

03/08/2018

Mail – imelda.mccarron@fermanaghomagh.com

FW: Investigation of Alleged Public Right of Way at Greencastle, Omagh

Philip Kingston <Philip.Kingston@derrystrabane.com>

Fri 03/08/2018 14:49

To: Robert Gibson <robert.gibson@fermanaghomagh.com>; Imelda McCarron <imelda.mccarron@fermanaghomagh.com>;

1 attachments (77 KB)

submission.doc;

FYI.

From:

Sir 03 August 2018 14:48

To: Philip Kingston <Philip.Kingston@derrystrabane.com>

Subject: Investigation of Alleged Public Right of Way at Greencastle, Omagh

3rd August, 2018

Mr Philip Kingston
Fermanagh & Omagh District Council
The Townhall
2 Townhall Street
ENNISKILLEN
BT74 7BA

FIRST CLASS POST
BY EMAIL Philip.kingston@derrystrabane.com

D Sir

Re: Our Clients –

Investigation of Alleged Public Right of Way at Greencastle, Omagh

Please find attached submission on behalf of the above-named clients.

Yours faithfully

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03/08/2018

Mail – imelda.mccarron@fermanaghmagh.com

Investigation of Alleged Public Right of Way at Greencastle, Omagh

Fri 03/08/2018 14:41

To: Imelda McCarron <imelda.mccarron@fermanaghmagh.com>;

C

1 attachments (77 KB)

submission.doc;

3rd August, 2018

(

Ms Imelda McCarron
Countryside Recreation Officer
Fermanagh & Omagh District Council
The Townhall
2 Townhall Street
ENNISKILLEN
BT74 7BA

**FIRST CLASS POST
BY EMAIL**

Dear Madam

Re: Our Clients –

Investigation of Alleged Public Right of Way at Greencastle, Omagh

Please find attached submission on behalf of the above-named clients.

Yours faithfully

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IN THE MATTER OF A PROPOSED ASSERTION BY FERMANAGH AND OMAGH
DISTRICT COUNCIL IN RESPECT OF LANDS AT GREENCASTLE AND
ROUSKEY COUNTY TYRONE.

SUBMISSION BY PERSONS WHO HAVE AN INTEREST ON THE LANDS IN THE
AREA OF THE PROPOSED ASSERTION

FILED BY

on behalf of

1. Each of the above-named persons have a long history of association, ownership of lands abutting the route of the proposed assertion and daily knowledge of the uses of the lands in the area of the proposed assertion as set out hereinafter.
2. County Tyrone. She acquired it from her had owned it. The land has been in her family for almost 100 years. The land has been used by members of the family primarily for over many decades and was brought up and continues to live in the area and states that, save for people who used to cross the route to access the turbary rights on the mountain to the north of the said route, this access being permitted by an express easement registered against Folio historically, she has not seen persons using the route in the manner set out in the Evidence Forms which have been furnished by the Council under Freedom of Information requests.
3. lady who is the owner of Folios and County Tyrone. This land has been in her family for over 100 years. This land has been used primarily for and continues to be used by t for these purposes. The family have always lived in the area and they too do not recognise the uses of the route as suggested by the Evidence Forms which have been furnished by the Council.
4. owns lands which are relevant to this matter. The Folio details will follow. These lands have been in the family for a period in excess of 100 years and they too have used the lands primarily for The family have always lived in the area and they too do not recognise the uses of the route as suggested by the Evidence Forms which have been furnished by the Council
5. the owner of Folios County Tyrone and Those lands have been in his family for generations and over 100 years. That land has been used primarily for with occasional use for have always lived in the area and he too does not recognise the uses of the route as suggested by the Evidence Forms which have been furnished by the Council.

6. _____ is owner of Folios _____
 County Tyrone and _____ owner of _____ County Tyrone and farms these
 lands. Part of these lands _____ have been in his family for 80 years. That land
 has been used primarily for _____ with occasional use for _____ Mr
 _____ where it abuts his lands without
 objection or interference. _____ have always lived in the area and he too does not
 recognise the uses of the route as suggested by the Evidence Forms which have been
 furnished by the Council
7. These respondents adopt and endorse the Legal Principles set out in the submission of
 1 at paragraphs 6-10 inclusive at page 7.
8. These respondents further adopt and endorse the submissions set out in the
 submission of _____ at paragraphs 11-107 and reject the contention
 that an assertion of the route as a public right of way is justified in law.

Dated 3rd August 2018

1

16/08/2018

Mail – imelda.mccarron@fermanaghomagh.com

Re: Files - Green Road

Philip Kingston <Philip.Kingston@derrystrabane.com>

Thu 16/08/2018 11:05

To: Imelda McCarron <imelda.mccarron@fermanaghomagh.com>;

Thanks Imelda

Sent from my iPhone

On 16 Aug 2018, at 09:21, Imelda McCarron <imelda.mccarron@fermanaghomagh.com> wrote:

No worries. I'll leave them in Strabane either today or tomorrow and you can give me a shout if anything arises.

Thanks
Imelda

From: Philip Kingston <Philip.Kingston@derrystrabane.com>

Sent: 16 August 2018 08:43

To: Imelda McCarron

Subject: Re: Files - Green Road

Thanks
Philip.

Sent from my iPhone

On 15 Aug 2018, at 19:19, Imelda McCarron <imelda.mccarron@fermanaghomagh.com> wrote:

I'm off on leave all next week Philip. Friday any use? Pm only as I've another meeting in the morning?

Thanks
Imelda

Sent from my Windows 10 phone

From: Philip Kingston <Philip.Kingston@derrystrabane.com>

Sent: Wednesday, August 15, 2018 6:29:19 PM

To: Imelda McCarron

Subject: RE: Files - Green Road

Imelda,

Philip.

From: Imelda McCarron [<mailto:imelda.mccarron@fermanaghomagh.com>]
Sent: 15 August 2018 16:02
To: Philip Kingston <Philip.Kingston@derrystabane.com>
Subject: Re: Files - Green Road

How's the diary looking for tomorrow Philip?

Thanks

Imelda

From: Imelda McCarron
Sent: 09 August 2018 17:36
To: Philip Kingston
Subject: RE: Files - Green Road

Well sure I'll hold Thursday for you and you can let me know way suits best.

Chat soon
Imelda

Sent from my Windows 10 device

From: Philip Kingston <Philip.Kingston@derrystabane.com>
Sent: Thursday, August 9, 2018 4:22:50 PM
To: Imelda McCarron
Subject: RE: Files - Green Road

PK.

From: Imelda McCarron [<mailto:imelda.mccarron@fermanaghomagh.com>]
Sent: 09 August 2018 16:17
To: Philip Kingston <Philip.Kingston@derrystabane.com>
Subject: Re: Files - Green Road

Yea no worries. I'm free all day so whenever suits. Will I just drop them into Strabane or do we need to have a chat about them?

Thanks

Imelda

From: Philip Kingston <Philip.Kingston@derrystrobane.com>
Sent: 09 August 2018 16:16
To: Imelda McCarron
Subject: RE: Files - Green Road

Imelda,

:

PK.

From: Imelda McCarron [<mailto:imelda.mccarron@fermanaghomagh.com>]
Sent: 09 August 2018 16:06
To: Philip Kingston <Philip.Kingston@derrystrobane.com>
Subject: Files - Green Road

Philip

I have 3 lever arch folders copied here. The fourth one is copied maps etc. I'm not sure how much use they are as they are duplicated in the main folders. I can have them with you tomorrow or Wed / Thur of next week?

Thanks

Imelda

*Imelda McCarron
Countryside Recreation Officer
Fermanagh and Omagh District Council*

*T: 0300 303 1777
M: 07702 919 798
E: imelda.mccarron@fermanaghomagh.com*

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07/09/2018

Mail – imelda.mccarron@fermanaghomagh.com

Untitled

imelda mc carron

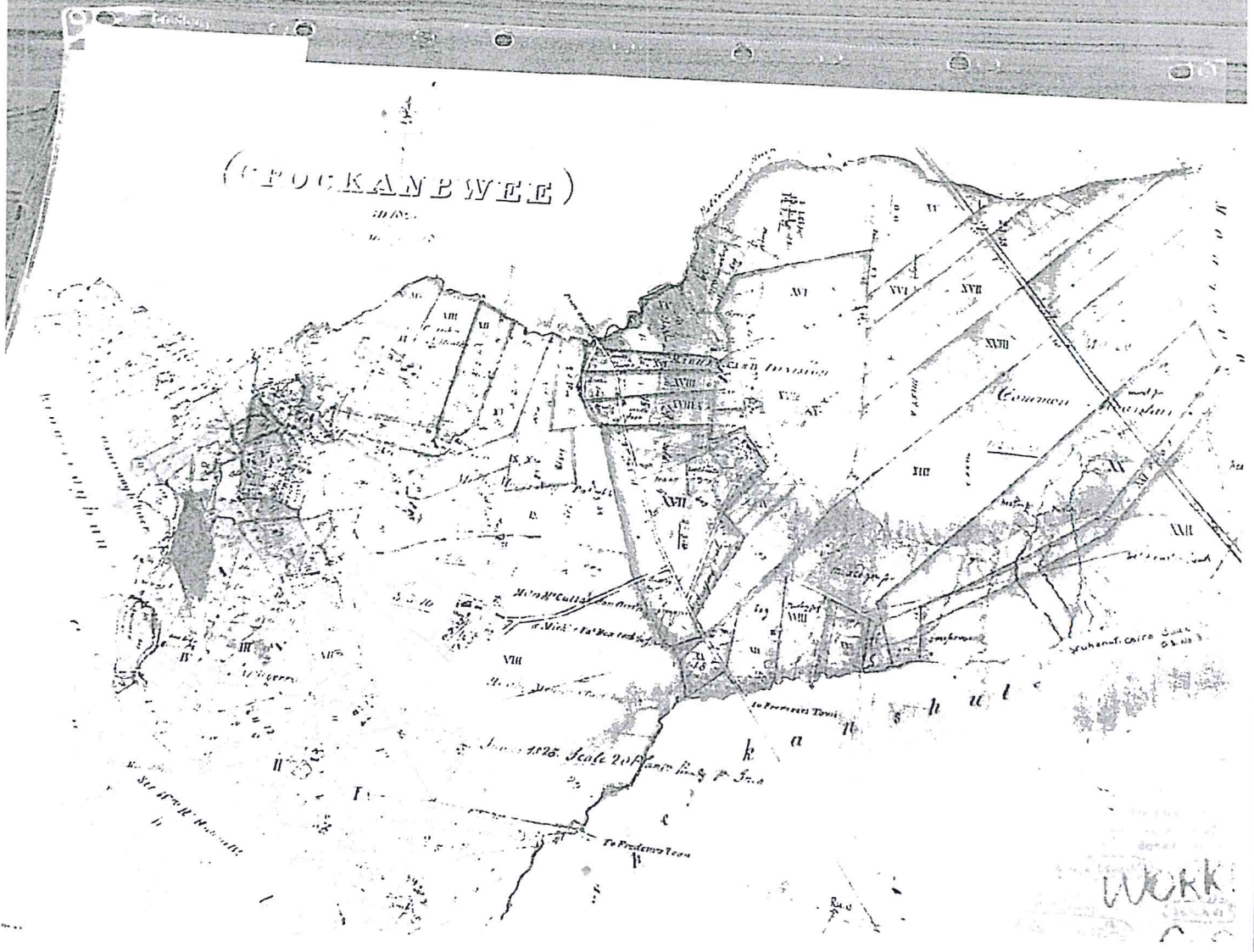
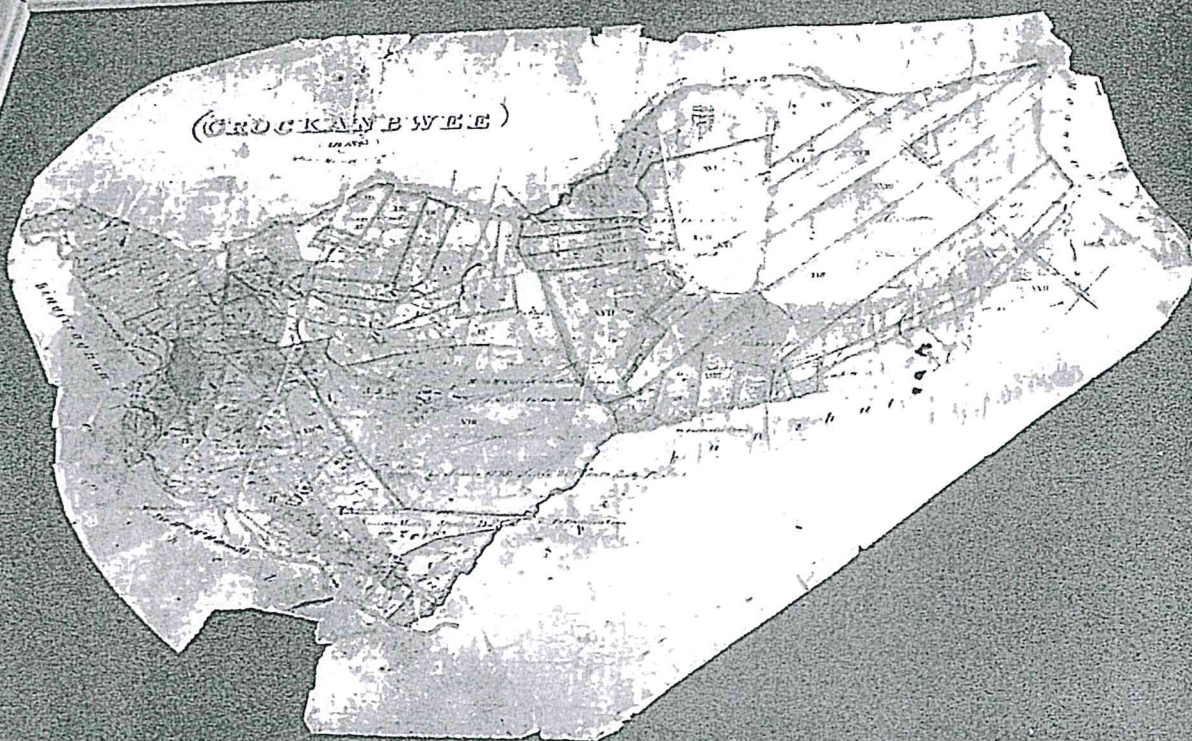
Fri 07/09/2018 09:27

To: Imelda McCarron <imelda.mccarron@fermanaghomagh.com>;

📎 2 attachments (2 MB)

IMG_9910.JPG; ATT00001.txt;

On phone from 8th Feb 2018.



Council Action - 4 September 2018

Clarissa Beacom

Mon 10/09/2018 11:09

To: Imelda McCarron <imelda.mccarron@fermanaghomagh.com>;

Imelda,

Below action agreed at Council on 4 September 2018 FYI;

RESOLVED: On the proposal of Councillor Wilson, seconded by Councillor Shields, approval to seek Senior Counsel opinion on the information received in relation to the Green Road PROW at a maximum cost of £10,000.

Robert has emailed Philip to progress this.

(**Clarissa Beacom**
PA to Director of Community, Health and Leisure
Fermanagh and Omagh District Council

Tel: 0300 303 1777 **Extension:** 21101

W: fermanaghomagh.com

Twitter & Facebook: fermanaghomagh

Fw: The Green Road Meeting Request

Robert Gibson

Tue 25/09/2018 09:05

To: Imelda McCarron <imelda.mccarron@fermanaghomagham.com>;

Hi Imelda,

For the file please.

Robert

From: Brendan Hegarty
Sent: 24 September 2018 17:48
To: Robert Gibson
Cc: Robert Gibson
Subject: Re: The Green Road Meeting Request

Dear

Thank you for your email of 10 September and subsequent emails, the latest received today, regarding a request to meet about the Green Road. The Council is currently in a process involving the collection and evaluation of evidence from interested parties for and against assertion of a Public Right of Way at this location. Due to an inordinate number of Freedom of Information requests the process has taken longer than expected but the Council was advised (by its legal team) that it should give everyone who had information on this matter the opportunity to provide it.

Having allowed sufficient time for everyone to provide this information, the Council has now agreed to appoint a Senior Barrister to advise the Council on the information we have received so that the Council can take a final decision on the matter. A report will then be taken to the next Regeneration and Community Committee following receipt of the Barrister's opinion.

I do not agree with your assertion that the Council's remit has been either downgraded or subverted in this matter or, as you suggest in the correspondence today, that the Council has failed to act reasonably. To the contrary, the Council is progressing the matter reasonably through due process.

As the Council is now determining its position it would not be appropriate to meet with you at this time. However if you have any new material information that should be considered, then please provide this in writing immediately and I will ensure this is provided to the Council's legal advisers.

I hope that this email clarifies the present position.

Regards
Brendan

From: Brendan Hegarty
Sent: 24 September 2018 14:57
To: Brendan Hegarty
Subject: Re: The Green Road Meeting Request

Brendan Hegarty
Chief Executive
Fermanagh & Omagh District Council

Dear Brendan

Re. Delay in Asserting Green Road PRoW

Thank you for your letter in response to our correspondence of 14th inst.

We are concerned at the continued failure of FODC to conclude the Assertion of the Green Road PRoW as per the Council's statutory remit. We are increasingly concerned at the inadequacy of the reason for failure to do so and now the refusal to our reasonable request for a meeting of the Council with :

You will know of the level of concern in the public on the matter.

With the continued impasse arising from the Council's failure to act reasonably on this matter we will regretfully need to seek other means of redress.

Sincerely

-----Original message-----

From : brendan.hegarty@fermanaghomagh.com

Date : 14/09/2018 - 12:30 (GMTDT)

To :

Subject : Re: The Green Road Meeting Request

Your request for a meeting is being considered in the context of the current legal process and I will respond in due course.

Regards
Brendan

From:

Sent: 14 September 2018 12:25

To: Brendan Hegarty

Cc:

Subject: Fwd: The Green Road Meeting Request

FAO:

Brendan Hegarty

Chief Executive

Fermanagh & Omagh District Council

14 Sept 2018

Dear Brendan

Re: Green Road PRoW Assertion

Further to our email of 10th inst.

I appreciate that you are busy and for that reason I want to ensure that public concern at the delay in executing the Green Road PRoW is flagged up as a priority matter for action.

The FOI documentation on the Council website appears to show that the groundwork and documentation was complete and prepared for sign off by 10 April 2018. It now looks as if another

week is slipping away with the concluding action being held back.

hope we can meet soon as requested on the issue.

Sincerely

---Original message----

From :
Date : 10/09/2018 - 16:11 (GMTDT)
To : Brendan.Hegarty@fermanaghomagh.com
Subject : The Green Road Meeting Request

FAO:
Brendan Hegarty
Chief Executive
Fermanagh & Omagh District Council

Dear Brendan
Re: Meeting request regarding the Green Road as a Public Right of Way

requests a meeting with you and with interested Councillors to discuss the situation of the Green Road.

You will know at of the public concern at the lack of progress by FODC on moving forward the matter of completing the work on formally establishing statutory recognition of the famous roadway known as the Green Road (Greencastle - Rousky) as a public right of way. The importance of retaining and extending access to the countryside and in particular maintaining and maximising public access routes for walking, cycling and tourist/leisure access that is off the main roads is long since acknowledged as a priority for the Omagh Sperrins. The Council's recognition of this is appreciated but the failure to complete the work of finalising the protected status of this historic route is a cause of serious worry. We know that a mining exploration firm is lobbying to get the Green Road to use it as a mine waste dump. It is most important that this historic roadway is afforded the robust, definitive and long term protection such a site merits.

As FODC is the accountable public body that represents the local people and District we are focussed on ensuring that the Council's remit in these matters is neither downgraded nor subverted in this important matter.

We look forward to hearing from you soon.

Sincerely

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03/10/2018

Mail – imelda.mccarron@fermanaghomagham.com

ICO Complaint

Margaret McMahon

Tue 02/10/2018 14:30

To: Imelda McCarron <imelda.mccarron@fermanaghomagham.com>;

Cc: Andrea McCourt <andrea.mccourt@fermanaghomagham.com>;

Hi

Just a quick email to let you know that I spoke to [redacted] in the ICO office today. No decision has yet been reached in relation to [redacted] appeal. We will receive an email in the next few weeks informing us of the likely date of the decision which will be issued in the form of an emailed Decision Notice.

The ICO are currently working through a considerable number of appeals.

Regards

Margaret

Margaret McMahon
Head of Policy and Strategic Services
Fermanagh and Omagh District Council
Townhall
2 Townhall Street
Enniskillen BT74 7BA
Tel (028) 6634 2436
Textphone 028 8225 6216

19/10/2018

Mail – imelda.mccarron@fermanaghmagh.com

I would be grateful to hear from you regarding same in order that I might update my clients.

Regards

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