

Uimhir Thagarta Uathúil: FIN-C453-1234

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Stádas: Submitted

Aighneacht: A Development Plan for a Sustainable Fingal

Comhairliúchán:

Draft Fingal County Development Plan 2023-2029

Public Rights of Way

Caibidil: Section 1: Written Statement» Chapter 6: Connectivity and Movement

The inclusion of existing rights of way in the plan is a legal obligation:

"Section 10(2)(o) of the Planning and Development Act, 2000 (as amended) requires that a development plan has objectives in relation to public rights of way, that public rights of way be identified on at least one map forming part of the development plan and that a list of public rights of way be appended to the plan."

Despite this, the Plan includes only one Public Right of Way.

The OPR recommends as follows:

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; OPR Case Study Paper CSP01 27 > 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 DublinGalway National Greenway and will form part of the EuroVelo cycle network.

It appears that this advice has not been followed. There is no inventory as recommended in the very first step. This work needs to start now.

Documents Attached: Níl