



**Submission by Mountaineering Ireland to the Minister for the  
Environment, Heritage and Local Government, regarding the  
Draft European Communities (Birds and Natural Habitats)  
Regulations 2010**

**September 3<sup>rd</sup> 2010**

## **Introduction**

Mountaineering Ireland (MI) welcomes the opportunity to comment on the Draft European Communities (Birds and Natural Habitats) Regulations 2010 and the Minister's initiative in bringing forward this legislation.

Mountaineering Ireland (MI) represents the largest recreation user group in the Irish uplands – the hillwalking and climbing community. MI is recognised as the National Governing Body for the sport of mountaineering by both the Irish Sports Council and Sport Northern Ireland. The term mountaineering refers to a spectrum of activities that includes hillwalking, rock climbing, rambling, bouldering and alpinism. MI currently has over 10,000 members comprising 145 clubs and over 1400 individual members.

## **Context**

MI's interest is primarily in land above 300m and associated 'wilderness' or semi-wild landscapes, sea cliffs, crags, quarries, and other walking or climbing areas. Mountaineering Ireland's environmental policies emphasise that the Irish upland environment is limited in its physical extent and very fragile in its nature. Upland areas are subject to a range of use and development pressures. MI acknowledges that the increase in the number of participants in hillwalking and mountaineering activities in recent years has itself become a source of stress to certain upland environments. MI is committed to minimising negative impacts arising from recreation, as expressed through our environmental policies, the employment of a full-time officer focused primarily on access and conservation matters, and our active endorsement of the Leave No Trace programme to promote responsible recreation.

MI is also involved in Comhairle na Tuaithe, the national body under the Department of Community Equality & Gaeltacht Affairs with responsibility for implementation of the National Outdoor Recreation Strategy published in 2006. Through Comhairle na Tuaithe and liaison with other upland stakeholders, MI advocates for the management of recreation activity so as to minimise any negative consequences and maximise the positive outcomes that recreation can deliver for participants and rural communities.

MI is currently working with BirdWatch Ireland to raise awareness of upland birds amongst MI members, so as to reduce any disturbance and also engage MI members in positive actions to protect upland birds and the habitats they rely on.

Through Comhairle na Tuaithe, contact with elected representatives and National Parks & Wildlife Service staff, Mountaineering Ireland has for a number of years, expressed concern about the damage caused to upland areas from the unregulated recreational use of quad and scrambler bikes. In that context we are very pleased to see this matter being addressed through the regulations introduced in June 2010 and the current draft regulations. In the interest of brevity the remainder of this submission will be devoted to a small number of concerns we have regarding the draft regulations.

## **Specific comments on the regulations:**

### **2 - Interpretation**

The definition of an 'Off-road vehicle' is useful, however the situation regarding pedal cycles should be made clearer. Cycling (e.g. the use of mountain bikes) was considered to be prohibited under European Communities (Natural Habitats) (Amendment) Regulations, 2005 (SI 378 of 2005). If cycling is no longer prohibited, this may necessitate the replacement of existing signage, bringing additional cost and possibly delaying implementation of the new regulations. Appendix I shows a photograph of signage currently in use.

#### **Regulation 38 (4)**

*"... the prohibited, restricted or regulated recreational activity may include the operation or use of any off-road or other vehicle or recreational watercraft, or the carrying out of any other recreational activity, including activities involving trampling or walking on damaged, sensitive or rehabilitating habitats..."*

Including trampling or walking on damaged or sensitive habitats as a prohibited, restricted or regulated activity broadens this Regulation to the extent that it may be unworkable. Most terrestrial European Sites in Ireland are to some extent impacted by trampling and walking. Walking is a low-impact recreation activity, especially when compared on a per person basis with motorised or equestrian activities.

The draft Regulations do not make clear what is meant by 'damaged' or 'sensitive'. This wording could be used by public or private landowners to restrict public enjoyment of European Sites, ostensibly for conservation, but in reality perhaps for other reasons.

A recent study on the impact of recreation, published by the Countryside Council for Wales, notes that in the past access and nature conservation were typically viewed as opposing goals, but that it is now increasingly recognised that access to the countryside is crucial to the long term success of nature conservation projects and has wider benefits, such as increasing people's awareness of the natural world and health benefits (Liley et al, 2010, p8).

The same study highlights how different recreational activities can have a significantly different impact. For example, walking is only likely to cause significant damage at a high level of usage, while horse riding and vehicles may cause significant damage at very low frequency (Liley et al, 2010, p23). Aside from the nature of the activity, factors such as the scale of the event (numbers participating), seasonality and the habitats involved, all influence the propensity to cause damage. Large-scale non-motorised recreation events, e.g. fund-raising and challenge events, should be restricted and regulated.

Where recreation activity is damaging, or likely to damage the integrity of a European Site, measures should be taken to prevent this through management on site. For instance, the construction of recreational trails can be an effective management tool. In general people will follow a trail, where the trail offers an easier option than walking on the adjacent vegetation or

substrate. A well-designed, constructed and maintained trail will concentrate recreational use along one line with resulting benefits for habitat quality, wildlife and visitor experience.

Prohibiting trampling or walking on 'damaged' habitats could be counter-productive. For example, a track through upland heath, where vegetation cover has been lost, could perhaps be described as 'damaged' habitat. As a result of erosion, that track is now less valuable than other parts of the site, therefore trampling or walking on the undamaged part of the habitat would cause more harm. The advice given by organisations advocating responsible recreation, including Mountaineering Ireland and the other partner organisations of Leave No Trace Ireland, is that in popular areas recreational use should be concentrated along existing tracks by travelling in single file along the middle of the track. In areas where there is little or no visible impact from recreation, groups are advised to spread out to prevent the creation of new tracks (<http://www.leavenotraceireland.org/Principles.aspx?ID=18>).

*"...shall not apply to the use of any vehicle or machinery or watercraft being used in the course of agriculture or any other occupational land use activity by the owner or occupier of the land or his or her servants or agents or co-workers."*

As the recreational use of off-road vehicles on European Sites often involves local residents and sometimes relatives of the landowner, perhaps using a farm quad, it is important that the regulations are robust enough to avoid such offenders attributing their activity to agricultural work.

### **Regulation 32 (2)**

*"For the avoidance of doubt, the prohibited, restricted or regulated operation or activity, plan or project referred to in paragraph (1) may include the operation or use of any off-road vehicle or recreational watercraft, or the carrying out of any other recreational activity".*

As with 38(4) above the wording of this Regulation should be tightened to focus on the core purpose of regulating off-road vehicles and recreational watercraft and non-motorised recreation events which have a significant environmental impact.

### **Regulation 73**

This Regulation provides for guidelines and codes of practice which may relate to outdoor recreational activities. If such codes are to be developed, MI urges the Minister to do so in conjunction with the recognised governing bodies for outdoor recreation activities. If the recreation community feels a sense of ownership over the guidelines, compliance is likely to be greater.

MI draws the Minister's attention to the Leave No Trace programme which promotes responsible recreation through a comprehensive education programme. The Leave No Trace approach is based on raising awareness of the impact which recreation activities can have on

habitats, wildlife and other people, emphasising that this impact can be reduced by making better choices, and infusing people with a sense of personal responsibility for their actions. MI is a partner in the Leave No Trace programme and actively promotes this message through events, communications and training programmes. Further information on the Leave No Trace programme is available on [www.leavenotraceireland.org](http://www.leavenotraceireland.org).

## **Implementation of regulations**

MI makes the following observations regarding implementation of the Regulations:

a. Staff resources must be allocated

Most of the off-road vehicle activity takes place at the weekends. At present the Wicklow Mountains SAC seems to be the only European Site which has regular weekend Ranger cover. Given current workloads and staffing levels, and the fact that most European Sites are remote, it is difficult to see how offenders will be caught and prosecuted. MI urges the Minister to ensure that the necessary staff resources are made available to support implementation of these regulations. A short-term concentrated effort, supported by coverage in local media, could achieve a significant reduction in activity levels.

b. Involve the Gardaí

There are often road traffic offences associated with the use of off-road vehicle on European Sites, e.g. vehicles that are not properly taxed and insured travelling on the public road to access the site, with such vehicles sometimes being driven by people who are too young to hold a driving licence. In the U.K. the Police have been centrally involved in a number of initiatives to tackle off-roading (DEFRA, 2007). The National Parks & Wildlife Service should seek the support of the Gardaí at national and local level in tackling this problem.

c. Role of volunteers

In the Brecon Beacons National Park volunteer 'spotters' have supported the authorities in their efforts to catch off-roaders (Brecon Beacons, 2008). If the National Parks & Wildlife Service was amenable to the suggestion, it is likely that MI could identify members who would be prepared to act as look-outs for quads and scrambler bikes. The look-outs would contact the Ranger on duty to report the location and direction of travel of the vehicles, in the hope that the Rangers might be able to apprehend the offenders. This support should help counter NPWS's limited staff capacity.

d. Extend regulations to areas not covered

Prohibitory Orders should be made for additional European Sites where off-roading is a problem, e.g. the Ben Bulbin, Gleniff and Glenade SAC in Co. Sligo and the Comeragh Mountains SAC in Co. Waterford.

e. Sites with no legal protection

It should be noted that many upland areas, with significant landscape and amenity value, but currently without a nature conservation designation, have been damaged by off-road vehicle activity. The Minister is asked to consider how protection could be extended to these areas. Examples include the Knockmealdown Mountains on the Tipperary / Waterford border, Slievenamon in Co. Tipperary, Keadeen Mountain in Co. Wicklow and the Knockalla Hills on the Inishowen Peninsula, Co. Donegal.

## **Conclusions**

The importance of our countryside, including European Sites, for recreation and tourism cannot be understated. MI welcomes the new regulations, and particularly the focus on addressing the ecological damage resulting from the unregulated recreational use of off-road vehicles.

As all recreational activity in European Sites results in some level of environmental impact, MI recommends to the Minister that the wording of Regulations 32(2) and 38(4) be tightened to focus on addressing those recreational activities which have been shown to result in the greatest damage to habitats and wildlife.

MI calls on the Minister to ensure that the necessary resources are available to support implementation of these Regulations and that the co-operation of other public authorities is secured.

The board, staff and membership of MI are fully committed to working in partnership with all relevant stakeholders to ensure that Ireland's hills, crags, coastal areas and mountains are utilised in a sustainable manner for the benefit of all. MI would welcome the opportunity to discuss this submission with the Minister and his staff, to identify ways in which we could work together to minimise any negative impacts resulting from recreational enjoyment of Ireland's protected sites and the countryside in general.

## **References**

Brecon Beacons (2008) *National Park begins crackdown on illegal off-roaders.*

<http://www.breconbeacons.org/the-authority/communications-and-media/press-releases/may-2008/national-park-begins-crackdown-on-illegal-off-roaders>

DEFRA (2007) *Illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles.* Department for Environment, Food & Rural Affairs. Available

online at: <http://www.defra.gov.uk/rural/documents/countryside/prow/illegaluse-finalreport.pdf>

Liley D., Lake, S., Underhill-Day, J., Sharp, J., White, J. Hoskin, R. & Cruickshanks, K. (2010). *Welsh Seasonality Habitat Vulnerability Review.* Footprint Ecology / CCW

Appendix I

Sign prohibiting use of all-terrain vehicles, Glendalough, Co. Wicklow.

