



Briefing Paper One:

Preliminary recommendations to assist with the development
of a guidance framework and monitoring framework for
rural proofing related to the Rural Needs Act

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Introduction

The Northern Ireland Executive has committed and re-committed to rural proofing policy starting from 2002. Legislation was initiated in November 2015 by the Minister of Agriculture and Rural Development in order to put rural proofing on a statutory footing. The resulting Rural Needs Act (Northern Ireland) 2016 was granted Royal Assent on 9 May 2016¹. Research was commissioned by the Department of Agriculture, Environment and Rural Affairs (DAERA) through the Evidence and Innovation Programme to investigate 'developing more effective rural proofing and rural champion models' (Project E&I-15/2/05). Researchers from the Agri-Food and Biosciences Institute in Northern Ireland and the Centre for Rural Economy at Newcastle University carried out focus groups and interviews from late October through early December with representatives from government departments, arms-length bodies, local government, rural organisations, and other stakeholders. Participants were asked about their previous and current experience with rural proofing, as well as their understanding and interpretation of the new legislation. This brief has been prepared to provide evidence-based recommendations on developing guidance materials to assist public authorities in complying with the Act, as well as on implementing the monitoring and reporting obligations².

Guidance: Recommendations³

Considerable confusion was expressed about the terminology used in the Rural Needs Act. People are unclear how to define 'rural', 'need', and 'due regard'. We recommend that in the guidance DAERA addresses this confusion by offering the following definitions:

- Defining rural: There is no single definition of rural that is universally accepted or relevant for all purposes. Most formal definitions refer to population density, settlement sizes, land-use patterns involving agriculture and forestry, and distance from major urban centres; these criteria may be applied singly or in combination. NISRA have advised that for Northern Ireland the default definition is that areas with a population density of 5,000 or less are rural, although different definitions are used in different policy contexts as appropriate.
- Defining need: Need is to require (something) because it is essential or very important rather than just desirable.
- Defining due regard: To 'have due regard' means that in making decisions and in its other day-to-day activities a body subject to the duty must consciously consider the need to do the things set out in the Rural Needs Act: Public authorities must consider

¹ <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/rural-needs-bill3/>

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³ In general we recommend that the existing guidance³ 'Thinking Rural: The Essential Guide to Rural Proofing' provides the starting point for guidance.

if policies will have an adverse impact on the social and economic needs of persons in rural areas.

People are unclear why a Rural Needs Act was introduced and how it is different to rural proofing. We recommend that the following is made clear:

- Going forward, with the strength of the Rural Needs Act behind it, rural proofing will require a much more robust evidence base. This is the case for all stages of the process.
- As outlined in the Act, DAERA will take steps, as deemed appropriate, to undertake, commission or support research relating to rural need.
- The Rural Needs Act now puts a responsibility on DAERA to collate and monitor all responses to how rural needs were addressed by public bodies and report on these to the Assembly on an annual basis. DAERA has an increased role and oversight on rural proofing following the Act.
- We recommend that MLAs and Councillors are trained in rural proofing. As people who will be lobbied around rural services it is important that they are trained in the difference between desirable and essential and understand the fiscal constraints within which rural proofing takes place.

People are unclear about what additional requirements the Rural Needs Act imposes on public authorities. We recommend the following:

- DAERA acknowledges that public authorities have previously engaged with rural proofing in good faith and anticipates this will continue. The Rural Needs Act brings evidence more centre stage to inform better practice. It also makes DAERA more accountable for oversight which will allow it and the Agriculture Environment and Rural Affairs Committee to advise on best practice.
- It is also acknowledged that rural proofing does not apply to every policy. DAERA accepts that having given due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and designing and delivering public services, that public authorities may rightfully conclude that the policy does not impact on rural need.
- DAERA also recognises that 'rural needs' does not mean that every individual in rural areas has economic and social needs⁴. It recognises that some general policies affecting rural dwellers need ongoing attention (for example, infrastructure) and some specific policies may be necessary to address more regionally specific issues (for example, needs of migrant workers in the Mid Ulster Council area).

⁴ See for example AFBI (2010) Rural Northern Ireland: Context, Challenges and Opportunities: Chapter Prepared for Forthcoming Rural White Paper by The Agricultural and Food Economics Division of AFBI (Agri-Food and Biosciences Institute)

People are unclear how to apply the Rural Needs Act in different contexts. They are unclear how to rural proof high-level strategies and plans because these set targets for broad outcomes instead of specific actions. We recommend the following:

- DAERA support public authorities to develop rural proofing guidance that is appropriate for the activities of their organisations. For example it might be appropriate to develop a ‘governance-focused’ approach to strategy, a ‘consultation-focused’ approach to policy, and a ‘spatial analysis – focused’ approach to services.
- A ‘governance-focused’ approach to rural proofing establishes and utilises existing governance structures to help public authorities consider rural needs. For example, cross-body advisory groups to facilitate dialogue and identify common interests on an on-going basis. The structures should cut across public authorities horizontally and vertically to help identify inconsistencies amongst strategies and plans that impact rural needs.
- Using formal and informal feedback from stakeholders on a specific action or policy, a ‘consultation-focused’ approach, combines evidential review, pre-consultation and public consultation. An impact-assessment-platform is used to facilitate stakeholder participation in the policy design/review process by providing a malleable ‘workspace’ where various stakeholders can become involved in interrogating the evidence, identifying problems, and generating solutions⁵.
- Geographical accessibility is a ‘spatial analysis – focused’ method to engage in rural proofing. Mapping tools, such as ArcGIS, are used to ‘layer’ different types of information such as the patterns of how individuals access a particular service, infrastructure (both physical and digital), and demographics. Sufficiently disaggregated spatial analysis to investigate geographical issues more generally can identify accessibility problems in rural areas.

There is confusion about ‘need’ and how it will be interpreted. There is concern that it will be used to construct unrealistic wish lists, regardless of practical and fiscal constraints. We recommend:

- See above: Defining need: Need is to require (something) because it is essential or very important rather than just desirable. So for example, the closure of a rural school may be in line with the Rural Needs Act. A local school is desirable, but the best possible education for rural children is essential. The optimal way to provide this may be through an amalgamated or larger school. Evidence is available to support this argument.
- The existing guide to rural proofing clearly explains that ‘equitable’ cannot mean the same level of provision as urban areas.

⁵ The Open Policymaking toolkit provides additional source material for guidance on productively engaging with stakeholders during the policy design and review process (<https://www.gov.uk/guidance/open-policy-making-toolkit>).

- The 'Aide Memoire' component of the current Guide to Rural Proofing should be revised or omitted. If revised, it needs to more clearly distinguish between desirable and essential requirements.

There is confusion about the Rural Issues Statement. People are not sure what to do. They would like a standard template. Some people were unsure where to find evidence, or who to consult. People wanted examples of best practice. We recommend:

- The name 'Rural Issues Statement' should be changed to 'Rural Impact Assessment'.
- The current format should be retained: design, evidence, consult, monitoring and evaluation.
- A fictional case study example of what a Rural Impact Assessment might look like should be provided in the rural proofing training.
- A list of potential sources of evidence should be made available on the DAERA website such as from the Evidence and Innovation Programme⁶ with further advice given if sought.
- A broad-ranging list of potential stakeholders should be made available on the DAERA website, with further advice given if sought.
- An example of very good practice is Northern Ireland Courts and Tribunals Service's rural proofing of the rationalisation of the Court estate⁷. It is not expected that all examples of rural proofing will be this detailed. DAERA will seek out more examples of good practice going forward.

Monitoring: Recommendations

There was confusion about who is responsible for monitoring rural proofing, and what the sanctions are if it does not occur. Frustration was expressed that the point of rural proofing was not clear. We recommend:

- As clearly spelt out in the Rural Needs Act, each public authority must compile information on how it has paid due regard to rural need. Public authorities must include this information in its annual report. It must send this information to DAERA. DAERA must publish an annual report containing this information. DAERA must lay a

⁶ For example, relevant findings from the Evidence and Innovation Programme on rural services not currently in the public domain: Jack, C.G., Patten, N. (2014). The contribution of key basic services to rural dwellers quality of life in Northern Ireland. Policy Briefing Report DARD, 2014; and also Jack, C. G., Anderson, D., Connolly, N. (2012). Rural Household's Experience of Accessing Public Services in Northern Ireland; Policy Briefing Document submitted to DARD, 2012.

⁷ https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0OahUKEwirnJfxw7LRAhXBJCYKHWHdZ4QFggaMAA&url=https%3A%2F%2Fwww.courtsni.gov.uk%2Fen-GB%2FPublications%2FPublic_Consultation%2FDocuments%2FResponse%2520and%2520recommendations%2520on%2520proposals%2520for%2520the%2520rationalisation%2520of%2520the%2520court%2520estate%2520Final%2520Rural%2520Proofing%2520Document%2520March%25202016.doc&usq=AFQjCNHLOSizFEKbfu2YP8osujiIPc7efg&sig2=iyP36iwtTlPRRUDBp2MmBw&bvm=bv.142059868,d.d24

copy of the report before the Assembly. The Minister must make a statement to the Assembly about the content of the report.

- We recommend that the timeline for these activities should be developed as soon as possible.
- We recommend that DAERA's role is one of monitoring and reporting progress on rural proofing, but not one of imposing sanctions. It is unrealistic to expect one public authority to sanction others.
- When the Minister presents the annual report on rural proofing, it will be an opportunity to highlight any examples of good practice or any weaknesses. We recommend that if a public authority has not followed best practice they should receive feedback and guidance from DAERA.
- We recommend that it is accepted that evidence of good rural proofing is that it is 'invisible'. In other words, we can accept that equality legislation works well in Northern Ireland because there are few cases taken of discrimination. If few concerns are raised about the need to address rural proofing of policies, then we can accept this as evidence that rural proofing is working well.
- We recommend that DAERA consider the Equality Commission for examples of good practice.
- We recommend that one designated person with responsibility for rural proofing is identified in each public authority. This person will be responsible for monitoring rural proofing in their public authority. These people can then become part of the 'Rural Proofing Expert Group' that meet twice a year. This group can reflect and share best practice and provide a network of support.
- We recommend that consideration is given to taking the rural champion function outside of DAERA and combining it with a 'rural watchdog' role. Consideration should be given to whether an existing committee could undertake this role such as the Agriculture Environment and Rural Affairs Committee or the Monitoring Committee of the Rural Development Programme.
- We recommend that DAERA advises other public authorities about the future plans for a unit/ individuals within the Department to have overall responsibility for the delivery and monitoring of rural proofing.

