

**Report on the outcome of the
Mourne National Park
Consultation Exercise**

**Independent Report
of the Nominees
of the
Mourne Trustees**

Introduction

Background to Mourne Trustees

Readers of the main Report will be familiar with the names of most of the Organisations which had representatives on the Working Party Committee. What emerged during the consultation process was that few people had heard of the Mourne Trustees (Trustees). It is therefore necessary to offer a brief explanation of how the Trustees Groups came into existence, the role they have and still perform in the management of the Mournes.

The Trustee Groups in the Mournes came into existence following the break up of the Landed Estates from 1880 onwards. The combined Trustees groups own about 25,000 acres of the High Mournes and the extent of the area under their control can best be gauged by an examination of the relevant map in the Mourne Area of Outstanding Natural Beauty Access Study Report. While the Trustees are technically the legal owners of the open Mountains they in effect hold them for the beneficial or what the layman would call the real owners who funded the monies to acquire the Mountains. At the time the Mountains were acquired the beneficial owners purchased the enclosed tenanted farms from the owners of the Landed Estates. When the area of the lands held by the Trustees and those owned by the beneficial owners are added together it will be seen that collectively these two entities are farming the overwhelming bulk of the area in and around the Mournes. The Trustees and the beneficial owners are thus responsible for the management and protection of the environment and the biodiversity of one of the largest areas in private hands in the Province.

It is worth emphasising that the lands of the Mourne Trustees and the beneficial owners are privately owned.

All the documentation remarks on the outstanding quality of the Mourne landscape but none either acknowledge or give credit to the Trustees and beneficial owners who through good times and bad times over the last 100 years or so have maintained and protected the area.

Empowered by the beneficial owners the Trustees when requested gave permission to many groups and individuals to use the Mountains for recreational and active outdoor pursuits and have provided access. They made good damage caused by users through their own physical efforts, and raised, without any financial support from outside, any funding required by imposing a levy on the sheep grazed on the Mountains by the beneficial owners.

Having managed over those years to strike a fair balance between the use of the owners of the Mountains and those who wished to use them for recreational and outdoor pursuits the Trustees are determined to maintain that balance for the mutual benefit of all in the future. The Trustees will not allow others to intervene to exploit the mountains in the most ruthless manner for purely selfish and commercial reasons. The Trustees will ensure that the Mountains remain in an unspoilt state for the benefit of future generations.

The Trustees and the beneficial owners can claim legitimately that, in a general sense, they have given the people of Northern Ireland and further afield all the benefits of a national park in the High Mournes without any of the costs, restrictions and bureaucracy associated with those parks.

Again the contribution of the Trustees and the beneficial owners to the wellbeing of the community at large has escaped acknowledgement and credit in the documentation.

The Trustees do not have the same degree of freedom as others and are compelled to act in accordance with their Trust Deeds and general trust law in discharging their obligations to the

beneficial owners. The Trustees cannot delegate their responsibilities to any other party or person and can not allow anyone to interfere or act in a manner which would cause the Trustees to be in breach of their statutory obligations.

Where representation by the Trustees is required on any committee or body only those who are nominated by the Trustees, who are fully committed to act in the Trustees' best interests and who are fully accountable to them can undertake this function.

Reason for Independent Report

When the Report of the Working Party was being compiled the Nominees for the Trustees felt duty bound to record their comments and opinions on matters on which they felt there was a lack of knowledge, understanding and inadequacy in reporting the views pressed home on the Committee during the public and sector consultations. The Nominees played an active part in the drafting of the main Report in ensuring its adequacy and accuracy. When compiling the Report differences began to emerge and the Nominees felt the need to add material, gleaned from their copious notes taken at the open consultations, to reflect more adequately and in as faithful a manner as possible the views of the public. It was hoped that by adopting this course the readers of the Report would be able to come to a greater understanding of the acute differences of views which emerged as the process unfolded. The Nominees recognised that in doing so this might bring them into conflict with others on the Committee but the differences were so significant that the Nominees were left with no option but to take this course. Where possible the Nominees' reporting of facts, comments and opinions were included in the main Report but many of them were so extensive that the Nominees did not consider it possible to include *all* of them in that Report. The Chairman and the other Committee members were put on notice at the outset of the drafting of the Report of the Nominees' intention to submit a minority Report. When the content of the Report was being finalised at the last Committee Meeting the Chairman refused the Nominees' written request to submit a minority Report. Indeed the Chairman ruled that the Nominees could not use the facts and information which was forthcoming at the public and sector consultations.

The Chairman advised that the only avenue open to the Nominees to put forward their views is to issue a position paper. He gave a list of the names of other groups, with representatives on the Committee, which had already adopted this course of action. The Nominees made it clear to the Chairman that they deplored the action taken by others pending the official Report being made to the Minister as they regarded the issues of position papers as unjustified attempts to influence the Minister's thinking before the Report was available.

The Nominees are unable to accept the rulings by the Chairman. The Nominees devoted considerable time and effort to this process and attended the Committee Meetings and the open consultations faithfully. *The Nominees' opinion is that the Report gives undue weight to the submissions made not only by what could be fairly described as vested interest groups but also by the majority of the members of the Committee and largely ignores the views of well informed local people who articulated their concerns, views and opinions firmly in the course of the open consultations.*

The Nominees have sought the advice of the Mourne Trustees as to the way in which they wish their Nominees to proceed. The Trustees were angered at the outset of the process by the exclusion of any representation from them on the Committee when it was set up. That anger increased when in the course of the deliberations by the Committee their Nominees were not invited by the Chairman to be part of the delegation sent to DARD to discuss issues affecting farmers. The ruling by the Chairman to

stop the Nominees from submitting a minority Report to faithfully reflect the views expressed by the farmers and public at the open consultations caused the Trustees to lose all confidence in the process.

The Nominees have been instructed by the Mourne Trustees to resign from the Committee with immediate effect and as a matter of courtesy to submit an independent Report to the Minister to better reflect the outcome of the open consultations and to ensure that she is best placed to reach a balanced decision on the way forward.

The Nominees regret being forced into this course of action. The Minister was assured the Nominees derived no pleasure in submitting an independent Report to her and afterwards releasing it to interested parties.

The Nominees Independent Report needs to be read against the background of the main Report.

Aspects covered in this Report

Having made a major contribution to the main Report the Nominees recognise that no useful purpose will be served in covering agreed ground. What follows is the Nominees best attempt to outline the build up of information which inevitably led to the farmers and landowners coming to different conclusions to others as to the best way forward for the management of the Mourne and Slieve Croob areas. To achieve this objective the Nominees have had to draw on the views expressed in the open consultations and the greater emphasis the farmers and landowners placed on certain facts. Inevitably those views and facts led to substantially different conclusions to those put forward in the main Report.

Where it was considered necessary to adduce additional facts to test or support views put forward in the open consultations the Nominees carried out their own research and this will be evident in the text.

At all times the Nominees have attempted to reflect the opinions and views of those consulted and endeavoured where humanly possible to set aside their personal thoughts.

1 Protecting and Enhancing the Environment

- 1.1 A 48% response through written and e-mail material on the environmental aspect, recorded in the Consultation Report, is very disappointing. It indicates that many respondents did not rate it as high as both the landowners who attended the public and sector consultations and the Trustees. Surveys carried out in Gt. Britain and in Northern Ireland and reports from various organisations such as the RSPB allied to comments from local MLAs are unanimous in their view that the environment is of the utmost importance to the well being of society and recognise that the farmers are the custodians of the countryside.
- 1.2 The Judith A. Annett Countryside Consultancy Report (referred to for convenience as CCR in the later text) at para.3.58 confirms that “the first purpose of all national parks across the world is the protection of the landscape and its nature conservation interest.”

This was endorsed by Tim Edwards of the Loch Lomond National Park when he spoke at the official launch of the consultation process in Newcastle.

Similar comments corroborating this statement can be found in the Boundary Report.

1.3 ***The Trustees regard the protection and preservation of the environment as the top priority in any management system*** and do not agree with the view frequently expressed by some members of the Committee during the open consultations that the promotion of tourism should be the main driver for the establishment of a national park in the Mourne.

1.4 The bulk of the High Mourne known as the Eastern Mourne has been declared by the Department of Environment to be an Area of Special Scientific Interest (ASSI). The purpose is to safeguard and enhance the characteristic plants, animals and physical features which go to make up the particular heritage of the area. There is a long list of activities which cannot be carried out without first notifying that Department and, if the activity can be justified, obtaining its consent. ***The Trustees and the beneficial owners are bound by this declaration.***

By the time this Report is published the Eastern Mourne will probably have received further recognition and protection with an EU Special Area of Conservation (SAC) designation.

In addition to the above protective measures 41 local sites within the AONB either have or are proposed to have designations placed on them affording further protection to the environment.

In addition further protection of much of the area in and surrounding the Mourne comes through the Management of Sensitive Sites Scheme (MOSS), Environmentally Sensitive Area Scheme (ESAS) as well as the Countryside Management Scheme (CMS). Compliance rules under the Single Farm Payment Scheme (SFPS) and the many other rules such as the Farm Nutrient Regulations (FNR) afford much more protection for the environment.

Compliance under all the Schemes mentioned rests solely on the landowners and farmers.

1.5 As noted in the comments immediately above there are many rules and regulations in place and these of necessity are restrictive. It is difficult to envisage what further local planning measures could be introduced which would not add further restrictions. ***The Trustees recognise the need for a regulatory regime but in common with others question whether there are already far too many schemes and would plead for a reduction in number, simplification of the rules and a more commonsense application of them.***



1.6 On the aspect of mineral extraction the Working Party did not think this through with sufficient care before presenting a slide at the numerous consultations indicating that there was no intention to stop mineral extraction at present. Not unreasonably the public interpreted this as an intention to close down mineral extraction in a national park in the future. The retraction of this statement will do little to restore confidence in the public in the way a national park authority would carry out its activities if it were to be set up.

1.7 Removal of stones from unimproved land is prohibited to a large extent at present. This produces a conundrum. Where will the stones come from in the future to restore and repair walls? The operators and owners of the two remaining granite quarries in the Mourne are faced with such onerous environmental requirements that the closure of the quarries seem inevitable. Over a long number of years Mourne granite has been used extensively not only in Ireland but much further afield. Where will the stone required for maintenance and repair of many outstanding buildings where Mourne granite was used come from in the years that lie ahead? The Trustees take the view that quarrying of granite is now on so small a scale that it poses no significant threat to the environment. The Trustees view is that there is a need for a simplification of the rules to reduce the unacceptable compliance costs in meeting environmental requirements. This would enable quarrying to continue to meet the limited but essential demand. ***It seems fundamentally wrong on the one hand to claim to support our heritage and on the other hand to introduce rules of such an onerous nature that they achieve the opposite effect.***

With China adding Northern Ireland to its approved list of countries to visit travellers from that Country will not escape the irony of finding foot pavements in Newcastle made with granite from their homeland due to the lack of availability of Mourne granite.

In an era when so much emphasis is being placed on sustaining local industry and local skilled jobs the question has to be asked why so many obstacles are being placed in the path of those who are endeavouring to achieve these objectives.

1.8 If mobile phone and other communication masts are regarded by the public as necessary for their business, enjoyment and way of life compromises however unpalatable have to be accepted. The people in Newcastle and Kilkeel who campaigned for years to have local masts erected to improve reception for television in those areas had no problem in accepting that ***necessity overrode desirability***. The only relevant issue is then one of finding acceptable sites. The public never fail to be vociferous in their objections to sites that they deem unsuitable and this ensures that reasonable compromises emerge.

1.9 Forestry is widely promoted as a means of diversification for landowners and is grant aided. There is a demand for timber products. Equally important trees have a beneficial effect on air quality, provide wildlife cover and feed and promote biodiversity. Trees can add much to the appearance of the environment and it would be a very rare occasion when they would detract from it.

- 1.10 The total of all the land owned by the other Bodies in the Mourne dwarfs in comparison to that owned by the Trustees and the beneficial owners who are the most active managers of their lands. It is difficult to imagine more key stakeholders in the management of the area than the latter. *As stated in the Introduction the Trustees can not delegate their responsibilities to any other party or person and can not allow the latter to interfere or act in a manner which would cause the Trustees to be in breach of their statutory obligations.*

The Trustees and beneficial owners need to be involved in the formative stage in any policy and design strategies affecting their farming interests and appropriate procedures as to how this can best be done need to be agreed between the parties involved. The formers view is that any policy and strategies affecting farming should be agreed on a Province wide basis. The Trustees' and beneficial owners' intention is not to usurp the functions of the Ulster Farmers Union (UFU) and Northern Ireland Agricultural Producers Association (NIAPA) but rather to support those Organisations by having a better and more effective avenue to air their views at the highest level before decisions are taken which can have a major impact on their significant land holdings.

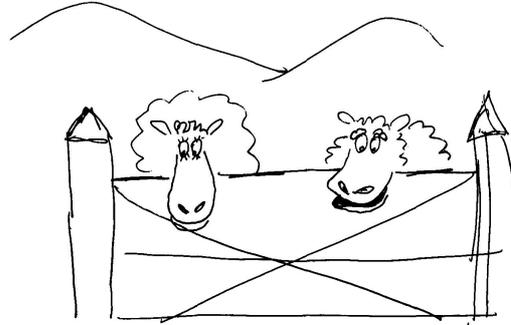
2 Working with Farmers and supporting the Farming Economy

- 2.1 It is important to distinguish between what a national park authority would do if a national park were to come into existence and what the Government would do in implementing EU directives. The wording in the main Report appears to give an assurance by the Committee as to the future intentions of a national park authority. As the public pointed out in the open consultations the Committee will be wound up as soon as this Report is submitted to the Minister and will have no say or influence as to what will transpire in the future. *What would happen in the future would be entirely within the remit of the national park authority. The reasonableness or capriciousness of the members of that authority will be the determining factor and would depend on the composition of that authority.* The Nominees will have more to say on this aspect later in these notes.
- 2.2 While there may be no current plans for change the Nominees view, without being sceptical, is that it is impossible either for Government or the Members of the Committee to predict or give any assurances as to what new measures the EU will come up with next and what changes might then be required.
- 2.3 The Trustees view is that the ESAS and the CMS have brought benefits but *are too restrictive in their application and lack the flexibility which farmers demand.* While they have not had an opportunity to become involved in any consultations the Trustees have been given to believe that the ESAS and the CMS will be merged as a result of changes in Rural Development proposals coming out of the EU. *The acid test for farmers will be the freedom to and the ease of accessing funds under any new Rural Development Scheme.* The Nominees can do no better than echo the words, as quoted in

the press, of Trevor Clarke, an MLA and Member of the Assembly Agriculture Committee—

“Although I welcome this funding, it is vital that the bureaucratic and complex delivery systems of DARD and other delivery agents associated with previous rural development funding programmes are reduced so that it is easily accessible to all sections of the rural community and in particular farmers and farm families who are the backbone of rural life and custodians of the countryside.”

The previous system was so complex that it proved too difficult and indeed impossible for the **Trustees as an entity** to access funds to make good the substantial damage which has been wreaked in the High Mournes in recent years. **A simplified system needs to be put in place to enable the Trustees as an entity to access funds.**



“Have you seen that fella with wellies recently?”²⁰
“No, he said something about paperwork, and that was three weeks ago.”
“Maybe I’ll send him an email.”

2.4 The Trustees and the beneficial owners have a particular grievance in that they receive only 50% of the Less Favoured Area Compensatory Allowance (LFACA) on the share of their lands in the High Mournes because DARD takes the view that the cost of maintenance on common land is less than on other land within the Less Favoured Areas. Nothing could be further from the truth. **The LFACA payment on common land needs to be brought up to 100% at least and there is a strong case for increasing it beyond that level.**

2.5 Farmers are realistic –they are the ones who have to live with the reality of competing in a modern world where the driver is the unrelenting pressure exerted by huge commercial conglomerates and the obsession of the EU to open up markets to countries which are not perceived to offer the comparable degree of health protection which consumers demand from local producers.

Not only has farming undergone major changes over the years but anyone who pays attention to the media could hardly fail to be aware of the revolutionary changes which the use of grain and other crops for biofuels will have on everyone through increased prices. What the impact will be for farmers in the future is unclear. During the consultation many farmers expressed the view that in the past they had seen bad as well as good times and were confident that they could continue in farming albeit in a part time capacity as many are doing at present. **Farmers view environmental payments as a valuable additional source of income and not which, on their own, can make farming viable.**

2.6 Branding may prove of some help but even if it can be got off the ground its impact in the grand scale of things can at best be marginal. A recent press report has noted that “the

Ulster Farmers Union has submitted written support to an application to register Northern Ireland Beef and Lamb as a protected geographical indication under the EU Protected Food Name Scheme". This follows the initiative taken by the Welsh. If this application is successful it will, by raising the profile of the high quality of Northern Irish beef and lamb, open up wider markets in Europe and should have significant benefits for local producers. The Livestock and Meat Commission has advocated a Northern Ireland scheme to better promote beef and lamb products. ***A Province wide scheme will prove to be more beneficial to farmers than small local ones.*** The recent outbreak of foot and mouth disease in England highlighted the need for separate EU licensing arrangements for delivery of Northern Irish exports into Europe.

Recent events have demonstrated the wisdom of seeking branding on the wider basis to achieve any real benefits for farmers.

- 2.7 Part-time farming in the Mourne is nearly as old as the Mountains. ***For many members of families it has been a long standing tradition to have a full-time job often outside farming the income from which has been the mainstay of their livelihood and they have used whatever they could earn from the land to supplement their income.***

The increasing trend to part time farming is evidenced by the switch of livestock markets from daytime to evenings to accommodate those who have jobs outside farming.

For as long as farming remains within the blood of the rural people this tradition will continue and the vibrancy of their communities will be assured if the Government is prepared to make an appropriate response to recognise their contribution to the environment.

3 Access Issues

- 3.1 Over the last 100 years the Trustees and the beneficial owners, for whom the Trustees hold the lands, when requested, showed a willingness to grant permission to visitors to use the mountains for recreational and active outdoor pursuits. ***That use was conditional on the users behaving in a responsible way by following approved routes and avoiding damage to walls and gates and so long as that use was compatible with the use of the owners. Approval was given always on the understanding that the users accepted all the risks to which they would be exposed on the mountains and that there would be no comeback against the Trustees if injury befell the users.***

The considerable access, while mainly permissive, which the owners allowed was found in surveys, e.g. by the Mourne Heritage Trust (MHT), to be acceptable to a large majority of users. That the arrangement worked exceptionally well for all concerned is not only a tribute to the Trustees and the beneficial owners but also to the users who reciprocated in a responsible manner. As a result a mutual respect grew up between the owners and users.

In more recent years there has been an influx of users who have little understanding of or concern for owners' rights or the environment and who seek unfettered and often unauthorised access to land and damage to both property and relationships has ensued.

The Mourne National Park process has led to an orchestrated campaign to gain greater access not only to the mountains but also to the lower lands and this is proving to be a divisive matter. ***How to resolve the issues of unauthorised access as well as the demand for greater access will prove to be very contentious. Some constructive suggestions are contained in the Nominees comments below.***

- 3.2 ***The most pressing concern for landowners is the use of unauthorised routes through lands and over laneways not open to the public.*** Horrific photographic evidence of abuse of the most distressing nature was produced to the Committee in the open consultations. Damage to gates and fences has been highlighted in photos in the press. Many lanes and pathway particularly in lowland areas and areas surrounding the Mournes are totally unsuitable for use by others as farmers and local people need these to be free from obstruction and interference if they are to be permitted to go about their daily business without let or hindrance. The Access Survey gives a more detailed account of the numerous problems encountered by landowners.
- 3.3 Entering onto property with bulls and rams present could not be permitted by landowners because of the obvious risk of attack and injury. Mothering cows and ewes with offspring at foot will attack when they feel threatened and especially will target young children who in the mind of animals identify small children as dogs. ***Young children and indeed many adults do not appreciate the danger of approaching livestock in a rural environment.***
- 3.4 One problem area identified is the use of routes through Government Agencies such as the Forest Service to gain unauthorised access to the privately owned property and mountains. ***Appropriate action is required by those Agencies to stop this abuse of private owners' rights.***
- 3.5 A public right of way over open mountains is fraught with problems such as abuse of walls and fences. Designation can lead to use by excessive numbers and to unacceptable erosion. Such a designation on open mountains removes the ability to move quickly to correct untoward situations. ***Any public right of way designation on the open mountains should be removed.***
- 3.6 What has come to light is that there is a complete of lack of understanding in Local Authorities of the law governing trustees and tenants in common. Trustees cannot delegate their responsibilities to their co-trustees. All must be in agreement and act together. One tenant in common cannot act unilaterally and bind the other to an agreement. Again all must be in agreement and act together. ***In reaching access agreements Access Officers must be conscious of the need to secure the agreement of all trustees and tenants in common.***
- 3.7 The Access to the Countryside (Northern Ireland) Order 1983 (later referred to as The Access Order), by implication, allows users to take dogs into "***open country***" if they are

under “proper control.” What this means is open to interpretation. Unless a dog is on a lead on enclosed farm land or open mountains it is impossible to see how it could be under control. This is especially true where a dog is exposed to sheep and lambs. Most dogs, no matter how obedient or well trained and contrary to the firmly held beliefs of responsible dog owners, will follow their natural instinct and chase these animals often leading to death through injury or shock to which sheep are especially prone. Frequent instances have occurred recently where irresponsible dog owners did not have their dogs on leads or allowed them off the lead to do as they pleased and deaths resulted.

Dogs, other than those of landowners and farmers, should be prohibited from land whether it be on open mountains or enclosed farms and The Access Order amended accordingly. Recent incidents would suggest that there is a pressing need, on a Province wide basis, for a rigorous definition of “control” of dogs in public places.

- 3.8 Under current legislation the Local Authorities have responsibility to maintain pathways designated by them and only extend their activities beyond that requirement to cutting back hedges to allow free access over the pathways. The Access Order mentioned provides that any deviation off the pathway is deemed to be a trespass by a user. Deviations happen all too frequently and substantial damage to walls has ensued for which the Local Authorities accept no responsibility.

Changes need to be made to the Access Order to impose responsibility and liability on the Local Authorities to maintain walls and fences adjoining designated pathways.

- 3.9 A further change needs to be made to the Access Order *to impose full liability on the Local Authorities for claims made by users for injuries suffered on designated pathways and to remove the residual liability on landowners which exists under common law.*

This could be achieved by amending the Access Order to remove from occupiers of land any liability for a claim for damages arising from an injury suffered by a visitor or trespasser while either on the occupiers land or on a right of way, of whatever nature, over that land. This aspect was recognised as a problem on the UK mainland and was addressed in Sections 12 and 13 of the Countryside and Rights of Way Act 2000.

- 3.10 In appropriate situations, and *only with the agreement of the landowner*, it would make more sense for the Local Authorities to purchase land, in suitable areas, and create new pathways with fencing of a nature sufficient to guarantee freedom from interference and protection to the adjoining landowner and his stock and crops. *The Authorities would then assume full responsibility for maintenance of not only the pathway but the adjoining fences, liability for any claims made for injuries sustained by users and policing of the users.* This could prove to be a constructive way forward in areas where the unauthorised use of pathways is proving contentious and in areas where trespass is rife. New pathways could be sited sufficiently well away from farms and dwellings to remove and avoid nuisance. *Such a proposal would only be feasible if the agreement of a land owner was freely forthcoming.*

- 3.11 One other possibility worth exploring would be for the Local Authority to be empowered to enter into an agreement with and to pay compensation to a landowner who was willing to open up a pathway within his land while still retaining full ownership and control over it. Again this would only be feasible if public liability was totally removed.
- 3.12 Apart from the obvious drawbacks of public liability and insurance implications a major adverse factor for the landowner is that a right of way diminishes the value of the property over which the right of way runs. This is recognised in the Access Order which contains the mechanism for dealing with this aspect. The amount by which any property is diminished in value will vary according to the nature of the right of way, the restriction on the landowner's usage, the level of usage made by visitors and any other pertinent factors.
- 3.13 The proposal to create an Access Forum has questionable merit. The Trustees and beneficial owners have long lamented the activities of those who do not own the land beavering away in committees and making decisions which affect land and landowners without their knowledge or consent. ***Such activities will not be tolerated by the Trustees and beneficial owners in the future.*** The Trustees view is that the only way forward is open and honest consultation between interested parties. Access is a matter ***for consultation and negotiation between the Local Authority and the individual landowner*** and any landowner groups, such as the Trustees, would not have the right to intervene in a personal matter which is none of their affair.
- It is difficult to envisage any useful outcome from a forum heavily overloaded with users other than to provide an arena to air grievances on both sides.***
- 3.14 ***While the issue of occupiers liability is dominant in landowners minds and remains unresolved the climate does not exist in which any landowner would be willing to discuss access. The national park process has heightened tensions within the landowning community to such an extent that movement on this front has been ruled out in the foreseeable future.***
- 3.15 Another aspect which the public need to be much better aware of is that many pathways exist as rights of way of necessity between individual landowners and rural dwellers and are not open for use by the general public.
- 3.16 There is no evidence that the MHT ranger service has or can make any worthwhile contribution to the reduction in anti social activity. In the MHT Farmers Liaison Group the farmers, while expressing the highest regard for the ranger as an individual, ***made it clear that they were of the opinion that a ranger service was not the answer to the problems they were encountering.***

What is clear, from the increasingly frequent reports in the media in recent weeks, is that anti social behaviour is not only a Province wide problem but a national one as well and there is no simple solution. The PSNI has advocated caution and advised incidents to be reported to them. As the Mourne are covered by an ASSI designation all incidents must

be reported to EHS as well as the PSNI. Incidents should also be drawn to the attention of the Trustees and the means of doing so can be provided through the introduction of a website created for them as envisaged at Para. 4.14 below.

A real worry for those living in a rural area is the fear of being identified if they make a complaint and the prospect of retaliatory action being taken against them.

- 3.17 So far as other problems such as erosion and damage are concerned these can be identified easily by the Trustees and the beneficial owners who are on the access routes and the High Mountains frequently. ***The real problem is the lack of resources for maintenance and to make good necessary repairs to walls and fences damaged by users.***
- 3.18 The Trustees would support a ranger service, with particular emphasis on maintenance and repair and control of users, provided satisfactory administrative arrangements could be agreed between the Trustees and the Government. The Nominees will return to the need for funding for these purposes later in this paper.

4 Developing Tourism and Managing Visitors

- 4.1 The report on “Tourism in Mourne, Current and Potential Economic Impact” (referred to later as the Report on Tourism) was commissioned by the 3 Councils, the Tourist Board and MHT. It was not examined by the Committee and subjected to detailed scrutiny in the same way as the Committee examined the study of “Potential Impacts of National Park Designation in Northern Ireland.”(referred to as CCR in the later text). ***Nonetheless the projected number of additional jobs contemplated in the Report on Tourism was quoted extensively by some members of the Committee during the consultation meetings and this is where the allegation of the hard sell of tourism originated as the main driver for a national park.***
- 4.2 The factual information in the CCR study was examined by the Nominees and was found to have been compiled in an accurate and objective manner. The report on Tourism was also examined by the Nominees. The projections reached were on the reports’ own admission based on numerous assumptions many of which are highly debatable. The seeds of doubt are contained within the report when the authors recorded that they sought the opinions of tour operators and did not receive any comfort which would support their findings. When the conclusions are examined against other criteria the projections seem overly optimistic. When he spoke at the launch of the public consultation Tim Edwards of the Loch Lomond National Park said that ***designation only contributed to a very small number of visitors*** – the bulk were found to come from Scotland. This confirmed the findings in the surveys carried out in the 2 National Parks in Scotland where only a small percentage of visitors said they came ***solely because of designation***. The report on the Economic Impact of the National Parks of Wales records that ***a significant proportion of tourism visits to the Brecon Beacons National Park are day visits by local residents from the South Wales region.***

During the consultation process a number of speakers involved with tourism expressed serious doubts about the projection of the numbers of visitors who were expected to come to the Mourne.

4.3 *It is reasonable to expect an increase in the number of tourists to the Mourne but not of the magnitude that the report suggests. Those involved in the promotion and marketing of tourism have told the Nominees that to increase visitor numbers, particularly international ones with the desired spending power, it is essential to promote Ireland as a whole to fulfil their expectations. Independent enquiries made by the Trustees of tour operators confirmed these conclusions. Support for these views is to be found at Para. 4.32 of the CCR which, drawing on the visitor research in the Scottish national parks, concludes that “significant numbers of overseas tourists would not be directly attracted to Northern Ireland as a result of national parks, but rather would be influenced in their choice of destination or tour within the country (Ireland or Northern Ireland) having already made the decision to visit.”*

4.4 *On frequent occasions speakers emphasised the smallness of the area and the high level of population compared with most other national parks and expressed the view that it was unsuitable for national park designation.*

4.5 *In the course of the open consultations speakers emphasised the need for local people to develop, promote and market their tourism activities. Many have done this over the years and tourism in South Down is well established and is continuing to flourish. It is worth recording that a number of Trustees and beneficial owners and farmers as well as many others unconnected with farming in the Mourne have achieved excellent results without a national park designation.*

4.6 A great deal of worldly wisdom has been injected into the consideration of overseas tourism and visitor expenditure by the authors of the CCR in Paras. 4.28 to 4.37.

4.7 *Under the ASSI declaration the Department of Environment state that one of the factors which appear to the Department to be likely to damage the flora, fauna, geological and physiographical features of the area is “recreational, educational or research activities.”*

As the landowners on whom this legally binding declaration was served and as the only body with the power to control visitors numbers on the High Mountains this places a heavy onus on the Trustees to ensure that this does not happen.

4.8 There is an abundance of bodies such as the Tourist Board, local Authorities, MHT and independent operators promoting tourism at present. The impression is that that there are far too many bodies attempting to carry out the same activity and rationalisation is required. *Why add another one with all the cost involved?*

A single body with a clearer focus, shorn of time consuming inter body discussions and negotiations, should be able to approach promotion and marketing of tourism in a

more efficient way and with savings which could be utilised better in more needy areas. An added benefit is that it would be much easier to make a single body accountable for its actions and results.

4.9 All other requirements mentioned in the main report to make adequate provision for tourist needs can originate from the private sector with backing from planning authorities, funding and existing bodies. All that is required is better coordination between these bodies.

4.10 Only a very limited number of people within the rural areas will be in a position to create opportunities to earn monies from visitors. Indeed the overwhelming bulk of people living within the proposed boundary are either residential or commuters and have no interest in becoming involved in tourist related activities and are content to derive their income from their jobs and other sources.

4.11 The CCR notes that a national park authority has no means of raising money from visitors and is dependent on the goodwill of some of those engaged in tourism making voluntary contributions.

4.12 One certain way of creating problems is to provide facilities which will encourage overloading of the infrastructure. There is little evidence that the infrastructure in other than a small number of rural areas is overloaded at present due to visitor numbers and where there are a few problems there is scope for local intervention to provide solutions with planners playing their part.

The rapid growth in the population in and around the Mourne as well as in car ownership and the limited number of routes circumventing the mountains are the main factors in causing problems in traffic flow at present.

4.13 The Trustees attention has been drawn to instances where various bodies are producing leaflets and relaying information on matters on which they have either insufficient knowledge or no authority to do so. This needs to be stopped as only the Mourne Trustees and the beneficial owners have the right to determine what can take place on their lands and the conditions under which activities can be permitted.

4.14 What would help greatly with the dissemination of information would be a web site created by the Mourne Trustees and the beneficial owners. Authoritative information on contact points, permissive paths, unauthorised routes, reporting incidents, etc. could be made readily available. The website could be used for educational and other relevant purposes.

Technical and financial support to enable this suggestion to be implemented will be required from the appropriate sources.

5 Affordable Housing

- 5.1 Para.4.52 of the CCR indicates that, based on evidence from other National Parks, designation may lead to an increase in values of about 7-30% over and above that experienced in adjoining areas. Recent adverts placed in the media by local estate agents have sought to exploit the effect of a potential national park in the Mourne and prices realised subsequently have confirmed the accuracy of this projection.

The fear of local people is that younger members of the community will be displaced by outsiders with greater purchasing power triggering off the inevitable consequences for society as the rural population, unable to cope with escalating prices, is driven to more affordable areas outside a potential national park. The inevitable consequence will be similar to that experienced in other national park areas as older and wealthier outsiders gradually become more dominant in the area.

- 5.2 The aspect of affordable housing is a Province wide issue and has been considered in a recent investigation by the Government. The solution pressed upon the Committee is to provide a planning policy for the Province which is sufficiently flexible to allow sensible development within rural areas which will ensure the continuation of indigenous communities and the rural way of life and guarantee the management and protection of the environment.
- 5.3 Despite the fact that the Government had control over planning policies the “free for all,” experienced in recent years, in allowing planning applications led to an unacceptable state of affairs. The mystery which puzzled rural dwellers and particularly farmers was that planning permission seemed to be readily forthcoming to those who wished to sell sites to outsiders but farmers who had a genuine need for houses for family members to assist them in their farming operations seemed to have their applications blocked.
- 5.4 It is to be hoped that the outcome which will flow from the recent judicial review decision on PPS14 will restore some sanity to planning policy. In the Nominees view, based on comments made in the open consultations, it is essential that the following three factors guide rural planning policy –
- recognise that more and more farmers are getting older and need increasing assistance from younger family members
 - accept that the number of part-time farmers is increasing and assistance from other family members is needed
 - the Government needs to back up its declared policy of keeping old and less able people at home by allowing family members willing to assist to build homes near their needy relatives

To achieve these objectives it is essential that new builds be permitted near the point of need and not sited so far away that family members are unable to provide speedy assistance which is essential in many farming operations and where physical presence is the main factor in caring for the elderly and infirm.

6 Management Arrangements

- 6.1 *This is where the unbridgeable gap between local people, especially the farmers, and the majority of the Committee members arose. Much of what is contained in the main Report from here on is derived from what could fairly be described as submissions from vested interest groups and the personal opinions of the majority of the members of the Committee. In the Nominees opinion this approach largely ignores the information coming out of the open consultations. The Nominees have drawn heavily on that information in their attempt to reflect accurately the views and wishes of the public.*
- 6.2 *The views expressed and the information imparted in the public and sector consultations were so forcefully put that no one could be left in any doubt that the local people did not see a national park as providing a solution to any problem.*
- 6.3 *Reflecting on the experience of appointments elsewhere the thought of a National Park Authority (NPA) which would see outsiders clambering for status arising from an appointment to the Authority and who would have no understanding of local matters, local peoples aspirations and needs let alone have the expertise, knowledge, experience and competence to run such a management body was anathema to the speakers.*
- 6.4 *The National Trust has not endeared itself to local people since its arrival in South Down and any involvement by it in any management body would be fiercely resisted by those people.*
- 6.5 Local councillors and politicians are elected on the wider party policy issues and not on a single local issue and speakers felt that only some of them were equipped for such a management role.
- 6.6 *If a situation were to arise in which a national park authority were to be set up local people would insist on truly local as opposed to nominal local representation. The basic requirement of local people would be a minimum of 60% of members from the farming community which would guarantee the protection of the environment would be at the top of the agenda. Only those with no conflicting interests would be acceptable and should only be appointed after sounding out the farming community. The remaining 40% would leave sufficient scope for representation from Councillors, business, responsible user groups and others who could make a valuable contribution to management. The main emphasis must be on appointing members who could contribute in a business like way to the management of a NPA.*

- 6.7 *Local people would resist the imposition of a Chairman and Deputy Chairman through an advertising process as this is likely to produce persons unacceptable to them. Such appointments should be made by the members of the management body and not as the result of the application of some antiquated procedures from the past.*
- 6.8 *The number of members on a management body should be the minimum possible to enable business to be carried out in an efficient and businesslike manner and that will only be ascertainable once the tasks that have to be performed are known.*
- 6.9 *There is ample scope based on enabling legislation elsewhere to set up sub groups for consultation and necessary involvement with interested parties.*
- 6.10 *It is emphasised that these comments are made only in the event of what landowners would regard as a doomsday situation arising as a result of a national park being imposed.*

7 Area Management

- 7.1 The Nominees see a contradiction between the proposal for an agreed farm management strategy and the assurances given during the open consultations that there would be no interference in farming activities or ownership .Based on experiences in other national parks it is inevitable that an NPA would have to have rules and regulations some of which would impinge on ownership and farming activities. The Report of the Farmers Group on their visit to National Parks in Wales and Scotland lists some of the restrictions applying in those Parks.
- 7.2 *All the other strategies and policies mentioned in the main Report not only can but ought to be developed on a Province wide basis as they relate to common issues and not to ones peculiar to a single area. General policies can then be adapted to meet local situations.*

8 A Farm Management Strategy

- 8.1 *This is a Province wide issue and hopefully will be discussed in as open and widely a manner as possible.*
- 8.2 Recently the Trustees asked the Minister for Agriculture for scope to have an input into consultation processes on aspects which are peculiar to their interests and would hope for local farmers to be given an opportunity to have an input at a higher level at the formative stage on relevant matters – see for example Para.1.10 above.

9 Land Use Planning

- 9.1 Some pertinent comments can be found earlier in this note – see for example Paras.5.3 and 5.4 above.
- 9.2 The Trustees and the beneficial owners would reaffirm their belief that there should be a Province wide planning policy which would deliver commonsense solutions acceptable to people to enable them and the environment to live in harmony.

10 Funding and Resources

- 10.1 *Again this is where the Trustees, beneficial owners and farmers part company with the majority of the Committee.*
- 10.2 *The modern day thinking is to make every perceived problem look unduly complicated if not intractable and the solution invariably adopted is to set up complex structures to attempt to resolve it and more often than not by doing so create more trouble and annoyance than stemmed from the original problem.*

With complex structures invariably come overly complex rules leaving the uninitiated sinking into the slough of despond as they battle desperately to find their way through the maze of unnecessarily complicated rules and invariably suffer defeat at the hands of the bureaucrats and give up in despair. The only beneficiaries in these exercises are the bureaucrats who, with unstinting enthusiasm and effort, build their empires from which they prosper.

The proposal set out in the main Report for a management body of the nature outlined is, in the opinion of the Trustees, a classic example of overkill. Bureaucrats have now developed a mindset of over managing every aspect of peoples' lives be it the environment, the economy or whatever else they can intermeddle in.
- 10.3 *Most if not nearly all of the issues identified in the consultations are ones which are common to the Province as a whole and are not peculiar to the Mourne and Slieve Croob areas. Common issues require common solutions.*
- 10.4 *The Trustees yearn for a return to the time when problems were reduced to their simplest level thus enabling straightforward and easily understood solutions to be found. The Trustees view is that most if not all of the issues raised ought and need to be addressed and resolved on a Province wide basis. If the Minister and her Ministerial Colleagues can be persuaded of the wisdom of this approach the relatively simple existing Mourne Trustees structure could be enhanced and supported at a fraction of the cost, time and bother of setting up an unwieldy management structure which*

would further increase the alienation of local people adding to that the consultative process has already brought about.

- 10.5 *Members of the public expressed the view at a number of meetings that the funding required for a national park could be better utilised to meet the more pressing needs of society. At least one public representative endorsed this view in a letter published in a local newspaper (Mourne Observer 10 January 2007).*
- 10.6 *Throughout the open consultations the farmers left the Committee in no doubt that a siphoning off of monies from existing farming budgets such as SFPS to fund any new management system was unacceptable.*
- 10.7 Further comments by the Nominees on funding, resources and management can be found in the section entitled *Next Steps*.

11 Advice on a Proposed Boundary

- 11.1 *Such was the strength of opposition expressed to the national park proposal in the open consultations that this aspect was rarely mentioned. The strongest views on the boundary came from some written submissions and from within the Committee. The main Report represents the opinion of the majority of the Committee members.*
- 11.2 One sector group in the open consultations came out firmly in favour of the inclusion of the Kilkeel and Annalong plain within the boundary but this was in stark contrast to the vociferous opposing views expressed by the public in other sector and general consultations.
- 11.3 An interesting comment on the subject of the inclusion of the Kingdom of Mourne lowlands is to be found in the Boundary Report on Page 54 –
“ ..if this land, recommended for exclusion, is eventually included in the National Park for reasons other than the designation criteria (i.e. on the basis of economic need), its condition and use are likely to present significant difficulties in achieving the primary National Park purpose – to conserve and enhance natural and cultural heritage. Inclusion of this land would not be consistent with the proposed National Park legislation and, in effect, would be unlawful.”
- 11.4 The danger as the Nominees see it is that if the people in this area feel that there are grounds for inclusion in a national park then those in other areas west, north and east of the proposed boundary may feel that their areas should be included as well. The question then is where do you draw the line?
- 11.5 The Trustees note that in the Report on valuing the Economic Impact of the National Parks of Wales the main economic benefits are derived outside the Parks. At para. 4.56

of the CCR it is noted that the “duty of a national park authority to protect its special landscapes should logically lead to greater controls on development inside [that] boundary than outside.

The Nominees offer, as a constructive thought, that those living in areas outside the proposed boundary would need to reflect carefully on whether the freedom for development outside a national park boundary would outweigh the perceived benefits of being within it.

11.6 *The Nominees’ view is that, at present, it is not possible to express any worthwhile opinion on the boundary proposal and should it become material at a later date it would require much better informed consultation and debate.*

12 The Working Party’s Position

12.1 *Once again this is where the Nominees have a major difference of opinion with the majority of the Committee. More detailed comments by the Nominees can be found later in this Independent Report.*

12.2 *It is not the words “National Park” which has sent the wrong signal rather it is the possible consequences which flow from its imposition that causes concern.*

12.3 The concern of the Nominees is that the comments made by the Committee will further alarm local people and will reinforce in their minds the belief that a national park is on its way regardless of what people judge as necessary.

12.4 *The wish list of desirables put forward by the majority of the Committee is what the Nominees believe, to a large extent, is being met at present. Where that is not so there is an abundance of bodies in existence which, if there is a willingness to cooperate and act in a positive manner, can fulfil the remainder of the wish list without the intervention and expense of a national park.*

13 Next Steps

13.1 *During the consultation a question was asked as to what effect a national park would have on the lives of the thousands of people who were neither engaged in farming nor in tourist activities.* On the basis of the information presented at the open consultations the majority of the public saw only disadvantages without any benefits or as they put it “pain without gain”. Members of the committee felt unable to answer the question on the ground that the primary legislation was not in place and in its absence they could give not give any satisfactory information.

The question raised its head on other occasions and some of the more astute speakers suggested that the devil would only come in the detail in the secondary legislation which would give a clearer indication of the way in which a national park would impact on peoples' lives. This reinforced them in their views that they could not buy into anything without specific assurances as to the outcome.

- 13.2 The Nominees assume that the bulk of the enabling legislation in Northern Ireland will follow that in Scotland adapted to reflect local peculiarities. The Nominees examined the enabling Scottish legislation and found that it did not provide any help in answering the question posed by the public.
- 13.3 Indeed secondary legislation is framed in such general terms that the public would be left to await the actions of the national park authority to see how their lives would be affected. As stated in Para.2.1 above much will depend on the composition of that authority and the reasonableness or capriciousness with which it interprets its brief and carries out its activities.
- 13.4 ***The fact that the detail which concerns the public will not come until the authority is up and running is a major barrier to achieving consent from the public to allow the process to continue.***
- 13.5 On the strength of the propaganda put about that there was widespread support for a national park many of the Councillors and Politicians felt that they had to commit themselves to support the concept of a national park before the detailed investigation and consultation were carried out. Once the latter was done and it became apparent that rather than widespread support there was widespread opposition to the proposal many of the Councillors and Politicians, with an election approaching, found themselves in a difficult position with their constituents and were put in the unfortunate situation of having to revise their position on the proposal. Now that the election has passed the great difficulty for local people is to assess where the Councillors and Politicians currently stand on the national park proposal. Naturally this breeds suspicion and in turn creates uncertainty in peoples' minds leading to an unhappy and unhealthy climate for all concerned.
- 13.6 ***The manner in which this process was initiated at the outset without first undertaking any basic research, the lack of initial consultation to ascertain local people views as opposed to vested interests groups before embarking on the process and making representation to the Minister in the previous Assembly, the Minister's decision to take the process forward, the unrepresentative nature of the Committee, the hard sell of the area for tourism by some Committee members, the ostensible and superficial attention paid to the protection of the area created a very bad impression in the mind of the public and led to heavy criticism and lack of confidence in the Committee being freely expressed in the open consultations.***

- 13.7 Throughout the open consultations the public expressed severe criticisms of various bodies and individuals based on what they perceived as a lack of neutrality and genuine commitment to act in the best interests of local people.
- 13.8 The consultation exercise has created serious doubts in the minds of the public on the legitimacy of the process. Serious damage has been done to relationships within the Mourne and Slieve Croob areas. A genuine doubt has been raised in local peoples' minds that the process is a face saving exercise on the part of Government which many believe has already made its mind up to create a National Park regardless of whether the facts warrant it. The language used in all the documentation issued by Government is of a kind not "if" but "when" and this was frequently commented on adversely during the consultation. The nature of the questions on which the Committee was asked to consult reinforced in many peoples' minds doubts about the genuineness of the consultation process.
- 13.9 The determined efforts on the part of Government Offices to play down in a dismissive manner issues such as public liability further undermined the public's confidence in the Government's intentions.
- Much work and effort will be required to defuse the potentially explosive situation which has been created.***
- 13.10 It has been widely recognised in various reports compiled elsewhere and in recent Government statements that the maintenance and preservation of the environment depends on the commitment of farmers and landowners. ***At present the results of the consultation demonstrates that the overwhelming majority of the latter are not convinced that a national park is the way forward.***
- 13.11 It is likely that a better way forward can be found and this warrants further exploration in a truly objective manner. Few people in the Mourne and Slieve Croob areas have little, if any, idea of the role of the Mourne Heritage Trust (MHT). At present the MHT is perceived as a mini tourist board intent on picking up awards for tourist projects. Few people in these areas see any evidence of the MHT having any real impact in assisting them in the management of the environment. Farmers have lost all confidence in the Farmers Liaison Group and The Mourne Safer Partnership set up by the MHT. These are perceived as talk shops set up to create a face saving appearance of activity. Even more serious the MHT has sought to interpose itself between the Trustees/ farmers and outside bodies which have a need to consult those who are the effective managers of the area. This has developed into an intolerable situation particularly for the Trustees. This is an unfortunate image for a body which was set up to manage an AONB.
- 13.12 The Nominees enquired widely as to the possible merit of reconstituting the MHT with the object of creating a vehicle which could command wider support. The unanimous response was that the MHT has served no useful purpose in the management of the AONB and has not delivered any value for money to the general taxpayers and ratepayers on the maintenance and protection of the environment. The consensus of

opinion was that the MHT should be wound up. The emphasis by the Government could then be switched to supporting the landowning community in its management of the environment by initiating schemes through DARD and EHS backed with financial support to achieve this end.

- 13.13 The recent reports in the press of the unacceptable amount of the EU funding coming to Northern Ireland being eaten up by bureaucracy (up to 11% in some instances) has not escaped the attention of the Trustees. ***The need to cut out bureaucracy wherever possible is essential so that scarce resources can be fully utilised on the areas of most need.***

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- 13.14 In particular funding is desperately needed in the High Mourne to enable the Trustees to cope with the cost of making good natural damage and the exceptionally heavy damage wreaked by irresponsible users. This could be achieved using the present management structure of the Mourne Trustees through a coordinating committee of those Groups. A body so constituted would be readily accountable to local people and would have a clear and effective role in supporting in a visible way the valuable work being undertaken by landowners at present. An additional benefit would be that it would recognise and give credit to those who have provided the mainstay for the management of the Mourne for over a century. It would restore confidence in the management of the AONB which the MHT has failed to achieve.
- 13.15 The addition of an effective ranger service to provide assistance to hard pressed farmers to cope with user and other damage through maintenance and repair work and management of user activity is worthy of consideration.
- 13.16 If the proposal of the nature contemplated could find support from the Minister many of the core items desired on environmental and tourist matters outlined in the main Report could be delivered in a relatively inexpensive way and without further bureaucratic intervention and encumbrances.

14 Petitions

The Nominees were made aware of another substantial petition of opposition to the national park proposal and drew its existence to the attention of the Committee. The majority of the Committee decided not to make any reference to it in the main Report.

15 Final Thoughts

15.1 Those who jumped on the bandwagon of enthusiasm in the belief a national park would provide the panacea for all economic ills could be well advised to consider whether utopia is at the end of the line or whether something more unpalatable is the ultimate destination.

15.2 Students anxious to find a worthwhile subject for their dissertations, to replace the much examined national park issue in the Mourne and Slieve Croob area, might find the topic of an over managed society as fertile ground for their future endeavours.

Summary

1. Access, affordable housing, anti social behaviour, availability and accessibility of funding, farm management strategies, legislation relating to control of dogs, occupiers' liability, planning, preservation of rural communities, protection of the natural built and cultural environment and heritage are Province wide problems and solutions should be devised on that basis. Once the general framework is in place any relevant policies can be adapted to meet local variations.
2. In particular legislation needs to be introduced as a matter of urgency to remove from landowners any liability to users, whether visitors or trespassers, arising out of the use of the land for recreational and outdoor pursuits.
3. Visitors , whether groups or individuals, wishing to enter land should be encouraged to take out **personal liability insurance in addition to public liability insurance** to protect themselves and the scope to obtain group cover should be explored with relevant Insurance Associations.
4. The negotiation of access rights should continue to be a matter for agreement between Local Authorities and the individual landowner without intervention from outside bodies.
5. The Access to the Countryside Order should be amended to meet present day situations and requirements as outlined in Para.3.
6. There is a need for more clearly defined support for farmers for environmental work and a simplified system set up with straightforward procedures to enable farmers and farming groups such as the Mourne Trustees to access funds.
7. The rate of payment on common land in the LFACA Scheme needs to be raised to 100% and probably higher to reflect the inherent disadvantages and costs farmers suffer in those areas.

8. There is a need to examine the apparent conflicts between some DARD environmental schemes and make them compatible so that the farmers can have greater certainty of mind that when carrying out one scheme they are not breaching rules under another.
9. It is difficult to reconcile the specific regulations of some Designations such as ASSIs and DARD Schemes and there is a need to resolve and reconcile the apparent conflicts.
10. There is a need to carry out an investigation into the reason why there is the current need for so many bodies and organisations, often with conflicting interests and unnecessary duplication of activities, which affect tourism, farming and other activities and to ascertain what savings could be made through rationalisation by putting in place a national plan, similar to that in the Republic of Ireland.
11. There is a pressing need for better dissemination of information on topics which all should be aware of and not just those “in the know.”
12. Rather than add new bureaucratic systems the existing ones should be utilised, simplified and the number reduced where possible.
13. The MHT should be abolished and the savings achieved be used by DARD and EHS to change and elevate the emphasis to environmental protection by providing funding through simple schemes to enable landowners to make good natural and user damage.
14. Any funding which can be saved and made available should be concentrated on the High Mourne which have suffered the worst environmental damage and have the greatest need.
15. The Mourne Trustees should set up a coordinating committee to provide a vehicle for communication and negotiation with Government on matters affecting the High Mourne and advising on funding required to maintain and protect that area and the Government should give recognition to that committee.
16. There are compelling reasons for management, consultative and information purposes to establish a web site for the Mourne Trustees with funding and technical assistance being made available for this purpose.
17. Consideration should be given by Government to establishing an effective ranger service to enable it to assist landowners in the AONB and in particular in the High Mourne to carry out essential maintenance and repair work and manage user activity.
18. Government and other Organisations need to come to terms with the fact that the farming community does not have the equivalent administrative back up enjoyed by the former and has already reached the end of its capacity to deal with existing bureaucratic requirements and could do without the threat of further intervention be it from a national park authority or otherwise.

19. The findings from the consultation process confirm the level of support for a national park from the landowning and farming communities in the Mourne and Slieve Croob areas is so low that for the Minister to proceed with the proposal will bring her into serious conflict with those communities and, as a consequence, create an atmosphere in which the high level of goodwill which currently exists between them and the users could be either be lost or damaged irreparably. A simpler, less expensive and better way forward needs to be found.

20. The proposal put forward on behalf of the Mourne Trustees would, if accepted, remove the need for further negotiation on controversial issues such as boundaries and management structures.

Acknowledgement

The Nominees for the Mourne Trustees would like to pay a tribute to those who made written submissions, responded to leaflets and replied in any form. A particular word of thanks is due to the members of the public and Organisations who took the time to attend the public and sector consultations. Participation in the open consultations was particularly illuminating and helpful. Audiences proved to be well informed and articulated their concerns, views and opinions firmly. Questions were penetrating. Issues were brought out into the open. Opinions were varied. Information which proved invaluable was forthcoming. Audiences left the Committee members with much food for thought.

The challenge for all the Members of the Committee is to ensure that a well balanced Report has been prepared and submitted to the Minister. The Nominees hope that the views and opinions expressed in this Independent Report will reflect the diversity of opinion which emerged during the open consultations and have a counterbalancing effect on the main Report and leave the Minister better placed in considering the way forward.