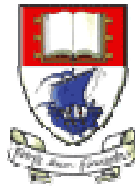


Attitudes to Walking Access in the Irish Countryside

Elizabeth Madden

M.A. in Sports Studies



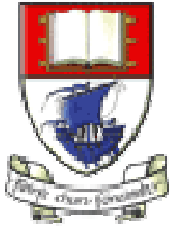
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I confirm that all the work submitted in this thesis is my own work, not copied from any other person's work (published or unpublished) and that it has not previously been submitted for assessment on any other course.

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Abstract

The use of private lands for public recreation is a highly emotive issue in Ireland at present. Conflict over access rights, disturbance, liability and compensation has resulted in the closure of many sections of the countryside to those wishing to walk, climb, fish or swim.

This research examines the attitudes of both the landowners and recreationists towards access to the countryside for walking access. An extensive literature review and a pilot study concluded that the key issue can be surmised into four topics: Disturbance, privacy, liability and compensation. A total of 162 on-site surveys were conducted (n = 85 Landowners, n = 77 Recreationists). The data was supplemented by eight in-depth interviews.

Results show that there are many areas of agreement between both groups, access may be restricted (74% Landowners, 88% Recreationists), participants should accept the risks involved (99% Landowners, 100% Recreationists), recreationists should heed dangers (98% Landowners, 100% Recreationists) and that recreation has negative impacts on farmland and on landowners.

Differences exist in the data with landowners more aware of the Occupiers' Liability Act (1995), ($P < 0.001$), landowners want compensation for access ($P < 0.001$), and landowners should be compensated for work to facilitate access ($P < 0.5$). Recreationists are more aware of environmental codes ($P < 0.001$), they think that recreation is positive for their health ($P < 0.001$) and that it is more positive for the local infrastructure. 55% of recreationists are willing to pay a mean fee of €2.24 to guarantee access, while 69% of landowners are willing to accept a mean fee of €6.27 to provide this access.

Results show that a proportion of both groups are willing to cooperate and work together towards an accessible countryside to the benefit of both landowners and recreationists. Future collaboration must work towards an accepted level of access throughout the Irish countryside which eases the concerns of landowners and allows sufficient access for recreationists.

**“...Whoever may own the land, no man may own the beauty of the
landscape”.**

G.S Phillips (1848)

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List of Abbreviations

Association for Adventure Sports	AFAS
British Mountaineering Council	BMC
Civic Social and Political Education	CSPE
Common Agricultural Policy	CAP
Countryside and Rights of Way	CROW
Environmental Information Service	ENFO
Environmental Protection Agency	EPA
Industrial Development Agency	IDA
International Union for Conservation of Nature	IUCN
Irish Cattle and Sheep Farmers Association	ICSA
Irish Creamery Milk Suppliers Association	ICMSA
Irish Farmers Association	IFA
Keep Ireland Open	KIO
Liaisons entre actions de developpement de l'économie rurale	LEADER
Local Development Integrated Company	LDIC
Mountaineering Ireland (formerly Mountaineering Council of Ireland)	MI (MCI)
National Farm Survey	NFS
National Parks and Wildlife Service	NPWS
Outdoor Education Centres	OEC's
Rural Environmental Protection Scheme	REPS
Rural Recreation Officer	RRO

Union Internationale des Association d'Alpinisme	UIAA
United Nations World Tourism Organisation	UNWTO
Waterford Institute of Technology	WIT
Willingness to Accept Compensation	WAC
Willingness to Pay	WTP

Chapter One - Introduction

Introduction

The countryside of Ireland is a homestead, a workplace and a playground. For many individuals the countryside provides a retreat from the hectic dilemmas of everyday living. For landowners the land that they dwell on provides a place of residence as well as a means of income, while for those participating in recreation and leisure pursuits, the countryside is an open canvas from which to disburse their energy through their chosen activity.

The ability of rural Ireland to satisfy these needs depends largely on the behaviour and attitude of each of these stakeholders. The Irish countryside has evolved over generations from a place where everyone walked or used a horse and cart, to a countryside that is now widely accessible by both public transport and private vehicles. Changes over the years in the Irish countryside have included a shift from a heavy reliance on agriculture, to rural areas becoming dormer villages and towns for many individuals commuting to their workplace in neighbouring cities such as Dublin, Cork, Limerick and Galway. Many rural dwellers no longer know or talk to their neighbours and as a result, the traditions and culture of rural life have slowly eroded.

Over recent years, the use of the countryside for recreational activities has caused discontent among sections of the rural community and incidents have occurred at venues such as Crotty's Lake in the Comeragh Mountains, The Old Head of Kinsale in Co. Cork and at Oghool Beach in Co. Mayo. While many may refute this, each stakeholder has a genuine basis for entering the countryside, which provides an apt location for their activities, whether for dwelling, agricultural or recreational purposes. However, in recent years landowners and recreationists have come into conflict with one another while partaking in their countryside activities.

Legal, personal, economic and ecological concerns have surfaced from both agricultural and recreational perspectives, resulting in issues relating to liability, disturbance, privacy, and compensation. Representative organisations such as the Irish Farmers Association (IFA), the Irish Creamery Milk Suppliers Association (ICMSA), the Irish Cattle and Sheep Farmers Association (ICSA), Mountaineering Ireland (MI) and the Irish Ramblers Club have become embroiled in these issues. An organisation known as Keep Ireland Open (KIO), which is a lobbying organisation, was founded solely to

achieve a network of paths through lowland Ireland and to gain a freedom to roam in the Irish countryside. KIO is an organisation known for its upfront approach to recreation in the countryside and the organisation identifies problem areas and issues that are preventing freedom to roam the Irish countryside. Other representative organisations have taken a more indirect and less antagonising approach and attempted to negotiate with farming organisations to resolve the issues associated with access to the Irish countryside from a round table perspective.

The passing into law of the Occupiers' Liability Act (1995) saw a positive relationship develop between Association for Adventure Sports (AFAS), the IFA and MI, which at the time indicated a positive step for both sides. Alas, progress has been slow and both sides have continually defended their members' viewpoint and have refused to compromise their position.

In 2006, the Minister for Community, Rural and Gaeltacht Affairs established Comhairle na Tuaithe, which comprises of representatives of farming organisations, recreational organisations and state bodies working together to address three areas; access to the countryside, the development of a countryside code and the development of a national countryside strategy. Under the assembly of Comhairle na Tuaithe, all representative organisations came together under working groups to explore and attempt to resolve the issues at hand. Despite the withdrawal of the IFA from the working group stage of Comhairle na Tuaithe, a completed document was published with a countryside code agreed by all parties (Leave No Trace) and a set of strategic objectives approved for the National Countryside Recreation Strategy.

In relation to access to the countryside, Comhairle na Tuaithe made recommendations for the future resolution of the issue. These recommendations included a request for the Attorney General to examine the current legislation in place regarding access to the countryside and that the Law Reform Commission studies the current constitutional and legal position for recreational users in the Irish countryside. The findings from the Attorney General and The Law Reform Commission 'Expert Group' concluded that no change be made to the current legislation in place (Occupiers' Liability Act 1995) and that no changes need to be made regarding liability and costs to landowners if those using the land for recreational purposes do so responsibly.

Since the founding of Comhairle na Tuaithe, issues relating to 'access to the countryside' have continued to develop. The majority of these issues depend on the

location and geological structure of the land and its importance to recreationists. If recreationists hold a mountain, valley or river in high significance the likely possibility is that landowners in that area may hold negative attitudes towards them using their private land for recreational benefit.

The current economic climate has somewhat deferred attention from leisure and recreation issues to those of personal finances and job security. With the country in an economic recession, access to the countryside has been reduced in significance when placed in perspective alongside people's personal issues and the economic state of the country. However, the importance of access to the Irish countryside in this current economic climate should be considered closely. This study sets out to examine the areas of agreement and disagreement between the main players in the access debate – the landowners and the recreationists.

The aim of this research is to study landowner and recreationist attitudes towards the issue of access within the Irish countryside. The objectives of this research include, investigating the level of understanding landowners and recreationists have of one another, assessing where future responsibility lies for future development and regulation of access to the countryside, ascertaining the levels of access deemed appropriate by landowners and recreationists, ascertaining what landowners are willing to accept in return for access and what recreationists are willing to give in return for access, assessing the level of knowledge landowners and recreationists have of countryside law, policies and traditions, investigating the knowledge, understanding and agreement landowners and recreationists have on the policies of their representative organisations, and inquiring whether landowners would provide access if all parameters were met by either recreationists and/or governmental departments.

Chapter Overviews

Chapter One - Introduction

This chapter is a general introduction into the topic of access to the Irish countryside. It provides an overview of the changes throughout the years and the more recent attempts to resolve the contentious issues.

Chapter Two – Literature Review

Chapter Two is a thorough review of the current literature available on recreational access to the countryside. The literature review discusses the existing contentious issues within the Irish countryside as well as viewing access traditions, access legislation and access issues in other countries throughout the world. Each individual section of the literature review examines issues associated with recreational access to private agricultural land in the Irish countryside and acknowledges the issues from both the agricultural and recreational perspectives. The information gathered in the literature review shapes the aims and objectives used in the following methodology chapter, as well as structuring the concurrent research to be utilised by the researcher.

Chapter Three – Methodology

This chapter uses the information gathered from the literature review and develops a set of aims and objectives for this body of research. An explanation of the methods and stages of research involved are provided, such as ethical approval from *Waterford Institute of Technology*, a pilot study, sampling procedure, the sample population, data collection and data analysis.

Chapter Four – Data Analysis

In chapter four, the results of the research are presented. The data gathered was inputted into the relevant data analysis packages. For this research which involves both quantitative and qualitative methods, SPSS and NVivo were used to analyse the data. From these statistical packages, information on ‘Attitudes to Access in the Irish Countryside’ are accumulated into graphs and tables. These graphs and tables of information will be used to frame the discussion chapter of this research.

Chapter Five – Discussion of Data

Chapter five involves the use of the information gathered in chapter two and the data presented and analysed in chapter four to generate a discussion on the ‘Attitudes to Access in the Irish Countryside’. The discussion will highlight the importance of particular issues for both landowners and recreationists while referring back to the

literature review, views of representative organisations, state agencies and government departments. The discussion in this chapter will aid in the writing of chapter six.

Chapter Six – Conclusions and Recommendations

This final chapter is the culmination of the entire research process and allows the researcher to assemble a set of conclusions from the literature and research phase while also identifying recommendations for the future. Chapter Six concludes the body of research and confirms that all the aims and objectives of the research have been satisfactorily answered.

Chapter Two - Literature Review

Introduction

For outdoor recreationists in Ireland, access to the countryside has increasingly become difficult as more and more areas are being closed to the public. Landowners were once safe in the knowledge that no harm or damage would come to their property from recreationists and the 'customary rights' provided to them throughout the Irish countryside. The change in attitudes and behaviours of landowners has seen a rise in the numbers refusing to allow recreationists on to their land to pass through.

The recent rise in popularity of outdoor recreation due to the Celtic Tiger has seen a surge of recreationists venture into rural Ireland wanting to participate freely in activities throughout the countryside. This increased demand has placed huge pressure on countryside infrastructure, facilities, rural communities, countryside dwellers and in particular agricultural activities.

The countryside can provide a place of living, work and enjoyment for everyone involved but the inadvertent tendency of one group to impact upon another group has caused conflict within the rural community. The use of private property for public benefit has caused concerns among the farming community who believe they should receive a portion of the profits gained from recreational pursuits, as well as raising concerns over the issues of property rights and the onus of liability. This increase in use of the countryside can also have adverse affects on natural habitats, flora and fauna.

The reasons behind these changes in attitudes are varied and it is the aim of the literature review to focus on the current situation both here in Ireland and throughout the world. The aim of this research is to ascertain the attitudes of both landowners and recreationists in Ireland, providing a conclusive and unbiased account of the current fundamental issues that shape the attitudes of those within the Irish countryside, while viewing other countries methods of identifying and resolving the issue of access to the countryside.

Outdoor Recreation

Definition of Outdoor Recreation

Outdoor recreation was once a pastime for aristocrats and the wealthy (Curry, 2004; Shoard, 2000). Now it is a past time for anyone with an interest in physical activity, nature and the countryside. The word recreation comes from the Latin word 'recreatio' meaning 'restoration to health', therefore outdoor recreation is any activity which is participated in as part of a healthy active lifestyle and which creates an interaction between nature and man (Curry, 1994; Department of Community, Rural and Gaeltacht Affairs, 2006; Hörnsten, 2000; Ibrahim & Cordes, 1993; Torkildsen, 1999). These activities may be performed in any area of the countryside using land, water or air (Bell, 2000; Keirle & Stephens, 2004; Millward, 1996).

Zinser (1995) explains that the distinguishing feature, which separates recreation from any other leisure time activity, is the attitude of the individual; this attitude forms the foundation block and outcome of the recreation activity. Recreation of any kind has many benefits, which include improved health, increased psychological well-being and the development of new social groups (Butler, 1976; Curry, 2004; Fitzpatrick Associates, 2005; Jensen, 1977; McIntyre & Roggenbuck, 1998; Paffenbarger, Hyde, Wing & Hsieh, 1986; Pate, Pratt, Blair, Haskell, Macera, Bouchard *et al.*, 1995). Outdoor recreation encompasses these benefits as well as providing an opportunity to express oneself, harness new skills, restore the mind to a positive state and develop an interest in protecting the natural environment (Kaplan & Kaplan, 1989; Mallord, Dolman, Brown & Sutherland, 2007; Rolston, 1989; Tinsley & Tinsley, 1986; Torkildsen, 1999).

Outdoor Recreation and Spirituality

Nature and the countryside can offer individuals a sanctuary from the daily rigours of life. Nature has therapeutic values that engage the mind in new ideas and reduces fatigue (Kaplan & Kaplan, 1989; Neuvonen, Sievänen, Tönnés & Koskela, 2007). The origins of recreation come from a reverence for the environment and a celebration of life through fertility, rain and harvest festivals. This spiritual appreciation lives on as mountains and rivers are viewed as sacred places such as the Ganges River in India, Mt. Sinai in Egypt and Ayers Rock in Australia. Native Americans celebrate their harmony with nature and they seek healing through nature (Ibrahim & Cordes, 1993).

The Irish revere the spiritual side of nature by naming mountains after saints' such as Mount Brandon, Co. Kerry or Croagh Patrick in Co. Mayo. Mountains are named by their natural surroundings such as Lugnaquilla in Co. Wicklow meaning 'Hollow of the Wood' and Church Mountain in Co. Wicklow meaning 'Mountain of the Covenant' when translated from Irish. Throughout the countryside of Ireland, crosses, holy wells and churches are evident, illuminating the link between nature, outdoor recreation and spirituality. Outdoor recreation for many is a means of returning to a simpler way of life, to nature and to feeling in harmony with the natural order (Gaunt and Lofgren, 1984; Rolston, 1989).

Development and significance of Outdoor Recreation in Ireland

Outdoor recreation is not a new concept in Ireland. The earliest evidence of outdoor recreation in Ireland stems from 1841, when Mr. and Mrs. Hall's Tour of Ireland was originally printed. This book was reprinted in 1984 and recounted the couple's tour of every county in Ireland prior to the Great Famine. The account details the cultural and historic sites Mr. and Mrs. Hall visited annually as well as providing details on topics of great discussion at the time.

In the early 1930's, An Óige, a non-profit organisation was formed with the sole purpose of encouraging youths to appreciate the Irish countryside. While An Óige did not develop the first hostels in Ireland, they still to this day provide inexpensive, quality accommodation in both city and rural locations. As stated by An Óige (2009) on their website, their objective is to *"To help all, but especially young people to a love and appreciation of the countryside"*.

Robert Lloyd Praeger, a qualified civil engineer, spent his life exploring the Irish countryside. In his book, 'The Way That I Went' (1937) Praeger explored the geological, botanical and archaeological composition of the Irish countryside that coincided with his passion for outdoor recreation. The prose on the back cover distinctly explains the countryside of the time when *"farmers welcomed rambling strangers and the countryside was largely tourist free"* (Praeger, 1937).

In 1948, the Irish Mountaineering Club was founded, creating the first club designated for outdoor recreation enthusiasts in Ireland. The club is based in Dublin, and during the early years, they were able to travel throughout Ireland, Great Britain and Europe for climbing purposes.

In 1966, the first forest park was developed by Coillte and opened in Gougane Barra, Co. Cork, with further development of forest parks during the 1970's. The 1970's also saw the first of many Outdoor Education Centres (OEC's) being developed throughout the Irish countryside. Increasing numbers of visitors, both national and international, have visited the Irish countryside, all wanting to participate in some form of outdoor recreation (Coillte, 2005). The development of OEC's led to the establishment of the Association for Adventure Sports (AFAS).

In 1971, the Federation of Mountaineering Clubs was formed, comprising of eight clubs and nearly seven hundred members. The club subsequently changed its name to the Mountaineering Council of Ireland (MCI) and more recently Mountaineering Ireland (MI). Over the years, the popularity of outdoor recreation has increased with MI currently comprising of 130 clubs, over 1,300 individual members and with a total membership of 9,500 individuals.

A survey by Fáilte Ireland (2007) established that the number of domestic trips to the countryside in 2006 had increased by 8.6% from 7,310,000 trips to just short of 8 million domestic trips, with an increased expenditure of 12.8% in the same year, bringing the total spent during these trips by Irish citizens within Ireland to €1.6 billion. International tourists to Ireland increased by 10% and 4%, for the years 2006 and 2007 respectively, bringing the total number of international tourists to 7.7 million of which 52% engaged in hillwalking/hiking activities (Fáilte Ireland, 2008a).

The United Nations World Tourism Organisation (UNWTO) has estimated that visitor numbers to Europe have increased by 6.6%, concluding that Ireland's share in European and World tourism as well as the numbers of American tourists entering the Irish tourism market is ever increasing (Fáilte Ireland, 2008a). These continuing increases in international tourism within Ireland has seen the expenditure by visitors to Ireland grow from a €4.3 billion industry in 2005, to a €4.7 billion industry in 2006 (a 9.9% increase) while in 2007 this increased to €4.9 billion, leading to a 4.5% increase in international spending (Fáilte Ireland 2008a).

The use of the countryside for tourism purposes highlights the important role access to the countryside has in the enhancement of the Irish tourism and agri-business sectors. With 49% of domestic tourists taking part in hiking, walking or visiting National Parks (Fáilte Ireland, 2008a), countryside stakeholders need to acknowledge their role in

future financial and recreational prospects of the countryside and in doing so, recognise the importance of access to the Irish countryside.

Irish economic policy has been unwavering prior to the current recession, with low tax policies aimed at promoting and attracting economic development into Ireland through foreign business investment (Burnham, 2003; KPMG, 2008; Peet, 2004). This business friendly nation, through political resolve, has seen the development of a booming economy in the 1990's, known as the 'Celtic Tiger', which continued through to the new millennium. Where previously a tradition of countryside walking existed, the influence of foreign nationals and the continued economic boom created a rise in the numbers participating in every form of recreation, including outdoor recreation (MCI, 2008a; The Economist, 2008; Thornton, 2004).

Throughout the period of 'The Celtic Tiger', the Irish public had increased disposable income to spend on free time activities and were willing to try new recreational activities (Cushman, Veal & Zuzanek, 1996; Fitzpatrick Associates, 2005). Thus, the influx of individuals into the Irish countryside created an untapped market and caused a diversification within the once traditional countryside economy (Lawless, 2005). The public are enticed into the countryside by a better quality of life, improved health, social diversity and rural economics (Bathe, 2007).

Businesses have spawned over the years to incorporate the many activities which visitors to the countryside wish to engage in. These businesses include guided tours around the countryside, provide recreation adventures and instruct individuals in various recreational pursuits such as Paddywagon Tours, Vagabond Ireland and Dunmore East Adventure Centre.

Fáilte Ireland's Tourism, Business and Employment Survey (2006b) estimated that 250,000 people are employed in tourism and hospitality related jobs, of which 81% were considered to be in year round employment. It seems that over the last number of years, outdoor recreation has created a niche market in Ireland's economy. Lawless (2005) states that this new market has provided an abundance of employment potential through seasonal or full time employment while entertaining the needs of both Irish citizens and foreign tourists.

This positive knock-on effect for tourism and business sectors has seen a somewhat negative backlash from the agricultural sector. Many landowners are against the use of private land for public benefits. They fear an increase in possible legal action and they

face the loss of privacy, all without some form of compensation. Over the years, these issues have come under the umbrella term of 'access to the countryside'. The issue of access needs to be explained and understood from all perspectives to attempt to find a clear resolution to the problem as well as addressing the underlining attitudes and beliefs of those on the ground and their potential to influence the approach to the Irish countryside for future generations.

Attitudes

Individual Attitudes

Individuals react to people, objects and issues in certain ways. Why? The answer is that every individual has developed a set of attitudes towards individual people, objects and issues. Allport (1985, P. 648) states “*An attitude is a mental and neural state of readiness, organised through experience, exerting a directive and dynamic influence upon the individual’s response to all objects and situations with which it is related*”. Thomas and Znaniecki (1918) formed one of the original definitions of attitude by stating “*attitudes were individual mental processes, which decide a person’s actual and potential responses*” (P. 13). An attitude can be a positive or negative, favourable or unfavourable, likable or unlikable appraisal of a person, object or issue.

Attitudes are seen in daily life as a definitive way of thinking of and dealing with an object or situation. Individuals consciously develop different attitudes towards people and situations in their daily lives because of observations or by gleaning information from others because of their observations and attitudes. Fishbein and Ajzen (1975) noted that an attitude is learned, it prompts action, and that such action is either favourable or unfavourable towards the object. Upon initial contact with an object or situation, an individual develops an attitude towards the object or situation, which is learned. This ensures that when the individual encounters the object or situation again, he/she no longer needs to form an attitude as the attitude is already learned and can be called upon at any time.

Attitude Components

Each attitude has three components or features - cognitive, affective and behavioural (O’ Grady, 2001; Malim & Birch, 1998). These three components work like scripts and allow individuals to produce memorised responses to people, objects and issues. The cognitive component holds perceptions or beliefs, either positive or negative, about objects or people such as recreationists causing harm and damage to the countryside. The affective component includes the feelings and emotions an individual holds towards people, objects and issues such as farmers being worried about the effects recreationists may have on their livestock. The behavioural component concerns the intentions an individual holds towards people, objects or issues such as a recreationist parking in a gateway leading to a farmer’s field.

These three components are part of every attitude that is formed by an individual. For example if a farmer has a negative attitude towards recreationists in general, then the farmer is likely to believe that all recreationists may cause harm and disturbance on his land (cognitive component). If a recreationist enters into that landowners' field he is likely to have negative feelings towards the recreationist and become angry and annoyed (affective component). Finally, the landowner will have a negative tendency towards the recreationist and escort them from the field (behavioural component). O'Grady (2001, P. 235) surmised that "*Attitudes, then, are a mix of beliefs, feelings and tendencies towards behaviour...they can be defined as our general responses to a particular target*".

Attitude Formation

For the most part individuals hold attitudes because of direct experiences with the object of the attitude. It may have been a positive or negative experience and this parallels with the attitude either being positive or negative. If a landowner meets with recreationists and they show understanding towards his fears, the landowner will most likely have a positive attitude towards recreationists. However, if recreationists trample across the landowners crops, he will have a negative attitude towards them. The more interaction a landowner has with recreationists, the stronger the attitude the landowner will hold towards recreationists - positive or negative affirmations. Zajonc (1968, P. 653) describes this as the *mere exposure effect* and states "*The number of times you meet an attitude object will affect the evaluation you make of it. Repeated exposure strengthens the response you make to something or someone*".

Classical conditioning is the effect an individual or object has on another individual or object. Malim and Birch (1998, P. 653) state "*...a repeated association between one stimulus and another may cause a previously neutral stimulus to elicit a reaction which was previously confined to another non-neutral stimulus*".

Instrumental conditioning is similar to classical conditioning in that the positive reinforcement of a response becomes strengthened and as a result this forms an attitude, while attitudes that are not reinforced fade away (Malim & Birch, 1998).

Bandura (1973) has studied observational learning and has noted that individuals will reproduce responses to those which they have seen or produced before. The final means of forming attitudes is by cognitive development (Malim & Birch, 1998). This is where the individual places less influence on outcomes and reinforcements and more influence

on the mind. Cognitive development is conceptualised in the attitude theories of Heider and Festinger.

Attitude Theory

Attitude research has provided numerous theories, to clarify the origin of individual's attitudes and how these attitudes influence behaviour. Two theories that stand out from the rest are Heider's Balance Theory and Festinger's Cognitive Dissonance Theory (Ajzen & Fishbein, 1980). In 1946, Heider developed the Balance Theory, which illustrates that there can be two states, balanced or unbalanced. Heider suggests that there must be balance or unbalance between the three elements of a triad (two individuals and an attitude object). The relationships between these elements can create a positive or negative state. For a balanced state to exist there must be three positives or two negatives and a positive. All other combinations produce an unbalanced state. If an unbalanced state exists, there will be tension and one element of the triad needs to make a change to restore balance (See Appendix B).

Festinger's Cognitive Dissonance Theory explains how *"inconsistency between two cognitive elements – whether they represent beliefs, attitudes, or behaviour – gives rise to dissonance"* (Ajzen & Fishbein, 1980, P. 22). Dissonance is the lack of agreement between objects or individuals. Festinger in 1957 explained how attitudes, beliefs and thoughts (cognitive elements) can affect each other and bring about dissonance (lack of agreement), consonance (harmony) and irrelevance (no affect at all) (See Appendix C).

Every attitude at some stage becomes dissonant, consonant or irrelevant. There can be a conflict of interest, a situation dealt with or just two attitudes which have no affect on each other. Research by Ajzen and Fishbein (1980) concludes that an inconsistency between two cognitive elements, gives rise to dissonance. Dissonance causes a motivation to change one's attitude, belief or behaviour by changing one element and returning to a state of consonance.

Attitudes are generally formed from personal experiences, opinions and from other people's experiences. No individual can possibly realise at any given time that an attitude is being formed. It is an occurrence whereby many situations and issues influence one single attitude. *"There is general agreement that attitude represents a summary evaluation of a psychological object captured in such attribute dimensions as good-bad, harmful-beneficial, pleasant-unpleasant, and likable-dislikeable"* (Ajzen, 2001, P. 28).

Access

Issue of Access in Ireland

For outdoor recreation in Ireland to take place, access to the countryside is essential. Mountains, lakes, rivers, valleys, country lanes and walking trails are all part of the make-up of the countryside. However, these natural formations are more often than not, on or surrounded by private property.

Access is a term used to explain the right of an individual to enter onto property, which is either private or public. A right of access allows recreationists to go out into the countryside, surround themselves with nature, and take part in activities which incorporate the natural structures of the countryside (Ryan & Walker, 2003; Ventris, 1979). Throughout the world, the issue of access to the countryside for outdoor recreation has been of concern for many decades.

In the past, customary rights and tradition allowed individuals to pass over lands without obtaining the permission of the landowner. The inability of individuals in previous generations to travel large distances for outdoor recreation ensured that most landowners knew the individuals using their land to walk their dogs or hike the mountains. The landowner was safe in the knowledge that his or her land would come to no harm and that they would not suffer any financial loss or inconvenience as a result (Curry, 2004; Flegg, 2004; Hickey, 2000).

However, in recent years, landowners have become wary of those passing over their land. The use of cars and the ability of many to drive to take part in outdoor recreation activities has resulted in an increase in the numbers using the countryside and as a result, conflicts of interest have arisen between landowners and recreationists. The issue of access has become a major hurdle for many people attempting to engage in outdoor recreation over recent years.

The Irish countryside is used for many different purposes. It is home to many different species of flora and fauna, it provides a livelihood for landowners and agri-businesses, it presents a scenic location for families to live and it is an arena for individuals to take part in many forms of outdoor recreation (Department of Community, Rural and Gaeltacht Affairs, 2006; Countryside Recreation Working Group, 1998). With such diverse interests being served by the countryside, there are now numerous stakeholders with vested interests (Bathe, 2007; Pigram, 1983).

Landowners earn a living, their families live in a peaceful environment, recreationists use the countryside for their leisure activities while businesses use the countryside to develop and produce their products. Each and every one of these stakeholders have practical and reasonable motives for making use of the countryside but the inability to agree on access rights is causing concern among many (Bathe, 2007; Department of Community, Rural and Gaeltacht Affairs, 2006; MCI, 2008d).

Issue of Access Internationally

Scandinavian countries are a perfect example of how access to the countryside can work (Mortazavi, 1997; Williams, 2001; Højring, 2002). Countries such as Norway, Sweden and Finland all follow the principle of *Allemansrätt* which literally translated means 'everyman's right'. This 'right' is a centuries old tradition which opens up private land to the public for various recreational activities. *Allemansrätt* retains the rights of private property ownership whilst also allowing the land to be used for outdoor recreation purposes (Kaltenborn, Haaland & Sandell, 2001; Mortazavi, 1997; Pigram & Jenkins, 2002; Sharpley & Sharpley, 1997).

The main idea is that any individual can walk, ski or cycle everywhere as long as habitat, animal or structure is not harmed and no one has been disturbed. It provides freedom while placing a responsibility on the individual using the resource to protect the countryside. Individuals are allowed pass through forests and farms and are only allowed into fields through gates which are not locked by the landowner. It is a general rule of thumb to stay more than 200m away from any house and camping in the same area is permitted for one night only (Swedish Environmental Protection Agency, 2008). The Swedish EPA sums up *Allemansrätt* through their slogan 'Don't Disturb - Don't Destroy'.

The tradition developed in Denmark is somewhat similar to that of Scandinavian countries as regards allowing recreationists to walk anywhere they wish on public lands but on private lands recreationists are only allowed hike across field roads and uncultivated land if the land is not fenced off (Agger, 2001; Højring, 2002). However, over the last number of years with the progression of agriculture practices and a greater protection of the environment, less of the Danish countryside is free for recreationists to travel across (Kaltenborn, Haaland & Sandell, 2001).

England, Scotland and Wales are in the shadow of Scandinavian countries regarding access traditions. However, each country has in some way worked progressively to

resolve access issues in their respective countries. In 2000, England and Wales brought the Countryside and Rights of Way (CROW) Act into law, which creates a statutory right of access to the countryside for everyone (Bathe, 2007). In England, this involved a region-by-region introduction while in Wales, it involved a solitary introduction and by 2005, the CROW Act was legally enforceable throughout England and Wales.

The basic remit of the Act is to provide access to certain types of land for open-air recreational purposes subject to conditions. These conditions ensure the privacy of people who live and work in the countryside. It ensures that gardens, parks and cultivated lands are not crossed, that animals are not endangered, that gates are not left open and fires are not lit (Office of Public Sector Information, 2000). Activities such as organised games, the use of vehicles and commercially run outdoor recreation activities are excluded under the CROW Act (Department of Environment, Food and Rural Affairs, 2008).

Landowners can however exclude recreationists from their land for a total of twenty-eight days each year for any reason. The English government mapped all areas to which access was granted under the new Act, so that by the introduction date in 2005, all areas available for recreational purposes were designated on a map. These areas were designated as being downland, moorland, mountain, heath and all registered common land (Office of Public Sector Information, 2000). The Act allows recreationists' access to over two and a half million hectares of land throughout England and Wales, both public and private.

In 2003, the Scottish Parliament passed the 'Land Reform (Scotland) Act' (Office of Public Sector Information, 2003). This act opened up the Scottish countryside to individuals for recreational and educational purposes. This Act is in place to ensure access for recreationists to both public and private land. Individuals however can only access the land if they exercise this right responsibly. The landowner still holds the legal ownership of the land and can continue to use the land for agricultural purposes, including a clause allowing the landowner to close off land for specific purposes after consultation with the relevant authorities. Recreationists may not hunt, shoot or fish while on the land, they may not use motorised vehicles on the land and they may not let dogs out of their control.

The Act also set in place the Scottish Access Code which is under the authority of Scottish Natural Heritage. This code lays down the guidelines for landowners and

recreationists and their responsibilities towards one another (Office of Public Sector Information, 2003).

Land Use in Ireland

Access to the Irish countryside is achieved by using public roadways, paths or by water, and through the countryside by way of national parks, forests and private land (Millward, 2000). In Ireland, approximately 5 million hectares of land is available for agricultural and forestry purposes. Figures published by the Department of Agriculture, Fisheries and Food (2008a) show that 62% of Irish land in 2008 was used for agricultural purposes with a further 10% used for forestry purposes. Recreationists are interested in the uplands which accounts for 5.5% of Irelands land mass and need to be able to pass through a marginal portion of agricultural land to get to the uplands (MCI, 2008a).

Coillte owns approximately 440,000 hectares of land in Ireland, which accounts for 6% of the total land area in Ireland. Coillte promotes the use of its forestland for recreational purposes and they have published a recreation policy to aid recreational users. These forested areas include 11 forest parks and over 150 recreation areas, all of which are in scenic locations throughout the Irish countryside. Coillte forests account for 52% of all off road National Waymarked trails and include 8,000km of forest tracks (Coillte, 2005).

The Irish Waymarked Walking Trail Network includes 31 National Waymarked Ways offering 3,000km of networked trails including looped walks, towpath walks, coastal walks and linear walks (Waymarked Ways of Ireland, 2009). The six National Parks throughout Ireland account for approximately 59,000 hectares of land in Ireland (National Parks and Wildlife Service, 2009). Slí Na Sláinte was introduced by the Irish Heart Foundation in 1996 and since then has developed 157 walking routes around the country (Irish Heart Foundation, 2009).

Types of Access in Ireland

The Irish countryside is either in private or state ownership. The Constitution of Ireland states in Article 40.3.2:

“The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen” (P. 54).

At present, the constitution does not distinguish between non-created forms (Land) and created forms (Buildings) of property and is therefore not as detailed and protective as it

is in other countries. The property rights of Irish citizens are protected in Irish law by the act of trespass; individuals found on private land without permission of the landowner or through lawful justification can be prosecuted (Owens, Carroll, Moloney, Moylette & O' Corcoran, 2007).

At present in Ireland, there are two forms of access to the Irish countryside. These are *de facto* access and *de jure* access. *De facto* access is access to land through custom and is either through permission given directly by the landowner or by tradition, which can be terminated at any time by the landowner (Buckley, Hynes and van Rensburg, 2008; Miller, 1999; Keirle and Stephens, 2004; Shoard, 1999). *De jure* access is access to land laid down according to the law.

In Ireland, outdoor recreationists do not have a *de facto* legal right of entry to most land and therefore have no legal rights when entering private land (Buckley, Hynes, van Rensburg and Doherty, 2008; MCI, 2008d). Therefore, outdoor recreationists adhering to the law can only enter private land using long distance footpaths, permissive ways, public rights of way or Waymarked Ways to participate in their chosen activity.

De jure access allows for two possibilities of entering the Irish countryside in accordance with the law. These include public rights of way and National Parks. A public right of way is an entitlement to pass over a specific piece of ground, which is legally protected, without being considered trespass and without interfering with the landowner (Bland, 1997).

Very few public rights of way actually exist in Ireland apart from public roads. The Planning and Development Act (2000) (Department of Environment, Heritage and Local Government, 2000) states that a public right of way may be created in three ways: firstly the landowner can give the ownership of a piece of land to the local authority and it can be deemed a public right of way. The landowner therefore relinquishes his ownership rights of the land and the local authority is now responsible for the maintenance and repair of the land. This is known as 'dedication and acceptance'.

Secondly, if a traditional right of way has existed over land for a period of twenty years or more and proof of this can be provided, the local authority can deem it a public right of way. This right of way bestows the recreationist passage along a defined route through the countryside (Winder, 1998).

Thirdly, a public right of way can be created through a development plan or the creation of a special amenity such as an area of outstanding beauty or an area of special recreational value. A public right of way can only be destroyed through action by a local authority and the Minister for the Environment, Heritage and Local Government in conjunction with a public enquiry. The public right may not be abolished by non-use (Smeltzer -v- Fingal County Council, 1998). The landowner may not interfere with a public right of way which passes over private land and they are in no way legally responsible for the right of way. This falls under the duty of the local authority.

Over the last number of years however, local authorities and courts have been reluctant to legalise rights of way for public use and as a result, this has seen many protests and a number of court battles between landowners who own the land and recreationists who wish to pass over such land. In June 2006, a case of appeal from the District Court was brought before the High Court, where the original judgement was over-ruled in favour of the landowner (Collen -v- Petters & Ors, 2006). The case centred on the allegations by Enniskerry Walking Association that a public right of way existed through Mr. Collen's land. The evidence suggested that a public right of way once existed in the 1800's but was not the present route under allegation. It was also noted that construction efforts over the years by Coillte, Glencree Society and private landowners in effect extinguished any possible claims of a public right of way, as there was no public place to start and finish the right of way. Judge O'Leary stated that a previous case, Smeltzer v Fingal County Council, made the law regarding this very clear. In his judgement, Judge O'Leary quoted from Smeltzer -v- Fingal County Council (1998) and stated:

“A distinction is made between a permission granted by the owner of land to members of the public to walk on pathways on his land and the dedication of these pathways to the public. To establish a public right of way what has to be proved is an intent on the part of the owner to dedicate his land to the public...”

The second form of *de jure* access in Ireland is through the use of National Parks. The primary role of National Parks in Ireland is to conserve, maintain and enhance the ecosystems and the flora and fauna of Ireland (National Parks and Wildlife Service, 2008). Resulting from this, recreational users can access the parks and take part in recreational activities provided they do not interfere with the stated objectives of the National Parks.

De facto access, as mentioned earlier, is access, which is not legally bound by the constitution. This form of access is granted by landowners at their own volition and is provided as a tradition or by the granting of permission by the landowner for recreationists to cross over his or her land (Buckley, Hynes and van Rensburg, 2008).

As a result, *de facto* access can be withdrawn at any time by the landowner without reason.

De facto access bestows upon the recreationist temporary permission to use the land for recreational purposes up until the landowner deems it unsatisfactory and terminates recreationists' access to their land. Individuals in the locality or those in the local recreation clubs usually know of *de facto* access. Traditions of *de facto* access may have continued with the land and on the good will of the landowner.

New forms of *de facto* access are appearing throughout the Irish countryside, examples of which include Long Distance Waymarked Ways (Waymarked Ways of Ireland, 2009). Landowners, recreationists and organisations such as the trails office of the Irish Sports Council work together to provide walks on private land for recreationists. Thus create access agreements such as gun clubs, individuals hunting, walking clubs and recreational businesses.

In Ireland, the law does not recognise any 'right to roam'. As a result, access to the countryside depends on the relationship between landowners and recreationists. In some areas, this link may be strong due to past positive experience, with landowners willing to welcome recreationists onto their land. This link may also be weak as landowners may have had negative experiences with recreationists and they may be unwilling to allow any form of recreation on their land. Experiences in the past and the attitudes formed as a result may hold an indelible mark over future considerations towards outdoor recreation and access in the Irish countryside.

Current Issues

Current Concerns

It has long been recognised in Ireland that access to private lands is necessary to meet the increasing demand for recreational activities. At present, recreationists may roam relatively unhindered throughout the uplands of Ireland. However to get to upland areas requires access through the lowlands and in many instances this involves access through private land. This access is at the discretion of the landowner and this is where issues arise. There are a number of concerns which arise throughout the countryside between landowners and recreationists (Pigram, 1983; Shoard, 1999).

These concerns all arise from the quantity of land available for recreational purposes and the attitudes held by the individual landowners who own the land. The concerns held by the landowners include disturbance and privacy issues, legal concerns, economic concerns, social concerns and ecological concerns (ICSA, 2006; IFA, 2006; Jordon, 2000). Over the last decade, both economic and societal changes in Ireland have led to a level of dissatisfaction among landowners and recreationists alike (Flegg, 2004).

Landowners and Recreationists Concerns

Landowners concerns stem from previous experiences and attitudes, which have been formed and solidified over the years. The more problematic the encounter the more divergent the attitude formed. These experiences and attitudes may have arisen from recreationists entering their land or from hearing opinions from their neighbours, representative organisations and/or the media. Landowners concerns are based on the fear of liable action from recreationists, increases in insurance premiums, threats to their livelihoods from disturbance to their land, crops and animals as well as the need to maintain ecological stability and natural habitats as part of the Rural Environmental Protection Scheme (REPS) scheme (ICSA, 2006).

In this ever-litigious climate, landowners concerns over being held accountable for accidents occurring on their land heightened their fears and has created an element of negativity towards recreationists wanting to enter their land, regardless of their intentions. Landowners are also threatened by the loss of privacy around their homes and surrounding land, and the fear of losing their property rights (Jordan, 2000; O' Rourke, 2005).

Landowners live and work in the countryside while recreationists use the countryside to gain a distinctive type of satisfaction from their recreational pursuit. While these are both honourable activities in the countryside, the simple fact is that they are at odds with one another (MacConnell, 2003; MCI, 2007; Pigram & Jenkins, 2002).

The Irish countryside is almost entirely owned by individual landowners who work the land to make a living from agricultural activities. These landowners have become more wary of individuals entering onto their land for recreational purposes (Flegg, 2004). Many landowners and recreationists have had confrontations over issues such as parking in front of gates, walking around working farmyards, disturbing private houses, crossing cultivated land and disturbing farm animals. These are well documented in the literature and have featured in local and national press. For current examples see the Keep Ireland Open website.

Over the years, occurrences of conflict have increased and many landowners are feeling more perturbed and agitated by recreationists who continue to flout common courtesy and countryside codes. As a result, they can deny recreationists the informal right of entry onto their land at any time (KIO, 2008; MCI, 2008d). Many landowners see this as a way of protecting their livelihood, their livestock and reducing the possibility of legal proceedings against them. The denial of this permission to enter land has perturbed many recreationists who use the countryside peacefully, without disturbing landowners and other countryside residents (Shoard, 1999).

As stated earlier, landowners concerns can be condensed solidly into three main issues - liability, disturbance and compensation. These are all individual issues but together create one interrelated concern which is closely linked to the type of recreational activity and the numbers of recreationists accessing the land. Both the ICSEA (2006) and the IFA (2006) welcome open dialogue with recreational organisations to assert the rights of individual farmers while seeking a mutually beneficial agreement with recreational organisations such as KIO, MI, the National Scout Association of Ireland and Mountain Biking Ireland.

Comhairle na Tuaithe established in 2006, was an attempt by the Minister for Community, Rural and Gaeltacht Affairs, Eamonn Ó Cuív to arbitrate a forum of all key stakeholders in an attempt to resolve the current access issues. However, the IFA walked out on discussions due to their proposal of payment for access being rejected. Comhairle na Tuaithe was an endeavour to get all countryside stakeholders to

successfully sit down together and fully resolve each of the individual issues. The ICMSA however in 2007 stated through their chairperson Jackie Cahill that they would not participate in any talks until a change in the law guaranteed that land ownership rights were strengthened (Irish Examiner, 2007). Landowners and recreationists hold varying views on many of the issues and over the years no headway has been made by any proposed solutions.

Liability

Definition of Liability

One of the critical issues at present for landowners is the threat of liability. Liability is defined as the state of being held responsible for an act or omission which has caused harm to another individual and/or his or her property (Doolan, 1999, Keenan, 2004). Wright, Kaiser and Nicholls (2002) concluded that the fear of being sued or being held liable was the primary concern of landowners. In a survey commissioned by Agri-Aware throughout the Irish countryside over 91% of the public agreed that landowners concern surrounding liability was valid (Bogue, 2005).

Many landowners are fearful of the perceived consequences of recreationists on their land and the possibility that they may be brought to court for accidents which occurred on their land. As a result of this, these landowners may be hesitant in allowing recreationists onto their land (Burghardt, 1996; Hickey, 2000; Lawless, 2005; Louie & Ching, 2006; Lynam, 2006; Miceli, Segerson & Li, 2001; Shoard, 1999; Wright, Kaiser & Nicholls, 2002). Legally they are within their rights, the law is clear. The landowner must grant permission before any individual can legally cross private land (Ellison, 2001; Flegg, 2004). Liability is one of the key concerns for landowners where the cost of a claim by a recreationist on their land could result in the possibility of financial ruin if they are found to have acted with reckless disregard towards the recreationist.

Liability Law in Ireland

Before the introduction of the Occupiers' Liability Act (1995) in Ireland, landowners owed a duty of care to every individual who entered their land: visitors, recreationists, contractors and trespassers alike. The safety of individuals had to be guaranteed even though the landowner may not have known the individual was present on their land. As a result of this legal quandary, both landowners and recreationists, in particular the IFA and MI lobbied together for the introduction of a fairer law which protected the rights of all.

The Occupiers' Liability Act (1995) was an improvement on the previous position. It eased the fears of landowners and recreationists and it acknowledges three categories of entrants: visitors, recreational users and trespassers. Each entrant is owed a legally bound duty of care by the landowner (Office of the Attorney General, 1995). Within this act, a recreational user is defined as an individual who enters onto private or public land to engage in recreational activities, with or without the permission of the

landowner and without charge (Keenan, 2004; Office of the Attorney General, 1995). In accordance with this, the recreational user is owed a duty of care by the landowner not to intentionally injure or harm them or to act with reckless disregard for them or their property (Doolan, 2003; Office of the Attorney General, 1995). This act will legally hold the landowner liable, only if he or she does not show the appropriate duty of care towards the recreationist. As a result, the act was a huge stepping-stone in the progression of the access issue in Ireland.

With the introduction of the Occupiers' Liability Act (1995), landowners have continuously been advised by their representative organisations to erect signs warning recreationists and other entrants of the possible dangers associated with working farms and farm animals, reducing the level of liability placed on landowners and the occurrence of accidents on their land (Shoard, 1999).

The development of National Waymarked Ways in Ireland has led to the availability of walking trails throughout the Irish countryside with the full support of resident landowners whose land is crossed by the trails. Once the landowner has provided permission, the route promoter or local authority insures the trail. The landowner cannot be held liable for injury or damage occurring on the Waymarked Way unless they have acted with reckless disregard towards the trail user (Flegg, 2004; National Waymarked Ways, 2008).

The landowner retains full property rights and the trail is classified as a permissive way, therefore the landowner can rescind his permission at any time. On either private or public land which permits recreational activities in return for a fee, recreationists are now considered 'visitors' under the Occupiers' Liability Act (1995). This increases the duty of care owed to the recreationist by the landowner. This duty of care states that the occupier (the landowner) must take reasonable care to ensure that the individual does not suffer any injury or damage because of any knowledgeable danger present (Doolan, 2003; Keenan, 2004; Office of the Attorney General, 1995).

Cases taken under the Occupiers' Liability Act (1995)

Since the introduction of the Occupiers' Liability Act (1995) in Ireland, there have been two high profile cases brought to court under this law (These cases have been described in detail in Appendix A). They have brought landowners concerns to public attention. Landowners had attempted to limit access to their lands because of their fear of liability claims brought against them. Even though both cases were unsuccessful in court, the

farming community is fearful over possible court action in the future by recreationists (Ellis & Colton, 2003; Flegg, 2004). The Occupiers' Liability Act (1995) had sought to clear landowners of any liability in so far as they did not intentionally injure the individual, damage their property or act with reckless disregard towards the individual. These judgements strengthen the need for local authorities and the Irish government to prove dedication of land and legalise public rights of way throughout the Irish countryside to ensure safe and legal walking routes for recreationists.

As previously stated, a survey commissioned by Agri Aware (Bogue, 2005) concluded that 92% of respondents claimed landowners concerns over liability were valid, while a further 70% claimed that while attempting to pursue countryside activities they had not been permitted access. This clearly shows that landowners are not alone in their line of thinking but many are steadfast in refusing to allow recreationists onto their land while the issue is under scrutiny.

Report of Expert Group

Following landowners concerns at Comhairle na Tuaithe meetings, the government referred the constitution to the expert group. The expert report commissioned for the Department of Community, Rural and Gaeltacht Affairs comprised of officials from the Attorney General's office, the Department of Justice, Equality and Law Reform and the Department of Community, Rural and Gaeltacht Affairs (Owens, Carroll, Moloney, Moylette and O'Corcoran, 2007). The officials were requested to deal with the following issues - whether legislation is necessary in order to confer on the public a right to access private land for recreational purposes, any potential impact on the Irish constitution in relation to property rights and issues relating to occupiers liability and indemnity. The Constitution of Ireland protects the property rights of the individual and individuals may seek to use the law to exercise this right. The European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe, 1950) states "*Every natural or legal person is entitled to the peaceful enjoyment of his possessions*".

The expert group concluded that the Oireachtas was entitled to investigate the possibilities of public access to private land. However, it must ensure that any further legislative move by the government does not place unreasonable costs, burdens or liabilities on the landowner (Owens *et al.*, 2007; Department of Community, Rural and Gaeltacht Affairs, 2006). As there is no 'Public Right to Roam' in Ireland, the creation of any such right would require legislation. Any new legislation would affect the afore

mentioned rights of property ownership and as a result, any intrusion created by law would allow for the right to be compensated for the damage caused as a result of the intrusion or as a result of loss of property rights (Bunreacht na hÉireann, 1937).

Owens *et al.* (2007) stated that if the objective is to provide access, then a change in policy decisions is needed to provide for a public right of access for recreational activities similar to that of Scotland and the Land Reform (Scotland) Act 2003. In Scotland, individuals are only provided with access rights if they ‘exercise them responsibly’ (Owens *et al.*, 2007). It was the belief of Owens *et al.* (2007) that no changes are needed to be made to the constitution or the law concerning landowner’s liability. If those using the land for recreational purposes do so responsibly and acknowledge other users of the land, no such liability issues need occur.

The report (Owens *et al.*, 2007) stated that the Occupiers’ Liability Act (1995) did not need to be legally amended and that the current act protected all involved in both farming and recreation in the countryside. This reinforcement of the Occupiers’ Liability Act (1995) and the stated need for policy change instead of a change to property rights and the constitution by both the Attorney General and the Irish Government through the recommendations of this report shows the need for further progression by all parties involved to clarify the issues through reconciliation.

Legal Access Abroad

In neighbouring countries such as England, Scotland and Wales, where laws are in place to regulate access in the countryside for recreational purposes, the issues of liability and injury on private land have been clarified. Prior to the CROW Act (2000), any individual who did not come under the category of ‘visitor’ under the Occupiers’ Liability Act (1984), was owed a duty of care to ensure the individual did not suffer any injury by dangers which the landowner had knowledge of and could have prevented.

In determining if the landowner owes a duty of care towards the recreationist relating to the CROW Act (2000), it must be noted that no undue financial burden must be placed on the landowner, no natural feature must be interfered with and recreationists must abide by the codes of conduct put in place. The landowner cannot be held accountable for any injury suffered from a natural feature or the misuse of gates and stiles. A landowner may only be held liable if he or she had the intention of creating risk and acted with reckless disregard towards the recreationist under the Countryside and Rights of Way Act (2000) (Office of Public Sector Information, 2000).

In Scotland, the duty of care owed to recreationists is provided under the Occupiers' Liability (Scotland) Act 1960. Under the Land Reform (Scotland) Act 2003, recreationists have the right to be on private land if they act responsibly in accordance with codes in place from Scottish Natural Heritage. The duty of care owed by a landowner to an individual on private land is to ensure that any foreseeable danger is rectified so that no individual will suffer harm or injury (Scottish Natural Heritage, 2005).

In Scandinavian countries, the *culpa* principle applies. A landowner owes a special duty to protect those he has permitted to be on his land such as anglers or hunters. If the landowner knows people have entered the land or that people use a certain passage of land and that they could possibly be in danger from animals or other potential hazards, the landowner must provide additional care ensuring they are not harmed. In Denmark, the law states that the individuals enter land at their own risk but landowners must inform them of any inherent dangers (The Law Reform Commission, 1993).

Insurance

Both recreationists and landowners can protect themselves through insurance in the eventuality of an accident occurring due to recreational activity on private land. Most landowners have public liability insurance written into their agricultural insurance policies. Public liability insurance protects landowners for any claims made against them by members of the public, including recreationists, for injury or damage to the individual or their property.

Recreationists can avail of personal injury insurance to protect themselves in case of injury or damage to themselves or their property. Members of MI are protected by 'Civil Liability' and 'Personal Accident' cover. Members can also avail of insurance policies provided by organisations such as the British Mountaineering Council (BMC). The BMC provide five separate policies to suit the needs of recreationist. The policies cover the recreationists for rescue, personal injuries, hospital expenses, legal expenses and personal property. For recreationists who are not members of the MI, they can avail of personal insurance which covers travel and activities such as VHI Worldchoice or personal insurance policies provided by most insurance companies.

Loss of Property Rights

Another issue which stems from liability and the crossing of private land is landowners' fear of losing their property rights. Curry (2002) stated that the rights of land ownership

include the right to use the land, the right to transfer the land, the right of enforcement of legal arrangements and the right to exclude people from the land. When recreationists cross private land, many landowners feel their ownership of the land is being called into question. Local people also feel a sense of attachment to areas of local heritage and distinction which are considered by them to be part of their heritage and should only be valued by those who appreciate them.

In response to the report by Owens *et al.* (2007), which suggested that the government can legislate to allow access to land without compensating landowners, IFA president Pdraig Walshe (RTE, 2007) stated it was "...an outrageous assault on property rights". KIO (2008) feels there is no relationship between the right to enjoy access to the countryside and the loss of property rights and that they in no way want to interfere with landowner's private property rights. As it stands, landowners hold the property rights of private land in Ireland and they have the right to sell the land to another party. Property rights can only be taken from the landowner through sale of property or by the provision of a right of way over which they have control. They can do this by ensuring recreationists understand that the access route or trail is provided through permissive use and is not a right of way.

Research presented here has determined that by using Waymarked Ways, 'The Walks Scheme' and Coillte forests, landowners and recreationists can use the countryside side-by-side and that the Occupiers' Liability Act (1995) is sufficiently robust to withstand the threat of litigation by any party. The term 'volenti non fit injura', when translated means 'a willing person cannot be injured' (Quinn, 2007) which is enshrined in law throughout the world, takes the view that any individual taking part in recreational activities in the countryside does so at their own risk.

Disturbance

Definition of Disturbance

Disturbance is the unsettling of the natural habitat, animals or people within the countryside by other users of the countryside. This can affect the longevity of wildlife species in an area, cause irregular behaviour in farm animals and trample crops used to provide landowners with a livelihood (Hunter, 2004). For eco-systems and habitats, disturbance and improper use of an area can cause long-term or irreparable damage and may result in the loss of animals, vegetation and species. For landowners, damage to crops, gates, stiles and fences as well as unacceptable parking on countryside lanes can create havoc in the day-to-day management of their land and as a result, the issue of disturbance is one which is frequently discussed throughout the countryside. Through the co-operation of landowners and recreationists, such behaviour can be combated to ensure a safe and practical environment where wildlife, animals, landowners and recreationists can co-exist in a sustainable and relatively undisturbed environment.

Disturbance can be defined as the changing of a habitat by path creation, camping, the clearing of natural vegetation, environmental change, scaring of breeding wildlife and farm animals and the trampling of natural vegetation and crops (Beale & Monaghan, 2004; Liddle, 1997; Pigram & Jenkins, 2002; Carney & Sydeman, 1999; Grabherr, 1982; Gross, Lockwood, Frost & Morris, 1998). Every user of the countryside has a responsibility to contribute towards a countryside that is sustainable, protected and useable (Hammitt, Kaltenborn, Vistad, Emmelin & Teigland, 1992).

Disturbance of Natural Habitats

Disturbance of natural habitats within the countryside can have tremendous effects on wildlife. Wildlife live, feed and breed in and around the natural habitats of woodland, forest, moors, heaths, hedgerows and fields. These are common areas where recreationists will be regularly found partaking in outdoor activities. The extent of trampling will depend on the vulnerability and tolerance of the vegetation, the type of ground, the activity, weight of the user, the number of users and the season (Dumont, Roovers & Gulinck, 2005). Some vegetation will be more tolerant to trampling than other vegetation and will therefore withstand trampling by countryside users. However even under slight trampling the frequency of some species will decrease rapidly (Cole & Bayfield, 1993; Grabherr, 1982). Trampling in spring has less of an impact than in other seasons due to regeneration and re-growth by vegetation. Continuous trampling of vegetation and undergrowth can, in some cases, destroy what is native to that habitat

and in its place vegetation resistant to the forces of trampling will appear, changing the natural ecosystem of the area which can cause wildlife to leave that habitat for one more congruent to their needs (Pearce-Higgins & Yalden, 1997).

Trampling has a significant impact on areas which have been free from humans in the past, and with the rise in outdoor recreation, trampling has become more prevalent. The equipment used by recreationists, horses and dogs can influence the rate of disturbance in an area. A study by Törn, Tolvanen, Norokorpi, Tervo and Siikamäki (2008) compared the impacts of hiking, skiing and horse riding on trails and vegetation in different types of forest in Northern Finland. Both the widths and depths of trails were monitored over two years. Results found that the trail characteristics and vegetation depended on the recreation activity. Trails used by horse riders were as deep as those used by hikers even though the numbers of hikers on the hiking trails were 150-fold than those on the riding trails. Skiing trails were less impacted as snow cover protected the trail.

Throughout the Irish countryside valleys, mountains and pathways have seen their share of disturbance and destruction by recreation over the years. Most upland areas bear some evidence of erosion from recreation footfall such as the Devil's Ladder at Carrauntohill. In the Comeragh Mountains, Crohaun has been badly damaged by quad bikes and other motorised vehicles. The slope to Croagh Patrick has seen erosion of the vegetation and top soil from years of pilgrims climbing to the summit. The majority of upland areas suffer human induced disturbance and damage such as Djouce, Co. Wicklow and Mount Brandon, Co. Kerry. This disturbance has seen areas badly scarred and the removal of vegetation and top soil from these areas, results in long-term damage.

In the Wicklow Mountains National Park, staff have been involved in building boardwalks to decrease erosion and promote the regeneration of vegetation while also making areas more accessible. Originally old railway sleepers were used in the regeneration but now materials more natural to the area are being used. Mountain Meitheal have also been involved in developing pathways throughout the National Park as a means of slowing and preventing the deterioration of vegetation. This aids the return of some of the natural flora and fauna to the areas surrounding the paths (Wicklow Mountains National Park, 2008).

Disturbance of Birds and Animals

Birds and animals in woodlands, hedgerows and fields are extremely vulnerable to disturbance from humans. Liddle (1997) has classified three types of disturbance. Disturbance type 1 is the awareness by animals of humans through sight, smell or hearing but does not come into physical contact with the human. This disturbance may or may not affect the animal and a fight or flight reaction may occur. Much of this form of disturbance comes from recreationists who innocently and unknowingly produce stressful situations for wildlife (Hammitt & Cole, 1987).

Disturbance type 2 is the most common form where the environment is changed in some way or a modification of the natural habitat occurs from the creation of paths, buildings or facilities, the clearing of vegetation or through camping. This form of disturbance can have either a positive or a negative effect on the wildlife. Certain wildlife populations have increased in areas such as campsites while other populations have decreased in the area due to this human presence. Hammitt and Cole (1987) stated that wildlife which are intolerant to human disturbance will leave for a more suitable habitat and will be replaced by animals more tolerant of humans.

Disturbance type 3 is an extreme form of disturbance where the animal is in direct contact with the human such as hunting. The consequences of this form of human disturbance may lead to the injury or death of the animal. Liddle's (1997) classification has explained the various levels of human contact which can affect wildlife. It is necessary to note that direct contact is not needed for it to be considered as disturbance. The fact that an animal is aware of a human in the vicinity is classified as a form of disturbance (Cole, 1981; Hammitt & Cole, 1987).

Research has shown that the disturbance of breeding wildlife does cause multiple effects such as a decline in breeding success (Giese, 1996; Steidl & Anthony, 2000), the scaring of wildlife from preferred feeding areas and negatively affect the mortality rates of wildlife (Anderson, 1988; Beale & Monaghan, 2004; Safina & Burger, 1983). A study in Britain by Murison, Bullock, Underhill-Day, Langston, Brown and Sutherland (2007) measured the affects of disturbance on the breeding productivity of the Dartford Warbler found that recreational activity delayed breeding, in some cases for up to six weeks. The study identified that the birds were particularly susceptible to disturbance during nest building. Once disturbance had occurred during the nest building stage, the nest was abandoned.

Disturbance of Farm Animals

Farm animals react in different ways to individuals entering their field. Take for example the most common farm animals in Ireland, cattle and sheep. Cattle will approach individuals due to their curiosity and once they have fulfilled the curiosity they will move on. However, if a dog is present and off the lead, curiosity by the animals may lead to aggression. This aggression can lead to the owner and dog being injured by the animal. The Leave No Trace (2009) policy recommends countryside users to remain at a safe distance from farm animals.

Breeding farm animals can also exacerbate the harm done by disturbance in the countryside. Livestock behaviour during breeding is changeable and disturbance or movement by recreationists can cause the livestock to react negatively to those in the field and cause damage to recreationists or injury to themselves. Roger (1999) states that disturbance to livestock can cause an increase in animal mortality and in females rejecting their new born especially in sheep. Disturbance by recreationists around lambing can cause sheep to abandon their lambs and may or may not retrieve them at a later stage. With this comes the possibility of the lamb being hunted by other animals in the countryside or getting lost trying to find its mother. With cows, the mother will avoid contact with other animals and individuals, therefore increasing the likelihood of injury to recreationists if they are disturbed. Bulls are perceived as a threat by humans and they will attack if approached and all insurance companies advise landowners to erect signs at the gate of the field to warn possible entrants of the danger and therefore reduce the case of reckless disregard.

Disturbance of Landowners

For landowners the daily duties of their work require them to move around their land. Many landowners go about this daily routine with little or no disruption. However, in areas where outdoor recreation is popular, disruption and damage can cause varying degrees of disturbance to the landowner (Flegg, 2004; Lawless, 2005). Many recreationists are unaware of the possible disruptions and damage they can cause in the countryside (Hanley, Alvarez-Farizo & Shaw, 2002). Recreationists parking their vehicles in quiet country lanes and in gates can obstruct a landowner from entering a field or passing through to get to another road. Narrow country lanes that are blocked by parked cars provide an insurmountable challenge for landowners wishing to harvest their crops or manage their livestock. The vehicles used by landowners in their daily

tasks are often large cumbersome vehicles that require the full width of a narrow lane to pass through.

Farming is a seven-day occupation throughout the year and in the summer and autumn month's landowners tend to be especially busy tending to crops and baling hay. For the majority of outdoor recreationists their working week ends on a Friday. This allows them to pour into the countryside at weekends for their outdoor activities causing an increase in the numbers of both landowners and recreationists using the countryside (Beale & Monaghan, 2004; Bolduc & Guillemette, 2002; Hickey, 2000; Lawless, 2005). This causes an increase in the number of vehicles in the countryside and an increase in the possible dangers and accidents, which can occur (Ellis & Colton, 2003).

Damage to gates, stiles and crops is a major concern of landowners. Improper conduct and misuse by recreationists can lead to the damage of farming infrastructure and may incur heavy costs for the landowner (Hickey, 2000). Costs include time spent repairing damage to walls and fences and capital costs of replacing gates and wire. Gates in the countryside have a purpose of allowing access through to the next field while blocking access for animals to escape from the field. Leaving a gate open in the countryside can allow animals to escape to other fields, damage crops and damage private property (Flegg, 2004). The damaging of stiles and fences can also allow animals to escape and can provide a threat to other recreationists and to the landowner. Replacement of broken or damaged stiles, gates and fences places a needless financial burden on the landowner who may as a result wish to prevent recreationists from entering his land in future to avoid any further financial hardship. Any animal that escapes from a farm and causes damage to private property leaves the landowner susceptible to legal action therefore placing a financial burden on the landowner under the Scienier principle (The Law Reform Commission, 2002). The Scienier principle in the 'civil liability for animals' specifies that the owner of an animal, domestic or wild, is liable for damage caused and the plaintiff only has to prove the owner knew of the possible threat in order to recover the cost of the damage.

Reducing Disturbance in the Countryside

As custodians of the rural environment, landowners have certain obligations to the animals and wildlife that live in the countryside. Many landowners are aware of the wildlife which inhabits their land and the annual habits of the wildlife including the breeding season and the nature of their movements. To encourage environmentally friendly methods of farming various schemes have been made available to landowners

to help protect the Irish countryside and the natural habitat by reducing disturbance to these habitats, such as REPS and the National Parks and Wildlife Service (NPWS) Farm Plan Scheme.

These two schemes compensate the landowners for losses incurred as a result of undertaking their farming activities through environmentally friendly means (Department of Agriculture, Fisheries and Food, 2008b; Feehan, Gillmor & Culleton, 2005). These schemes are designed to protect and preserve natural habitats throughout Ireland with the hope of preventing further deterioration of flora and fauna within the Irish countryside and to produce food in an environmentally friendly way. Throughout the continent of Europe, twenty-six of the forty-four countries have agri-environmental schemes, which aim to find a balance between farming activities and the protection of flora and fauna in the countryside (Kleijn & Sutherland, 2003).

REPS was initiated in 1994 with 45,000 landowners participating in REPS 1. By 1999, the number of landowners participating increased steadily and peaked at 59,198 participants in January 2007 (Department of Agriculture, Fisheries & Food, 2008d). In 2007, of the approximate 4.3 million hectares of land available for agricultural use, REPS payments were paid out on 40% of this land (Department of Agriculture, Fisheries & Food, 2008d). Participating landowners must follow eleven compulsory measures but can also follow an additional 12 'supplementary measures' if they wish to do so. Prior to REPS 4, there were six supplementary measures (Emerson & Gillmor, 1999; Department of Agriculture, Fisheries & Food, 2008b; Department of Agriculture, Fisheries & Food, 2008c; Kleijn & Sutherland, 2003).

In the initial REPS scheme in 1994, the Irish government used supplementary measure number five to provide landowners with payment in return for public access to their land for environmentally friendly leisure and sporting activities where these rights did not already exist (Hickey, 2000; Walsh 2003). This measure was withdrawn as it was in contravention of European law

Throughout Europe, numerous countries have agri-environmental schemes similar to REPS in place. These schemes aim to reduce pesticide usage, protect biodiversity and restore the landscape. Many studies have been carried out to measure the effects of agri-environment schemes on the countryside. However Kleijn and Sutherland (2003) undertook a review of all relevant literature in the area. Their conclusions on the cumulative change due to agri-environmental schemes revealed a 54% increase with

only a 6% decrease in the species examined, 17% saw an increase in some species and a decrease in others while 23% showed no change.

While landowners acknowledge the need for protection of the Irish countryside through their participation in REPS and with 3,283 landowners opting for supplementary measures in REPS 3 (Department of Agriculture, Fisheries and Food, 2008d), recreationists are also working to protect and improve the natural habitats and landscapes throughout Ireland (MCI, 2008c). Individual outdoor recreation clubs and community groups organise litter walks to gather rubbish from areas of high outdoor recreation use.

Outdoor recreation organisations such as the MI and Mountain Biking Ireland provide their members with codes of conduct to follow while participating in outdoor recreation activities. The majority of all outdoor recreation enthusiasts follow these guidelines and it is only a small few who choose to ignore them, causing widespread damage and disruption to permissive ways as a result (Lawless, 2005).

Outdoor recreation clubs throughout Ireland as well as government agencies discourage the use of motorised vehicles in areas where they can be disruptive to both wildlife and other users and where they can cause damage to the natural habitat (MCI, 2008b). MI urges all users, from any discipline of outdoor recreation, to follow the Good Practice Guide for Walkers and Climbers (MCI, 2008c). It asks all users to recognise the consequences of their actions which may result in path erosion or trampling.

Coillte and Mountain Meitheal are also involved in protecting the countryside. Coillte's Recreation and Environmental Policies aim to protect and conserve Irish forests through environmentally friendly means. Coillte's Recreation Policy (2005) seeks to provide a location for low-impact non-motorised recreation thereby reducing possible damage to the habitat and it asks all users to be environmentally aware of the forest and respect the forest code. Coillte's nature conservation objectives aim to identify and protect biodiversity throughout their forests, implement conservation measures, monitor their progress and increase staff and user awareness of Irish forests (Coillte, 2008).

Mountain Meitheal is an organisation founded with the aim of improving the Irish countryside through development and conservation methods. The organisation's objectives include protecting and conserving mountainous and forest habitats and repairing, maintaining and building footpaths and trails. They create awareness of sustainable recreation and provide enjoyable projects for volunteers who enjoy the

openness of the countryside. Mountain Meitheal ask all recreationists to follow the Leave No Trace policy to ensure the protection of the countryside for future generations (Mountain Meitheal, 2008).

The Irish Girl Guides, Scouting Ireland, Mountain Biking Ireland and Wicklow Uplands Council are all supporters of the Leave No Trace Policy. They conduct events to highlight the principle throughout the countryside with their members.

Outdoor recreation organisations throughout the world are involved in the preservation of areas which are under threat of damage from both recreationists and other groups. Recreationists and authorities in Germany have put in place restrictions on the use of popular outdoor recreation areas to help in the conservation efforts (Eberlein, 2000). A special interest group consisting of climbers and the German Alpine Club have worked together to balance the recreation interests and ecological interests in climbing area throughout Germany. In areas of high use by recreationists, information boards were put in place to guide climbers new to the area. These information boards have both diagrams and written information on the precise locations where climbing can occur and asks climbers to avoid areas which may be disruptive to the natural habitats (Eberlein, 2000). The international mountaineering and climbing federation, the UIAA, are advocates of this stance and acknowledge how important it is to protect nature and the wildlife in it. In 1995, the UIAA stated its policy is to *“keep the natural character of these areas and, generally, avoid any pollution and preserve the biodiversity and the landscapes”*. More recently, recreationists and local groups in Serbia have begun action to prevent the further development of a ski resort in Stara Planina National Park. This National Park is the largest protected area in Serbia and is home to nine plant species that are on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species, as well as species of flora and fauna rare to the Balkan states. In 2006, the first ski lift was opened but protesters are currently attempting to stop further development of the resort (UIAA, 2009).

Closer to home outdoor recreation organisations and upland volunteer groups participated in repairing the repairing areas of the Wicklow National Park and developing a feasibility study for the repair of the Devil’s Ladder access route to Carrauntohill (Mountain Meitheal, 2003). Even though this route is long established, prior to the regeneration work, the carrying capacity was above an acceptable level with erosion of the path occurring. Erosion had affected land with a low tolerance for erosion (wet soils) and an area of rock where a gully had formed. The work carried out by

Mountain Meitheal, the MI, the Heritage Council and the landowners involved a feasibility study including cost estimates and the relocation of the route to more durable ground.

Property Rights and Privacy

Another issue of concern within the Irish countryside is the loss of privacy by individuals who live in the countryside resulting from recreational activities in their locality. This issue stems from recreationists entering private property around private houses or crossing through farmyards. Many landowners feel this is removing boundaries that were once acknowledged and adhered to by recreationists. Many representative farming organisations believe this is calling into question the property rights of the owner and the president of the ICMSA, Jackie Cahill, stated that recreation is challenging the ownership of a landowner's most important asset, the land (2007). Private property rights provide the individual with the choice of exchanging land for another resource, which may make them better off (Curry, 2001). This may boost the wellbeing of the individual landowner and the local economy due to the trading of resources.

Private property ownership grants the landowner the freedom to use the land to be industrious, productive and to conserve resources for agricultural purposes, otherwise known as 'protective rights'. Norton (1998) states 'protective rights' provisions allow the landowner to do as they will with their property within the law. An infraction of these rights by other countryside users can cause over-use, deplete resources and infringes on the freedom private property owners have in exchanging their property and the resultant produce for another resource which is of benefit to them (Powell, 2003). In Scandinavia, homeowners in the countryside are assured of their privacy with the guidelines set out under *Allemansrätt* (Kaltenborn, Haaland & Sandell, 2001; Mortazavi, 1997; Pigram & Jenkins, 2002).

Many recreational organisations in Ireland have encouraged all members and non-members, through their policies and strategies, to avoid wandering into farmyards and private gardens while in the countryside. They advise individuals to follow codes of good practice such as the Countryside Code, Good Practice Guide for Hill Walkers and Climbers, and Leave No Trace that respect the privacy of rural residents while partaking in outdoor recreational activities. The Countryside Code states that users of the countryside should 'Be Respectful of Others' (Department of Community, Rural & Gaeltacht Affairs, 2006).

Within the Irish countryside, there are many ecological concerns which stem from use by landowners and recreationists alike. This can involve the disturbance of individuals, natural habitats, flora and fauna. Many individuals are unaware of the possible affects their presence can have on farm animals, wildlife, soil, vegetation and other users of the countryside. Individuals must acknowledge these affects and learn how to decrease their individual impacts on the countryside and help in the growth of a sustainable countryside.

Compensation and Remuneration

Attitudes towards Compensation and Remuneration

Curry (2001) states that any loss of Lockean rights should come in the form of compensation. The Lockean labour theory of property rights identifies the right of an individual to own all attributes of private property and to exclude any collective rights which may pose a threat. As it stands in Ireland, many landowners are not opposed to the idea of access and with the backing of their representative organisations they are seeking compensation in return for access to agricultural land. Representative organisations state that there should be no cost burden on landowners due to recreation on their land such as insurance, damage to fencing and gates, but refuse to agree to compensation for access (Buckley, Hynes & van Rensburg, 2008; IFA, 2006; Ó' Cuív, 2007).

One of the main issues regarding compensation is that landowners very rarely benefit financially from allowing recreationists onto their land while other parties such as recreation centres, adventure companies, local guides and local accommodation providers can profit from recreationists using the landowner's private resource (Lawless, 2005). Recreationists are arguing against compensation for access stating landowners should only receive compensation in return for reasonably incurred expenses due to work carried out on the agricultural land for conservation and recreational endeavours (Cullen, 2007; MCI, 2008d).

In the summary statements provided to Comhairle na Tuaithe, Fáilte Ireland (2006a) the body that supports the development of a sustainable tourism sector in Ireland, state that all landowner's rights should be acknowledged by recreationists. Where such users observe the Countryside Code, suitable access should be provided by the landowner thereby stating that no landowner should receive compensation in return for access to their land.

However, Fáilte Ireland fully supports the current 'Walks Scheme' launched by Minister Ó Cuív and they interpret this as payment for maintenance of walks on their land and not as payment for access (Fáilte Ireland, personal communication, December 17th, 2008b). In March 2008, Minister Ó Cuív announced 'The Walks Scheme', a scheme aimed at landowners to enhance and maintain current Waymarked Ways, Looped Walking Routes and any trails approved by the National Trails Office throughout the countryside. This scheme only operates where there is complete

agreement by all landowners along the trail. Plans are coordinated with the Local Development Integrated Company (LDIC) which defines the work to be completed, the number of hours needed for completion, and the financial remuneration involved.

This financial remuneration includes 50% of the labour costs up front for development and maintenance (Department of Community, Rural and Gaeltacht Affairs, 2008). Payment is calculated on the number of agreed hours per year set down in the plan at a rate of labour set down by the Department of Agriculture, Fisheries and Food, which currently stands at €14.50 per hour. The National Trails Office provide information on the standards of maintenance involved including general scheme requirements, vegetation control, water management on trails, gates, stiles, litter clearance and surface maintenance. Once contracts are signed, the local authority insures the walk and no liability will fall upon the landowner. It is up to the LDIC to monitor progress and only when the work is completed to a satisfactory standard will the final payment be processed (Department of Community, Rural & Gaeltacht Affairs, 2008).

In countries such as Scotland, Norway, Denmark, Germany, Austria, England and Wales, access rights are written into law and have distinctive boundaries regarding what recreationists can do in the countryside. The legislation in each of these countries guarantees the recreationist access through responsible use to uncultivated lands and foreshores throughout the countryside as long as they avoid private houses, gardens and crops (Buckley, Hynes & van Rensburg, 2008). However, in these countries, schemes and agreements are in place to allow recreationists access to previously inaccessible private land such as the Countryside Stewardship Scheme in England. In none of these countries, do landowners receive money in return for access to land. Any money received by landowners is in return for work and maintenance carried out on land accessible to recreationists.

Current Access Schemes in Ireland

Landowners and recreationists in areas such as Thomastown and Inistioge, Co. Kilkenny, Sheep's Head, Co Cork, Ballyhoura, Co. Limerick and the Wicklow Uplands, are working together on forums, schemes and access agreements to eradicate the access issue in their area and to improve relations between both sides, all of which receive financial aid from 'The Walks Scheme'. These agreements are a fine example of both sides working together to reach an equitable agreement. The Irish Uplands Forum (2006) in its summary statement to Comhairle na Tuaithe asserts that all rural

communities should benefit socially and economically from outdoor recreation but does not specify direct payments for access.

Many counties through their LEADER offices have developed walking trails with the cooperation of local landowners and communities. In Kilkenny, seven trails have been developed including the Sliabh Greine Loop (Woodland and Forest Tracks) and the Castlemorris Walk (Forest Track and Grassland). These are part of the Fáilte Ireland Looped Walks Scheme. The viewpoint taken by many is that landowners are unwilling to allow anyone onto their land unless they are paid for access and that they are hindering progress, a view which is dispelled by the success of these schemes.

Local landowners can become involved in recreation in their locality and gain financially from it as well. 'The Walks Scheme' and other schemes have enticed landowners to become involved in providing opportunities for recreationists to pass through the countryside while also showing landowners in a positive light regarding the access issue.

Willingness to Pay

An area which needs to be explored is recreationists' willingness to pay (WTP) for access to the countryside. Many landowners are adamant that they should receive a financial incentive for opening up their land to recreationists (IFA, 2006). Malcolm Thompson has stated that landowners should be compensated to the value of a site if they are affected by recreational use (KIO, 2006). A survey by Bogue (2005) found that 48% of respondents were willing to pay a nominal charge to guarantee access to the Irish countryside with a further 13% stating they possibly would pay a nominal charge. The research found that of the recreationists who used the countryside on a more regular basis, 60% were more willing to pay while 28% said they would not pay.

There are many reasons why recreationists may be willing to pay for recreation, not least for guaranteed access. With a better quality of life, improved lifestyles as well as increased wealth, recreationists may be willing to pay for improved recreational services and facilities (Huhtala, 2004). Research by Huhtala (2004) has shown that there are many attributes which affect individuals WTP and the degree to which these attributes affect their WTP. Attributes associated with nature and conservation are paramount to an individual's WTP. Much of the research on WTP has focused on forests and nature reserves (Scarpa, Hutchinson, Chilton & Buongiorno, 2000a; Scarpa *et al.*, 2000b; White & Lovett, 1999). The presence of water resources has little or no affect on WTP

in Irish forests. However the length of the trail and the open space available influences recreationists WTP (Scarpa *et al.*, 2000a).

Further analysis by Scarpa *et al.* (2000b) shows that the presence of a nature reserve significantly increases the likelihood of recreationists WTP. Research shows that creating nature reserves promotes biological diversity and provides an ecological habitat for the public to view, and now these nature reserves can create previously unknown economic benefits. White and Lovett (1999) questioned users in the North York Moors National Park on their WTP to visit the park, 82% said they would while only 18% said they would not. Respondent's reasons behind paying included benefitting future generations and their right to be there.

Research by Buckley, Hynes, van Rensburg and Doherty (2008) investigated the level of compensation required to improve the supply of public access to private land. The contingent valuation study which asks respondents' hypothetical questions, found that 51% of landowners are unwilling to provide access, 21% are willing to provide access free of charge, while the remaining 28% are willing to provide access for a fee. They suggest a WTP of €12.22 per person for an 11km stretch of walkway on private land in Connemara. Although €12.22 could possibly be an acceptable fee to some, this may not relate to other less scenic areas of Ireland.

Studies have shown that landowners are influenced by incentives for both economic and non-economic reasons (Church & Ravenscroft, 2008). While this research has identified the numbers willing to provide access, it must be acknowledged that over half of those surveyed are unwilling to provide access regardless of compensation and wish to be left to their primary goal of running their farm.

There are many reasons why recreationists would not be willing to pay. These reasons include that the site is not important enough, they have the ability to locate a non-pay substitute site, they cannot afford the charge, the government should provide for basic services and they have a right to use the resource (Huhtala, 2004). The reasons against WTP all stem from recreational views and do not mention conservation ideals. Recreationists are willing to pay for conservation and the preservation of the countryside but are unwilling to pay solely for access to the land (Huhtala, 2004; Scarpa *et al.*, 2000a; Scarpa *et al.*, 2000b; White & Lovett, 1999). Therefore recreationists want to see value for their money, to help protect the countryside and to improve the habitats and infrastructure.

Agriculture and Tourism in Ireland

In an era where income from agriculture in Ireland is ever decreasing due to high production costs, animal health scares such as Foot and Mouth disease and BSE and the dissolution of the Common Agricultural Policy (CAP) (Ahern, 2002; Ellison, 2001), many landowners are turning to part-time jobs and agri-business to ensure the future of their farmland. The National Farm Survey (NFS) (Connolly, Kinsella, Quinlan & Moran, 2007) estimated that 58% of all farms surveyed had an off-farm income. 41% of this was earned by the farmer and the majority of these were from sheep and dairy farm systems. In a previous NFS (Connolly, Kinsella, Quinlan & Moran, 2004), 30% of farms were found to be economically viable, 54% were economically stable while the remaining 16% were found to be in a vulnerable state.

In 1973, agriculture accounted for 24% of national employment by 2003, this figure had dropped to 7% (O'Brien & Hennessy, 2006). The Irish economy relies less on the agriculture sector now more than ever. Off-farm employment of farmers and their spouses is also influenced by farm experience, off-farm work experience, farm size, and farm efficiency. Other reasons include the number of children, the size of the family, age, education, type of farming, the labour market and governmental payments.

An increased education will increase the possible development and the future direction of the farm. This can lead to greater efficiency and an increased future income. Education in areas outside of farming can lead to off-farm employment but can also cause an increase in part time farming. Average figures in 2002 stated 35% of Irish farmers were part time farmers and had jobs off the farm (Teagasc, 2002). The local labour market can also affect the farmer, if unemployment is high in the area farmers are less likely to be able to find off-farm employment and therefore have to rely solely on farming profits. In addition, the dependence of farms on governmental payments will decrease the likelihood of farmers looking for employment off-farm and any changes in these payments will affect the probability of off-farm employment.

The use of the countryside for tourism and recreation purposes could decrease the need for off-farm employment and ensure the future safety of the agricultural sector (Lawless, 2005). In 2007 alone, approximately 49% of all activities engaged in by tourists took place in the countryside (Fáilte Ireland, 2007). Landowners need to appreciate that recreationists may pay for recreational services in the countryside where there is value for money, protection of the environment and services that appreciate

recreationist needs. Landowners are in a prime position to provide this opportunity with the use of their private land and farm buildings as well as their local knowledge.

The opportunities are endless for landowners who are in recreation ‘honey-pots’, where they can take the initiative and be the primary information and service providers instead of travel companies, guides and local hotels profiting from their resources. An initiative in Co. Kerry known as Comhlacht Bhréanainn Teo saw local landowners taking mountain skills courses and becoming guides on the local mountains, making them available for hire to recreationists. This initiative was a way of creating goodwill between all stakeholders within the countryside (Ó Coileáin, 1996). Through LEADER+ funding, which is available throughout Ireland, landowners can receive funding assistance to aid business initiatives including businesses which fall into the Agri-Rural Tourism sector.

Rural Development Programme

The Rural Development Programme 2007-2013 is a programme co-funded by the Irish exchequer and the European Union to help in the development of the Irish countryside. The programme is designed to focus on specific aims for the development of the countryside. These aims include improving the competitiveness of the countryside, improving the environment, and improving the quality of life in rural Ireland. The first two areas are directed at the agricultural industry where landowners can improve their individual farming competitiveness while also improving the quality of the environment and natural habitats. The third area is partly aimed at identifying how landowners can diversify their farming operations through tourism, education and small businesses (Department of Agriculture, Fisheries and Food, 2007).

The programme aims to encourage landowners to seek new ways of using their resources by providing tourism opportunities, providing educational services and by diversifying their agricultural operations into small businesses such as farm shops, food produce, pet farms and B & B’s. LDIC offices are located in each county to encourage and help landowners along the way to ensure a successful and profitable venture. The increase in farmers markets in recent years throughout cities, towns and villages have highlighted this increase in agri-business opportunities.

In 2007 alone 511,000 visitors to Ireland participated in hiking/hill walking activities (Fáilte Ireland, 2008a) with international visitors spending over €4 billion. The advertising of the Irish countryside by Discover Ireland for domestic tourism and by

Fáilte Ireland for international tourism can demonstrate to landowners that rural areas can diversify horizontally while keeping farming operations. Programmes and schemes made available to farmers for agri-business and agri-tourism purposes can ensure a suitably developed countryside tourism sector whilst also ensuring the long-term sustainability of the Irish countryside.

Proposals for the Future

While voluntary access arrangements are appearing throughout the countryside, landowners are still calling on a compensation payment for recreational access (Buckley, Hynes, van Rensburg & Doherty, 2008). Recreationists are calling for rights of access through the countryside.

Representative organisations from both sides have clearly stated their position on the matter over recent years. This can be seen in the IFA's (2005) proposal for the creation of looped and linear walks in return for annual payments and KIO's continued lobbying for a network of rights of way throughout the countryside. MI continues to emphasise the maintenance and development of routes in return for compensation instead of compensation for access and the ICMSA continues to call for the clarification of property rights, prior to any further discussion on access to the Irish countryside. However, the Irish government through Minister Ó Cuív has stated on numerous occasions that they will continue to resist attempts by landowners to receive compensation in return for access and will persist in compensating landowners only for expenses incurred due to recreation on their land (Ó Cuív, 2003; Ó Cuív, 2007).

'The Walks Scheme' available from the Department of Community, Rural and Gaeltacht Affairs (2008) is a step from which to build. The Department of Community, Rural and Gaeltacht Affairs states that 'The Walks Scheme' at present is only available to those involved in Waymarked Ways, Looped Walking Routes and any trails approved by the National Trails Office (under the administration of the Irish Sports Council). The continued development and extension of the Waymarked Ways network will extend 'The Walks Scheme' and in doing so further open up the Irish countryside for recreational access.

Landowners are influenced by a number of factors including previous experience with walkers, opportunity cost to agriculture, cost of implementing and maintaining walkways and stiles, insurance and the value placed on privacy. If farmland has a high agricultural potential, landowners may be unwilling to forgo the agricultural potential

for recreational potential. However, a landowner with poor quality land with spectacular scenery may find that providing access to recreationists would be a financially viable option. Landowners may balance the benefits of any incentive scheme against what they wish to achieve in the future for their land. As a result, landowners may not be willing to take part in the scheme (Church & Ravenscroft, 2008). If landowners have had a positive experience with recreationist in the past, they are more likely to get involved in a scheme. However, if they have had a negative experience or if they place a high value on privacy they are less likely to get involved in the scheme.

Many landowners enjoy the freedom and privacy that comes with private property ownership in the countryside and engaging in an access scheme may result in a loss of these benefits. No landowner wants to suffer financially from taking part in a scheme and the perceived costs such as maintenance, insurance and opportunity costs of other pursuits versus estimated benefits will weigh heavily in the decision.

Conclusion

This literature review has brought together the relevant information on access to the countryside from Irish and international sources. As stated previously, Ireland is lagging behind England, Scotland, Wales and Scandinavian countries in the provision of access to the countryside as recreationists have no legal form of access to the Irish countryside. Stakeholders and policy makers need to understand the level of interaction and knowledge landowners and recreationists have of one another. From this, the research can identify areas where the stakeholder's views are deviating and acknowledge the pivotal issues which continue to hinder the resolution of access to the Irish countryside.

From the review of the current literature available, areas were highlighted where both landowners and recreationists have concerns, such as the fear of litigation, damage to fences and stiles, the inability to access upland areas, the lack of clarity and knowledge of the law and accessing private land. Landowner and recreationist representative organisations are clear on their positions and are unwilling to bow to outside pressure. It is clear that landowners and recreationists need to define the level of access that they are content with providing or receiving and to acknowledge what they are willing to accept or provide in return. Are landowners willing to participate in walking schemes? Are recreationists willing to pay for access? Some are and some are not. While representative organisations do speak for their members as a whole, are they willing to compromise and negotiate a solution suitable for all countryside stakeholders?

It is widely acknowledged that landowners wish to receive payments for access to their land (IFA, 2005). However, neither outdoor recreation organisations nor the government are willing to pay for access to land and instead they seek landowners to develop and maintain walkways in return for payment (MCI, 2008d). This ensures recreationists clear passage through the countryside while providing an external source of income for the landowner. Throughout Ireland, various organisations and agencies provide suitable grants and funds to enable landowners to develop walks as well as create agri-business opportunities. Some landowners are changing their attitudes, in that incentive schemes are providing a reason for welcoming recreation into the countryside.

The information presented in this literature review provides the basis for a study of 'Attitudes to Access in the Irish Countryside' and investigates the relationships and issues which are central to landowners and recreationists in Ireland. The following

chapter will contextualise the purposes of the study and will include detailed aims and objectives devised from this literature review.

Chapter Three – Methodology

Overview

The previous chapters have introduced the basis of the research in the current climate by reviewing the current body of literature available. This relates to attitudes to access, access issues and access resolutions in other countries and the issues that are central to both landowners and recreationists attitudes in the Irish countryside. This chapter will discuss the research methodology, including the phases of research, the design of data collection methods, the sampling procedure, data collection and the methods of data analysis.

Rationale for the Research

The increased demand for outdoor recreation activities in recent years has placed pressure on those in the countryside to allow access through their land to upland areas. Issues such as liability, disturbance, privacy and compensation have complicated this, with landowners claiming the impacts of outdoor recreation on their land far outweigh any goodwill they could provide to recreationists. With many landowners relying heavily on government and European aid and with the recent economic downturn, the need to diversify and identify possible business opportunities must be acknowledged by farming organisations.

No published study in Ireland has examined or compared the attitudes of landowners and recreationists relating to access in the Irish countryside. This research identifies the areas of most concern to both groups and investigates the possibilities for future cooperation. The research gauges the attitudes of both groups on many topics including the effects recreation has on the countryside, responsibility for regulation, possible future access rights and willingness to accept or pay a fee in return for access to private land.

The establishment of Comhairle na Tuaithe in 2006 has enabled some progress of access issues in Ireland. However more work needs to be completed before a resolution can be accepted by all stakeholders. This research is needed to provide an unbiased account of landowner and recreationist attitudes to provide a stable basis for future talks and to identify areas for further research.

Research Aims and Objectives

Research Aims

The aim of this research is to examine landowner and recreationist attitudes towards the issue of access in the Irish countryside. It will also study their attitudes towards issues such as liability, disturbance, privacy and remuneration. For this thesis, it is hypothesised that there are areas of difference in the attitudes of landowners and recreationists regarding each of these issues.

Research Objectives

The research objectives are specific areas within the research aim which will be investigated. The following are the research objectives:

- To investigate the level of understanding both landowners and recreationists have of one another within the countryside and the issues central to each group;
- To assess where the responsibility lies for the future development and regulation of access to the countryside and if there is a difference between landowners and recreationists to compare the opinions of both groups;
- To ascertain the level of access landowners feel justified in providing to recreationists and the level of access which recreationists feel entitled to;
- To ascertain from landowners what they will accept in return for access to their land and from recreationists what they are willing to give in return for access to the private land;
- To compare the level of knowledge landowners and recreationists have of countryside law, policies and traditions;
- To investigate the level of knowledge, understanding and agreement landowners and recreationists have on the policies of their respective representative organisations;
- To inquire whether landowners would grant access if all parameters were met by either recreationists and/or government departments.

Quantitative and Qualitative Research

This research pursued a dual-method approach which falls under *Method Triangulation*. This allows the researcher to investigate two or more areas of notable importance with a greater level of detail (Crawford & Christensen, 1995). Within this research, quantitative and qualitative phases of research were employed with two samples, landowners and recreationists.

Quantitative research is objective and the researcher is passive in the research, conclusions are formed based on deductive reasoning. The purpose of quantitative research is to “*measure variables and produce figures*” (Sarantakos, 2005, p.50). This data can be drawn from questionnaires, surveys and experiments.

Qualitative research is drawn from direct observations, interviews and discussions with individuals and can be described as “*data expressed as words*” (Neuman, 2006, p.8). It is subjective and permits the researcher to become more active in the research while forming a conclusion from particular instances.

The use of both quantitative and qualitative research methods allows the researcher to gather data and information pertaining to the issues of access from two separate perspectives involving landowners and recreationists this information was gathered by questionnaires. Interviews were conducted to obtain information and ideas from those involved in the politics and regulation of access to the Irish countryside.

Research Design

The initial stage of the research involved gathering articles and sources of information relating to the access issue in Ireland and abroad, which aided in the structure and designing of the following segments of the research. Following this, the quantitative phase was carried out and the results from these questionnaires aided the researcher in devising the qualitative phase of the research.

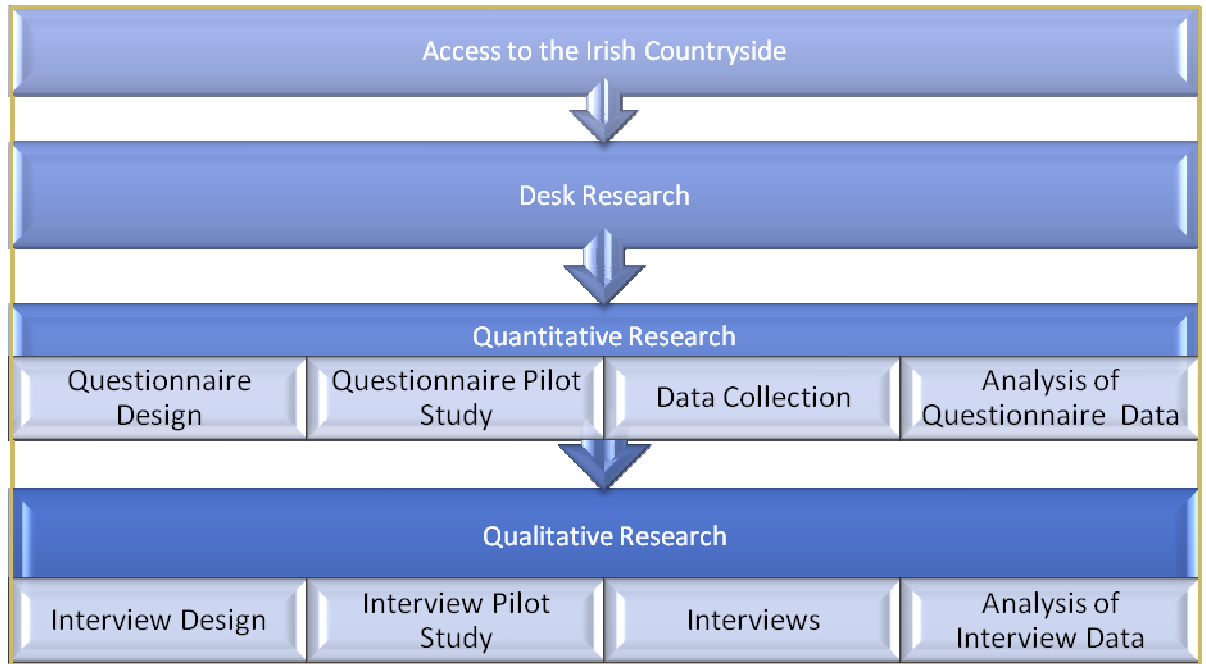
The quantitative and qualitative phases of research took place over a six-month period from September 2008 to of March 2009. The quantitative phase was conducted at various agricultural gatherings and recreation areas in Munster which included the Comeragh Mountains, Galtee Mountains, Knockmealdown Mountains and Macgillycuddy's Reeks and also at the National Ploughing Championships in Co. Kilkenny. A pre-requisite of the research included that all participants must reside in Munster. This phase presented an evaluation of the attitudes of landowners and recreationists relating to access issues in the Irish countryside.

The qualitative phase of the research offered a focused reflection of the topics. The quantitative segment accumulated an extensive trawl of opinions and the results allowed the researcher to identify areas of significance for further investigation through qualitative interviews. This phase involved interviewing eight individuals who have knowledge and experience relating to access issues in the Irish countryside. While the quantitative research focused on Munster, the qualitative phase spread into Leinster with the interviewing of a Rural Recreation Officer and Mountaineering Ireland's Access Officer. Those interviewed were selected as a result of their position and their awareness of the access issue on a local, national and international scale.

The interviews provided a balanced spectrum of landowners and recreationists and included one individual involved in the regulation and development of access in the Irish countryside. Representatives from the main farming and recreational organisations were interviewed (ICMSA, IFA and MI) as well as a local recreation club chairperson and three individuals with knowledge of access at a local level (refer to Appendix G).

The outline of the research project is set out in the following schematic diagram and indicates the order in which the research carried out.

FIGURE 3.1 – OUTLINE OF RESEARCH PROJECT



Ethical Approval

Prior to commencing this research, ethical approval was obtained from *Waterford Institute of Technology (WIT)* to protect the rights of all participants in the research. Somekh and Lewin (2005, P. 3) state “... researchers need to be guided by principles of respect for persons and obtaining informed consent”. Ethical approval was granted on the 6th February 2008. The committee were satisfied with the ethical implications provided by the researcher to the committee and approved *WIT’s* participation in the research.

Phases of Research

Three phases of research were conducted in this methodology: secondary data research, quantitative questionnaires and qualitative interviews. These separate phases of research were utilised to achieve as much detail as possible within the Irish context while providing a general overview of access traditions and resolutions in other countries. The three phases of research will be discussed accordingly and the various steps taken within each phase will be described.

Secondary Data Research (Deskwork)

This phase of the research involved an extensive search of WIT library books and journals, online journal articles and publications, the use of Athens online (allows access to online resources subscribed to by WIT), internet search engines such as Google Scholar and internet databases such as Academic Search Premier, Blackwell Synergy and Science Direct. The journals and publications gathered during the literature search were used in the writing of the literature review with all literature cited throughout the text and referenced accordingly. This review of the literature identified areas within the research parameters which were worthy of further investigation in this body of research.

Phase 1: Quantitative Research (Fieldwork)

Phase one of the research involved the use of the information gathered in the secondary data research to design two almost identical questionnaires dealing with the topics crucial to the issue of access in the Irish countryside, which were to be distributed to landowners and recreationists in Munster.

Questionnaire Design

Following a thorough review of the literature, two questionnaires were designed to investigate the deviating attitudes of landowners and recreationists within the countryside, acknowledging that landowners may be unable to answer questions relating to recreationists and vice-versa. Twenty-nine questions are similar in both the landowner and recreationist questionnaires with another seven questions relating to topics specific to the respondent or worded specifically to suit the respondent group.

Both questionnaires have two distinctive sections; section A deals with profile questions while section B deals with the questions pertaining to attitudes to access in the Irish countryside and is divided into ten masked subsections. The content of these sections are described in more detail (See Appendix D & E).

Section A: This section of the questionnaire dealt with the demographics of the respondent. The questions related to age, gender, nationality, education and depending on the questionnaire, type of farmer or outdoor recreation activities most frequently taken part in. These questions were vital in the analysis of data chapter for specific breakdown of the issues.

Section B: The aim of section B was to extract information on the respondent's attitude towards outdoor recreation and access to the Irish countryside. This section comprised of ten separate sections pertaining to particular topics uncovered throughout phase one of the research.

Section B1: This initial section aimed to ease the respondent into the questionnaire by asking the importance of the outcomes of agricultural and recreational land use.

Section B2: In this section, information was gathered on the numbers using the countryside for recreational purposes, knowledge of the countryside,

awareness of any problems encountered in the countryside and where responsibility should lie for regulating walking access.

Section B3: Respondents knowledge of the Occupiers' Liability Act (1995), the Leave No Trace Policy and the Countryside Code were gauged.

Section B4: Statements relating to possible dangers within the countryside were evaluated.

Section B5: The use of insurance by landowners and recreationists in the countryside was measured. The remainder of the section evaluates the level of disturbance recreation has on individuals, flora and fauna and working the countryside.

Section B6: Respondents are required to indicate a level of access they believe recreationists should have as of right in the countryside.

Section B7: This section deals with the compensation issues relating to recreation and the countryside and whether or not landowners should be financially compensated for access or work to their land for recreational purposes.

Section B8: Respondents knowledge of the Walkways Scheme and access pilot schemes were measured.

Section B9: This section dealt with the sourcing of information on access to the countryside and respondent's membership of representative organisations, as well as their awareness and agreement with the policies of their representative organisations.

Section B10: The final section sought to examine whether more land would become available for recreation if landowners needs were satisfied.

Throughout section B of the questionnaire, various question formats are used including the use of a five point Likert Scale, ranking questions and multiple-choice questions. The questions throughout were fixed-alternative questions (Sarantakos, 2005, p. 245) which presented the respondent with a several answers to choose from. A number of questions were open-ended to elicit further information from the respondents in their own words.

Questionnaire Pilot Study

The questionnaire pilot study undertaken by the researcher involved the distribution and collection of twenty questionnaires outside the sample area in County Meath including areas surrounding the Hill of Tara and the Boyne Valley. This ensured that participants in the main study were not involved in the pilot study. The questionnaires were completed by landowners, who owned and farmed land at that time and by recreationists who participate in outdoor recreation on a regular basis with all respondents being over the age of eighteen. As a result of the questionnaire pilot study, a number of issues were identified and corrected prior to final questionnaire distribution.

Selecting the Questionnaire Research Sample

The sampling procedure utilised in this research was stratified random sampling. Convenience sampling occurred at a number of locations because of bad weather and a lack of respondents and this resulted in discrepancies in gender, age and county of residence. Sampling allows the researcher to study a small section of the target population and the data obtained will in turn, represent the entire population (Sarantakos, 2005, p. 152). Stratified random sampling falls into the category of probability sampling. In stratified random sampling, the entire population is divided into a number of strata, in this case landowners and recreationists, with a sample drawn from each strata.

Pre-requisites for inclusion in the sample population specify that at the time of surveying landowners must currently farm land in Munster. They must own the land they farm. They must be over the age of eighteen.

Pre-requisites for recreationists insist that they must take part in an outdoor recreation activity on a regular basis within Munster and they must be over eighteen years of age. When both questionnaires were finalised after the pilot study, 200 questionnaires (100 for landowners and 100 for recreationists) were printed for phase one data collection.

Data Collection

On-site surveys were carried out at recreational sites, agricultural shows and events, recreation club meetings throughout Munster, as well as the National Ploughing Championships in Co. Kilkenny. Those who completed questionnaires at the National Ploughing Championship in Co. Kilkenny were questioned on their suitability for

participation in the research and only those who met the pre-requisites were requested to participate in the research.

Recreation locations included the Comeragh Mountains ($n = 21$), the Galtee Mountains ($n = 15$), the Knockmealdown Mountains ($n = 12$) and the Macgillycuddy's Reeks ($n = 29$). Sites at these regions were identified where the researcher would most likely be able to locate recreationists. Various recreation clubs such as the Comeragh Mountaineering Club, Cork Mountaineering Club and Clonakilty Walking Group were contacted throughout Munster and were provided with questionnaires on-site at club events. Attempts to collect were hampered by the weather conditions and the lack of individuals walking at a site on the day of data collection.

Agricultural locations included the National Ploughing Championships, Co. Kilkenny ($n = 22$), Sleah Head, Co. Kerry ($n = 16$), Dungarvan Cattle Mart, Co. Waterford ($n = 19$), Cahir Cattle and Sheep Mart, Co. Tipperary ($n = 13$), Ennis Cattle and Sheep Mart, Co. Clare ($n = 15$). In total 85 landowner questionnaires were collected.

Questionnaire data was collected over a period of four months, from the beginning of September to the end of December 2008, from both landowners and recreationists. The data was collected by the researcher on-site, which allowed for conversation between the researcher and respondents on the topics of most concern to the access issue.

The sample of the population who completed questionnaires included 85 landowners and 77 recreationists, of which 120 were male and 42 were female. Questionnaires which were scrapped because of incompleteness ($n = 3$) were not included in the numbers of completed questionnaires. The gender breakdown is evident as a large percentage of the landowners (88%) are male and only 12% of the landowners are female, which is acceptable to the sample as agriculture is a male dominated occupation. The gender of the recreationist sample is more balanced with 58% male and 41% female. The location of residents is evenly spread apart from Waterford with more recreationists completing questionnaires than landowners. The closeness of the Dungarvan Mart to Co. Cork landowners created an imbalance in Co. Waterford and increased the number of landowners from Co. Cork.

Analysis of Data

All questionnaires collected and which met the criteria for the research were entered into SPSS (Statistical Package for the Social Sciences) for statistical analysis. SPSS

assisted the researcher in accumulating question variables and preparing results to help answer the research aims and objectives formed at the beginning of this research and answer the research question.

Phase 2: Qualitative Research (Fieldwork)

The second phase of research involved the designing and holding of qualitative interviews with individuals who have an extensive knowledge of the issues surrounding access to the countryside, with either an agricultural or a recreational perspective of the issues.

Semi-Structured Interview Design

The use of semi-structured interviews offered a neutral and unbiased perspective with a high level of objectivity and uniformity throughout the qualitative research phase (Sarantakos, 2005, p. 268) while allowing the researcher to probe answers further. The semi-structured interview was designed by the researcher with the respondent in mind (Appendix F). The interviews are based on the information gathered in the comprehensive literature search and the questionnaires supplemented the overall design of the interview.

The chosen interviewee's ($n = 8$) were selected for their knowledge and insight into the issue of access from a local, national and international perspective (See Appendix G). Five of those interviewed are involved with access issues on a local and national level, regarding regulation and development of access in the Irish countryside and were considered to be informed of access on an international stage. The remaining three individuals use the countryside regularly for agricultural or recreational purposes and have a vast knowledge on the current issues within the Irish countryside.

The aim of the interviews was to assess the overall status of the issues at present from a political viewpoint, to acknowledge future responsibilities for all parties involved and to identify possible areas of agreement.

Interview Pilot Study

The pilot interview undertaken by the researcher involved interviewing a member of Tullow Mountaineering Club. This member, while participating in outdoor recreation on a regular basis also farms land in County Carlow. The interview took place in the Arboretum Lifestyle and Garden Centre Cafe at the request of the interviewee as the location was close to his farm. The interview followed a structured set of questions

while also allowing the interviewer to probe various answers provided by the interviewee over the course of the interview. After completing the pilot interview, it was transcribed and problems areas were identified and amended for the interview phase of the research.

Selecting the Interview Research Sample

The eight participants in the interview phase of the research were contacted by phone and provided verbal consent to participation in the research. The researcher organised times and places suitable to the respondents at which to conduct the interviews.

Data Collection

Interviews were carried out between January 12th and the 20th of February 2009, seven of which were carried out at locations suitably located for the interviewee and one was conducted over the phone.

Analysis of Data

All interviews were recorded and transcribed into NVivo for the purposes of the research process. NVivo is a qualitative computer research package, which allows the researcher to identify commonalities and divergent themes within the interviews. This information is presented in the Analysis of Data chapter and discussed in the Discussion chapter of this research.

Limitations of the Research

A number of limitations were noted during the data collection phases of the research. These included:

- The access issue is more topical in one area than another and therefore affect the opinions gauged.
- The sample population was restricted to recreationists and landowners in Munster.
- The numbers who completed the questionnaires depended on external variables such as weather, club outings, agricultural events (marts, shows and meetings) and the availability of the study population due to their day-to-day jobs.
- Respondents may not have provided their true opinions on the research topic.
- Failure to obtain an interview with the IFA Hill Farming Committee Chairman despite numerous efforts to contact him.

Conclusion

The use of both qualitative and quantitative methods of research allowed the researcher to obtain information from the two sample populations, landowners and recreationists (questionnaires) and those involved at a higher level (interviews). This permitted a wide range of participation and opinions to be gathered. The collating of the research through separate methods validates the research and also affirms the reliability of the research gathered in the field.

The research aims and objectives allowed the researcher to investigate and measure the attitudes and beliefs of all parties involved, while acknowledging the influence of governmental bodies and representative organisations on the issues.

Chapter Four – Analysis of Data

Introduction

Chapter three explains the methodology involved in this research. This chapter aims to collate the data gathered from the sample and present the information in suitable graphs and tables. The information is divided into two sections: Section 1 discusses the demographic information of the sample population while Section 2 deals with the comparisons between landowners and recreationists regarding their ‘Attitudes to Access in the Irish Countryside’. The majority of the results are compiled using Chi-Square tests and Mann-Whitney U tests. A Chi-Square test details whether the data gathered is close to its expected value and whether two variables are associated with one another. A Mann-Whitney U test is used to determine if two groups, in this case landowners and recreationists are unlike.

Section 1 – Demographic Information

This section contains the demographic information of those who participated in the study.

Respondents Gender and Age

A total of 162 individuals (85 landowners and 77 recreationists) participated in the quantitative phase of the study and consisting of 120 males and 42 females in total. Respondent’s age categories are sub-divided between landowners and recreationists in Figure 4.1.

FIGURE 4.1 – AGE & TYPE OF USER

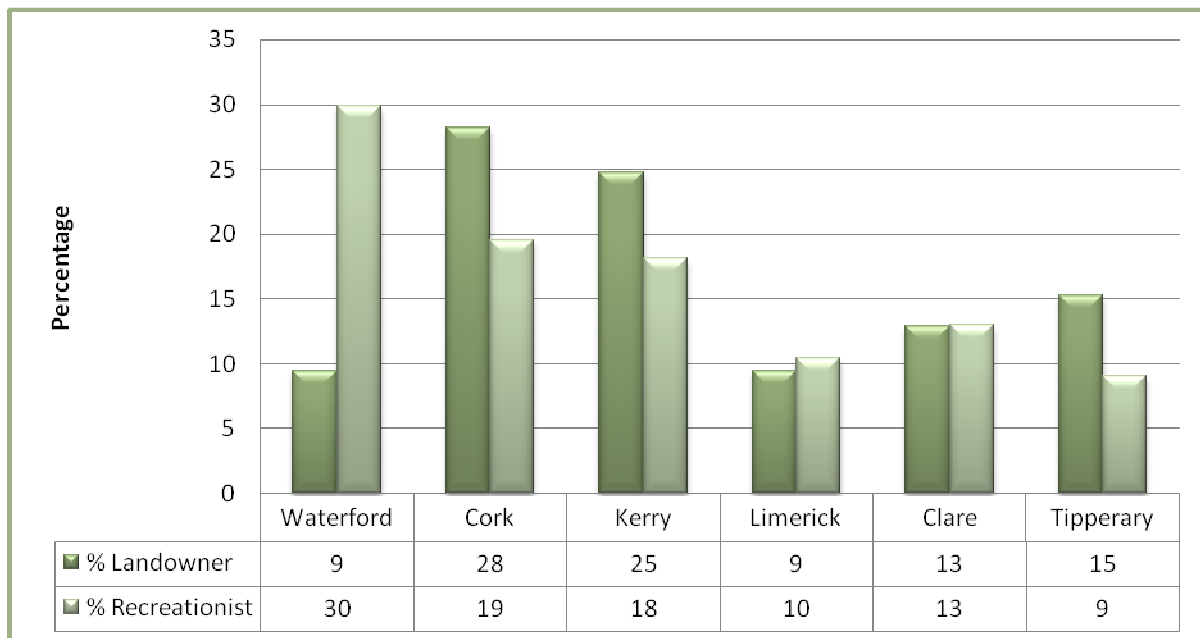
	18-25	26-35	36-45	46-55	56-65	65+
% Landowner	9	5	34	28	20	4
% Recreationist	3	22	36	24	14	1

The highest percentage of landowners (34%) fall in the 36-45 age category, with another 28% in the 46-55 age category culminating in a total of 62% of the landowners between the ages of 36 and 55. The majority of recreationists (82%) fall between the ages of 26-55, with the majority of these (36%) in the 36-45 age category.

Type of User and County of Residence

Respondents were categorised by the type of user and their county of residence. The information is presented in Figure 4.2.

FIGURE 4.2 – TYPE OF USER AND COUNTY OF RESIDENCE

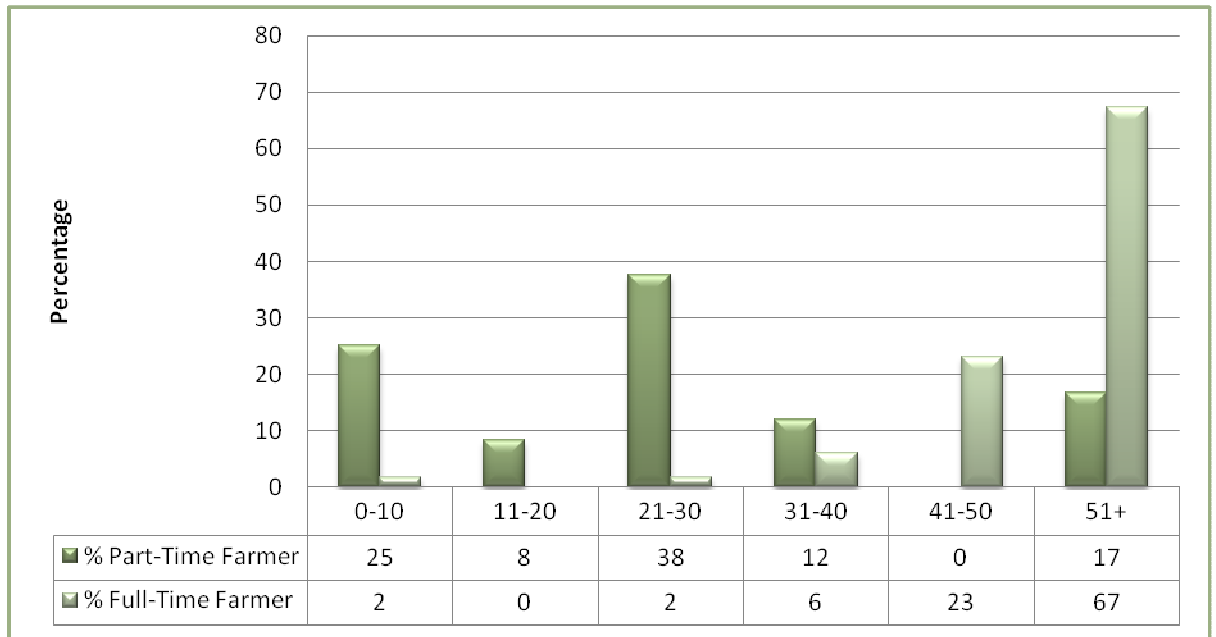


The majority of landowners reside in Co. Cork (28%) and in Co. Kerry (25%), with the fewest residing in Co. Waterford and Co. Limerick (both 9%). The majority of recreationists reside in Co. Waterford (30%) and Co. Cork (19%) with 9% of recreationists residing in Co. Tipperary.

Type of Farmer and Hours Worked

By using landowner demographic information, landowners were asked to classify themselves as either part-time or full-time farmers. They were also asked to state the number of hours they work per week on the farm. Figure 4.3 illustrates the results gathered.

FIGURE 4.3 – TYPE OF FARMER AND HOURS WORKED

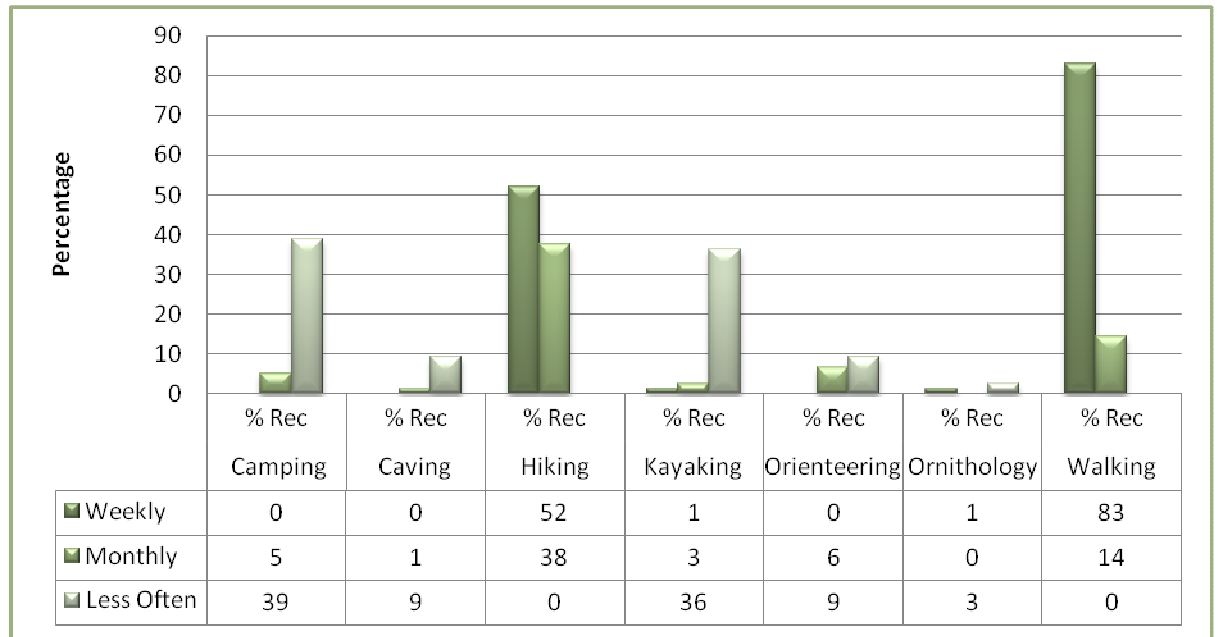


An analysis of landowner responses shows that 72% classed themselves as full-time farmers with the remaining 28% classing themselves as part-time farmers. In total 53% of all landowners worked an average of 51+ hours on their farms per week. The mean number of hours worked by full-time farmers per week was 54. The NFS (Connolly, Kinsella, Quinlan & Moran, 2007) stated that a farmer works an average of 8 hours per day. Part-time farmers work an average of 26 hours per week.

Recreationist Activities

The respondents' who classed themselves as recreationists were questioned on the type of activities that they carried out in the countryside. Recreationists were provided with a choice of seven activities, which included camping, caving, hiking, kayaking, ornithology, orienteering and walking. Of these activities, they were asked to classify the regularity if any, of carrying out their chosen recreational activity. The information collected is presented in Figure 4.4.

FIGURE 4.4 – RECREATIONIST USER ACTIVITIES



On a weekly basis, the majority of recreationists took part in walking (83%) and hiking activities (52%). Orienteering, caving, and ornithology were performed with some regularity by 15%, 10%, and 4% of the respondents' respectively.

Qualitative Interviews

The individuals interviewed as part of the qualitative phase are listed below with their respective identity number:

1. Landowner – knowledge of local access issues;
2. Recreationist – knowledge of local access issues in and around the Comeragh Mts;
3. A Scout Leader and Recreationist;
4. Waterford IFA County Chairperson;
5. Comeragh Mountaineering Club Chairperson;
6. Laois Rural Recreation Officer;
7. Mountaineering Ireland Access Officer;
8. Waterford ICMSA County Chairperson.

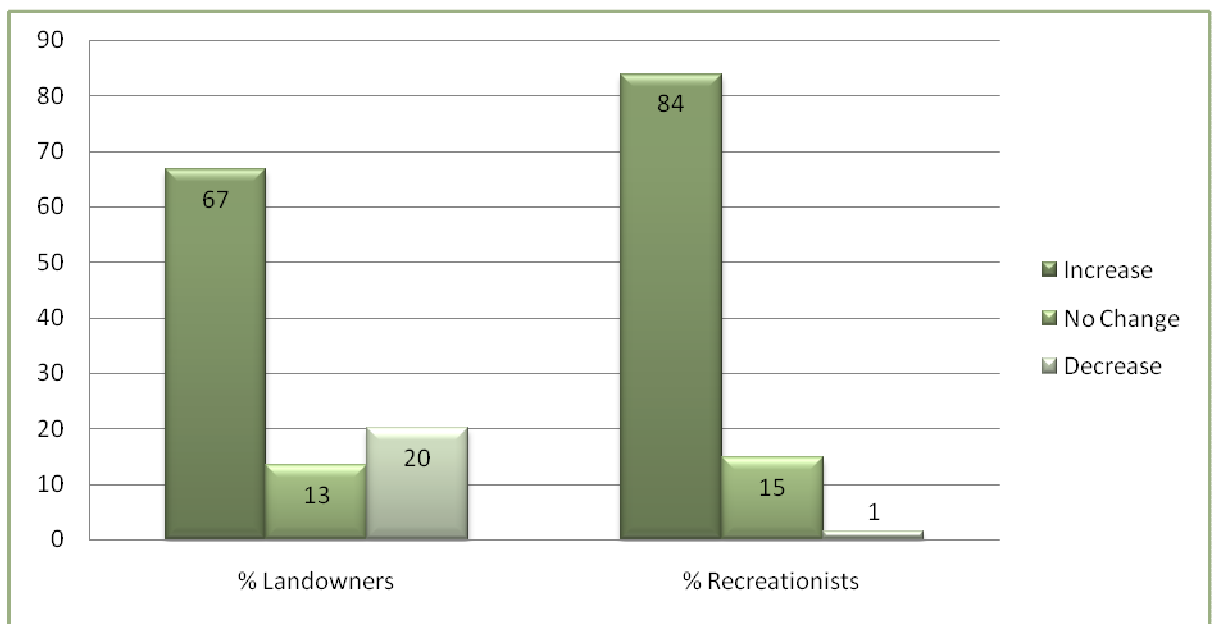
Section 2 – Attitudes to Access in the Irish Countryside

This section examines the attitudes of landowners and recreationists relating to the issues surrounding access to the Irish countryside.

Change in the number of Individuals using the Countryside for Recreational Purposes.

Respondents were asked for their views on the level of change in use of the countryside for recreational purposes “over the last five years”. Figure 4.5 illustrates the information gathered from the respondents.

FIGURE 4.5 – CHANGE IN USE OF THE COUNTRYSIDE FOR RECREATIONAL PURPOSES



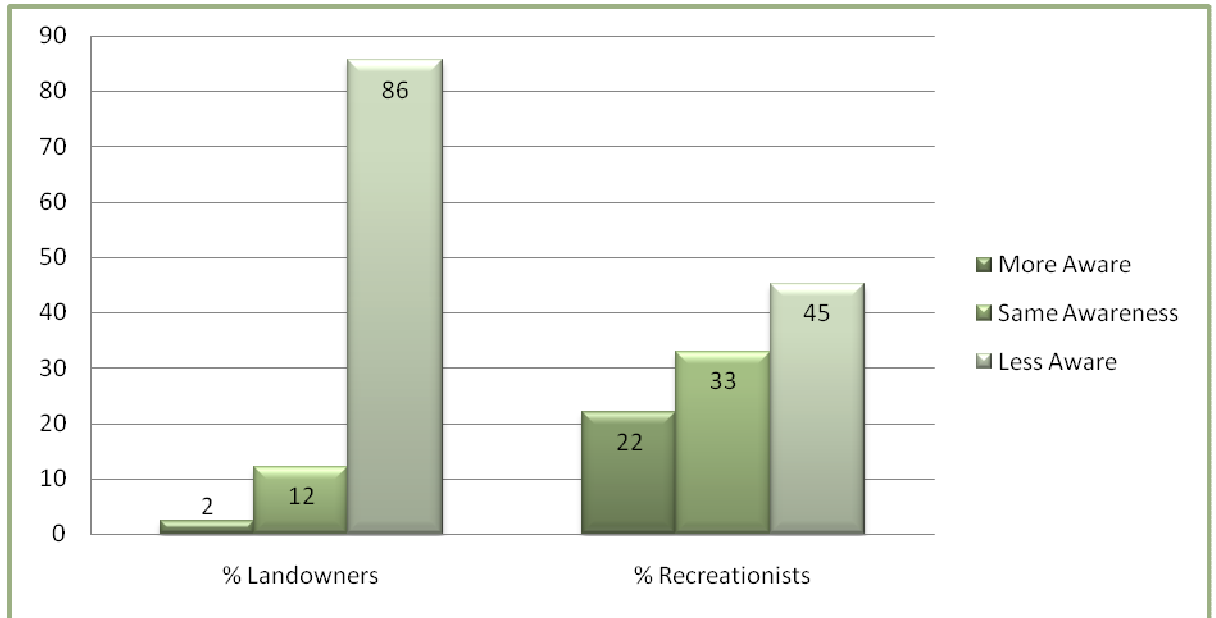
Both landowners (67%) and recreationists (84%) stated that there has been an increase in the level of countryside use for recreational purposes with 20% of landowners stating there has been a decrease. The Chi-Square test for association revealed a statistical association within the data ($\chi^2 = 12.395$, $p < 0.002$), with more recreationists than landowners stating that there is an increase in recreational use of the countryside.

This is substantiated by Interviewee #5 who stated “*I would be quite aware of an increase in numbers using the countryside*”. Interviewee #7 added to this by stating “*As far as recreation goes, we are seeing a drastic increase in numbers of people going into the hills and people going on holidays to go for walks and stuff like that*”.

Individual's Knowledge of the Agricultural Workings of the Countryside.

Respondents were asked if there was a notable change in the level of knowledge individuals had of the agricultural workings of the countryside over the last twenty years. The information gathered is displayed in Figure 4.6.

FIGURE 4.6 - INDIVIDUAL'S KNOWLEDGE OF THE AGRICULTURAL WORKINGS OF THE COUNTRYSIDE



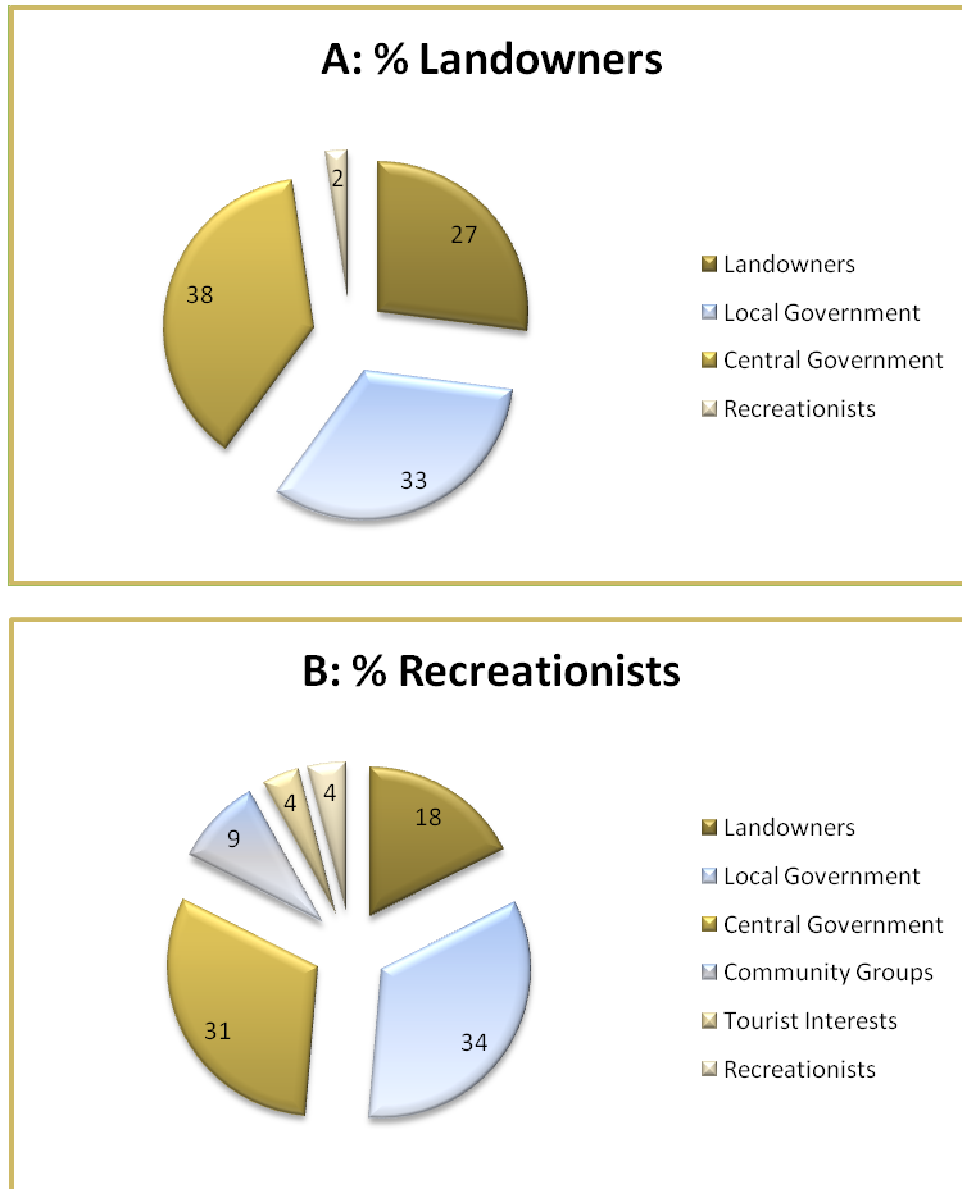
The data shows that 86% of landowners believe individuals are 'less aware' of the agricultural workings of the Irish countryside compared to 45% of recreationists. 22% of recreationists believe that individuals are 'more aware' compared to 2% of landowners. A high percentage of landowners in comparison to less than half of recreationists stated that individuals are 'less aware'. A Chi-Square test ($\chi^2 = 30.021$, $p < 0.000$) reveals a statistical association in this data showing a clear difference of opinion.

Interviewee #3 acknowledged these results by saying *"I would say less people have a connection with the land and farming than in the past"*. One farmer commented on a notable difference between landowners and recreationists with Interviewee #8 stating *"The country people will always know what's going to happen but our urban folk, they come to the countryside. They know very little"*. Interviewee #6 acknowledges recreationist's attitude by stating *"I'd say as a result of the controversy going on over access, certain people involved in walking have taken more appreciation of the farmer's point of view on it"*.

Regulating Walking Access in the Irish Countryside.

Respondents were asked to select a body or group who they felt should be responsible for regulating walking access in the Irish countryside. Respondents were provided with six choices – landowners, recreationists, local government, government, community groups or tourist interests. The data collected is presented in Figure 4.7.

FIGURE 4.7 – RESPONSIBILITY FOR REGULATING WALKING ACCESS



71% of landowners and 65% of recreationists believe some form of government, either local or central government, should be responsible for regulating walking access in the Irish countryside. Recreationists are willing to allow community groups (9%) and tourist interests (4%) be responsible for walking access in comparison to landowners with none of them (0%) selecting community groups or tourist interests. A Chi-Square test for association between landowners and recreationists, regarding where the

responsibility for regulating walking access lies is significant ($\chi^2 = 13.926, p < 0.016$, 6 cells expected values < 5).

Interviewee #7 reinforces the idea of government involvement by saying *“I think there’s going to have to be national standards and then there’s going to have to be on the ground type of information used to decide because each area has its own particular eco-system and environment”*. Another individual interviewed (#5) stated, *“I think at the minute there are a lot of different groups that have a piece of the action... I just feel at times you have to link in with a whole lot of people that could be pulled together a bit more”*.

Access Rights

Respondents were provided with three types of access options – unrestricted access to private land, restricted access where landowners are protected or no access to private land and were asked which should be granted to recreationists. The results are displayed in Figure 4.8.

FIGURE 4.8 – ACCESS RIGHTS WHICH SHOULD BE GRANTED TO RECREATIONISTS

	Unrestricted Access	Restricted Access	No access
% Landowners	0	74	26
% Recreationists	12	88	0

Figure 4.8 illustrates that both the majority of landowners (74%) and recreationists (88%) believe recreationists should have restricted access where landowners are protected. The remaining 26% of landowners state that recreationists should have no access, while the remaining 12% of recreationists state they should have unrestricted access. The difference between the views of landowners and recreationists is statistically significant (Mann-Whitney U test = 2142.000, $p < 0.000$). Recreationist opinions are inclined towards unrestricted access with a mean value of 3.23 while landowners have a mean value of 2.48 (Mean Values: Unrestricted Access = 5, Restricted Access = 3, No Access = 1).

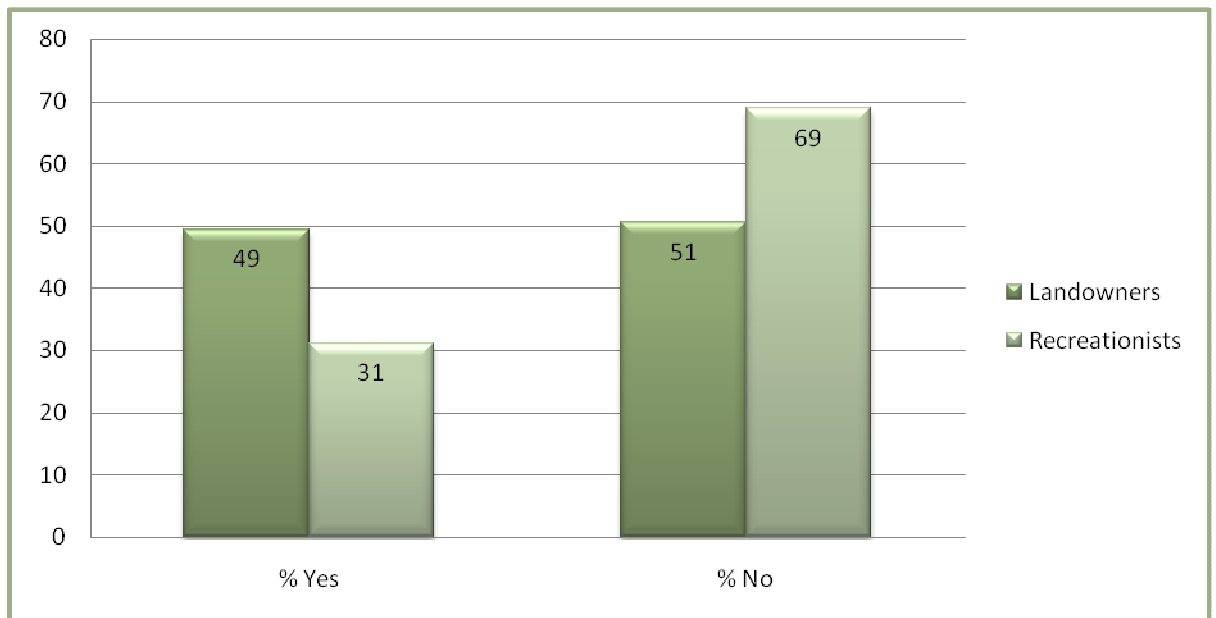
The main point emanating from the interviews is balance. Interviewee #5 asserted *“I don’t think it can be unrestricted though. You do have to take into consideration what the landowner is using the land for. But again I think there needs to be a balance*

struck”. The idea most recreationists are working on is...“that we are willing to work on the basis of permissive access” (Interviewee #7). Interviewee #8 stressed “Access must be with the landowners consent. The landowner has the right of his own property and certainly no-one should be allowed to invade on his privacy”. This is reiterated by Interviewee #4 who said “There definitely should be access. We should all be co-operating. The vast majority of farmers out there haven’t a problem once there’s good will there”.

The Walks Scheme

Respondents were asked if they were aware of a recent initiative launched by the Department of Community, Rural and Gaeltacht Affairs known as ‘The Walks Scheme’. Figure 4.9 displays the information gathered.

FIGURE 4.9 – RESPONDENTS AWARENESS OF THE WALKS SCHEME



49% of landowners said that they were aware of ‘The Walks Scheme’ in comparison to 31% of recreationists. The awareness of the respondent of the existence of ‘The Walks Scheme’ as indicated by the Chi-Square test for association ($\chi^2 = 4.839, p < 0.028$) depends on user group.

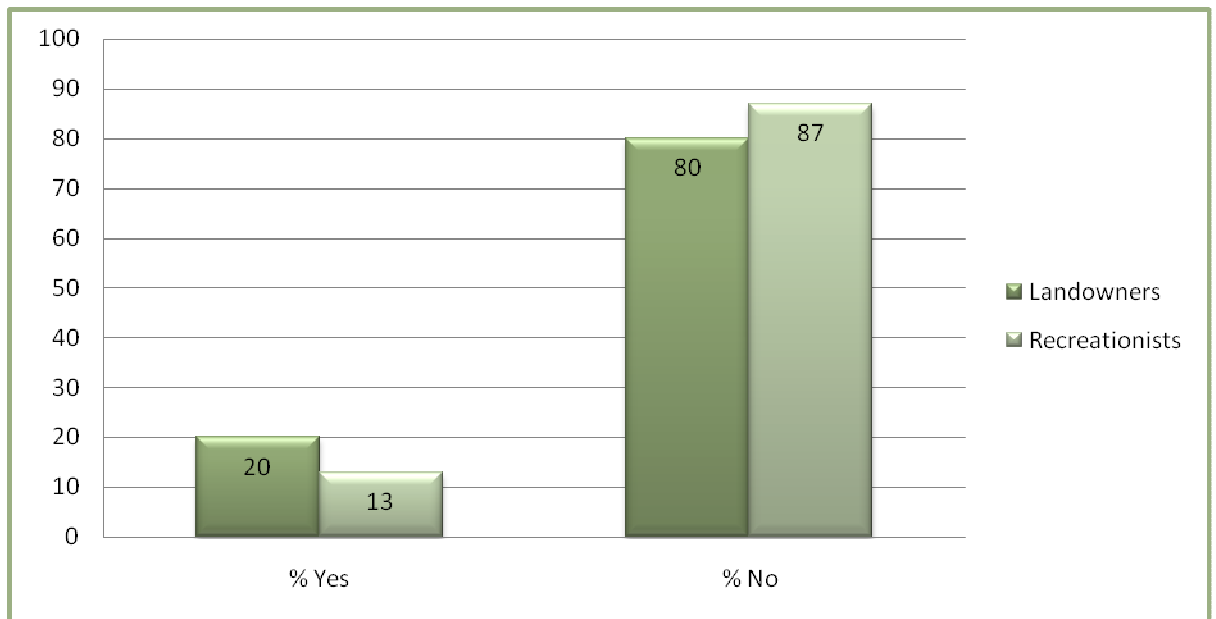
The Rural Recreation Officer interviewed (Interviewee #5) corroborates this by saying “I think there isn’t a huge awareness of it out there on a large scale level. Some people know a little bit about it but I do think there is some way to go to develop it further”. Interviewee # 7 points out that “I think right now we need to focus on getting the walks already out there onto it and then we can start looking at what we can do to develop

more and promote more”. Interviewee #6 did not see ‘The Walks Scheme’ benefiting the access issue and stated “*It probably can be developed further. I don’t necessarily think it’s the best way for us to develop access*”.

Access Pilot Schemes

Respondents were asked if they were aware of any access pilot schemes in the Irish countryside. The results are displayed in Figure 4.10.

FIGURE 4.10 – RESPONDENTS AWARENESS OF ACCESS PILOT SCHEMES



The data shows that the vast majority of landowners (80%) and recreationists (87%) are unaware of access pilot schemes within the Irish countryside. A Chi-Square test for association reveals no statistical association in the data ($\chi^2 = 0.970, p < 0.325$).

Representative Organisations

Respondents were asked of their alliances to representative organisations. Members’ awareness and agreement with their representative organisations policies and initiatives was investigated. Within ‘Representative Organisations’, only those who answered ‘yes’ continued to answer the remaining sections of the question. The results are shown in Figure 4.11.

FIGURE 4.11 - ALLIANCES TO A REPRESENTATIVE ORGANISATION

	Landowners		Recreationists	
	% Yes	% No	% Yes	% No
Members of a Representative Organisation	74	26	62	38
(Of which) % of Members Aware of Policies	90	10	58	42
(Of which) % of Members Agree with Policies	59	41	57	43

The majority of both groups, 74% of landowners and 62% of recreationists, stated they were members of a representative organisation. Of those who responded ‘yes’ to membership of a representative organisation, 90% of landowners and 58% of recreationists stated that they were aware of the access policies and initiatives of their representative organisation. Those who responded ‘yes’ to awareness of access policies and initiatives, were then asked whether they agreed with the policies and initiatives on access issues as directed by their representative organisation. The results indicate that 59% of landowners and 57% of recreationists agree with their representative organisation’s access policies and initiatives.

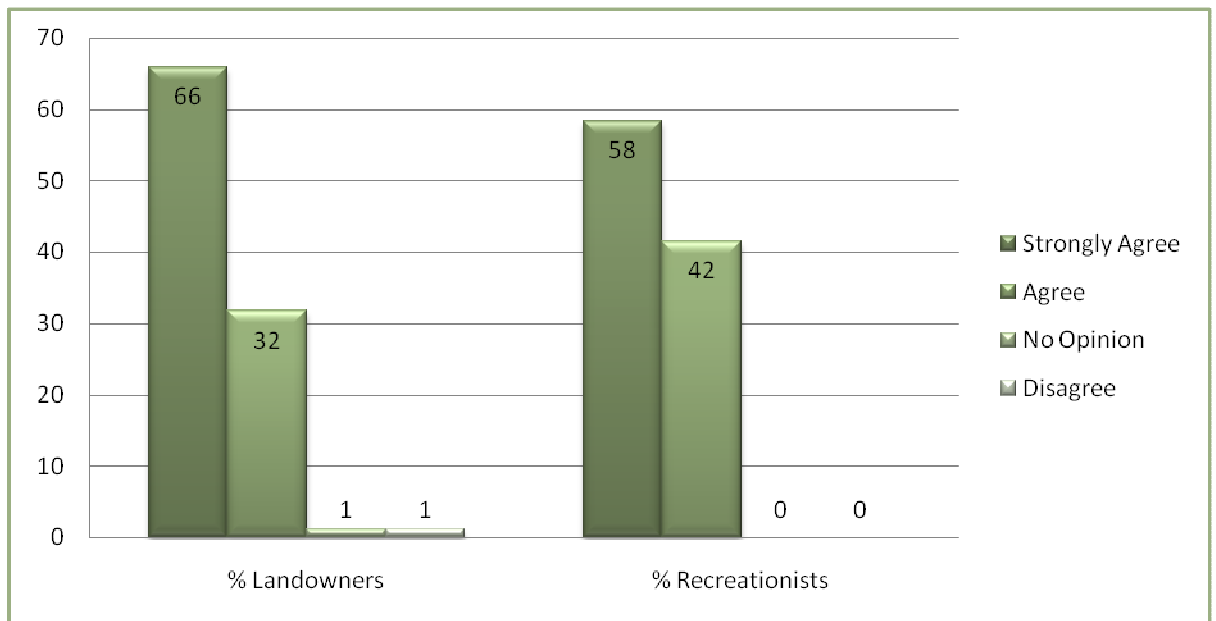
Those interviewed were asked if their representative organisation had any influence on their attitude. Interviewee #3 stated *“I am influenced by the MCI in terms of they have an access policy and that they have an access code and they recommend to people that where there’s an access issue stay away from the area”*. Interviewee #4 said *“at the end of the day if anything has to be done, talking will sort it out”*.

Section 3 - Attitudes to Liability in the Irish Countryside

Risks associated with outdoor recreation.

Respondents were asked to read the statement ‘Participants should be aware of and accept the risks involved in outdoor activities’. They then had to indicate their level of agreement on a five-point Likert Scale ranging from ‘strongly agree’ to ‘strongly disagree’. Figure 4.12 presents the results gathered.

FIGURE 4.12 – ‘PARTICIPANTS SHOULD BE AWARE OF AND ACCEPT THE RISKS INVOLVED IN OUTDOOR ACTIVITIES’



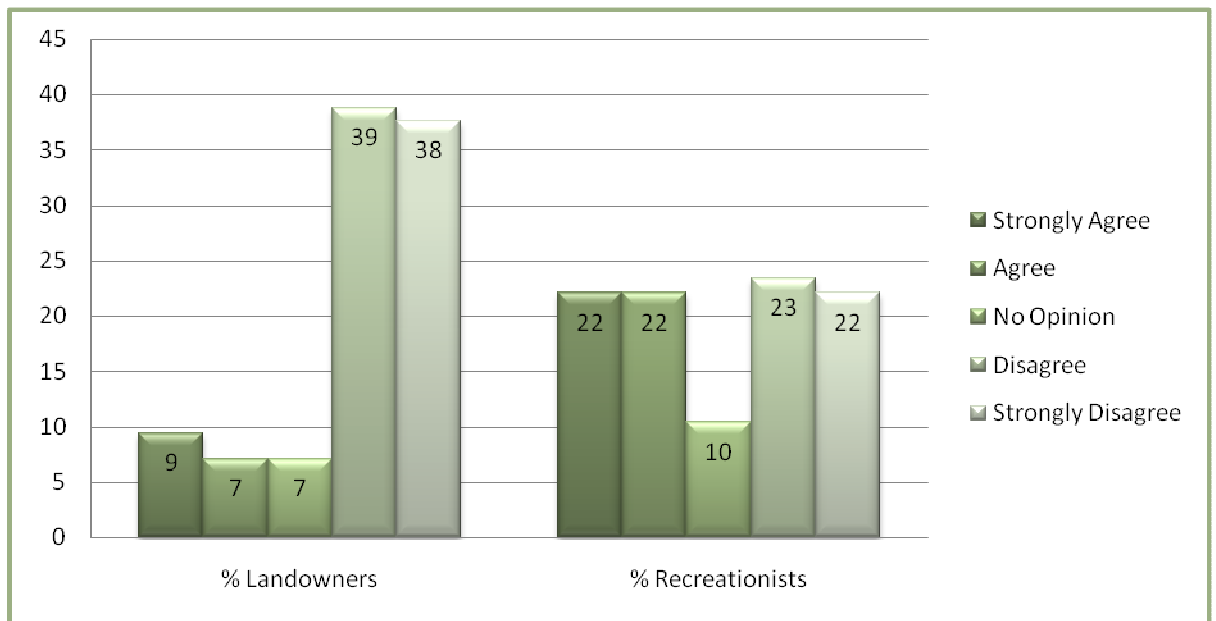
Both landowners and recreationists ‘strongly agree’ and ‘agree’ that participants should be aware of and accept the risks involved in outdoor activities. 98% of landowners either ‘strongly agree’ (66%) or ‘agree’ (32%) with the statement, while 100% of recreationists ‘strongly agree’ (58%) or ‘agree’ (42%) with the statement.

The Mann-Whitney U test demonstrates no statistical difference within user type (3061.000, $p < 0.400$, 4 cells expected values < 5), with a mean landowner value of 4.62 and a mean recreationist value of 4.58 indicating landowners are more likely to agree with the statement (Mean Values: Strongly Agree = 5, Agree = 4, No Opinion = 3, Disagree = 2).

Erect signs to warn recreationists of possible dangers.

Similar to Figure 4.12, respondents were asked to read the statement ‘Landowners should erect signs to warn recreationists of possible dangers that lie ahead on their land’. They then had to indicate their level of agreement on a five-point Likert Scale ranging from ‘strongly agree’ to ‘strongly disagree’. Figure 4.13 presents the results.

FIGURE 4.13 – ‘LANDOWNERS SHOULD ERECT SIGNS TO WARN RECREATIONISTS OF POSSIBLE DANGERS THAT LIE AHEAD ON THEIR LAND’



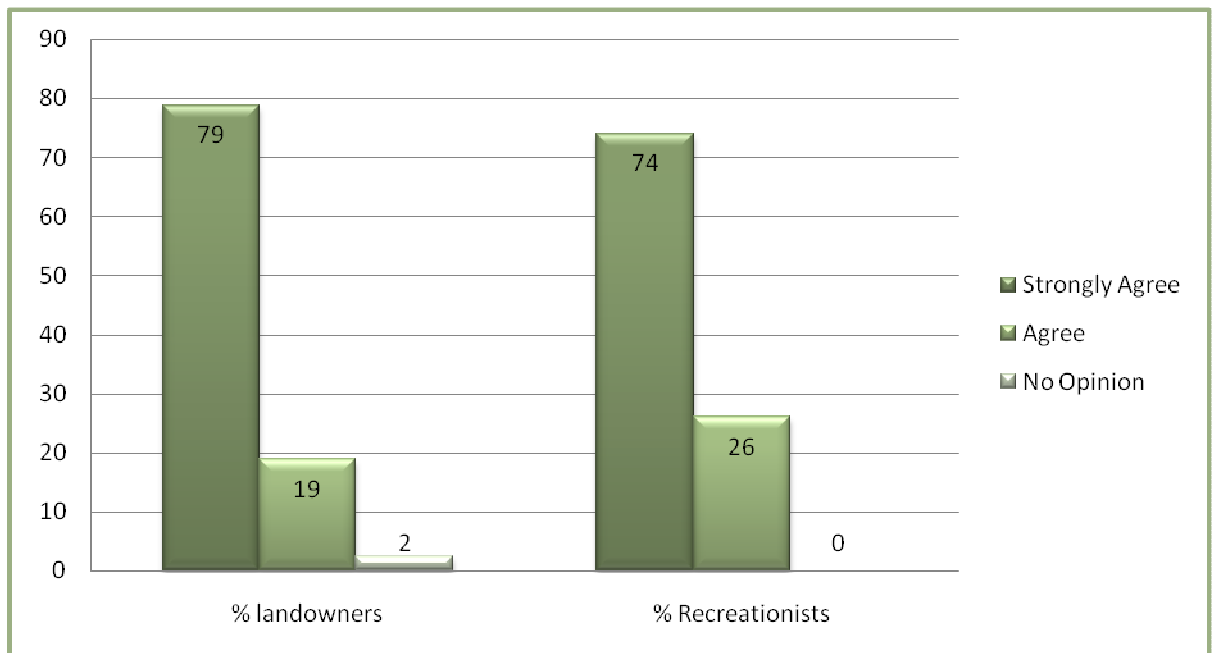
The results as presented in Figure 4.13 illustrate that 77% of landowners either ‘disagree’ (39%) or ‘strongly disagree’ (38%) with this statement. Recreationist’s opinions are mixed with a broad response for each category, 44% state they agreed (22% ‘strongly agree’ and 22% ‘agree’) and 45% state they disagreed (23% ‘disagree’ and 22% ‘strongly disagree’).

A Mann-Whitney U test, concluded that the difference was statistically significant (2221.000, $p < 0.000$). Results indicated a mean landowner value of 2.12 and a mean recreationist value of 2.99, revealing that landowners are more likely to agree with the statement (Mean Values: Strongly Agree = 5, Agree = 4, No Opinion = 3, Disagree = 2, Strongly Disagree = 1).

Pay sufficient attention to possible dangers.

Those surveyed were asked to respond to the following statement ‘Recreationists should pay sufficient attention to possible dangers when they enter private land for recreational purposes’ using a five-point Likert Scale of ‘strongly agree’, ‘agree’, ‘no opinion’, ‘disagree’ or ‘strongly disagree’. Figure 4.14 presents the opinions of the respondents.

FIGURE 4.14 – ‘RECREATIONISTS SHOULD PAY SUFFICIENT ATTENTION TO POSSIBLE DANGERS WHEN THEY ENTER PRIVATE LAND FOR RECREATIONAL PURPOSES’



A high percentage of landowners (98%) agree with this statement (79% ‘strongly agree’ and 19% ‘agree’). All recreationists (100%) agree with the statement, with 74% stating they ‘strongly agree’ and 26% stating they ‘agree’ with the statement and no one disagreed with the statement.

The data when analysed by a Mann-Whitney U test, reported no statistical difference (3135.500, $p < 0.532$, 2 cells expected values < 5) signifying that opinions are similar with landowners holding a mean value of 4.76 and recreationists a value of 4.74 (Mean Values: Strongly Agree = 5, Agree = 4, No Opinion = 3).

When discussing the risk and duties of a landowner, the majority were of the opinion that the responsibility falls on the recreationist. Interviewee #7 concluded that “*As a recreational user, if you are partaking in an activity you must accept that there’s an inherent risk in it*”. Interviewee #6 surmises “*I don’t think it’s up to the landowner to provide any duty of care unless you know they are not going to go and do something stupid. If I slip walking and twist my ankle, break my leg, that’s tough luck. You know the farmer hasn’t done anything wrong and being in the countryside, while walking in the hills in its very nature carries a risk and I should be quite willing to accept that as my own risk*”.

Personal Injury Insurance

Recreationists who participated in the research were asked if they were covered by personal injury insurance, which is provided by many different insurance companies throughout Ireland and through membership of the MI. Respondents were also asked if they believe every recreational walker should be indemnified by their own personal insurance. The information gathered is displayed in Figure 4.15.

FIGURE 4.15 –RECREATIONISTS: PERSONAL INJURY INSURANCE

<u>Recreationists</u>	% Yes
Recreationists covered by Personal Injury Insurance	88
Believe others should be Indemnified by Personal Injury Insurance	61

From the 77 recreational respondents, 88% were covered by personal injury insurance while 61% stated that everyone who participates in recreational walking should be indemnified by their own personal injury insurance.

When referring to personal liability insurance, Interviewee #3 inferred the results by stating *“I think people have a personal responsibility to themselves to have insurance, whether they are walking down the street or up a mountain or along a riverside or a coastal area. You know I think it should be their responsibility only and not the responsibility of the state or of the farmers. If they fall over and break their leg, it’s their own tough luck”*. While it is noted (Interviewee #2) that all MI members are insured *“As part of MI, we are an insured club. All our members are insured”*. Interviewee #8 concludes by saying *“No matter where you are you should have your own personal insurance. It is wrong to be depending on someone else’s cover”*.

Public Liability Insurance

Landowners who were involved in the research were asked for their opinions relating to public liability insurance. Landowners were asked if they held public liability insurance and if so, was the cost of the public liability insurance satisfactory? This information is presented in Figure 4.16.

FIGURE 4.16 – LANDOWNERS: PUBLIC LIABILITY INSURANCE

<u>Landowners</u>	% Yes
Landowners covered by Public Liability Insurance	94
Believe the Cost of Public Liability Insurance is Satisfactory	53

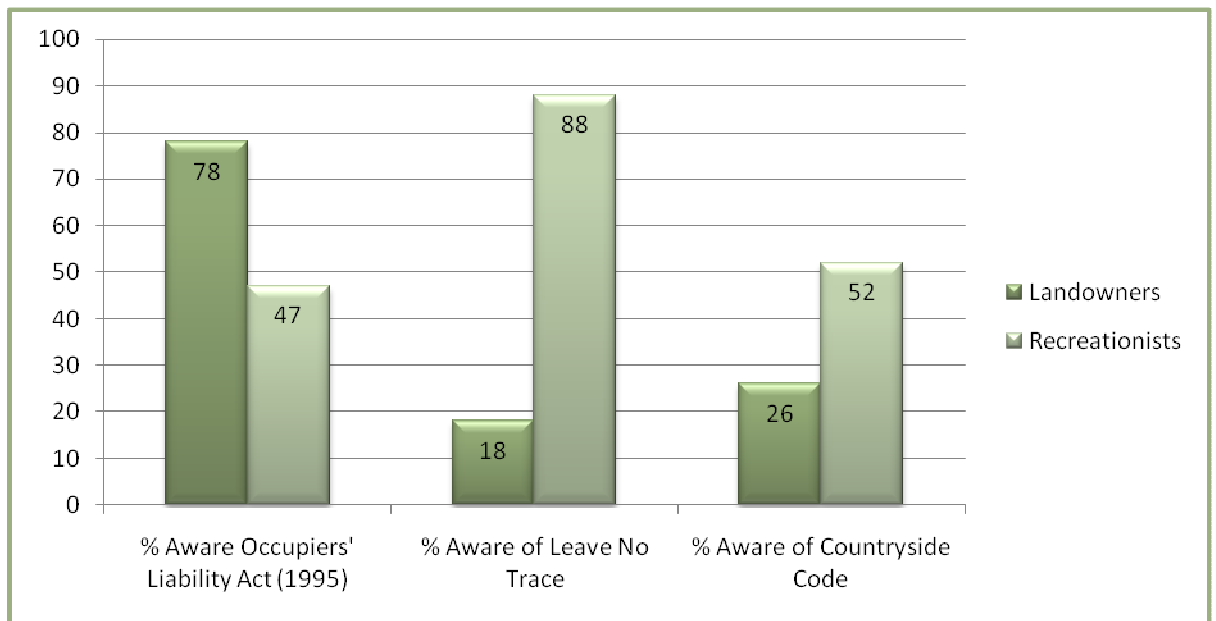
Landowner’s responses indicate that 94% have insurance policies that contain public liability insurance. Within the 94% of landowners who have public liability insurance, 53% state that the cost of public liability insurance is satisfactory.

Interviewee #7 acknowledged that every landowner should have public liability insurance in their overall insurance policy *“I think every landowner should and does hold public liability insurance purely because they are in a dangerous working environment and they have to hold it for visitors anyway and for things like that”*. However, many believed it should not be held solely for recreationists with Interviewee #6 saying *“I don’t think they should have to, he’s been good enough to let me onto his land. If anything happens it’s my own fault, it’s my own responsibility”*. Interviewee #3 added to this with *“I think they shouldn’t have to have that... if you go there, it’s your own responsibility and it’s not the state’s responsibility and it’s not the landowner’s responsibility”*.

Occupiers’ Liability Act (1995), Leave No Trace Policy and Countryside Code

Respondents were asked about their knowledge of the law and codes and how abiding the majority of users are towards them. Figure 4.17 and 4.18 illustrates landowner and recreationist awareness of and adherence to the relevant law and codes of conduct.

FIGURE 4.17 – LANDOWNER AND RECREATIONIST AWARENESS OF COUNTRYSIDE LAW AND CODES OF CONDUCT



Landowners were aware of the law, recreationists were aware of the codes. A substantial number of landowners (78%) stated that they are aware of the duty of care provided under the Occupiers' Liability Act (1995), whereas fewer said that they are aware of codes of conduct such as the Leave No Trace Policy (18%) and the Countryside Code (26%). Recreationists (88%) stated that they are more aware of the Leave No Trace Policy, with 47% stating they are aware of the Occupiers' Liability Act (1995) and 52% stated that they were aware of the Countryside Code. The knowledge landowners and recreationists hold regarding the Occupiers' Liability Act (1995), the Leave No Trace Policy and the Countryside Code is dependent on user type which was confirmed by Chi-Square tests for statistical association, with values reporting at ($\chi^2 = 15.237, p < 0.000$), ($\chi^2 = 77.943, p < 0.000$) and ($\chi^2 = 10.542, p < 0.001$) respectively.

Respondents who stated 'yes', they were aware of the Occupiers' Liability Act (1995), the Leave No Trace policy and the Countryside Code, were asked if the majority of users abided by the relevant countryside law and codes. This data is presented in Figure 4.18.

FIGURE 4.18 - ADHERENCE TO COUNTRYSIDE LAW AND CODES OF CONDUCT

	Landowner		Recreationists	
	% Yes	% No	% Yes	% No
Occupiers' Liability Act (1995)	55	45	78	22
Leave No Trace Policy	13	87	74	26
Countryside Code	24	76	81	19

Figure 4.18 illustrates that more than half of the landowners (55%) and 78% of the recreationists who were aware of the Occupiers' Liability Act (1995) believe that users do abide by the act. Recreationists who were aware of the codes are of the belief that the majority of users abide by the Leave No Trace Policy (74%) and the Countryside Code (81%), while of landowners who are aware of the Leave No Trace policy and of the Countryside Code 13% and 24% respectively believe that users adhere to the codes.

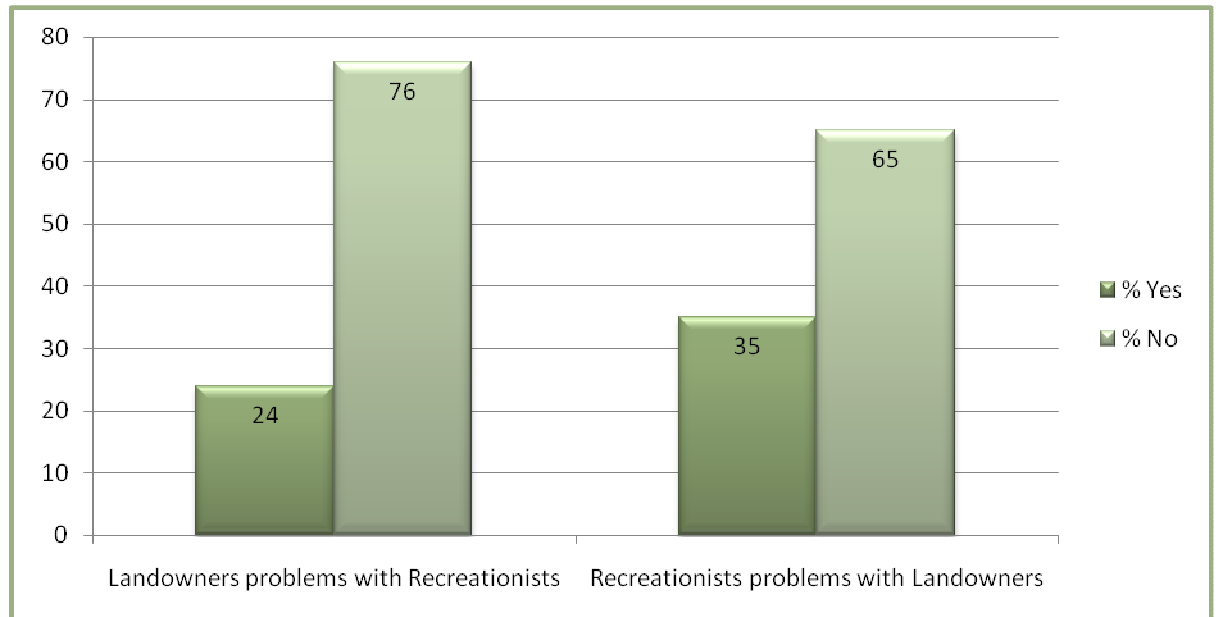
When interviewed, those who were aware of the Occupiers' Liability Act all agreed that landowners should not be held liable. Interviewee #3 deliberates *“Maybe it doesn't give enough protection to farmers. I am aware very much that people will try very hard to sue and lawyers are very inventive. Is that a cast iron guarantee to a farmer? It probably isn't and there is some case law, some precedence, but you know lawyers are an inventive bunch and courts are very unpredictable”*. With reference to two recent court cases Interviewee #6 said *“The majority, in my experience of all the walkers I have encountered, 99.9% would have agreed with that ruling and were delighted by it because they now felt that the farmer shouldn't have any liability for somebody that voluntarily passing through his land”*. One individual (Interviewee #1) affirmed that by limiting or preventing access, they eliminated the threat of liability *“The easiest thing for me to say to anybody is to bugger off because that way they're not on the place, there's no liability, no threat”*.

Section 4 - Attitudes to Disturbance and Privacy in the Irish Countryside

Problems Encountered by Landowners and Recreationists.

Landowners were asked if they had encountered any problems with recreationists while engaged in agricultural activities on their land and recreationists were asked if they had encountered any problems with landowners while engaging in recreational activities. Figure 4.19 presents this information.

FIGURE 4.19 – LANDOWNER & RECREATIONIST PROBLEMS WITH EACH OTHER



Of the landowners who completed the questionnaire, 24% stated that they have had problems with recreationists in the past on their land, with the remaining 76% stating that they personally have never had any problems with recreationists. 35% of recreationists reported that they had problems with landowners in the past while engaged in recreational activities on their land. The remaining 65% stated that they have never had problems with landowners while partaking in recreational activities on their private land. The question was not time specific and as a result, these problems could have been encountered a number of years ago.

Problems Encountered by Other Landowners and Recreationists

Respondents were asked if they knew of other landowners or recreationists who had encountered problems from recreational activity in the countryside. This data is presented in Figure 4.20.

FIGURE 4.20 – KNOWLEDGE OF OTHER LANDOWNER/RECREATIONIST PROBLEMS IN THE COUNTRYSIDE

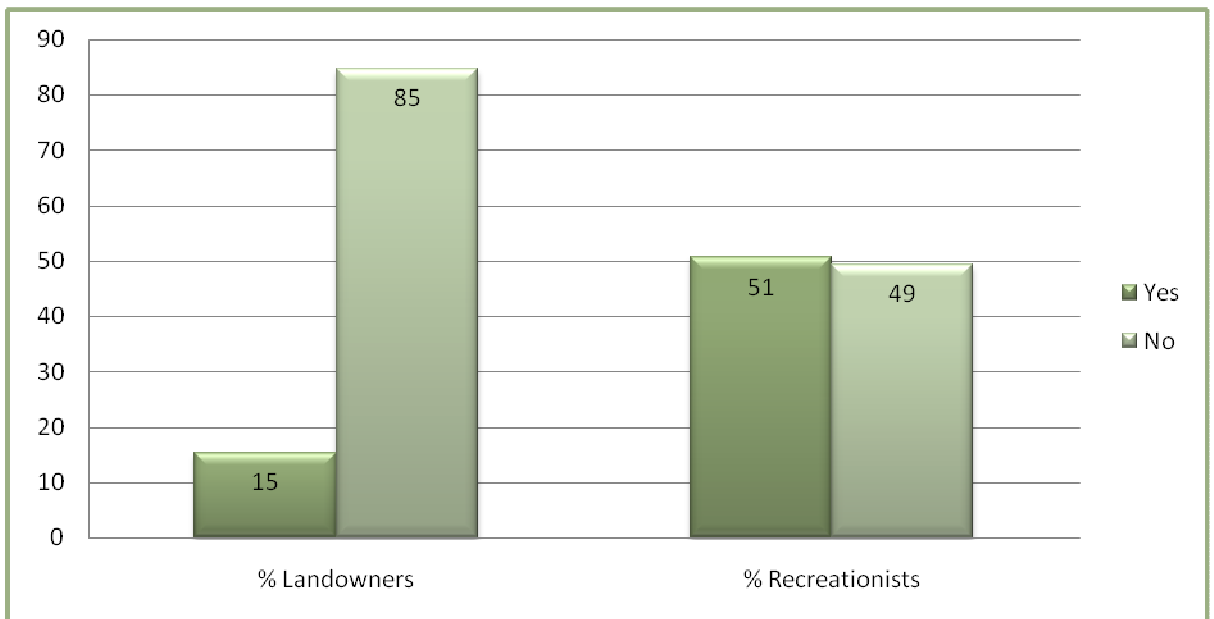
	% Yes
Knowledge of other Landowners problems with Recreationists	48
Knowledge of other Recreationists problems with Landowners	70

The results in Figure 4.20 show that 48% of landowners are aware of other landowners who have had problems with recreationists on their land, while 70% of recreationists know of other recreationists who have had problems with landowners while pursuing outdoor recreational activities in the countryside.

Awareness of Possible Damage

Figure 4.21 displays the opinions of landowners and recreationists relating to awareness of damage and harm recreational users can cause on private farmland.

FIGURE 4.21 – AWARENESS OF POSSIBLE DAMAGE AND HARM ON PRIVATE LAND



A high percentage of landowners (85%) believe recreational users are not aware of the damage or harm they can cause on private land. Recreationists are split with 51% stating ‘yes’ they are aware and 49% stating that they are not aware of the damage or harm they can cause on private land. The difference of opinion between the user types unveils a statistical association in the data ($\chi^2 = 30.021, p < 0.000$).

Interviewee #5 offset the results stating *“I would think that most walkers are responsible but there are a certain few and they are not going to care one way or another”*. Interviewee #4 held a pessimistic view of recreationists by saying *“I don’t think they are (aware). They just feel they should be allowed roam the countryside. You take a sheep farmer out there, they don’t realise that if a dog runs through the sheep that maybe they could lose the lambs. They don’t know what damage a dog can be doing if animals are frightened”*. Interviewee #8 affirmed this point by saying *“No to be straight about it, no. They believe that they have the right and the famers must look after them rather than consider the disturbance done”*.

Affect of Recreation on the Irish Countryside

Respondents were asked to give their attitudes on the affects of recreation on the Irish countryside on a five-point Likert Scale question ranging from ‘very positive’ to ‘very negative’. Figure 4.22 presents the information.

FIGURE 4.22 – AFFECT OF RECREATION ON THE IRISH COUNTRYSIDE

Affect	Landowners Mean Value *¹	Recreationists Mean Value *¹	Sig. *²
Animals (F)	2.02	2.32	0.007
Crops (F)	1.78	2.14	0.001
Fences/Gates (F)	1.54	2.12	0.000
Livelihoods (L)	2.36	2.99	0.000
Landowner Attitudes (L)	1.94	2.44	0.000
Landowners Privacy (L)	1.98	2.25	0.001
Disturbing Landowners (RC)	1.91	2.38	0.000
Health of Recreationists (RC)	4.21	4.60	0.000
Local Infrastructure (RC)	3.23	3.79	0.000
Flora and Fauna (H)	2.49	3.00	0.000
Wildlife (H)	2.47	2.92	0.001
Areas of Natural Beauty (H)	2.62	3.35	0.000

*¹(Mean Values: Very Positive = 5, Positive = 4, No Opinion = 3, Negative = 2, Very Negative = 1) *²(P values based on Mann-Whitney U test).

Figure 4.22 indicates the mean values landowners and recreationists have placed on the recreational disturbance in the countryside to individuals, animals, habitats and resources. Both groups think recreation is negative for the countryside (any value <3). Landowners believe recreation has negative effects relating to all sections including areas of natural beauty, wildlife flora and fauna, fences, gates, crops and landowners. Recreationists are more positive about the effects of recreation on the countryside and

feel that recreation has strong positive effects on the health of recreationists, local infrastructure and areas of natural beauty.

These individual mean values were accumulated to get an overall look at the views of landowners and recreationists towards recreation in the countryside. Figure 4.23 presents the information

FIGURE 4.23 – ELEMENTS OF CONTENTION

	Farmland (F)	Landowners (L)	Recreationists & Community (RC)	Natural Habitats (H)
Landowner Mean Values	1.78	2.04	3.72	2.52
Recreationists Mean Values	2.19	2.51	4.19	3.09

**(MEAN VALUES ARE BASED UPON THE SUB-SECTIONS OF FIGURE 4.22)*

The elements in Figure 4.23 are related to various topics such as farmland, landowners, recreationists, communities, and habitats, which can all be affected in some way by recreation. Two areas indicate positive effects of recreation on the countryside, ‘Recreationists and Community’ and ‘Natural Habitats’. Regardless of the individual topics, landowners hold a more negative view towards the affect of recreation in the countryside in comparison to recreationists.

Those who continue to affect the countryside negatively were highlighted in the interview process. Interviewee #4 stated *“The biggest issue people have out there is people bringing their pets, bringing dogs. I personally believe it’s a no, no”*. Interviewee #8 highlighted the attitudes of individuals *“How innocent people can be and how arrogant people can be about it”*. Interviewee #6 stated *“...A lot of debris been left there from people going up, camping and drinking and that. I would say the majority of those never went beyond that point so, they’re not your normal walkers in the hills but they give walkers a bad name leaving rubbish behind them and they tend to be of a younger age group”*. Interviewee #7 encouraged responsibility in the countryside and that people should *“bring their rubbish back down with them, keep a*

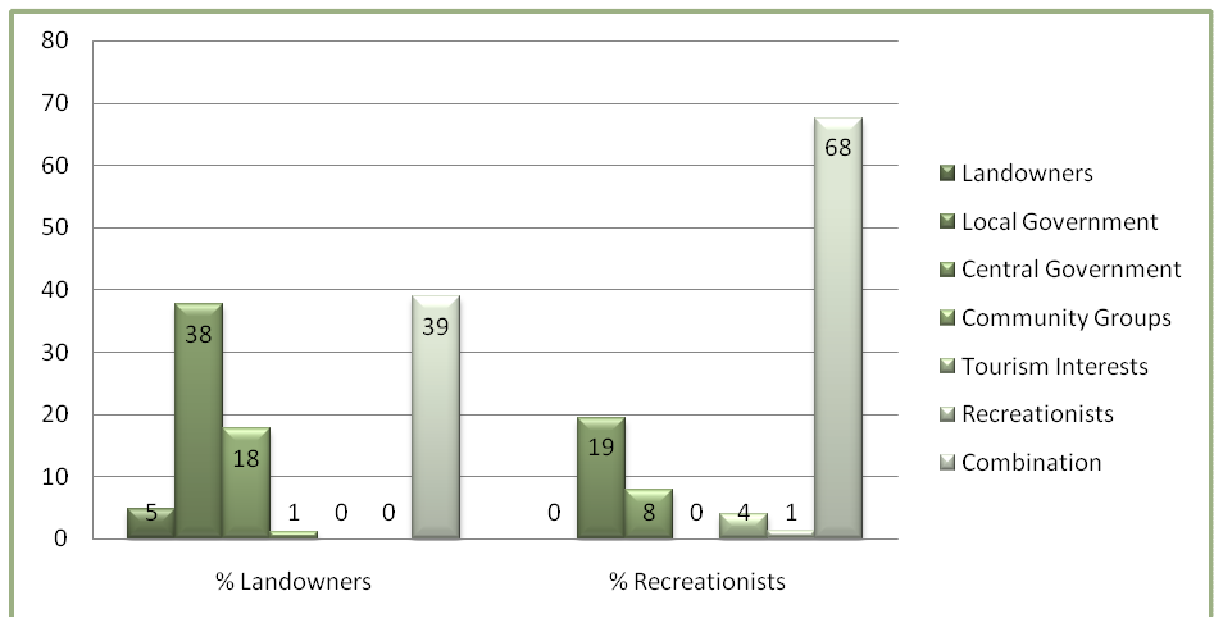
fairly low profile because for the most part if you are someone who goes into the hills for recreation you are going for a bit of nature, freedom, air, that kind of thing so you are not going with the intention of destroying what you've gone out to experience. There is all that negative behaviour associated with it as well but for the most part that isn't the way most recreational users behave". Interviewee #2 indicated that education should start in schools "The only way you'll overcome damage to property is by educating the children at a very, very young age and making it aware in schools that access to the countryside is X, Y, Z rather than ... the parents themselves should also make them aware".

Section 5 - Attitudes to Compensation in the Irish Countryside

Providing and Constructing Facilities

Respondents were asked what body or group - government, private or voluntary should be responsible for providing or constructing facilities and resources for recreationists in the countryside. Figure 4.24 presents this information.

FIGURE 4.24 – RESPONSIBILITY FOR PROVIDING OR CONSTRUCTING FACILITIES



The majority of both landowners (39%) and recreationists (68%) believe a combination of bodies and groups should provide and construct the necessary facilities. 56% of landowners and 27% of recreationists agree that either 'local' or 'central government' should provide or construct facilities. A Chi-Square test for association indicates the results are significant ($\chi^2 = 22.914, p < 0.001, 8$ cells expected values < 5).

The results from Figure 4.7 (Responsibility for Regulating Walking Access to the Irish Countryside) and Figure 4.24 (Responsibility for Constructing Facilities) were cross tabulated to examine whether the respondents believed local government or central government should be responsible for regulation of access and construction of facilities.

45% of all respondents believe that local government and 31% of all respondents believe central government should be responsible for regulating walking access and for providing or constructing facilities for outdoor recreation in the Irish countryside.

The benefits of facilities such as car parking and meeting points were discussed in the interviews. Interviewee #5 stated *“I wouldn’t like to see car parks everywhere because they can spoil the countryside as well, so if they are needed in an area, I think they have to be sensitively managed”*. Interviewee #3 acknowledges this point by stating *“I think they should be limited and they should be planned carefully because where you build a big car park a lot of cars will go... If you build a big car park and there isn’t an appropriate track, it’s going to lead to a lot of erosion or whatever so it has to be planned”*. With the provision of such facilities the landowner can benefit *“What would be best for everybody if we could get them is that we have some facilities for them, a coffee shop something that you can leave money in the area, like what’s the point people coming out three four hours in the Comeragh’s, sit in their car and there’s not a euro spent. There’s nothing in it for me”* (Interviewee #4).

Compensation for Access to Private Land

Respondents were asked if landowners should be financially compensated for access to their land. The results are displayed in Figure 4.25.

FIGURE 4.25 –SHOULD LANDOWNERS BE COMPENSATED FOR ACCESS

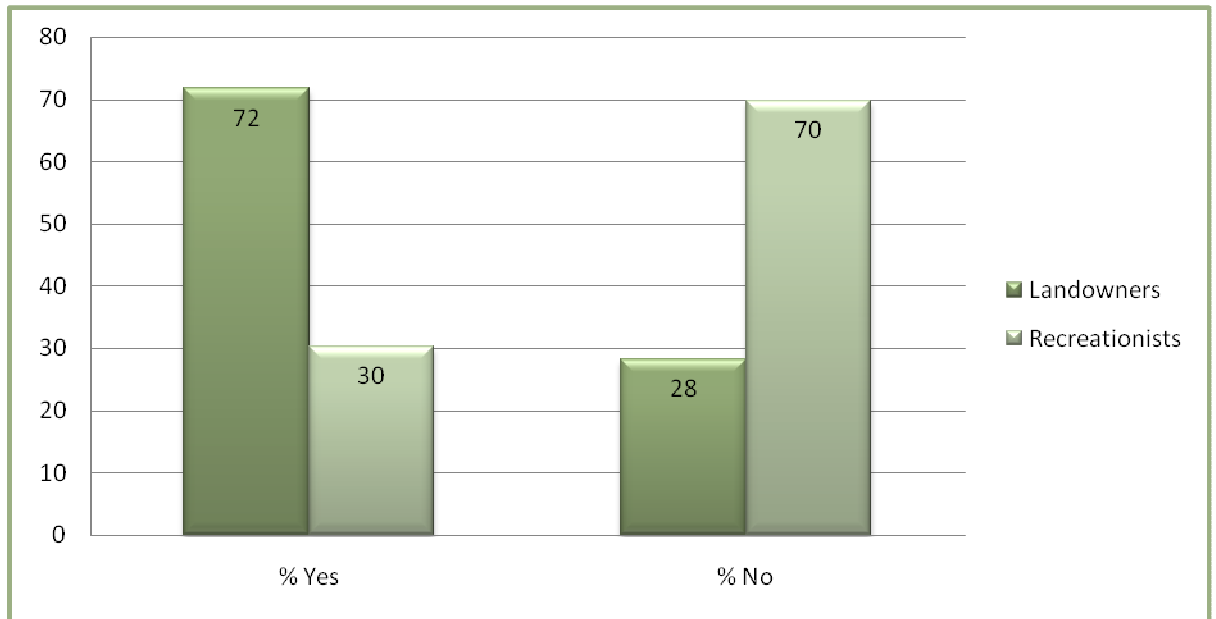


Figure 4.25 displays the opinions of user groups regarding compensation for access. Landowners and recreationists hold different opinions regarding this and these differences are statistically significant ($\chi^2 = 26.058, p < 0.000$).

A cross tabulation of the type of access rights recreationists should hold against the willingness to accept compensation or willingness to pay for access yielded the results illustrated in Figure 4.26.

FIGURE 4.26 – ACCESS RIGHTS VS. COMPENSATION

A: Will Accept Compensation for Access	% Yes	% No
Restricted Access	75	25
No access	55	45

B: Will Pay A Fee for Access	% Yes	% No
Unrestricted Access	22	78
Restricted Access	59	41

The data in Figure 4.26 shows that 75% of landowners who selected 'restricted access' and 55% who selected 'no access' in 'Access Rights' said they would be willing to accept compensation to allow recreationists access to their private land. 22% of recreationists who selected 'unrestricted access' earlier, would be willing to pay to gain access to private land, and the 59% who selected 'restricted access' would also be willing to pay to gain access to private land.

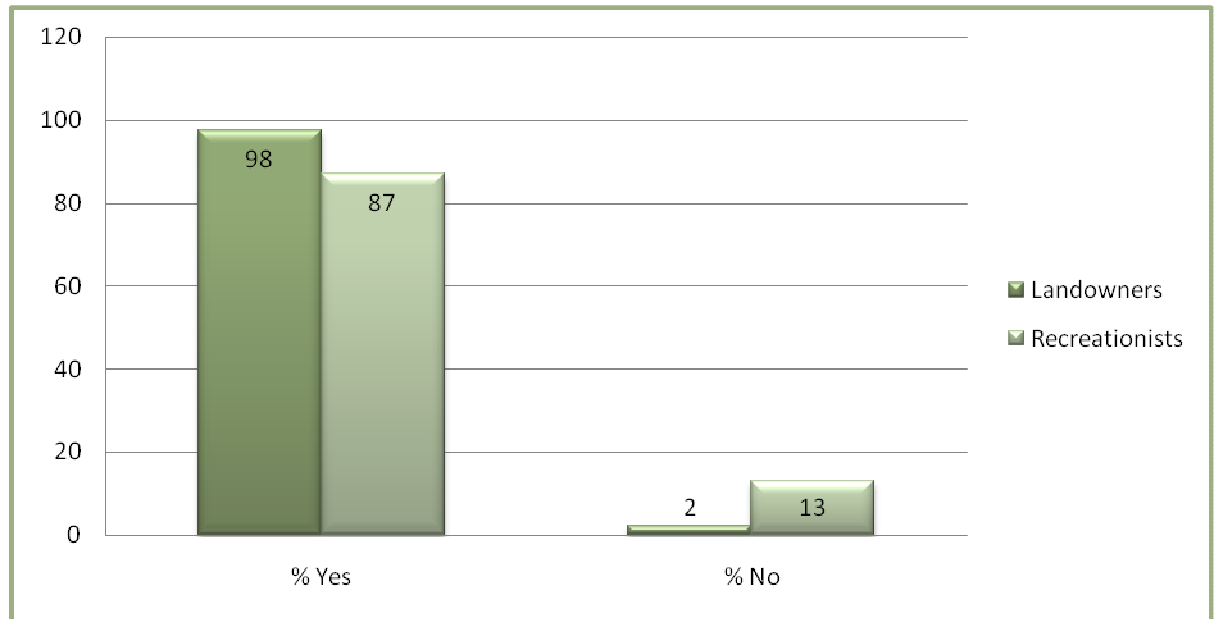
The information shows that, of those landowners who selected 'no access', 45% were unwilling to allow access regardless of compensation, which equates to 10% of the total landowner sample. Of the recreationists who selected 'unrestricted access' earlier, 78% were unwilling to pay for access, which accounts for 9 recreationists in the sample of 77 (7%).

Interviews indicated that respondents views were varied on this. One Interviewee (#5) acknowledged landowners property rights *"Well I think ultimately they do have the right to deny or to allow access"*. Interviewee #7 stated that *"No it's against the EU conventions to pay for access"*. Interviewee #4 emphasised that it depends on the number of people using the area *"Look if you've only a handful of people coming in now and then, there's not an issue there but where I could see a real problem coming in, if you have people coming every weekend for arguments sake and in large volumes, they will be doing damage to whether it's the land or grass or the corn"*. Asked whether recreationists would pay to guarantee access Interviewee #7 stated *"It kind of varies, I know I personally am happy to pay a small fee for parking to access a certain area and I know that that is the view of a lot of our members but not the view of all of our members"*.

Compensation for Work Carried out on Private Land to Facilitate Recreation

Respondents were asked if landowners should be financially compensated for work carried out on their land to facilitate recreational use. Figure 4.27 illustrates the results.

FIGURE 4.27 – COMPENSATION FOR WORK



A large number of respondents agreed that landowners should be compensated for work to facilitate recreation, this difference is statistically significant ($\chi^2 = 5.201, p < 0.023$) with 98% of landowners and 87% of recreationists agreeing.

Interviewee #6 verifies these results by stating *“I think it shouldn’t be that you are just getting money for leaving people through your land but you are getting money for providing a service, so if you provide a pathway and maintain it and keep a fence around it and it protects your cattle and fields, the farmer should get paid for keeping that pathway free like that. I’d prefer seeing them get money that way”*. A member of the farming community (Interviewee #8) stated *“If they’re to do a lot of work to create walks and what goes on with them, then they must be rewarded for their efforts”*.

Willingness to Pay (WTP)

While reflecting on whether landowners should be financially compensated for access and for work on their land to facilitate recreation, recreationists were asked if they would be willing to pay a fee to gain access to private land. Figure 4.28 illustrates those willing to pay, Figure 4.29 illustrates their membership of an outdoor recreation representative organisation and Figure 4.30 presents what those, who agreed to pay, believed would be an acceptable fee.

FIGURE 4.28 – RECREATIONISTS WTP A FEE

	% Yes	% No
Willingness to Pay a Fee	55	45

FIGURE 4.29 – WTP AND REPRESENTATIVE ORGANISATION

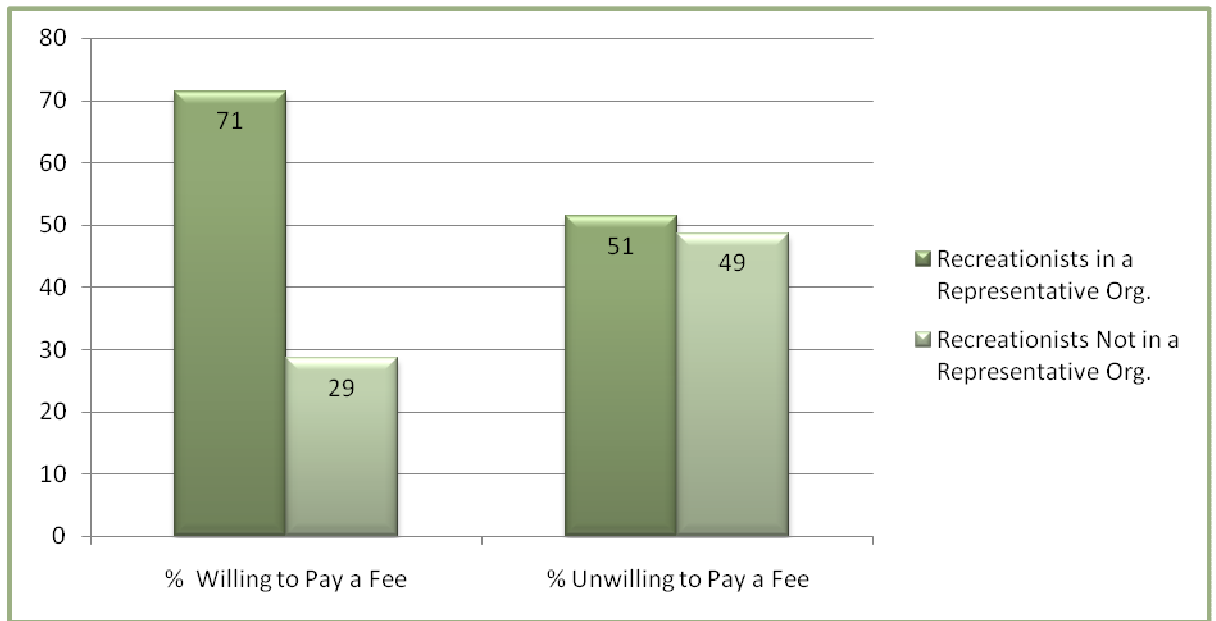


FIGURE 4.30 – ACCEPTABLE FEE TO PAY

	<€2	€3-5	€6-10	€11-15	€16-20	More
% Recreationists WTP Fee	62	36	2			

55% of recreationists said that they were willing to pay (WTP) a fee to gain entry to private farmland for recreational purposes. 71% of those willing to pay for access were members of an outdoor recreation representative organisation. Of those willing to pay a fee to gain access to private land, 98% of these were willing to pay up to €5 to gain entry onto private land for recreational activity (an average fee of €2.24). The results of a Chi-Square test indicate that respondents membership of a representative organisation does not influence their WTP for access to private land ($\chi^2 = 2.456, p < 0.117$).

Willingness to Accept Compensation (WAC)

Landowners were asked if they would be willing to accept a fee from recreationists to gain access to their private land. Figure 4.31 illustrates the results. Figure 4.32 subdivides these results comparing those who are in an agricultural representative

organisation and those who are not. Figure 4.33 presents what those, who agreed to accept a fee, believed would be an acceptable fee.

FIGURE 4.31 – LANDOWNERS WAC COMPENSATION

	% Yes	% No
Willingness to Accept Compensation	69	31

FIGURE 4.32 - WAC AND REPRESENTATIVE ORGANISATION

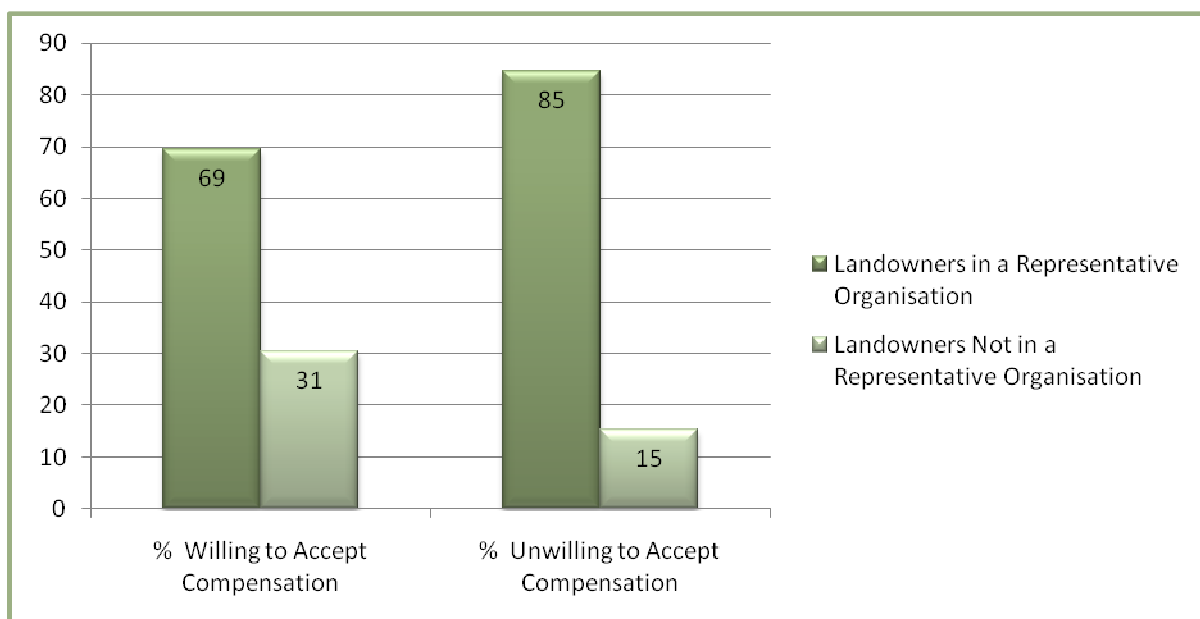


FIGURE 4.33 – ACCEPTABLE FEE

	<€2	€3-5	€6-10	€11-15	€16-20	More
% Landowners WAC Fee	14	46	32	2	5	2

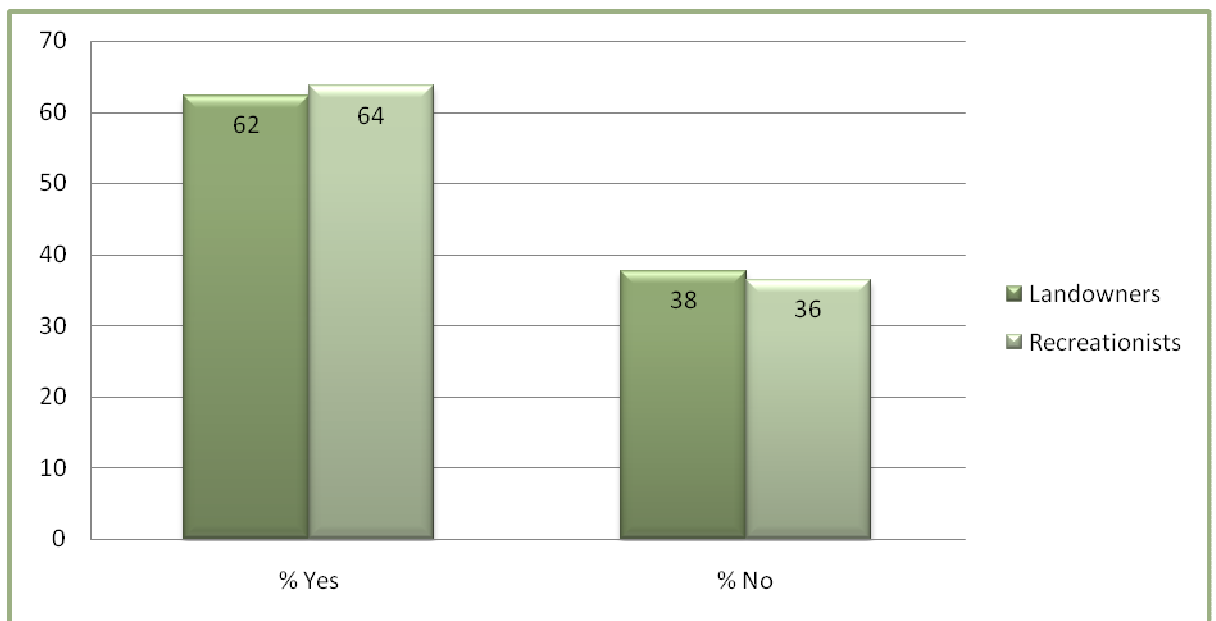
Figure 4.31 indicates that 69% of landowners stated that they were willing to accept compensation in return for providing access to their land. Within this group of respondents, 69% were members of any agricultural representative organisation while 31% were not members of an agricultural representative organisation. Of the 31% of landowners unwilling to accept a fee in return for access, 85% were members of an agricultural representative organisation. Of the 69% of landowners who stated they would be willing to accept a fee, 78% were willing to accept a fee ranging from €3-10,

with 9% stating they would accept €11 or more and the average fee they were willing to accept equated to €6.27. The results of a Chi-Square test indicate that respondents membership of a representative organisation does not influence their their stated willingness to accept compensation for access to their land ($\chi^2 = 1.436, p < 0.231$).

Request's Satisfied

Figure 4.34 presents the information gathered from respondents in relation to whether they believe private land would be opened up in the future for recreational purposes if landowner's requests were satisfied.

FIGURE 4.34 – WOULD PRIVATE LAND BE OPENED IF REQUEST'S WERE SATISFIED



Both landowners (62%) and recreationists (64%) are of the opinion that private land would be opened up in the future if landowner's requests were satisfied ($\chi^2 = 0.000, p < 0.995$).

When discussing this issue and possible progress over the next five years Interviewee #7 stated *“I’d say recreation is going to increase because I think what we are seeing right now is people are becoming more concerned with their health, healthy eating, the environment, it’s kind of a buzz thing right now”*. Interviewee #6 pointed out where changes can be made *“I think it will increase. I think there is huge potential. I think Ireland from a tourist point of view lacks in some ways. People are put off because they hear of incidents and because we don’t have a lot of marked pathways. So it certainly is underdeveloped but from locals using it, it is an area that will grow... I think there’s*

also a huge potential for low level walking but on restricted areas so whether it's an old railway line or whether it's old areas maybe coastal paths".

Chapter Five - Discussion

Introduction

The chapter uses the literature review and the subsequent research to ascertain the attitudes of the respondents in relation to the current issues that are causing friction within the Irish countryside at present. Landowners and recreationists are stakeholders within the countryside. Both have compelling reasons for their presence in the Irish countryside. Landowners own the land and work to make a living from it. Recreationists seek open space for their recreational pursuits.

However, throughout recent years elements of contention have arisen between landowners and recreationists under the umbrella term of access, such as liability, disturbance, privacy and compensation. These issues, which were discussed in the literature review and which respondents' were questioned about in this research, are central to this discussion and in framing recommendations for the future. The contentious issues are causing a rift which prevents recreationists from exploring numerous areas of the countryside such as Oghool Beach and the Old Head of Kinsale. This research aimed to assess the knowledge and attitudes of both groups on the issues and to inquire what it will take to foster a more open and welcoming Irish countryside for all. This chapter is segmented into five sections: the initial section presents the key findings from the research and the remaining four sections refer these findings to the literature previously reviewed.

Key Findings

The key findings of the research are presented in the following sections - access, liability, disturbance/privacy and compensation.

Access

- 67% of landowners and 84% of recreationists believe that there has been an increase in the use of the countryside for recreational purposes in the last five years;
- 86% of landowners believe that individuals are less aware of the agricultural workings of the countryside than they were twenty years ago in comparison to 45% of recreationists;

- 71% of landowners and 65% of recreationists agree that either local government or central government should be responsible for regulating walking access in the Irish countryside;
- The majority of both landowners (74%) and recreationists (88%) agree that ‘restricted access’, where the landowner is protected, is the most appropriate form of access within the Irish countryside. 26% of landowners state there should be ‘no access’ and 12% of recreationists believe that there should be ‘unrestricted access’;
- Landowners (49%) are more likely to be aware of ‘The Walks Scheme’ in comparison to recreationists (31%);
- The majority of both landowners (80%) and recreationists (87%) are unaware of access pilot schemes within the Irish countryside;
- Of the respondents’ questioned 74% of landowners and 62% of recreationists are members of a representative organisation.

Liability

- 98% of landowners and 100% of recreationists agree that ‘Participants should be aware of and accept the risks involved in outdoor activities’;
- 77% of landowners disagree with the statement that ‘Landowners should erect signs to warn recreationists of possible dangers that lie ahead on their land’. Recreationist’s opinions are divided, with 44% agreeing and 45% disagreeing with the statement;
- Landowners (98%) and recreationists (100%) both agree that ‘Recreationists should pay sufficient attention to possible dangers, when they enter private land for recreational purposes’;
- 88% of recreationists are covered by personal injury insurance;
- 94% of landowners are covered by public liability insurance;
- A significantly greater number of landowners (78%) are aware of the Occupiers’ Liability Act (1995) in comparison to 47% of recreationists;

- The majority of recreationists (88%) are aware of the Leave No Trace policy in comparison to 18% of landowners;
- 52% of recreationists are aware of the Countryside Code in comparison to 26% of landowners.

Disturbance and Privacy

- 24% of landowners have had problems with recreationists on their land;
- 35% of recreationists have had problems with landowners while engaging in recreation on private land;
- 48% of landowners and 70% of recreationists are aware of access problems encountered by their respective user group relating to recreation in the countryside;
- The vast majority of landowners (85%) believe that recreationists are not aware of the damage they can cause on private land;
- While both groups believe recreation has a negative effect on the countryside, recreationists believe that recreation has a more positive effect on the countryside than landowners do;
- Landowners believe that recreation has more of a negative effect on the privacy of landowners and their families in comparison to recreationists.

Compensation

- Both landowners (39%) and recreationists (68%) agree that a combination of bodies and groups should provide and construct facilities for recreation in the countryside;
- 72% of landowners believe that they should receive compensation for access through their land while 70% of recreationists believe that landowners should not;
- A high percentage of both landowners (98%) and recreationists (87%) agree that landowners should receive compensation for work carried out to facilitate recreation on private land;

- 55% of recreationists are willing to pay for guaranteed access to private land while 69% of landowners are willing to accept a fee to allow access to their land for recreational purposes;
- Recreationists are willing to pay an average fee of €2.24 per visit and landowners are willing to accept an average fee of €6.27 per visit for access through private land;
- The majority of landowners (62%) and recreationists (64%) believe that private land will be opened up in the future if all requests are satisfied.

Attitudes

The main aim of this research was to investigate landowner and recreationist attitudes towards the issue of access in the Irish countryside. As explained in the literature review, all landowner and recreationist attitudes have been influenced by a combination of personal experiences (instrumental conditioning), the information or actions of others (classical conditioning), and representative organisation policies or directives (observational learning). Interaction between both groups will reinforce the attitude, whether it is positive or negative, and this will influence the relationship that landowners and recreationists will have with one another.

Quantitative and qualitative research methods have collated landowner and recreationist opinions in Munster regarding current access issues and this has allowed the researcher to construe their attitudes to liability, disturbance, compensation and remuneration in relation to walking access in the Irish countryside.

The remainder of this chapter analyses the results of this research with reference to presented literature and possible areas where landowners and recreationists can cooperate in the future.

Access

Within the Irish countryside, landowners and recreationists continually clash over individual's rights to use privately owned land for public good. The umbrella term 'access' is used to bind together the general issues which do not succinctly fall into the categories of liability, disturbance, privacy and compensation. The behaviours and attitudes of landowners and recreationists which were investigated during this research will be used in conjunction with the literature review to discuss the stated aims and objectives of this research.

Throughout the duration of 'The Celtic Tiger', outdoor recreation became an extensive phenomenon with individuals pouring into the countryside to partake in some form of outdoor recreation. The countryside provides a popular outlet for those wishing to escape the rigours of daily life (Fáilte Ireland, 2007). The research has indicated that both landowners and recreationists believe that there has been an increase in the level of use of the countryside for recreational purposes, with a greater number of recreationists seeing an increase in comparison to landowners, which concurs with the research of Murphy (2006) and Hynes, Buckley and van Rensburg (2007).

A small percentage of landowners were of the opinion that there had been a decrease in the numbers using the countryside for recreational purposes. However Dunne & O'Connell (2000) agree, that this may relate to the popularity of outdoor recreation in specific locations or 'honey-pots' around the coast and in upland areas such as the Comeragh Mountains, the Galtee Mountains or the Macgillycuddy's Reeks, with some landowners seeing more outdoor recreation participation than others.

In previous generations, the use of the countryside was restricted to those who lived in the countryside or who had some form of transportation from urban centres into the sprawling Irish countryside. With a large rural population and the country's economy relying heavily on agriculture, employment in the countryside was more often than not centred on agricultural production. Individuals were accustomed to the day-to-day workings of a farm and the seasonal characteristics of farm life (Gillmor, 1989). Socially the countryside met at the creamery, the marketplace, outside the local church or through rural customs such as hunting, coursing or the meeting of the Wren boys (O'Dowd, 1989).

Over the years, Ireland's economy has become less dependent on agriculture. With an increase in wealth and various forms of transportation, the countryside has become a more accessible resource for both rural and urban dwellers (Lawless, 2005; Ellison, 2001). In the current economic climate, employment is business orientated and metropolitan based and a daily commute is more often than not needed to reach the workplace leaving behind dormant towns and villages.

The results of the study has indicated that the majority of landowners believe those using the countryside are less aware of the agricultural workings of the countryside in comparison to less than half of the recreationists who are of a similar opinion. The comments gathered in the qualitative phase acknowledge a decrease in social interaction

between fellow countryside inhabitants. Countryside residents' busy and hectic lifestyles have left many of them less aware of the workings of the countryside surroundings and the social characteristics of the countryside. There is a decline in community interaction thus reducing the strong social relationships which the countryside is characterised by and this supports the work of Hickey (2000) and Hubacek, Dehnen-Schmutz, Qasim and Termansen (2009).

The response to these changes has generated issues between landowners and those using the countryside for other purposes such as outdoor recreation and this is acknowledged by Curry (2001). While individuals are, in general more aware of environmental issues, landowners in this study are of the opinion that those who enter the countryside are less aware of the agricultural practices within the Irish countryside. Therefore they are not suitably equipped with the knowledge to enter private farmland responsibly while partaking in outdoor recreation activities and this supports the work of Kaltenborn, Haaland & Sandell (2001).

The repeated calls by representative organisations, both farming and recreation, for countryside users to act responsibly and to follow the Countryside Code and Leave No Trace policy has been left unheeded by many. The research shows that while a minority of all respondents had knowledge of the codes of responsible use, many individuals were still unaware. Results here show that those affiliated to clubs generally have the knowledge to act responsibly, many individuals continue to disturb farming practices and antagonise landowners in the process of pursuing recreation activities. This results in the inability of some landowners to accept that those using their land will do so responsibly. Thus, many landowners are refusing recreationists access to the Irish countryside (Hickey, 2000; McDonagh, 2006). In the past, customary traditions and permissive access from landowners allowed recreationists access to the countryside. The access provided then and now is at the discretion of the landowner.

The regulation of walking access in Ireland is currently spread between various governmental departments and affiliated organisations such as the Irish Sports Council, Coillte and Fáilte Ireland. Each body has responsibility for separate policy decisions and separate roles regarding walking access in Ireland. With the establishment of Comhairle na Tuaithe in 2006, the need to bring all parties together, under one goal was recognised. This is reflected in the results of this research with both landowners and recreationists agreeing that some form of government, either central or local, should be responsible for regulating walking access in Ireland. Sole responsibility on landowners,

recreationists, community groups or tourists interests received little support. While Comhairle na Tuaithe was not deemed an entire success, as the IFA walked out, a National Countryside Recreation Strategy proposed with five distinct objectives aimed at successfully achieving access to the Irish countryside. The most important of which was to implement the Leave No Trace policy within the Irish countryside. This allowed for a path to progress on the issue of access to the countryside in Ireland.

Comhairle na Tuaithe (Department of Community, Rural and Gaeltacht Affairs, 2006) received 191 submissions regarding the National Countryside Recreation Strategy from various countryside stakeholders. These include the Heritage Council, the Health Service Executive, recreational organisations, farming organisations, county councils and private individuals, all demonstrating their need to have some input into the recreation strategy being developed. This is reflected in the positive attitude that landowners and recreationists have towards what Comhairle na Tuaithe is ultimately trying to achieve. It signifies that both groups (in theory) are willing to engage in a governmental body to progress and regulate access in the Irish countryside. This body could work from an approved strategy and be responsible for developing and sustaining the appropriate form of access that is satisfactory to both landowners and recreationists. Advocating an agreed set of national standards to be implemented at local level, indicates the level of agreement both groups have regarding the future progression and regulation of access to the Irish countryside.

Following agreement on who should be delegated the responsibility for regulating countryside walking access, regulators must ascertain an acceptable level of access rights for individuals using the countryside. Should recreationists be allowed full-unrestricted access to all privately owned land, should they be permitted restricted access where the landowner is protected or should no access rights be afforded to recreationists?

Examples of the preceding two forms of access are in existence, in Scandinavia through Allemansrätt (Højring, 2002), in England and Wales under the CROW Act (Bathe, 2007) and in Scotland under the Land Reform (Scotland) Act 2003 (Office of Public Sector Information, 2003). Research in this study has shown that the majority of landowners and recreationists would accept a form of 'restricted access where landowners are protected', with a minority of landowners choosing 'no access' and a minority of recreationists choosing 'unrestricted access'.

From these results, it can be assumed that any future reconciliation may work, as users are willing to agree to a situation where landowners are protected in order to open up the countryside. Those who choose either 'no access' or 'unrestricted access', seem entrenched in their beliefs. However, of those landowners who selected 'no access', 55% were willing to accept compensation for access through their land. Of those recreationists who selected 'unrestricted access', 22% were willing to pay for entry to private land. These results contradict one another showing that some landowners who selected 'no access' originally are willing to change their opinion in return for money, while some recreationists who preferred 'unrestricted access' may pay to guarantee access.

To move forward and develop responsible walking in the Irish countryside, community initiatives and schemes have been launched, such as the National Waymarked Ways, Slí na Sláinte and 'The Walks Scheme'. These aid both landowners and recreationists and are supported by their respective representative organisations (IFA, 2005). Church and Ravenscroft (2008) validate the idea that these schemes and initiatives can educate and make individuals aware of other countryside users, flora and fauna in natural habitats as well as livestock and wildlife within the Irish countryside. They also provide an economic dimension with increased employment and investment in the local economy and ensuring access rights for recreationists to the countryside.

The results indicate that awareness of such schemes and initiatives is very poor. The majority of landowners and recreationists were unaware of any access schemes or pilot schemes. This information indicates that even though there are schemes in place to aid the development of recreational walking in the Irish countryside which encourage landowner participation through economic incentives, without landowner awareness of such schemes, recreation, recreation agri-tourism and the economy is losing out.

Hackl and Pruckner (1997) asserted that if these schemes were utilised fully, landowners could gain an extra source of income. They have the ability to provide employment opportunities (seasonal or full time), and be safe in the knowledge that recreation is beneficial for themselves, the community and recreationists. The liability would be assumed by the county council or LEADER office administering the scheme, maintenance would be provided for in the grant and local walkers would have safe trails to walk on. The appointment of Rural Recreation Officers (RRO's) since 2008 has seen a development in walking trails and an increased awareness of schemes in twelve counties throughout Ireland. However, such work will only continue if the RRO's

contracts are renewed in two years time, and the continued financial support of the government, through funding for projects and further RRO appointments. With the downturn in the economy and the need to foster 'stay at home' tourism, continued funding is essential.

A study by Church and Ravenscroft (2008) in England indicated that the possibility of long-term management of access trails, as well as financial gains were both incentives to join schemes. More awareness of possible benefits and initiatives can broaden the horizons of landowners and recreationists creating an Irish countryside full of possibilities (Feehan, Gillmor & Culleton, 2005; Kleijn *et al.*, 2006). Involvement in such schemes can lead to other business opportunities, where the landowner can be the primary service provider with aid from state bodies such as FÁS, LEADER and local enterprise boards. A small minority of landowners at present are utilising what they have and are providing some recreation opportunities to create an extra source of income for their farm holding.

At one of the main access points to the Macgillycuddy's Reeks in Killarney, a landowner has provided a car park for walkers and climbers through, a coffee shop, shower and changing facilities at Cronin's Yard 'voluntary contributions' and gains financially, without seeking money directly for access. He is creating employment, bringing money into the local economy and helping the expansion of the local tourist industry and this is the type of enterprise Hynes and Buckley (2007) approve of in their research. Similar enterprises are springing up throughout the foothills of Ireland's mountain ranges and such efforts need to be applauded. They are the type of schemes referred to by McCool & Stankey (2001) who stated that the creation of agri-tourism and the development of access points in the current economic climate are beneficial to landowners and recreationists alike.

One of the objectives of this research was to examine the role representative organisations have in the decision making of their members and whether members fully agree with the policies and direction of their representative organisation. Over the years, the role of the representative organisation has been to illustrate the stance of their members. They lobby the government, politicians and relevant bodies on the issues at hand. Each organisation such as the IFA, ICMSA, MI and KIO have individual positions on the issue of access and they all have a way of dealing with such issues, as seen in their summary statements provided in 2006 to Comhairle na Tuaithe.

The majority of respondents in this research are members of a representative organisation with 90% of landowners and 58% of recreationists aware of their representative organisation's policies on access issues. Of these, 59% of landowners and 57% of recreationists agree with the policies (41% and 43% respectively, disagree). This is a positive prospect for the future, in that if any decisions are made, the representative organisation has the majority support of their members on policymaking decisions regarding access issues. It will ensure that most of those on the ground will agree with the implementation of those policies. Representative organisations do work for their members but they must also be able to advise them on what is the best course of action.

Liability

The topic of liability has, in recent years, been an issue highlighted regarding access to the countryside. However, this was heightened by the enacting of the Occupiers' Liability Act (1995) which was supported by farming and recreational organisations. Since then two separate court cases have arisen, where recreationists have attempted to sue landowners for accidents, which occurred on their land. While both cases failed in court and landowners should be reassured by this, it has not been the case and much of the Irish countryside remains closed off to recreation.

As a workplace and a sustainable source of income for landowners, farmland is an essential resource and the landowner will do all in his or her power to protect their resources. The implication that if a landowner opens up private farmland for recreational use and that liable action could be taken against that landowner has sent negative shockwaves through the farming community (Hickey, 2000; Lawless, 2005; Lynam, 2006). Interviewee #1 stated "*The easiest thing for me to say to anybody is to bugger off because that way they're not on the place, there's no liability, no threat*". On this basis, landowners question why they should open up their land and leave themselves open to liable action, and recreationists question why they should because of landowners' refusal to open up their land. Many landowners have stated that accidents can occur on any part of the farm and no amount of attention can prevent an injury or accident from occurring (Shoard, 1999, pp. 369). Despite the law in place, there is always the risk of a case being taken against a landowner which can result in stress and possible loss to the landowner.

Those who use of the countryside as a recreation resource must accept the inherent risk associated with the countryside, through fault of the landowner or the recreationist, and

through unforeseen events. The results from this research indicate that both landowners and recreationists agree that ‘participants should be aware of and accept the risks involved in outdoor recreation’. Both user groups feel strongly on this, and one can assume that the majority of users would not sue a landowner unless the accident was as a result of the landowner’s reckless disregard (Shoard, 1999, pp. 369), which under the Occupiers’ Liability Act (1995) are reasonable grounds for legal action against the landowner. Recreationists must acknowledge the inherent dangers when using the countryside and must assume a personal responsibility. It would be naive of anyone to think they could walk through the countryside and not stumble upon potential dangers (Shoard, 1999).

The majority of landowners disagree that they ‘should erect signs to warn recreationists of possible dangers that lie ahead on their land’, while a mixed response was gathered from the recreationists. While some farming representative organisations recommend that their members erect warning signs to reduce the possibility of liable action against them, not everyone does. The results above seem contradictory of one another. All respondents state that recreationists should be aware of and accept the risks associated with outdoor recreation and yet approximately one third of all recreationists want to be told about the risks. Perhaps they need to be informed of specific risks such as heavy machinery operating or a bull in the field. Potentially information boards erected throughout the countryside on known access routes could warn all users of potential dangers ahead.

Another issue is that if landowners place signs on their land, do those using the land for recreational purposes pay attention to the signs or do they ignore the signs? Interviewee #2 stated, “*Well even though you put signs up people only read what they want to read. You could only enlighten people so far*”. However, a countryside heaving with warning signs would take away from the perceived freedom, natural beauty and ruggedness of the Irish countryside. A landowner may place a sign at the front gate warning of possible dangers but the recreationist may enter from another side on one particular day. Regardless of the effort placed in educating and informing visitors of dangers on a farm, Ellis & Colton maintain that landowners may always feel they have an uphill battle on their hands regarding liability (2003).

A successful scheme which placates the issue of liability is the Tochar Valley Network in Co. Mayo is a partnership between Mayo County Council and the local LEADER office. It runs through 50 farms and stretches 60km through the Mayo countryside.

Mayo County Council indemnifies the landowners on the trail and signs have been placed on all gates and stiles to warn of the dangers, to close gates behind and to report any damage. Local farmers have stated how successful the trail has been and how it has caused little disruption to their lives (Ear to the Ground, 2009).

As stated in the literature review, on both LEADER funded trails and on National Waymarked Ways the liability is assumed by the local county council or LEADER office and no legal responsibility or liability lies on the landowner unless the landowner has intentionally set out to cause harm (National Waymarked Ways, 2008). By utilising some of these initiatives, landowners can reduce the possibilities of liable action against them and allow access without the fear of being sued for an accident occurring on their land.

To protect landowners from liable action, public liability insurance can be taken out on their farmland. This insurance is available within their insurance policy and is obtainable from all insurance companies in Ireland. Of those questioned in the research, the majority of landowners held public liability insurance and over half of these were satisfied with the cost of it. Those who stated that they were unhappy with the cost of public liability insurance implied that recreationists did not come near their land on a regular basis but that just in case of the possibility of anything happening, they take it out on their insurance policy.

The results indicate that the majority of landowners are happy with the actual cost of the insurance as it amounts to a small fraction of the overall policy and that it also protects tradesmen and visitors to the farm. The frustrating element of public liability insurance for many landowners is that they have to take out the policy to protect themselves from the public entering their own private land and the possibility of one of these individuals injuring themselves (Ellis & Colton, 2003; Lawless, 2005). The Office of the Attorney General (1995) upholds that landowners must take heed that they can only be found liable if they intentionally harmed the individual or if they acted with reckless disregard and not if it was an unpreventable accident.

The majority of recreationists who enter private land for recreational purposes are protected by their own personal injury insurance and all members of Mountaineering Ireland are insured through their membership of the organisation (Mountaineering Ireland, 2009a). Over half of the recreationists (61%) questioned believe that all recreationists should be indemnified by their own personal insurance. This information

suggests that in general, recreationists and in particular, those affiliated to MI understand the risks associated with outdoor recreation and protect themselves against the possibilities of injury. Instead, it is the individuals who are unaffiliated with outdoor recreation clubs, and who are not insured who create the threat of liable action against landowners. Interviewee #8 stated that *“No matter where you are you should have your own personal insurance. It is wrong to be depending on someone else’s cover”* Those who use the countryside on an irregular basis need to be made aware of the realities of the countryside, the risks involved and how accidents can occur. Through education and information the risk of accidents occurring can decrease. Of the two instances of liable action against landowners in Ireland since the introduction of the Occupiers’ Liability Act (1995), both recreationists were not participating with a club at the time of the incident (Weir Rodgers -v- S.F. Trust, 2005; Lynskey -v- The Minister for Arts, Heritage, The Gaeltacht and The Islands, 2006). Interviewee #6 stated *“The majority, in my experience of all the walkers I have encountered, 99.9% would have agreed with that ruling and were delighted by it because they now felt that the farmer shouldn’t have any liability for somebody that voluntarily passing through his land”*.

Within the Irish countryside, laws and codes are in place to promote responsible use of the countryside and increase awareness of other individuals, animals and wildlife within the countryside (Comhairle na Tuaithe, 2006; Leave No Trace, 2009; Office of Attorney General, 2005). While these policies and law are in principle very good for the countryside, only through education, awareness and adherence will they succeed (Mc Cool & Stankey, 2001). This research has found that over two thirds of landowners are aware of the Occupiers’ Liability Act (1995), in comparison to less than half of recreationists. A minority of landowners are aware of the Leave No Trace policy, which is directly at odds with that of recreationists with the majority of them aware of the policy. Both landowners and recreationists share a lack of knowledge relating to the Countryside Code with half of recreationists and less than a third of landowners aware of it. Recreationists hold strong opinions that the majority of users adhere to the Occupiers’ Liability Act (1995), the Leave No Trace policy and the Countryside Code. However, landowners have a more negative outlook on adherence, with less than a third believing that users abide by the Leave No Trace policy and the Countryside Code.

These results identify differing levels of awareness between both landowners and recreationists and this supports the views of Hickey (2000) who stated that without a solid bank of knowledge regarding the law and appropriate policies, countryside users

will remain at odds with one another as one person's lack of knowledge infringes on another's use or enjoyment of the countryside. In the process of this research, it was noted that the recreationist organisations promote the Countryside Code and the Leave No Trace policy, while the farming organisations provide guides to the Occupiers' Liability Act and the IFA promote a code of conduct for the countryside.

Interviewee #2 stated "*The only way you'll overcome damage to property is by educating the children at a very, very young age*". Through the education of individual users in the responsible use of the countryside, from both a farming and recreational perspective, those using the countryside foster a respect for the countryside, other countryside users and countryside activities.

It seems as though the threat of liability comes from those who are less aware of the countryside and who visit on an infrequent basis, with 38% of recreationists in this research not affiliated to a representative organisation. These individuals are less prepared for the realities of the countryside, the turbulent Irish climate and are less aware of their responsibilities within the countryside. In countries where education is provided from an early age, no such problems occur and landowners and recreationists use the same land without being intrusive on each other (Swedish EPA, 2008). In Sweden, education regarding the countryside and responsibilities while using the countryside begins in pre-school through a nature education programme, which has been administered over the last 40 years (Shoard, 1999; Fukushima & Urashima, 2006). The lack of awareness and education in Ireland on the inherent risk associated with outdoor activities and individual's responsibilities in the countryside has contributed to this current disposition.

Disturbance and privacy

The instances of disturbance within the countryside have been associated with increased use of the countryside and more countryside residents have voiced their concerns over irresponsible use of the countryside by a minority of individuals. At present in Ireland, ecological concerns are to the forefront of newscasts, government policy and individual personal choices. The disturbance recreationist's can generate while partaking in recreation can be a source of major upset and discord within the countryside community.

The initial form of disturbance relates to how landowners and recreationists can affect one another on a day-to-day basis. The majority of landowners find that recreation

rarely if ever impacts upon them as the area they live in may not be of interest to recreationists. However for landowners who live in recreation honeypots and scenic locations their land may be a prime setting for outdoor recreation. In these areas, the repetitive stream of recreationists through private land can create a form of disturbance for the landowner. Disturbance permeates on many different levels and landowners can eventually become antagonised by the repeated activity of others on his or her land.

The results of this research illustrates that 24% of the landowners questioned have personally encountered problems with recreationists on their land and less than half of all landowners are aware of other landowners who have had problems with recreationists on their land. One third of all recreationists questioned stated that they have encountered problems with landowners in the past, with a further two thirds stating that they were aware of other recreationists who had problems with landowners while partaking in outdoor recreation. While the respondents of this research have not had many problems personally with landowners or recreationists, there is a high awareness of others who have had problems.

While the incidents have been limited, the knowledge of access issues have been influenced by a number of high profile cases such as the Old head of Kinsale in Cork and Crotty's Lake in the Comeragh Mountains. Reports have surfaced over the last number of years, of landowners confronting recreationists trying to block entry onto their land. One well-known case involved a landowner in Co. Sligo and walkers who were using his land for recreational purposes. The landowner eventually served time in prison after being convicted of threatening and assaulting a walker.

This example is extreme but the incidence of access issues is repeated right through the Irish countryside, with many landowners trying to shield the land they own from the public. However, the implication that confrontations and threatening behaviour occurs every time outdoor recreationists go into the countryside is misleading. One must acknowledge that in particular 'honeypots', landowners who own land that is repeatedly disturbed, without gaining anything from it, can become intolerant of recreationists' actions or the antagonistic nature of some recreationists and eventually put up their hands and say 'no thank you, not on my land'.

A feeling of unrest was revealed during the incident in Co. Sligo, with a local farming representative asking why it was fair for local hotels and B&B's to be advertising the use of private property and profiting from their guests use of said property while the

landowner was receiving no compensation in return (Flegg, 2005; Jordan, 2000). While the point may be made that it was the lack of ingenuity and initiative by the landowner to create such an opportunity to financially gain from it themselves, maybe the landowner agrees with Ellison (2001) and favours farming the land and prefers to keep his or her private land as a private entity.

Many landowners have used their initiative and created steady agri-businesses from their property. However many landowners have voiced their objections to the recreational use of their private land as it infringes upon their property rights. The landowner owns the land just like a homeowner owns a garden and a businessperson owns a factory. These property owners are afforded the benefits of property rights and they would certainly not appreciate individuals passing through at any time of the day and disturbing them, so why should a private landowner not be provided the same courtesy? As landowners are seen by many as 'custodians of the countryside' and they own the gateway to a beautiful scenic location, which provides hours of enjoyment for many individuals, the question remains, should their property rights give them the right to close the countryside to recreationists?

With so many forms of possible disturbance in the countryside, recreationists may not be aware of the effects their presence in the countryside can have on other individuals and on animals, wildlife and structures (Hanley, Alvarez-Farizo & Shaw, 2002). What may seem insignificant to recreationists may cause problems for the future of species, habitat or farm stock. The trampling of vegetation alongside pathways, the creation of fires in woodland and the leaving behind of rubbish can cause damage to vegetation, invite in new species to the area which attack native flora and fauna and result in the loss of species to another area that is more suited to their needs (Beale & Monaghan, 2004; Bolduc & Guillemette, 2003; Hammitt & Cole, 1987). The results indicate that both groups acknowledge that recreation can have a negative effect on wildlife, flora and fauna but that recreationists are not as negative in their perspective as landowners. The disturbance effects of dogs, the use of horses in previously untracked areas and the use of motorised vehicles brought by recreationists into the countryside can result in cause serious long-term effects for the countryside. Such actions can result in the loss of newborn animals, damage land making it unsafe and exposing ground to untold climatic damage from the wind and rain (Roger, 1999).

Over three quarters of landowners believe that recreationists are unaware of the possible damage or harm their actions can cause on private land. The recreationists are divided

on the issue with over half them stating that recreationists are aware of the damage they can cause and just less than half state they are unaware of the damage or harm they can cause while participating in outdoor recreation. These results can be explained by many different factors. Landowners are generally in the countryside on a daily basis and can observe the effects caused by recreational disturbance on a particular habitat over a number of days, weeks and months. The effects can also be seen in their livestock if recreationists, either on foot or on motorised vehicles, have disturbed them. Landowners will also be aware of damage to fences and gates as it results in financial losses for their farms by having to fix or replace them or by animals escaping.

Recreationists may not be fully aware of the effects of recreation on the countryside as they may visit the location once or twice a year in an attempt to vary their outdoor recreation activities and venues. The lack of understanding of how disturbance is caused, what is affected and the resulting long-term effects are paramount to the issue of disturbance and how to reduce it. The Countryside Code, the Leave No Trace policy and policy promotion by representative organisations can help combat the prevalence of disturbance in the Irish countryside but it the attitude of the individual towards the countryside and their desire to seek out information to educate themselves on the responsible use of the countryside that will have a greater impact.

Both groups acknowledge the possible negative effects of recreation on the countryside. Landowners indicated that they had a more negative opinion on the affects of recreation on their farmland, in contrast to recreationists. Both groups believe that recreation is less beneficial to landowners in comparison to recreationists and those in the local community. The overall landowner results relating to the affects of recreation on the countryside conjugate a feeling of negativity towards recreation and recreationists. This may be as a result of a negative experience from recreationists on their land or the belief that recreation provides no benefits to them or the countryside.

The distinguishing factor in the issue of disturbance is the membership of outdoor recreation clubs. Members of clubs are more aware of the responsible use of the countryside, how to avoid increasing the likelihood of disturbance and are more aware of policies such as the Countryside Code and the Leave No Trace policy. A key issue is that if individuals not affiliated to associations took note of these codes and policies or stopped and thought about how their actions affected the countryside, the rate of disturbance would decrease within the countryside. Clubs also get involved in litter collections and regeneration programmes in the countryside in order to decrease the rate

of disturbance caused by recreational users (MCI, 2008c; Mountain Meitheal, 2003; MI, 2009c).

The question of disturbance is one that can be argued until eternity and no conclusion can be attained. No matter how many people venture into the countryside, be it for recreation, to live or for business, some form of disturbance is bound to occur. Recreationists want to make use of the private property of the landowners, who are concerned about the effects they will have on their land. Landowners need to know that any recreationists who do cross their land are aware of their responsibilities and how to look after the countryside for the generations to come.

It is the rate of disturbance and the method of decreasing disturbance from recreation needs to be addressed by landowners and recreationists. Creating an interpretive board for all recreationists at access points, who may or may not be part of a club, will increase the awareness of recreationists to disturbance issues in that area (Eberlein, 2000). Reducing the rate and effects of disturbance allows recreationists and other visitors to enjoy a 'seemingly untouched' countryside.

Compensation

An issue that arrives in any forum is the idea of money and compensation for the use of private land for recreational purposes. Landowners in the past have stated that other businesses are making a profit from the use of their land through recreation centres, adventure companies, local guides, food providers and local accommodation providers, while they receive no such compensation for what is at the core of the other businesses, access to private land for countryside recreation.

The debate alternates around whether landowners should receive compensation for access alone or should they receive compensation for work carried out to facilitate recreation. The majority of recreationists stipulate that they wish to ramble over the foothills and mountains of Ireland without any involvement from landowners. However, it is recognised that appropriate access points and car parking facilities need to be put in place to manage the countryside. The development of car parking facilities such as those at Black Road in the Galtee Mountains, at Mahon Falls in the Comeragh Mountains and at Cronin's Yard in the Macgillycuddy's Reeks, allow recreationists to park their cars in the knowledge that they will not be disturbing or blocking local landowners or residents. The question is where the responsibility for providing and constructing such facilities should lie?

Both landowners and recreationists believe that a combination of bodies and groups should be responsible for the provision and construction of such facilities and in particular local government. The results conclude that respondents are aware that to develop facilities successfully in the countryside, a community led approach needs to be taken to garner the full support of all stakeholders.

The results from this study show that the majority of landowners' state that they should receive compensation for access. This is in direct conflict with more than two thirds of recreationists of who feel landowners should not receive compensation for access. The basis of compensation for access relates back to property rights and the Lockean labour theory of property rights, which identifies the right of an individual to own all attributes of private property and to exclude any collective rights, which may pose a threat (Curry, 2001). The majority of landowners in Ireland can enjoy the benefits of property ownership without any intrusion from outside influences such as recreationists in areas of scenic value or youths involved in anti-social behaviour close to towns and villages.

For the majority of landowners who call for compensation for access, it is because their private land is being used to benefit somebody else and as the owners of this land, they feel they should also benefit in some way. The landowner who was handed a custodial sentence for an assault against a walker now has an access route which passes through his land away from his farm and he receives financial compensation in return. This acknowledges the idea that once landowners are recognised as having a part to play in the future of access and receive appropriate remuneration, few landowners will have an issue with recreationists passing over their land. Interviewee #5 stated "*...like what's the point of people coming out for three or four hours in the Comeragh's, sit in their car and there's not a euro spent. There's nothing in it for me*". It is convenient to say that the landowner did not give the recreationist anything but the recreationist is using a resource belonging to and managed by the landowner for his or her own personal use.

Regarding compensation for work carried out, the majority of both user groups agree that landowners should be paid for work carried out to facilitate recreation on their land. MI (2009b) have stated that they are appreciative of improvements made relating to access points, stiles, gates and some pathways and that further work or excess management of the countryside may spoil the informality and the freedom for recreationists. Compensation for work carried out to facilitate recreation implies parking facilities, stiles, appropriate gates or well-maintained paths as well as permissive access for recreationists. Both groups agree that it is acceptable to claim for compensation

where such works is carried out through schemes such as ‘The Walks Scheme’, National Waymarked Ways, LEADER funding, County Council funding, FÁS schemes and through the National Development Plan 2007-2013.

The claim for compensation and the belief that landowners should receive compensation leads to the question of who should pay. Adequate forms of compensation for work carried out to facilitate recreation and set standards, ensure that the landowner carries out a high standard of work and maintenance before payment is complete. With the majority of recreationists agreeing that landowners should be compensated, is it their responsibility to pay a fee to the farmer for entering private land or are the schemes put in place by the government appropriate to fund access?

Throughout the years, researchers have continually questioned recreationist’s willingness to pay and the results all submit to the idea of paying for conservation or for tourism purposes but never for access to land (Huhtala, 2004). Minister Ó Cuív (2003) stated “*Any proposal for exchequer funding for access would not be acceptable in principle*”. Over half of the recreationists in this research have stated that they would be willing to pay an average fee of €2.24 per visit for access and of those just over one third are members of a representative organisation.

The reasoning behind paying for access may come from a desire to get into the countryside and explore what landowners have been hiding away for the last number of years or it may be that recreationists have become disillusioned by the fact that they would rather pay for access than be confronted by landowners on private land. Nevertheless it is interesting to note why recreationists are not willing to succumb to paying for access. One reason may be that these recreationists do not want to give in to the demands of the landowners (Huhtala, 2004) or why pay at one site when there is an alternative site with no fee. However of those recreationists who stated earlier that they should have ‘unrestricted access’, 22% of these would pay to gain access to private land and in total 7% of recreationist’s in this research would not pay a fee to guarantee access.

With over half of the recreationists willing to pay, and with the majority of landowners claiming to want compensation in return for access, are they actually willing to allow recreationists onto their land or is it a front to ensure no access to their land? Of those who stated they would be satisfied with ‘restricted access’ for recreationists, 5% would not be willing to accept a fee in return for access. Of the landowners who stated ‘no

access', 55% would be willing to allow access in return for compensation, indicating that approximately 10% of the total landowner sample are unwilling to allow access regardless of compensation.

Landowners at present may be using certain issues such as liability as a front to prevent recreationists using their land for recreation. Another reason may involve the idea that if you accept money in return for access the duty of care owed to the recreationist rises and so places further liability on the landowner. With a substantial number of respondents 'willing to pay a fee' or 'allow access in return for a fee', there is a substantial difference in what recreationists are willing to pay versus what landowners are willing to accept, with a difference of €4.03. It must be noted that of those landowners who are willing to accept compensation, only 56% are aware of 'The Walks Scheme'. This lack awareness of the scheme may be suggestive of their lack of awareness of other possible schemes, which could benefit them financially and could benefit recreation through increased access. Further results show that two thirds of all respondents and the majority of landowners believe that recreationists will be free to access the countryside in the future, under agreed terms by both groups, and that landowners may no longer block the way.

The disregard of issues by both sides in the past has created negative attitudes towards landowners and recreationists by one another. The future of access can be resolved by an increased understanding and awareness of the issues of both groups and by a tolerant approach to each other in countryside surroundings. Once landowners and recreationists continue to have a positive regard for each other, landowner and recreationist attitudes will be impacted accordingly. In doing so, agriculture and recreation can co-exist within the Irish countryside.

Chapter Six – Conclusions and Recommendations

Conclusions

The idea of the Irish countryside as a recreation resource for the entire nation, and not just a small portion of the land-owning population, has only recently become a contentious issue. Government departments and non-governmental organisations have been working to resolve this issue of access to the Irish countryside. The initial objective of this research was to investigate the level of understanding both landowners and recreationists have of one another and the issues central to both groups. This has been achieved by thorough questioning of the issues involved and comparing areas where both groups have differing opinions. This research has provided a conclusive body of research on the issues of liability, disturbance, privacy and compensation relating to attitudes of access in the Irish countryside.

The increase in countryside users and the belief of landowners that these users are less aware of the agricultural workings of the countryside than they were twenty years ago has led to sections of the countryside being closed off to recreationists. Both landowners and recreationists agree that recreationists should be aware of the inherent risks associated with outdoor recreation and that they should pay attention to possible risks when they enter private land. However, half of all recreationists want to be told of potential dangers on private land. The issue of insurance has indicated that while the majority of landowners are protected by public liability insurance, respondents believed that it was the responsibility of the recreationist to be protected by an appropriate insurance policy. Despite the Occupiers' Liability Act (1995) results have indicated that landowners are still wary of allowing recreationists onto their land for fear of being sued. The research suggests that if all recreationists accepted the inherent risks involved and had personal injury insurance, the issue of liability would be defunct.

While a minority of respondents had personally encountered problems through recreation, the awareness of other user's problems was heightened. The majority of respondents claim that recreation has many negative effects on the Irish countryside, with landowners implying a greater negative affect than recreationists. Many of those interviewed suggested that only through education at a young age and through attempts by both groups to highlight the impacts of disturbance can these be reduced.

The results of this research acknowledges landowner's calls for compensation solely for access and recreationists calls for compensation exclusively for work carried out to

facilitate access. The lack of awareness of governmental schemes by landowners to alleviate access problems is detrimental all as many landowners are losing out on a potential extra source of income and recreationists are losing out on additional access points to recreation areas.

The results indicate that both landowners and recreationists agree that a national governing body with local administration is the ideal solution for regulation of access to the countryside. This body would include representation of all the stakeholders involved. Their remit would be the development and construction of sustainable facilities in the countryside.

The majority of both groups have indicated that their preferred form of access is 'restricted access when the landowner is protected'. Recreationists through their organisations are seeking permissive access rights which are at the discretion of the landowner and are willing to compensate him or her through a scheme for the provision and maintenance of access points and paths. Landowners are satisfied with this form of access as it provides an extra source of income and it removes the threat of liability as the body administering the scheme assumes this responsibility.

The research shows that the majority of recreationists are willing to pay a fee to landowners in return for access and work carried out to facilitate recreation on private land. Recreationists have specified an average of €2.24 per visit for such landowners. Landowners are willing to accept a fee of €6.27 per visit for such provisions.

The results indicate that the lack of awareness of codes of practice have had negative effects on the issues of liability and disturbance. Increased awareness of such codes may resolve some of the disturbance issues. This may be achieved through school curriculums and information campaigns in agricultural and recreational publications. Both groups must also be aware that without informing each other of possible solutions through notifications in structured communications, disturbance of the Irish countryside will continue.

The majority of the respondents in this research were members of representative organisations. With the majority of landowners and recreationists aware of and agreeing with the access policies of their affiliated organisation, future policies and agreements supported by representative organisations are likely to have the full support of all members.

This research has identified that landowner and recreationist attitudes towards each other are softening. Landowners acknowledge the changing face of rural Ireland. Countryside recreation is here to stay, thus issues of conflict must be resolved for the greater good of all. Through cooperation and understanding by all stakeholders, the issues surrounding access can be resolved and recreationists and landowners can coexist side-by-side in the Irish countryside.

Recommendations

This research has examined the attitudes of landowners and recreationists to access in the Irish countryside. In the culmination of this research, recommendations for policy change and for future research have been identified.

Policy Changes

1. Introduce a programme of responsible use of the countryside into the Civic Social and Political Education (CSPE) class in primary and secondary school curricula to nurture a respect for the countryside from a young age.
2. Improve the quantity of information boards in areas of high recreation use to provide recreationists with a clear map of the area. This will inform users of legitimate pathways and of sensitive areas to avoid so as minimising disturbance to wildlife. It can be used to minimise the exposure of the recreationist to danger from animals or farming practices.
3. Promote the adherence to codes of best practice such as the Leave No Trace policy and Countryside Code and encourage all users to bring home their rubbish and collect rubbish visible in the countryside.
4. Encourage agricultural organisations to highlight their issues, focusing on disturbance and methods of reducing disturbance in recreational publications.
5. Implement a national board or regional board, with a representative of each stakeholder or agency involved in the regulation of access to the countryside similar to the 'Wicklow Uplands Forum'.

Future Research

1. Examine each area of contention individually and identify areas of divergence and methods of rectifying such problems.

2. Investigate how agri-tourism could benefit landowners and recreationists to identify the types of business suitable for sustainable economic development in rural communities.
3. Investigate the success and effectiveness of Comhairle na Tuaithe and RRO's and identify areas of change for the future.
4. Compare and contrast existing access schemes and initiatives in Europe and suggest areas where Ireland can use similar schemes.

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Appendix A

Occupiers' Liability Act 1995 Court Cases

The first case involved a woman, in Rosnowlagh, Co. Donegal in 1998. The plaintiff had been enjoying the sunset over the sea while sitting on the edge of a cliff. As she got up to leave, she lost her footing and slid down the cliff, landing in the water and suffering some injuries before being rescued. She took a case for damages against The S.F. Trust Limited, a company formed by the owners (the Franciscan Friary) of the unused land and therefore the occupiers.

The plaintiff brought this case against the S.F. Trust Limited on the grounds of negligence and breach of duty. The Judge at the initial hearing, Mr. Justice Butler, found the defendant to be in breach of the duty of care under the Occupiers' Liability Act (1995). However, it was held that the plaintiff was guilty of contributory negligence and awarded the plaintiff 75% of the ensuing judgement (Weir Rodgers -v- S.F. Trust Limited, 1998). Both parties appealed the judgement and the case was brought to the Supreme Court in 2005. The S.F. Trust Limited appealed on the grounds that the liability was unfairly distributed and the plaintiff cross-appealed against the contributory liability and stated that the assessment was too low. The plaintiff was basing her claim on the fact that no fence had been in place to prevent pedestrians from walking into that piece of land and that there were no notices in place to warn entrants of the possible dangers ahead. In his decision, Mr. Justice Geoghegan stated:

“The person sitting down near a cliff must be prepared for oddities in the cliff's structure or in the structure of the ground adjacent to the cliff and he or she assumes the inherent risks associated therewith” (Weir Rodgers -v- S.F. Trust Limited, 1998).

The Judge decided that because of the inherent risk associated with a cliff edge, the S.F. Trust did not need to place a sign to warn individuals of the dangers of that area, and consequently, that they could not be found liable for reckless disregard under the Occupiers' Liability Act (1995). Therefore, the judgement in the appeal case was that there was no liability on the part of the defendant and that the judgement of the High Court be set aside. This case highlights the need for recreationists to have some regard for the land they are on and the risks associated with pursuing outdoor recreation activities on such land.

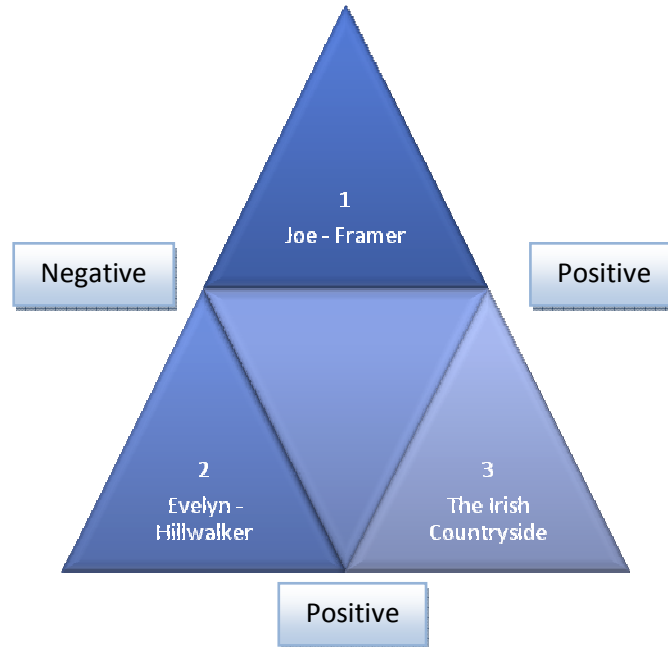
A second case was contended in court in October 2006 against The Minister for the Arts, Heritage, The Gaeltacht and the Islands under the Occupiers' Liability Act (1995).

In 2002, the plaintiff and his girlfriend went for a walk in Glendalough, Co. Wicklow (which is located within Wicklow Mountains National Park). While on their walk, they noted an area to the side of the roadway that had been damaged and cordoned off with wooden stakes and rope. While making the return walk, as they approached the cordoned off area, a Range Rover and ambulance approached them at a considerable speed causing the plaintiff to step off the roadway and into the cordoned off area. As he did, the ground that he had stepped onto subsided and he lost his footing, grabbing a wooden stake, which gave way and the plaintiff fell over injuring his foot.

The case brought against the Minister was based on negligence, breach of duty on the part of Wicklow Mountains National Park and that the plaintiff was in fact a visitor under the Occupiers' Liability Act (1995). During the course of the proceedings, the plaintiff conceded that the duty owed be reduced to that of a recreational user and that any judgement be based on that of a recreational user under the Occupiers' Liability Act (1995). In making his decision, Judge Flaherty acknowledged that the existence of the wooden stakes and rope was a warning to any user of the possible danger and that as a result anyone using the roadway with this knowledge could have manoeuvred around the danger quite easily and into the space which had been left for pedestrians in such emergency cases. As a result, the Judge found in favour of the defendant, stating that the National Park had acknowledged there had been a subsidence, cordoned it off and this should have been sufficient to warn any entrants onto their land of the danger that lay ahead.

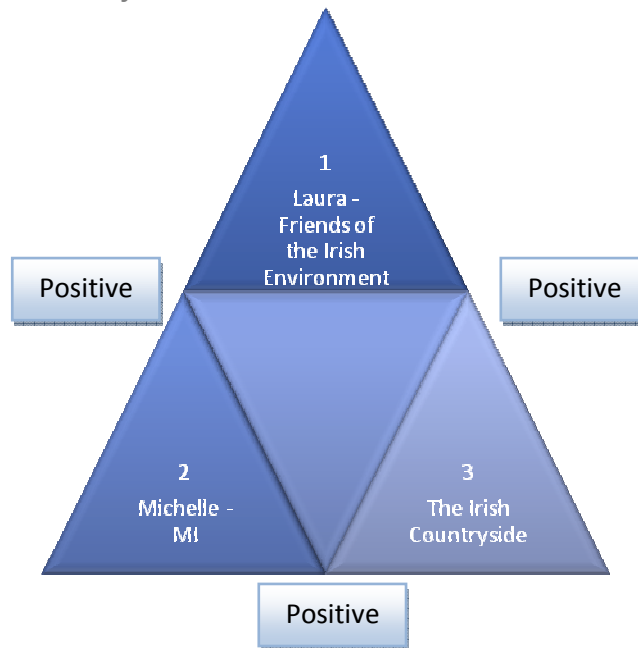
Appendix B

Heider Balance Theory - Unbalanced Triad



The three corners represent elements in the countryside. Corner 1 and Corner 3 are in a positive state, because Joe likes working and living in the countryside. Corner 2 and Corner 3 is in a positive state because Evelyn likes hill walking which occurs in the countryside. However, Corner 1 and Corner 2 are in a negative state because Joe and Evelyn do not see eye-to-eye regarding access to private land for Evelyn to go hill walking. Therefore, this triad is unbalanced.

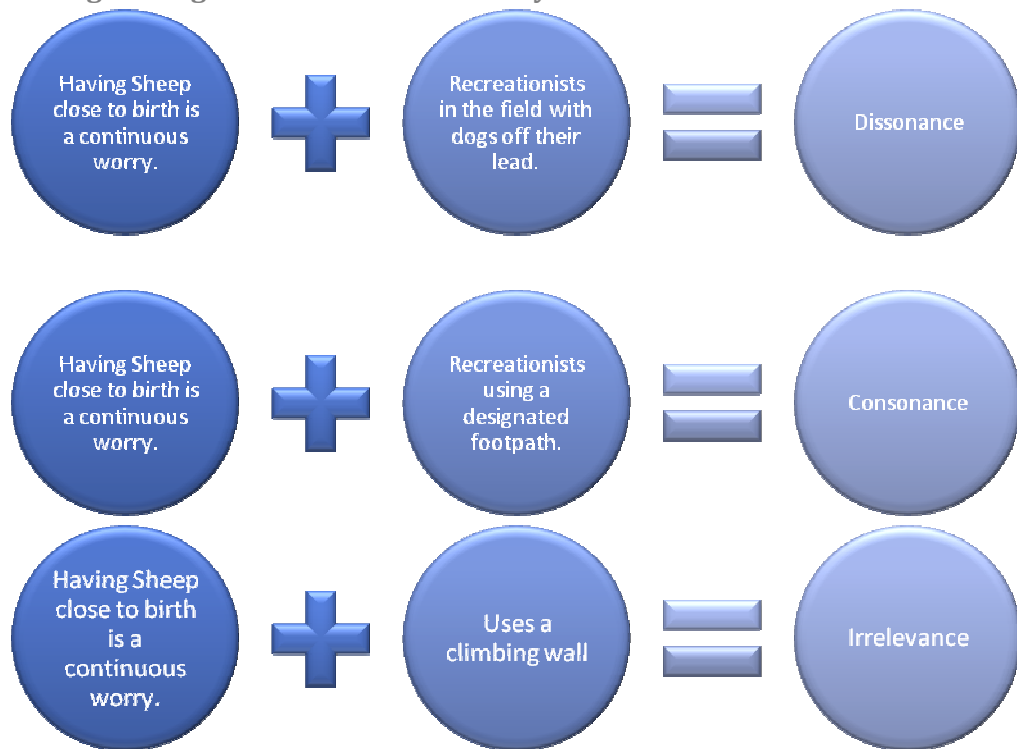
Heider Balance Theory - Balanced Triad



Corner 1 and Corner 3 are in a positive state, because Laura promotes the protection and conservation of the Irish countryside. Corner 2 and Corner 3 are in a positive state because the MI promotes responsibility in the Irish Countryside. Corner 1 and Corner 2 are in a positive state also, because both organisations strive to protect and conserve the Irish countryside. Therefore, the triad is balanced.

Appendix C

Festinger's Cognitive Dissonance Theory



Appendix D

Landowner Questionnaire



Waterford Institute of Technology

Walking Access to the Irish Countryside

The purpose of this questionnaire is to study walking access to the Irish countryside. All responses will remain anonymous and all answers provided will be seen only by the researcher. Please answer all questions as honestly as you can and as they relate to you. If you have any questions at all, please do not hesitate to ask. Please tick the boxes that relate to your answer. If there is a written answer required, please write it in **BLOCK CAPITALS**. Please take your time and answer all questions fully. Thank you for taking the time to complete this questionnaire.

Section A: Profile Questions

1. Age: 18-25 26-35 36-45 46-55 56-65 65+

2. Gender: Male Female

3. Nationality: _____

4. Country of Residence: Ireland Abroad

If Ireland, county of residence: _____

If abroad, country of residence: _____

5. Where do you live? (please select one)

Farm

Rural Area

Village (<1,000)

Small Town (<10,000)

Large Town (10,000+) Town: _____

6. Highest level of education completed: Primary School
Secondary School
Third Level

7. Are you a: Part time farmer
Full time farmer

8. How many hours per week do you spend on your farmland?

0-10 ___ 11-20 ___ 21-30 ___ 31-40 ___ 41-50 ___ 51+ ___

Section B: Main Questions

9. Please rate the following outcomes of agricultural land use in Ireland.

	Very Important	Important	No Opinion	Not Important	Very Unimportant
Economic	5	4	3	2	1
Employment	5	4	3	2	1
Food	5	4	3	2	1
Nature	5	4	3	2	1
Other _____	5	4	3	2	1

10. Please rate the following outcomes of recreational land use in Ireland.

	Very Important	Important	No Opinion	Not Important	Very Unimportant
Health	5	4	3	2	1
Social	5	4	3	2	1
Economic	5	4	3	2	1
Employment	5	4	3	2	1
Other _____	5	4	3	2	1

11. Has there been a change in the number of people using the countryside for recreational purposes in the last five years?

Increase No Change Decrease Don't Know

12. Are individuals more or less aware of the agricultural workings of the countryside than they were twenty years ago?

More Aware Same Awareness Less Aware Don't Know

13. Have you encountered any problems from recreationists while engaged in agricultural activities on your land?

Yes No

If yes, please provide a brief account _____

14. Are you aware of any problems other landowners have had from recreationists while engaged in agricultural activities on their land?

Yes No

If yes, please provide a brief account _____

15. Which of the following should be responsible for regulating walking access to the Irish countryside?

- Landowners'
- Recreationists'
- Local Government
- Government
- Community Groups
- Tourist Interests
- Other _____

16. Are you aware of the duty of care provided under the Occupiers' Liability Act (1995)?

Yes No (If no, skip to Q.17)

a. Do the majority of users of the countryside abide by the Occupiers' Liability Act (1995)?

Yes No

b. Is the duty of care provided under the Occupiers' Liability Act (1995) satisfactory?

Yes No

If no, please state why not? _____

17. Are you aware of the Leave No Trace Policy?

Yes No (If no, skip to Q.18)

a. If yes, do the majority of users of the countryside abide by the Leave No Trace Policy?

Yes No

18. Are you aware of the Countryside Code? (If no, skip to Q.19)

Yes No

a. If yes, do the majority of users of the countryside abide by the Countryside Code?

Yes No

19. 'Participants should be aware of and accept the risks involved in outdoor activities'. Do you agree with this statement? (Please circle answer).

Strongly Agree Agree No Opinion Disagree Strongly Disagree

20. 'Landowners should erect signs to warn recreationists of possible dangers that lie ahead on their land'. Do you agree with this statement? (Please circle answer).

Strongly Agree Agree No Opinion Disagree Strongly Disagree

21. 'Recreationists should pay sufficient attention to possible dangers when they enter private land for recreational purposes' Do you agree with this statement? (Please circle answer).

Strongly Agree Agree No Opinion Disagree Strongly Disagree

22. Is your land protected by public liability insurance?

Yes No (If no, skip to Q.23)

a. If yes, is the cost of public liability insurance acceptable?

Yes No

If no, why not? _____

23. Are recreationists aware of the possible damage or harm they can cause on private land?

Yes No

24. How much of an effect, positive or negative, do you think recreation has on the following:

	Very Positive	Positive	No Opinion	Negative	Very Negative
Animals	5	4	3	2	1
Crops	5	4	3	2	1
Fences/Gates	5	4	3	2	1
Livelihoods	5	4	3	2	1
Landowner attitudes	5	4	3	2	1
Health of recreationists	5	4	3	2	1
Privacy of landowners	5	4	3	2	1
Disturbing landowners	5	4	3	2	1
Local infrastructure	5	4	3	2	1
Flora and fauna	5	4	3	2	1
Wildlife	5	4	3	2	1
Areas of Natural Beauty	5	4	3	2	1
Other _____	5	4	3	2	1

25. Should recreationists have the right, as part of their recreational activity, to: (Please tick one only)

- Be allowed unrestricted access to all lands
- Be allowed restricted access where landowners are protected
- Not allowed any access to private lands

26. Are you aware of access traditions such as Allemansrätt in Scandinavia?

Yes No (If no, skip to Q.27)

a. If yes, do you think traditions such as the Allemansrätt could be used to address the access issue in Ireland?

Yes No

27. Who should be responsible for providing or constructing facilities and resources for recreationists in the countryside? (Please tick one only).

- Landowners'
- Recreationists'
- Local Government
- Government
- Community Groups
- Tourist Interests
- Combination Please state combination _____

28. Should landowners be financially compensated in return for allowing recreationists onto their land?

Yes No

If yes, by whom? _____

29. Should landowners be financially compensated for work carried out on their land to facilitate recreation?

Yes No

If yes, by whom? _____

30. Are you willing to accept compensation for allowing recreationists access to your land?

Yes No

If yes, how much per visit? <€2 €3-5
€6-10 €11-15
€16-20 €20-25
More

31. Are you aware of the Walkways Scheme, the access initiative recently launched by the government?

Yes No

If yes, who do you think should fund this scheme? _____

32. Are you aware of any access pilot schemes in Ireland?

Yes No

If yes, which one? _____

33. Rank the following as sources of information on the access issue in Ireland?

- T.V.
- Radio
- Representative Organisations
- Magazines/ Newspapers
- Internet
- Other (Please state) _____

34. Are you a member of a representative organisation?

Yes No (If no, skip to Q.35)

If yes, which one? _____

a. Are you aware of policies and initiatives on access issues directed by your representative organisation?

Yes No

b. If yes, do you agree with all the policies and initiatives directed by your representative organisation?

Yes No

If no, why not? _____

35. If landowner's requests are satisfied, will more open access be granted in the Irish countryside?

Yes No

Please give reasons your answer _____

Thank you for taking the time and effort to complete this questionnaire.

Appendix E

Recreationist Questionnaire



Waterford Institute of Technology *Walking Access to the Irish Countryside*

The purpose of this questionnaire is to study walking access to the Irish countryside. All responses will remain anonymous and all answers provided will be seen only by the researcher. Please answer all questions as honestly as you can and as they relate to you. If you have any questions at all, please do not hesitate to ask. Please tick the boxes that relate to your answer. If there is a written answer required, please write it in **BLOCK CAPITALS**. Please take your time and answer all questions fully. Thank you for taking the time to complete this questionnaire.

Section A: Profile Questions

1. **Age:** 18-25 26-35 36-45 46-55 56-65 65+

2. **Gender:** Male Female

3. **Nationality:** _____

4. **Country of Residence:** Ireland Abroad

If Ireland, county of residence: _____

If abroad, country of residence: _____

5. **Where do you live? (please select one)**

Farm

Rural Area

Village (<1,000)

Small Town (<10,000)

Large Town (10,000+) Town: _____

6. **Highest level of education completed:** Primary School
Secondary School
Third Level

7. How often do you take part in the following activities?

	Weekly	Monthly	Less Often	Never
Camping				
Caving				
Hiking				
Kayaking				
Orienteering				
Ornithology				
Walking				
Other (Please Specify)				
1.				
2.				

Section B: Main Questions

8. Please rate the following outcomes of agricultural land use in Ireland.

	Very Important	Important	No Opinion	Not Important	Very Unimportant
Economic	5	4	3	2	1
Employment	5	4	3	2	1
Food	5	4	3	2	1
Nature	5	4	3	2	1
Other _____	5	4	3	2	1

9. Please rate the following outcomes of recreational land use in Ireland.

	Very Important	Important	No Opinion	Not Important	Very Unimportant
Health	5	4	3	2	1
Social	5	4	3	2	1
Economic	5	4	3	2	1
Employment	5	4	3	2	1
Other _____	5	4	3	2	1

10. Has there been a change in the number of people using the countryside for recreational purposes in the last five years?

Increase No Change Decrease Don't Know

11. Are individuals more or less aware of the agricultural workings of the countryside than they were twenty years ago?

More Aware Same Awareness Less Aware Don't Know

12. Have you encountered any problems from landowners while engaged in recreational activities on their land?

Yes No

If yes, please provide a brief account _____

13. Are you aware of any problems other recreationists have had from landowners while engaged in recreational activities on their land?

Yes No

If yes, please provide a brief account _____

14. Which of the following should be responsible for regulating walking access to the Irish countryside?

Landowners'

Recreationists'

Local Government

Government

Community Groups

Tourist Interests

Other _____

15. Are you aware of the duty of care provided under the Occupiers' Liability Act (1995)?

Yes No (If no, skip to Q.16)

c. Do the majority of users of the countryside abide by the Occupiers' Liability Act (1995)?

Yes No

d. Is the duty of care provided under the Occupiers' Liability Act (1995) satisfactory?

Yes No

If no, please state why not? _____

16. Are you aware of the Leave No Trace Policy?

Yes No (If no, skip to Q.17)

a. If yes, do the majority of users of the countryside abide by the Leave No Trace Policy?

Yes No

17. Are you aware of the Countryside Code?

Yes No (If no, skip to Q.18)

a. If yes, do the majority of users of the countryside abide by the Countryside Code?

Yes No

18. 'Participants should be aware of and accept the risks involved in outdoor activities'. Do you agree with this statement? (Please circle answer).

Strongly Agree Agree No Opinion Disagree Strongly Disagree

19. 'Landowners should erect signs to warn recreationists of possible dangers that lie ahead on their land'. Do you agree with this statement? (Please circle answer).

Strongly Agree Agree No Opinion Disagree Strongly Disagree

20. 'Recreationists should pay sufficient attention to possible dangers when they enter private land for recreational purposes' Do you agree with this statement? (Please circle answer).

Strongly Agree Agree No Opinion Disagree Strongly Disagree

21. Are you covered by personal injury insurance when participating in outdoor recreational activities, such as that provided by the Mountaineering Council of Ireland?

Yes No

22. Should everyone who participates in recreational walking be indemnified by his or her own personal injury insurance?

Yes No

23. Are recreationists aware of the possible damage or harm they can cause on private land?

Yes No

24. How much of an effect, positive or negative, do you think recreation has on the following:

	Very Positive	Positive	No Opinion	Negative	Very Negative
Animals	5	4	3	2	1
Crops	5	4	3	2	1
Fences/Gates	5	4	3	2	1
Livelihoods	5	4	3	2	1
Landowner attitudes	5	4	3	2	1
Health of recreationists	5	4	3	2	1
Privacy of landowners	5	4	3	2	1
Disturbing landowners	5	4	3	2	1
Local Infrastructure	5	4	3	2	1
Flora and fauna	5	4	3	2	1
Wildlife	5	4	3	2	1
Areas of Natural Beauty	5	4	3	2	1
Other_____	5	4	3	2	1

25. Should recreationists have the right, as part of their recreational activity, to: (Please tick one only)

- Be allowed unrestricted access to all lands
- Be allowed restricted access where landowners are protected
- Not allowed any access to private lands

26. Are you aware of access traditions such as Allemansrätt in Scandinavia?

Yes No (If no, skip to Q.27)

a. If yes, do you think traditions such as the Allemansrätt could be used to address the access issue in Ireland?

Yes No

If no, please state why not? _____

27. Who should be responsible for providing or constructing facilities and resources for recreationists in the countryside? (Please tick one only).

- Landowners'
- Recreationists'
- Local Government
- Government
- Community Groups
- Tourist Interests
- Combination Please state combination _____

28. Should landowners be financially compensated in return for allowing recreationists onto their land?

Yes No

If yes, by whom? _____

29. Should landowners be financially compensated for work carried out on their land to facilitate recreation?

Yes No

If yes, by whom? _____

30. Are you willing to pay a fee (Covers access, fencing, maintenance stiles etc.) to enter onto private land?

Yes No

If yes, how much per visit? <€2
€3-5
€6-10
€11-15
€16-20
€20-25
More

31. Are you aware of the Walkways Scheme, the access initiative recently launched by the government?

Yes No

If yes, who do you think should fund this scheme? _____

32. Are you aware of any access pilot schemes in Ireland?

Yes No

If yes, which one? _____

33. Rank the following as sources of information on the access issue in Ireland:

T.V.
Radio
Representative Organisations
Magazines/ Newspapers
Internet
Other (Please state) _____

34. Are you a member of a representative organisation?

Yes No (If no, skip to Q.35)

If yes, which one? _____

a. Are you aware of policies and initiatives on access issues directed by your representative organisation?

Yes No

b. If yes, do you agree with all the policies and initiatives directed by your representative organisation?

Yes No

If no, why not? _____

35. If landowner's requests are satisfied, will more open access be granted in the Irish countryside?

Yes No

Please give reasons your answer _____

Thank you for taking the time and effort to complete this questionnaire.

Appendix F

Interview Questions

1. Have you seen a change in the numbers using the countryside for (1) recreational purposes and (2) agricultural purposes? Increase/Decrease?
2. How do you think it will continue for the next five years?
3. Have you seen a change in the countryside over the last number of years...economically, population, socially, topographically?
4. Do you feel that people are more/less aware of the agricultural workings of the countryside?
5. Are you aware of the Occupiers Liability Act (1995)?
6. Do you think the Occupiers Liability Act (1995) provide sufficient protection to landowners and recreationists?
7. Should each recreationist provide personal insurance to protect them while undertaking recreation in the countryside? (If yes, please state how this should be controlled and monitored).
8. What duties/provisions do you believe are expected of landowners in providing the *appropriate duty of care* towards recreationists on their land? (Should recreationists be aware of and accept the risks, should landowners erect signs to warn of dangers, should recreationists pay attention when they enter private land).
9. Should every landowner hold public liability insurance in case of recreational access or should it be the responsibility of the recreationist (except in the case where a landowner went to intentionally harm the recreationist)?
10. Do you believe there should be a change in the law regarding access rights for recreationists? (Unrestricted access, access where landowners are protected, no access). What level of access would you like to see in Ireland? (Right to roam, public rights of way, linear walks.)

11. Have you encountered any disturbance issues because of recreation?
(Landowners, farm animals, birds, wildlife, habitats).
12. Are the majority of users aware that disturbance to private land can cause serious damage and harm and can incur huge costs on the landowner?
13. Do you believe there is more damage being done to property now than there was in years previous when recreationists were free to wander the Irish countryside?
(If yes, please state what type of damage is being caused to the countryside).
14. Do you think that individuals should be made more aware of the damage they cause and how to prevent it? (If yes, please state which body or group should be responsible?)
15. Do you believe landowners are purposely making it harder for recreationists to enter onto private land, to protect their farming interests? (If so, how?)
16. Do you think landowners reserve the right to say who can enter their land and cannot enter their land and could they be more tolerable to recreationists?
17. Do you feel that recreationists are considerate of the need for privacy around family homes?
18. Should there be rules regarding access close to family homes and farm yards?
19. Do you believe landowners should be compensated in return for allowing recreationists access onto their land? (If yes/no, please clarify).
20. Do you believe landowners should be compensated for work carried out on their lands to make the recreationists experience a safer and more enjoyable one? (If yes/no, please clarify).
21. Do you think facilities such as car parking and meeting points should be provided for recreationists in the countryside?
22. Do you believe recreationists would you be willing to pay a fee to guarantee recreational access?

23. Are you aware of the Walkways Scheme? Can it be developed further to encourage and promote recreation in the countryside?
24. Do you believe agriculture and recreation can co-exist in the countryside?
25. Could further development of agri-tourism and countryside recreation businesses be successful and create employment and inject money into the local economy? Can landowners be the main providers of this?
26. Do you feel Ireland should look to successful schemes in other countries to try to resolve the current access issue in Ireland?
27. Are you a member of a representative organisation? (If yes, please state the name of the organisation).

If yes, do you feel you are influenced by your representative organisation or do you disagree with some of their policies?

If no, would you feel the need in the future to join a representative organisation?

Thank you for taking part in this interview!

Appendix G

Individuals Interviewed for Qualitative Phase of Research

- 1.** Landowner – knowledge of local access issues;
- 2.** Recreationist – knowledge of local access issues in and around the Comeragh Mts;
- 3.** A Scout Leader and Recreationist;
- 4.** Waterford IFA County Chairperson;
- 5.** Comeragh Mountaineering Club Chairperson;
- 6.** Laois Rural Recreation Officer;
- 7.** Mountaineering Ireland Access Officer;
- 8.** Waterford ICMSA County Chairperson.

