



Permissive Access Agreement For Aughnaccliffe Heritage Trail:
Philip Brady Jr.,
Clenrath,
Aughnaccliffe,
Co. Longford.



Longford County Council

Aughnaccliffe Heritage & Amenity Trail, Aughnaccliffe, Co.Longford

Permissive Access & Accommodation Works Agreement

Name of Proposed Project: Aughnaccliffe Heritage & Amenity Trail

Landowner: Philip Brady

Townland of Proposed Works: Clen Rath.

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 21st 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 Philip Brady, of Rathmore Co. Longford, owner of lands situated in the townland of Cleen Rath, Longford, hereby agree to allow personnel using the proposed Aughnaclyffe Heritage & Amenity Trail, Aughnaclyffe, 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

Water Connection / Drinkers / hose pipe.

Landowner Signature:

Philip Brady

Witness Signature:

[Signature]

Date:

26/05/21

Signed:

Director of Services, Longford County Council

Date:
