggests that unless conclusive proof is available, a prudent approach should be adopted. At the same time, detailed and exhaustive examinations of legal title may not be necessary for each and every right of way listed under Section 10(2)(o) as in many cases, such ways may be in the ownership of local authorities or their existence is very well established and documented.



That said, it may be the case that investigations are needed in a small number of cases where the local authority has evidence pointing to the possibility of PROW existing on the one hand, and on the other hand has arrived at the conclusion that inclusion of that specific right of way as an objective of the plan under Section (10)(2)(o) would be of strategic importance, such as being an integral part of a local authority-wide network. The Westmeath County Development Plan 2014-2020 provides a good example as it includes both the public access to Lough Owel in combination with the Westmeath Way and the Mullingar-Athlone and Royal Canal Greenways, which form part of the Dublin-Galway National Greenway and will form part of the EuroVelo cycle network.

7.0 Conclusions of the Report

The conclusions of this research report are as follows:

1. There are a variety of approaches by local authorities towards addressing Section 10(2)(o) in statutory development plans:
 - a. Some local authorities provide a list and map(s).
 - b. Others set out policy objectives to prepare an inventory and map(s) during the life of the plan, the progress of which is unclear.
 - c. A further group of local authorities provide no inventory, map(s) or objectives for PROWs.

Although 31% of the statutory plans reviewed met their obligations under Section 10(2)(o) of the Act, the overall picture is of an inconsistent approach with many local authorities reporting the implementation of the requirement challenging.

2. Notwithstanding the practical and logistical challenges in implementing the requirements of Section 10(2)(o), or indeed sometimes the legal challenges associated with confirming PROWs in the first instance, the Office is of the view that if more local authorities followed the good practice approaches adopted in the examples above, more progress could be made in the implementation of the requirement.



3. Following on from (2), having regard to the Office's statutory function in accordance with the provisions of Section 31AM of Act, to evaluate and assess county and city development plans, at least at a strategic level, the Office will prioritise, in its evaluation of development plans, working with authorities to bring about a more consistent approach.
4. There would appear to be strong merit in compiling the PROWs that are set out in the various development plans into a national database using the **www.myplan.ie** portal and linked with wider Government databases held by the National Transport Authority, Department of Rural and Community Development, National Trails Office / Irish Sports Council, in relation to active travel and rural development schemes.
5. Ongoing focused engagement through existing structures such as the County and City Management Association's Housing, Building and Land Use Committee, the Office and the Department of Housing Local Government & Heritage, would be a good mechanism to collaborate and identify a process for further legislative and regulatory improvements, including possible recommendations with regard to wider legislative reform, whilst also addressing the challenges experienced by local authorities, as reported in this survey.



Appendix A

Review of Development Plans

Northern and Western Regional Assembly – Public Rights of Way

Development Plan (DP)	DP reference to PROWs	Policy Objective for Protection / Preservation	Recorded PROWs on Map	Recorded PROWs in list form	DP Objective to ID PROWs during life of Plan
Cavan	✓	✓	✓	✓	✓
Donegal	✓	✓	✓	✓	
Galway City	✓	✓			
Galway County	✓	✓			✓
Leitrim	✓	✓			✓
Mayo	✓	✓			✓
Monaghan	✓	✓			✓
Roscommon	✓	✓	✓	✓	✓
Sligo	✓	✓	✓	✓	✓

Southern Regional Assembly – Public Rights of Way

Development Plan (DP)	DP reference to PROWs	Policy Objective for Protection / Preservation	Recorded PROWs on Map	Recorded PROWs in list form	DP Objective to ID PROWs during life of Plan
Carlow	✓	✓			✓
Clare	✓	✓	✓	✓	
Cork City	✓				
Cork County	✓	✓			
Kerry	✓	✓	✓	✓	
Kilkenny City	✓	✓	✓	✓	✓
Kilkenny County	✓	✓	✓	✓	✓
Limerick City	✓	✓			
Limerick County	✓	✓			✓
North Tipperary	✓	✓			
South Tipperary	✓	✓			
Waterford City	✓	✓			
Waterford County	✓	✓			
Wexford	✓	✓			✓

Eastern and Midland Regional Assembly – Public Rights of Way

Development Plan (DP)	DP reference to PROWs	Policy Objective for Protection / Preservation	Recorded PROWs on Map	Recorded PROWs in list form	DP Objective to ID PROWs during life of Plan
Dublin City	✓				✓
Dún Laoghaire-Rathdown	✓		✓	✓	
Fingal	✓	✓			✓
Kildare	✓	✓			✓
Laois	✓	✓			✓
Longford	✓	✓			✓
Louth	✓	✓			✓
Meath	✓	✓	✓	✓	✓
Offaly	✓	✓			✓
South Dublin	✓	✓			
Westmeath	✓	✓	✓	✓	✓
Wicklow	✓	✓	✓	✓	✓

Appendix B

Summary Table of Local Authority Responses

Northern and Western Regional Assembly

Local Authority	Key Issues Identified in Implementing Section 10(2)(o)	Section 15 Progress Report	City/County Development Plan (CDP) Review	Comments to OPR
Cavan	Can lead to a significant level of investigative work and legal checks.	Completed in 2016 but without direct reference to progress on PROW objective.	Will seek to comply with Act in CDP review.	None.
Galway County	Benefits from landowner commitment/support. PROW must start / terminate in public area. PROW must be open to the public. Significant work gone into variations in the last 26 months.	Yet to complete given wider pressure on resources.	Limited scope to engage in areas where complexities exist in mapping and legal. Policy objectives in relation to PROWs will be undertaken.	None.

<p>Leitrim</p>	<p>Demanding on resources to implement vs other competing demands needing priority.</p> <p>Leitrim County Council (LCC) do not have a forward planning section outside the periodic DP review.</p> <p>Collation of information is difficult to determine.</p>	<p>Completed (2017) mentioning no progress having been made in securing the PROW objective.</p>	<p>Will seek to comply with Act re: PROW in new CDP.</p>	<p>LCC would welcome advice on the following:</p> <ul style="list-style-type: none"> a. How to identify PROWs. b. Direction to LCC to another local authority (LA) who have demonstrated expertise in this area.
<p>Mayo</p>	<p>Identifying the location of PROWs.</p> <p>Proving that PROW exist from legal perspective.</p> <p>Identifying ownership of lands / commonage.</p> <p>Mapping and level of detail required.</p>	<p>Return awaited.</p>	<p>No comment.</p>	<p>Lack of national guidance on best practice and approach to give PROW objectives.</p> <p>An OPR review would highlight the issues involved and give some insight into best practice.</p>

Monaghan	Demanding on resources and non-availability of a list / map of PROWs at time of adoption of plan.	Completed (2015) mentioning that it is uncertain if there will be resources available to carry out this significant body of work during the lifetime of the DP.	Work not yet commenced on PROWs.	None.
Roscommon	Significant body of work undertaken by LA in Autumn 2014 re: PROWs. (Detailed information compiled on 34 identified PROWs, including site inspections). A number of PROWs investigated ran into legal issues and owner issues.	Return awaited.	No comment.	None.
Sligo	Fully complied with Section 10 (2) (o).	Completed (2020) but no direct reference to progress on PROW objective.	No comment.	None.

Southern Regional Assembly

Local Authority	Key Issues Identified in Implementing Section 10(2)(o)	Section 15 Progress Report	City/County Development Plan (CDP) Review	Comments to OPR
Carlow	Can be challenging given level of staff & financial resources to engage with landowners. Significant potential for legal challenge, potential for compensation claims and the onus on local authority to maintain PROWs as required under Section 208 of Act.	Completed (2017) but without direct reference to progress on PROW objective.	Carlow County Council have published ' <i>Slí 2040 County Carlow's outdoor recreation vision for 2040</i> '. This background and consultation process form part of the CDP review, 2020 – 2028.	Section 10 (2) (o) and Section 14 of the Act requires review. Recommended that an approach based on collaboration & engagement with landowners, community groups and relevant stakeholders is advisable based on previous practice.
Kilkenny City & County	Demanding on resources and non-availability of a single comprehensive source of PROWs. Can be difficulties in establishing accurate information around PROWs.	Completed (2016), monitoring to achieve progress is ongoing.	PROW will be considered in review.	None.
Limerick City & County	Can be challenging and key issues identified include resources, information gaps in identifying PROWs, time allocated / required to fulfil the objective and existing case law (Walsh v Sligo CC).	Completed but without direct reference to progress on PROW objective.	Limerick City & County Council developed walking & cycling routes since adaption of 2010 Limerick CDP. It will be an objective to include these routes in the forthcoming CDP subject to appropriate legal advice and availability of resources.	None.

Wexford	Can be challenging including the significant resources required and the legal issues & costs.	Not completed.	Draft CDP includes objectives for preservation of PROWs.	It is advised that a more formal & effective process has been established.
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Eastern and Midland Regional Assembly

Local Authority	Key Issues Identified in Implementing Section 10(2)(o)	Section 15 Progress Report	City/County Development Plan (CDP) Review	Comments to OPR
Dublin City	Dublin City Council (DCC) has provided formal access to popular amenity routes as an alternative approach to the direct requirements of the Act.	Completed (2018). The objective to achieve PROW is ongoing.	PROW will be reviewed in forthcoming CDP taking into account new Development Plan guidelines.	DCC met its obligations by ensuring that access requirements have been fully met through the management and expansion of the public road network (including footpaths and cycle ways) and through the acquisition of land for the provision of public parks. It was referenced that in Local Area Plans, Strategic Development Zones and other regeneration plans, and where relevant, the plans included and mapped new public routes providing access to key amenities; e.g. coastal pathway / park in Poolbeg West SDZ.

Fingal	Can lead to a significant level of investigative work and legal checks.	Completed (2019). Progress on Objective RF116 will be commence and progress on Objective RF118 is ongoing as part of the DM process.	CDP will assess & map the existing PROWs.	Fingal County Council will seek to implement new walkways / PROWs as part of new developments in the development management process & support existing PROWs.
Kildare	Concerns of exposing Kildare County Council to significant legal expenses, demands on resources and risks of public exposure & liability.	Completed (2019) but without direct reference to progress on PROW objective.	Requirements for PROW can be revisited.	None.
Laois	No comment.	Awaiting. ³	Review of the CDP is currently under way to implement Section 10 (2) (o) of Act.	None.
Longford	Demanding on resources and there are no known PROWs in the county. Concerns regarding the legality of PROWs.	Completed (2017) but without direct reference to progress on PROW objective.	No comment.	None.

³ Section 15 Report relates to CDP review (2017 – 2023).

Louth	No existing PROWs in Louth County Council.	Completed (2017) but without direct reference to progress on PROW objective.	No comment.	None.
Meath	Demanding on resources and concerns regarding the legality of PROWS.	Completed.	The draft Meath CDP has 2 no. objectives (HER OBJ 45 & 46) and Policy (HER POL 51) to satisfy Section 10 (2) (o) of Act.	None.
Offaly	Offaly County Council (OCC) engaged with the sector advising that compliance with Section (S.) 10 (2) (o) was considered a large challenge having regard to obligation to maintain the routes (S. 208 (1)), Any person who inhibits PROW may be guilty of offence (S. 208 (1)) and resources required to identify & defend PROWs.	Completed (2016) The objective to identify and map PROWs in recreational and amenity areas of the county will be implemented when the appropriate national guidance has been issued.	Draft CDP plan provides for six routes.	OCC suggests detailed guidance on these matters.

Westmeath	No further requests for provision for PROWs, following the CDP (2014 - 2020) adoption. Demanding on existing resources with competing demands currently deployed in review process of CDP and prep of Athlone / Mullingar LAP.	Completed (2016) but without direct reference to progress on PROW objective.	No comment.	None.
Wicklow	Lack of sufficient data to verify PROWs. Demanding on resources. Legal challenges for proposed PROW as per Section 14 of Act.	Not completed.	No comment.	<p>In last CDP, seven routes proposed, three adopted. Two of the three adopted routes are currently under legal challenge.</p> <p>Advisable that PROW task needs to be carried out by a legally trained person.</p> <p>Alternative ways to implement PROW / walks (not necessary for DP), e.g. Bray – Greystones cliff walk.</p> <p>It is suggested that it may be better to identify and promote such routes through an outdoor recreation strategy / tourism strategy.</p>



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Disclaimer: Issued June 2021.

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