



Permissive Access Agreement For Aughnaclyffe Heritage Trail:  
Angela Durkin & Kevin Durkin  
Smear,  
Aughnaclyffe,  
Co. Longford.

*Kevin Durkin*



Longford County Council

Aughnaclyffe Heritage & Amenity Trail, Aughnaclyffe, Co. Longford

Permissive Access & Accommodation Works Agreement

Name of Proposed Project: Aughnaclyffe Heritage & Amenity Trail

Landowner: Kevin Durkin

Townland of Proposed Works: Aughnaclyffe

Attached Map Ref Number: \_\_\_\_\_

Folio No.: \_\_\_\_\_

**Landowner Permission / Consent (Permissive Access)**

Where a recreational Greenway, Footpath/Cycle path or Heritage & Amenity Trail crosses private land, the landowner's permission to do so must always be obtained. The majority of recreational trail developments in Ireland are established on a permissive access basis. A permissive access trail is a trail which people are allowed to use with the agreement of the landowner. A permissive trail differs from a public right of way in that No permanent rights of way will be created.

As evidence of the permissive nature of access to the public, the route will be closed for one day on 21<sup>st</sup> February every year.

Permissive access can only be used in the way the landowner has specified and subject to any conditions he or she has agreed (conditions as agreed and attached).

**National Footpaths and Cycle paths – Public Liability Indemnity Insurance Scheme**

On all recreational trails, the owners and occupiers of private property crossed by the trail must be indemnified against any claims involving bodily injury and / or property damage sustained by persons whilst on landowners' lands for recreational or leisure activities connected with designated recreational trails.

In the case of designated /approved Greenways, Footpaths and Cycle paths and Heritage & Amenity Trails in Co. Longford this indemnity is provided by Longford County Council through a policy administered by Irish Public Bodies Mutual Insurance Ltd.

Cover under this policy is extended to provide an indemnity to landowners in respect of legal liability arising from claims involving personal injury and/or property damage sustained by persons whilst on landowners' land for construction, maintenance, recreational or leisure activities connected with the designated recreational trails.

The term "*recreational or leisure activities*" shall specifically exclude hunting as defined by the Wildlife Act 1976.

The limit of indemnity provided for any one accident is €6.5 million inclusive of all damages, costs and legal expenses.

As such, the policy extends to all landowners whose lands either cross or adjoin the designated trail. The indemnity is valid whether the user is actually on the trail or has strayed off it.

The owner / occupier of any private property is further protected by the provisions of the Occupiers Liability Act 1995. A person using a trail is classified as a recreational user. Under the Act, the duty of care to a recreational user is the same as to a trespasser and is extremely limited. The owner or occupier should not intentionally injure persons or damage their property, or act "with reckless disregard" for their safety.

### AGREEMENT

I Kevin Durkin, of Smyear Co. Longford, owner of lands situated in the townland of Aughnacliffe, Longford, hereby agree to allow personnel using the proposed Aughnacliffe Heritage & Amenity Trail, Aughnacliffe, Co. Longford, to traverse the marked area (Map No. \_\_\_\_\_) on a Permissive Access basis only. I expect that users will adhere to the Leave No Trace principles / Country Code.

#### Conditions:

- The Permissive Access includes walkers, cyclists and joggers only
- The Permissive Access includes for the construction and maintenance of the proposed trail
- The Council shall indemnify me in respect of legal liability arising from claims involving personal injury and/or property damage sustained by persons whilst on my land for recreational or leisure activities connected with the proposed trail
- The Council shall be responsible for the maintenance of the proposed trail including litter picking and collection.
- The Council will cover the costs of all accommodation works associated with the development described below:

#### Accommodation Works /Agreed Conditions:

- Longford Co. Co. to maintain the Proposed Trail and indemnify the landowner

Drainage / Fencing / <sup>Stock Proof.</sup> accesses to river.  
Secure of gates.

Landowner Signature:

Kevin Durkin

Witness Signature:

[Signature]

Date:

26/5/21

Signed:

Director of Services, Longford County Council

Date:

\_\_\_\_\_