

FW: press query

Robert Gibson <robert.gibson@fermanaghomagh.com>

Tue 07/01/2020 08:25

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

Good morning Philip,

I hope that you have had a restful Christmas and I wish you a Happy New Year. I apologise for bothering you so early in the 2020 but I have received a request for a response from the and I would greatly appreciate your advice please.

I would think that the Green Road PROW will get a mention at tonight's council meeting and wonder if we can say anything new at present?

Regards

Robert

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**From:** Tracy Hunter <tracy.hunter@fermanaghomagh.com>

**Sent:** 06 January 2020 10:44

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>; Celine McCartan <Celine.McCartan@fermanaghomagh.com>

**Cc:** Peter Donaghey <peter.donaghey@fermanaghomagh.com>

**Subject:** FW: press query

Celine, Robert

Please find media enquiry below. I am in the Townhall all day if it suits to discuss this.

Link to article here:

<https://www.impartialreporter.com/news/18134046.council-director-blames-press-blowing-town-centre-incidents-recognition/>

Many thanks

Tracy

Tracy Hunter

PR & Customer Service Manager

Fermanagh and Omagh District Council

**Tel:** 0300 303 1777 **Extension:** 21188

**Textphone:** 028 8225 6216

[www.fermanaghomagh.com](http://www.fermanaghomagh.com)



Fermanagh & Omagh  
District Council

Comhairle Ceantair  
Fhear Manach agus na hÓmaí

**From:**

**Sent:** 06 January 2020 10:15

**To:** Tracy Hunter <tracy.hunter@fermanaghomagh.com>

**Cc:** Peter Donaghey <peter.donaghey@fermanaghomagh.com>;

3

**Subject:** press query

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Hi Tracy

see below in reference to the claims attacking the freedom of the press from a meeting of the Council's Regeneration and Community committee by the Director of Community, Health and Leisure Robert Gibson which was reported upon in Thursday's paper.

Could you please furnish me with the front page articles or any articles referred to by Mr. Gibson in which the Impartial Reporter is alleged to have "blow (n) these incidents out of recognition"?

In addition "Please don't believe everything you read in the paper." could you also indicate what articles in the Impartial Reporter Mr. Gibson is referring to?

The Impartial Reporter is subject to regulation from the Independent Press Standards Organisation, at this moment in time, no articles in this newspaper are under review nor has the Impartial Reporter ever been found guilty by IPSO of breaching the standards under which we are to operate. Further:

Does Fermanagh and Omagh District Council support the principle of open justice in court reporting?

Does Fermanagh and Omagh District Council support the role of a robust and free press in this democratic society?  
regards

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This document is private and confidential.

**Re: Green Road links**

Robert Gibson <robert.gibson@fermanaghomagh.com>

Fri 10/01/2020 14:56

To: Margaret McMahon <margaret.mcmahon@fermanaghomagh.com>

Margaret,

Thank you.

robert

---

**From:** Margaret McMahon <margaret.mcmahon@fermanaghomagh.com>

**Sent:** 10 January 2020 14:31

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** Green Road links

<http://fodc.online/responses/2016.pdf> 486 pages

<http://fodc.online/responses/2017.pdf> 186 pages

<http://fodc.online/responses/2018.pdf> 120 pages

<http://fodc.online/responses/MayJuneJuly2018.pdf> 144 pages

<https://www.fermanaghomagh.com/app/uploads/2018/11/AugustSeptemberOctober2018.pdf>  
24 pages

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

**FW: Any update on the Green Road PROW ?**

Robert Gibson <robert.gibson@fermanaghomagh.com>

Mon 13/01/2020 08:28

To: Keith Collen <keith.collen@fermanaghomagh.com>; Ryan Hanna <ryan.hanna@fermanaghomagh.com>

Hi Ryan,

Also for the file please.

Regards

Robert

---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** 13 January 2020 08:26

**To:**

**Subject:** Re: Any update on the Green Road PROW ?

Good morning

Happy New Year and thank you for your email. I have asked for a timeline and will get back to you as soon as I have it. I am keen to get this moved on.

Regards

Robert

---

**From:**

**Sent:** 12 January 2020 22:01

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** Any update on the Green Road PROW ?

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Robert

Just a line to check on progress / updates on the Green PROW following our last meeting in October 2019 and subsequent e-mail exchange in late December 2019 ?

I am conscious of the fact that you will have many issues to address before March, but I like yourself am very keen to see this make its way to the County Court for what will be the first step in the legal process as the process has now been ongoing for 4 years and has appeared bogged within the Council stage for the last 18 months !!

Please let me know of any changes or proposed time-table ?

Thanks for your continued engagement.



**FW: Any update on the Green Road PROW ?**

Ryan Hanna <ryan.hanna@fermanaghomagh.com>

Tue 14/01/2020 09:30

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

Hi Imelda

Please see below, as discussed.

Regards  
Ryan

**Ryan Hanna**

Countryside Recreation Officer  
Fermanagh & Omagh District Council

---

**A** Townhall, 2 Townhall Street, Enniskillen, Co. Fermanagh, BT74 7BA

**P** 0300 303 1777 ext 21168    **M** 07702 919798

**E** ryan.hanna@fermanaghomagh.com

**W** www.fermanaghomagh.com

---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** 13 January 2020 08:28

**To:** Keith Collen <keith.collen@fermanaghomagh.com>; Ryan Hanna <ryan.hanna@fermanaghomagh.com>

**Subject:** FW: Any update on the Green Road PROW ?

Hi Ryan,

Also for the file please.

Regards

Robert

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**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** 13 January 2020 08:26

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**Subject:** Re: Any update on the Green Road PROW ?

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Happy New Year and thank you for your email. I have asked for a timeline and will get back to you as soon as I have it. I am keen to get this moved on.

Regards

Robert

**Sent:** 12 January 2020 22:01

**To:** Robert Gibson <[robert.gibson@fermanaghmagh.com](mailto:robert.gibson@fermanaghmagh.com)>

**Subject:** Any update on the Green Road PROW ?

Robert

Just a line to check on progress / updates on the Green PROW following our last meeting in October 2019 and subsequent e-mail exchange in late December 2019 ?

I am conscious of the fact that you will have many issues to address before March, but I like yourself am very keen to see this make its way to the County Court for what will be the first step in the legal process as the process has now been ongoing for 4 years and has appeared bogged within the Council stage for the last 18 months !!

Please let me know of any changes or proposed time-table ?

Thanks for your continued engagement.

Regards

Sent from [Mail](#) for Windows 10

**FW: Green Road PROW**

Ryan Hanna <ryan.hanna@fermanaghomagh.com>

Tue 14/01/2020 09:32

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

Hi Imelda

Please see below, as discussed.

Regards  
Ryan

**Ryan Hanna**

Countryside Recreation Officer  
Fermanagh & Omagh District Council

**A** Townhall, 2 Townhall Street, Enniskillen, Co. Fermanagh, BT74 7BA

**P** 0300 303 1777 ext 21168    **M** 07702 919798

**E** ryan.hanna@fermanaghomagh.com

**W** www.fermanaghomagh.com

---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** 13 January 2020 08:28

**To:** Keith Collen <keith.collen@fermanaghomagh.com>; Ryan Hanna <ryan.hanna@fermanaghomagh.com>

**Subject:** FW: Green Road PROW

Hi Ryan ,

For the file please.

Regards

Robert

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** 10 January 2020 17:09

**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Hi Emmet,

I hope that it is of help.

Have a good weekend.

Robert

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Sent:** 10 January 2020 16:25

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Thank you Robert,

That's the weekend reading material sorted!

Much appreciated,

Emmet

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**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** Friday, January 10, 2020 2:51:08 PM

**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

<http://fodc.online/responses/2016.pdf> 486 pages  
<http://fodc.online/responses/2017.pdf> 186 pages  
<http://fodc.online/responses/2018.pdf> 120 pages  
<http://fodc.online/responses/MayJuneJuly2018.pdf> 144 pages  
<https://www.fermanaghomagh.com/app/uploads/2018/11/AugustSeptemberOctober2018.pdf> 24 pages

Good afternoon Emmet,

Thank you for your email. Please see above the five links (one for each year) which are on the website. These include 960 pages of information. They sit below the 2 pages that you copied to me.

I hope that this is of help.

Regards

Robert

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Sent:** 10 January 2020 12:30

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Good afternoon Robert,

Having had a look at the Council website over the Christmas break, and again earlier this week, I just wanted to double check your previous advice that "the information regarding the Green Road is substantially up on the website"?

When I search for the Green Road PROW only two responses are returned:



Home

# Alleged PROW Green Road Covering Note

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## Download File

File Type	File Name	File Size	Last Updated
PDF	<u><a href="#">Alleged PROW Green Road Covering Note</a></u>	54 KB	22nd June 2018

 Image

Both of these are just over one page in length and are very scant on detail.

I was hoping that perhaps, as an elected representative, that I would have access to something more substantive than this.

Is there further/more detailed paperwork and/or information held physically by the Council that I could access, if not online then possibly in The Grange or Townhall perhaps?

Many thanks,

Emmet

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**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** Monday, December 23, 2019 9:02:22 AM

**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Good morning Emmet,

Sorry for the delay in responding but I was out of the office all day on Friday, in Belfast on Council business. The information on the website is all up to date but I have forwarded your email onto the Council's solicitor and asked for a timeline to be provided as soon as possible after the Christmas break..

May I wish you a Merry Christmas.

Regards

Robert

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Sent:** 20 December 2019 09:52

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Thank you for your response Robert,

This has seemingly become a more pressing issue following recent developments surrounding the work being carried out by Dalradian and growing fears within the community in relation to planned work for the New Year, so it is of utmost importance that we progress this Declaration as quickly as possible.

If it were possible could you advise on whether or not there are files/additional information stored within Council that I would have access to, or is everything up on the Council website?

Given the length of time that this issue has already taken up, and the fears of the local community, this is something that it would be hugely beneficial to have confirmed/sorted as soon as possible.

We finish for Christmas in the College this afternoon, so if the Grange was open any days next week I could call in if required/suitable?

Regards,

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Good evening Emmet, Thank you for your email and apologies that we have not spoken sooner. The information regarding the Green Road is substantially up on the website. However I have also met with the Barrister and Philip Kingston in early August in Belfast and asked that he progress this as soon as possible. He had asked for a list of the people who support the assertion so that he might organise his case and this has been provided. I again asked Philip last week to try to get a timeline so that I can report this to the Council. This latter part of my email relating to the Barrister and Philip is confidential.

If you wish to speak to me I will do my best to facilitate this.

I hope that this is of help.

Regards  
Robert

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Sent:** Tuesday, December 10, 2019 5:02:36 PM  
**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Subject:** Green Road PROW

I just wanted to check what the latest was in relation to my previous enquiries into the current standing of the Green Road Public Right of Way decision, and also to follow up whether there was a file or paperwork dealing with this that I would have access to as a Councillor for the area in question, and one who has been lobbied on this subject?

## Emmet

<https://outlook.office.com/mail/AQMkADVjOGRhYjMyLTg5NTktNDA2NS1hYmVkLTg0ZWMyYWY5MWEzMAAuAAADQFI%2F%2BuVDYkSJymO...> 5/5



**FW: ATI: 2208/19 - Green Rd Greencastle**

Creea McManus <creea.mcmanus@fermanaghomagh.com>

Fri 10/01/2020 17:03

To:

📎 15 attachments (9 MB)

200110-ATI 2208-19 - Response.pdf; Ref No 1.pdf; Ref No 2.pdf; Ref No 3.pdf; Ref No 3-Attachment 1 (4.1.9 Defining the nature of the public's rights of passage).pdf; Ref No 3-Attachment 2 (Public Right of Way Assertion Statement).pdf; Ref No 4.pdf; Ref No 4-Attachment 1 (200819 Green\_Road\_Land\_owners\_breakdown\_assertion\_status).pdf; Ref No 4-Attachment 2 (181211-LRS-Green Road Public Right of Way (PROW) Assertion Statement-Appendix 1).pdf; Ref No 5.pdf; Ref No 6.pdf; Ref No 7.pdf; Ref No 8.pdf; Ref No 9.pdf; Ref No 10.pdf;

**Reference: ATI 2208/19**

Please find attached response and associated attachments in relation to your request of 9 December 2019.

Regards

Creea

**Creea McManus**

PA to Director of Community, Health and Leisure  
Fermanagh and Omagh District Council

**Tel:** 0300 303 1777 **Extension:** 21175

**Web:** fermanaghomagh.com

**Twitter & Facebook:** fermanaghomagh

---

**From:** Creea McManus <creea.mcmanus@fermanaghomagh.com>

**Sent:** 09 December 2019 10:30

**To:**

**Subject:** ATI: 2208/19 - Green Rd Greencastle

**Reference: ATI 2208/19**

Thank you for your email of 4 December 2019.

Your request will be considered under the Fermanagh and Omagh Access to Information Policy and has been allocated reference number ATI 2208/19.

Your request shall be dealt with as soon as possible. Fermanagh and Omagh District Council offices will be closed from 24 December 2019 to 2 January 2020 inclusive and therefore you will be issued with a response no later than 10 January 2020.

Regards



Creea

**Creea McManus**

PA to Director of Community, Health and Leisure  
Fermanagh and Omagh District Council

**Tel:** 0300 303 1777 **Extension:** 21175

**Web:** fermanaghomagh.com

**Twitter & Facebook:** fermanaghomagh

---

**From:** 'Creea McManus'

**Sent:** 04 December 2019 01:08 PM

**To:** Freedom of Information <foi@fermanaghomagh.com>

**Subject:** Green Rd Greencastle

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Dear Sir/Madam

I wish to request under the Freedom of Information act 2000 the following information.

Has any of the directors meet or conversed with anyone within the last 8 months concerning the above mentioned Green Rd in Greencastle and the issue of public right of way or abandonment.

If so could I respectfully request any meetings of meetings or call logs or emails in reference to the above mentioned subject.

Kind regards

Your Ref:  
Our Ref: ATI 2208/19  
Date: 10 January 2020  
Email: creea.mcmanus@fermanaghomagh.com



Fermanagh & Omagh  
District Council  
Comhairle Ceantair  
Fhear Manach agus na hÓmaí

Dear ....

**Reference: ATI 2208/19**

Further to my email of 9 December 2019 please see below response to your request for information.

I confirm that one Director of Fermanagh and Omagh District Council has discussed the issue of the Green Road alleged Public Right of Way.

I have provided details of all meetings, call logs and emails referring to the 'Green Road' for the period 1 May 2019 to 8 January 2020:

**Meetings:**

*8 August 2019*

The Director of Community, Health and Leisure met with a Barrister-at-Law and Philip Kingston (Lead Legal Services Officer, Derry City and Strabane City Council).

No meeting notes recorded.

*6 November 2019*

The Director of Community, Health and Leisure met with a Landowner (at the Landowners request) to apprise the Landowner of the current status of the Green Road Public Right of Way Assertion Process.

Informal update meeting only – no meeting notes recorded.

**Call Logs:**

No Call Logs

**Emails:**

Please note that some information has been redacted from the emails as detailed in the 'Notes' section of each summary of an email thread. The respective email has been attached as the Reference Number.

Reference Number: 1  
Subject Title: Green Road; Public Right of Way Assertion  
Date/Date Range: 27 June 2019 – 6 August 2019  
Sender/Recipients: Robert Gibson (Director of Community, Health and Leisure)  
Barrister-at-Law  
Philip Kingston (Lead Legal Services Officer, Derry City and Strabane City Council)

Attachment Details: N/A  
Notes: Information Redacted under Freedom of Information Act 2000  
- Section 42 Legal Professional Privilege\*\*

Reference Number: 2  
Subject Title: Green Road - Public Right of Way Assertion  
Date/Date Range: 6 August 2019  
Sender/Recipients: Robert Gibson (Director of Community, Health and Leisure)  
Barrister-at-Law  
Philip Kingston (Lead Legal Services Officer, Derry City and Strabane City Council)  
Paula Deery (Administrative Assistant, Legal Services, Derry City and Strabane City Council)

Attachment Details: N/A  
Notes: Information Redacted under Freedom of Information Act 2000  
- Section 42 Legal Professional Privilege\*\*

Reference Number: 3  
Subject Title: Green Road; Public Right of Way Assertion  
Date/Date Range: 27 June 2019 – 11 October 2019  
Sender/Recipients: Robert Gibson (Director of Community, Health and Leisure)  
Barrister-at-Law  
Philip Kingston (Lead Legal Services Officer, Derry City and Strabane City Council)

Attachment Details: Attachment 1 (4.1.9 Defining the nature of the public's rights of passage) – from Robert Gibson to Philip Kingston, 11.47am, 11 October 2019  
  
Attachment 2 (Public Right of Way Assertion Statement) – from Robert Gibson to Philip Kingston, 11.47am, 11 October 2019

Notes: Information Redacted under Freedom of Information Act 2000  
- Section 42 Legal Professional Privilege\*\*

Reference Number: 4  
Subject Title: Green Road – Excel Spreadsheet of Landowners  
Date/Date Range: 20 August 2019 – 3 September 2019  
Sender/Recipients: Imelda McCarron (Countryside Recreation Officer)  
Robert Gibson (Director of Community, Health and Leisure)  
Philip Kingston (Lead Legal Services Officer, Derry City and Strabane City Council)

Attachment Details: Attachment 1 (200819  
Green\_Road\_land\_owners\_breakdown\_assertion\_status) – from  
Imelda McCarron to Robert Gibson, 15.10, 20 August 2019

Attachment 2 (181211-LRS-Green Road Public Right of Way (PROW)  
Assertion Statement-Appendix 1) – from Imelda McCarron to Robert  
Gibson, 15.10, 20 August 2019

Notes: Information Redacted from Attachment 2 under Freedom of Information  
Act 2000 - Section 40(2) - Data Protection\*

Reference Number: 5  
Subject Title: Re Green Road  
Date/Date Range: 30 September 2019  
Sender/Recipients: Robert Gibson (Director of Community, Health and Leisure)  
Imelda McCarron (Countryside Recreation Officer)

Attachment Details: N/A

Notes: N/A

Reference Number: 6  
Subject Title: Diary Appointment  
Date/Date Range: 15 October 2019 – 23 October 2019  
Sender/Recipients: Landowner  
Robert Gibson (Director of Community, Health and Leisure)  
Creea McManus (PA to Director of Community, Health and Leisure)

Attachment Details: N/A

Notes: Information Redacted from Attachment 2 under Freedom of Information  
Act 2000 - Section 40(2) - Data Protection\*



Reference Number: 7  
Subject Title: Green Road PROW  
Date/Date Range: 10 December 2019 – 12 December 2019  
Sender/Recipients: Councillor Emmet McAleer  
Robert Gibson (Director of Community, Health and Leisure)  
Creea McManus (PA to Director of Community, Health and Leisure)

Attachment Details: N/A

Notes: Information Redacted under Freedom of Information Act 2000  
- Section 42 Legal Professional Privilege\*\*

Reference Number: 8  
Subject Title: Green Road PROW  
Date/Date Range: 10 December 2019 – 21 December 2019  
Sender/Recipients: Councillor Emmet McAleer  
Robert Gibson (Director of Community, Health and Leisure)  
Philip Kingston (Lead Legal Services Officer, Derry City and Strabane City Council)

Attachment Details: N/A

Notes: Information Redacted under Freedom of Information Act 2000  
- Section 42 Legal Professional Privilege\*\*

Reference Number: 9  
Subject Title: Green Road PROW  
Date/Date Range: 10 December 2019 – 23 December 2019  
Sender/Recipients: Councillor Emmet McAleer  
Robert Gibson (Director of Community, Health and Leisure)  
Philip Kingston (Lead Legal Services Officer, Derry City and Strabane City Council)

Attachment Details: N/A

Notes: Information Redacted under Freedom of Information Act 2000  
- Section 42 Legal Professional Privilege\*\*

Reference Number: 10  
Subject Title: Green Road PROW  
Date/Date Range: 10 December 2019 – 23 December 2019  
Sender/Recipients: Councillor Emmet McAleer  
Robert Gibson (Director of Community, Health and Leisure)

Attachment Details: N/A

Notes: Information Redacted under Freedom of Information Act 2000  
- Section 42 Legal Professional Privilege\*\*

\* Freedom of Information Act 2000 - Section 40(2) - Data Protection. Disclosure of the information would breach one or more of the Data Protection principles and so consideration was given to the public interest when applying the Data Protection principles. Personal information has been redacted due to the possible consequences of disclosure on the individuals concerned and the reasonable expectations of the individuals, taking into account: their expectations both at the time the information was collected and at the time of the request; the nature of the information itself; the circumstances in which the information was obtained; the Data Protection principle of lawfulness, fairness and transparency. In carrying out the balancing exercise Officers weighed the factors against legitimate interest in disclosure and concluded there is no public interest in disclosure.

\*\* Freedom of Information Act 2000 - Section 42 Legal Professional Privilege - information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information. In considering the Public Interest Test, Officers considered the weight which should always be given to the general principles of accountability and transparency which are achieved through the disclosure of information. However, Officers also considered safeguarding openness in all communications between client and legal advisors to ensure access to full and frank legal advice, which in turn is fundamental to the administration of justice., and also the factor that this is still very much a live issue.

You have a right to appeal against the decision of the Officers to withhold this information. You may submit your appeal to the Access to Information Advisory Panel by return email.

Yours sincerely

**Creea McManus**  
**PA to Director of Community, Health and Leisure**

Ref Number: 1

---

**From:** Robert Gibson  
**Sent:** 06 August 2019 12:46  
**To:** Philip Kingston <Philip.Kingston@derrystrabane.com>  
**Subject:** Re: Green Road; Public Right of Way Assertion

Philip,

I will see you there.

Robert

---

**From:** Philip Kingston <Philip.Kingston@derrystrabane.com>  
**Sent:** 06 August 2019 12:20  
**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Subject:** RE: Green Road; Public Right of Way Assertion

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Robert,

RCJ in Belfast at 2pm.

PK.

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** 06 August 2019 12:02  
**To:** Philip Kingston <Philip.Kingston@derrystrabane.com>  
**Subject:** Re: Green Road; Public Right of Way Assertion

Philip,

Time and location?

Robert

---

**From:** Philip Kingston <Philip.Kingston@derrystrabane.com>  
**Sent:** 06 August 2019 11:47  
**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Subject:** RE: Green Road; Public Right of Way Assertion

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Agreed.



**From:** Robert Gibson <[robert.gibson@fermanaghomagh.com](mailto:robert.gibson@fermanaghomagh.com)>  
**Sent:** 06 August 2019 11:34  
**To:** Philip Kingston <[Philip.Kingston@derrystrabane.com](mailto:Philip.Kingston@derrystrabane.com)>  
**Subject:** Re: Green Road; Public Right of Way Assertion

Hi Philip,

Thank you for your email. Unfortunately I cannot do the 27,28,29 or 30 August. Perhaps we should just go for the 8th and I will relay to Imelda. Otherwise we are into September which is manic.

Regards

Robert

---

**From:** Philip Kingston <[Philip.Kingston@derrystrabane.com](mailto:Philip.Kingston@derrystrabane.com)>  
**Sent:** 06 August 2019 10:06  
**To:** Robert Gibson <[robert.gibson@fermanaghomagh.com](mailto:robert.gibson@fermanaghomagh.com)>  
**Subject:** FW: Green Road; Public Right of Way Assertion

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Robert,

Good morning. See below from . I can accommodate the 8<sup>th</sup>. or the 28<sup>th</sup> or 29<sup>th</sup>. I think my preference would be to have Imelda present as she probably has the most intimate knowledge of the file and will have to do the majority of any leg work so maybe best if she hears what is being said, but I leave that call up to you.

Philip.

**From:**  
**Sent:** 06 August 2019 09:38  
**To:** Philip Kingston <[Philip.Kingston@derrystrabane.com](mailto:Philip.Kingston@derrystrabane.com)>  
**Subject:** Re: Green Road; Public Right of Way Assertion

Dear Philip,

Thanks for your email.

Dependent upon you and whether you think it would be useful to have the officer at the meeting, I am happy to go ahead either on the afternoon of Thursday 8 inst. or on 27, 28, 29 or 30th of this month.

Regards,



---

**From:** Philip Kingston <[Philip.Kingston@derrystرابane.com](mailto:Philip.Kingston@derrystرابane.com)>

**Sent:** 18 July 2019 10:18

**To:**

**Subject:** RE: Green Road; Public Right of Way Assertion

Sorry for the delay in getting back to you on this.

The Director and I are available 7/8<sup>th</sup> of August but the officer dealing with the practical day to day of the investigation is on leave until the 14<sup>th</sup> of August. It might be preferable to have her there but if there is no suitable date then we can go ahead on either 7/8 and brief her after.

Regards,  
Philip.

**Philip Kingston**  
**Lead Legal Services Officer**  
Derry City and Strabane District Council  
98 Strand Road  
Derry BT48 7NN

Tel no: 028 71253253 Ext 6767

Email: [philip.kingston@derrystرابane.com](mailto:philip.kingston@derrystرابane.com)

[www.derrystرابane.com](http://www.derrystرابane.com)

---

**From**

**Sent:** 27 June 2019 16:26

**To:** Philip Kingston <[Philip.Kingston@derrystabane.com](mailto:Philip.Kingston@derrystabane.com)>  
**Subject:** Re: Green Road; Public Right of Way Assertion

Philip,

Would 7/8/9 August suit?

Regards,

On 27 Jun 2019, at 10:41, Philip Kingston <[Philip.Kingston@derrystabane.com](mailto:Philip.Kingston@derrystabane.com)> wrote:

Thank you for this. Unfortunately I am away from Monday until the 11<sup>th</sup>. July, 2019. A meeting would be useful so maybe we could set one up for your return?

Philip.

**From:**  
**Sent:** 27 June 2019 09:22  
**To:** Philip Kingston <[Philip.Kingston@derrystabane.com](mailto:Philip.Kingston@derrystabane.com)>  
**Subject:** Green Road; Public Right of Way Assertion

**Re: Green Road; Public Right of Way Assertion**  
**Your Ref:**

Ref Number: 2

---

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

**Sent:** 06 August 2019 17:11

**To:** ; Paula Deery  
<Paula.Deery@derrystrabane.com>; Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** RE: Green Road - Public Right of Way Assertion

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3.30 will be fine.

Paula,

Can you rearrange the consultation room please.

Thanks,  
Philip.

**From:**

**Sent:** 06 August 2019 16:14

**To:** Paula Deery <Paula.Deery@derrystrabane.com>; 'robert.gibson@fermanaghomagh.com' <robert.gibson@fermanaghomagh.com>

**Cc:** Philip Kingston <Philip.Kingston@derrystrabane.com>

**Subject:** Re: Green Road - Public Right of Way Assertion

Paula, Philip, Robert,

I refer to my earlier email.

I've had to re-schedule a meeting earlier in the day on Thursday. Would it be possible for us to meet at 3.30pm rather than 2.00pm as I had earlier proposed?

Apologies for chopping and changing.

Regards,

---

**From:** Paula Deery <[Paula.Deery@derrystrabane.com](mailto:Paula.Deery@derrystrabane.com)>

**Sent:** 06 August 2019 14:05

**To:** <[robert.gibson@fermanaghomagh.com](mailto:robert.gibson@fermanaghomagh.com)> ; 'robert.gibson@fermanaghomagh.com'

**Subject:** Green Road - Public Right of Way Assertion

**When:** 08 August 2019 14:00-16:00.

**Where:**

Robert

Please note consultation to take place in

**Paula Deery**

**Administrative Assistant (Legal Services)**

Derry City & Strabane District Council

98 Strand Road

Derry

BT48 7NN

Tel: (028) 71 253 253 Extn 6762

[www.derrystrabane.com](http://www.derrystrabane.com)



Ref Number: 3

---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** 11 October 2019 11:54  
**To:** Philip Kingston <Philip.Kingston@derrystrabane.com>  
**Subject:** Re: Green Road; Public Right of Way Assertion

Thank you.

---

**From:** Philip Kingston <Philip.Kingston@derrystrabane.com>  
**Sent:** 11 October 2019 11:48  
**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Subject:** RE: Green Road; Public Right of Way Assertion

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Thanks Robert. I'll take this to and revert.

Philip.

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** 11 October 2019 11:47  
**To:** Philip Kingston <Philip.Kingston@derrystrabane.com>  
**Subject:** Re: Green Road; Public Right of Way Assertion

Good morning Philip

I neglected to send on the previous assertion papers and do so now with apologies.

There are two documents attached. The first marked 1 is an extract from the PROW assertion booklet and the last paragraph is important and was considered in our assertion previous. I quote "If the situation arises in which it is clear to the council that footpath rights exist, but there is uncertainty (which the council cannot resolve) about the existence of other rights, then the council can only assert the way as a footpath."

The assertion statement marked 2 stated that the status of the PROW was "To be asserted as a Public Right of Way with pedestrian right only."

I hope that this is of help. It would be helpful if we could get a timeline for the progression of this assertion please.

Regards

Robert

**From:** Philip Kingston <[Philip.Kingston@derrystrabane.com](mailto:Philip.Kingston@derrystrabane.com)>

**Sent:** 18 July 2019 10:18

**To:**

**Subject:** RE: Green Road; Public Right of Way Assertion

Sorry for the delay in getting back to you on this.

The Director and I are available 7/8<sup>th</sup> of August but the officer dealing with the practical day to day of the investigation is on leave until the 14<sup>th</sup> of August. It might be preferable to have her there but if there is no suitable date then we can go ahead on either 7/8 and brief her after.

Regards,  
Philip.

**Philip Kingston**

**Lead Legal Services Officer**

Derry City and Strabane District Council

98 Strand Road

Derry BT48 7NN

Tel no: 028 71253253 Ext 6767

Email: [philip.kingston@derrystrabane.com](mailto:philip.kingston@derrystrabane.com)

[www.derrystrabane.com](http://www.derrystrabane.com)

**From:**

**Sent:** 27 June 2019 16:26

**To:** Philip Kingston <[Philip.Kingston@derrystrabane.com](mailto:Philip.Kingston@derrystrabane.com)>

**Subject:** Re: Green Road; Public Right of Way Assertion

Philip,

Would 7/8/9 August suit?

Regards,

#### 4.1.9 Defining the nature of the public's rights of passage

It is important that assertion should also record as fully as possible the nature of the public's rights over the land. These will depend not on how the path is now used, but on the rights that were established (possibly many years ago) during the period when the dedication arose at common law.

While the Access Order does not define firm categories, different types of rights of way are nevertheless recognised at common law. They have been judicially described as follows:

"At common law highways are of three kinds depending on the degree of restriction of the public right of passage over them. A full highway or "cartway" is one over which the public have right of way (1) on foot, (2) riding on or accompanied by a beast of burden and (3) with vehicles or cattle. A "bridleway" is a highway over which the rights of passage are cut down by the exclusion of the rights of passage with vehicles and sometimes, though not invariably, the exclusion of the rights of driftway, ie driving cattle, while a footpath is one over which the only public right of passage is on foot."

The term "carriageway" is often used as alternative to "cartway" in the sense of the above definition.

As this definition makes clear, the greater right is always taken to include the lesser, so that if "cartway" (or "carriageway") rights are shown to exist then the way can also be used by walkers and horse riders, and if "bridleway" rights exist it can also be used by walkers. The right to use a vehicle on a cartway or carriageway includes both horse drawn and motor vehicles (the means of propulsion being irrelevant to the exercise of the right). However any motor vehicle that is taken onto a public right of way must be fully licensed, taxed and insured, and driven considerately, as it would on any other road; nor is there any requirement that the way must be made suitable for use by modern day vehicles.

The growing pressure to find places to ride safely away from roads used by vehicles further emphasises the need to research, as far as is practical, the nature of the rights that exist. It may be, for example, that while witnesses can only testify to use of a track by walkers, the documentary evidence show it to be a bridleway or an old carriage route. Horseriders themselves may be willing to carry out their own historical researches and bring forward evidence which the council can use.

It should also be borne in mind that not all of the rights that exist will necessarily have been established at the same time, or continue to be exercised up to the present day. A path may have started off as a footpath, for example, which was later used by horse riders for a sufficient period to also establish bridleway rights. The fact that a stile was subsequently put up which restricted use to walkers, or that the path was obstructed so that no one could use it or that it simply "fell out of use" does not take away any of the rights that have become established. They continue to exist in law, may be lawfully exercised by the public and must now be asserted by the council.



Evidence of the use of a way by pedal cyclists, however, will only be relevant in so far as it relates to carriageway rights. Cyclists have no rights at common law to ride on a footpath or bridleway; nor is it possible to acquire such rights by long usage. It follows that evidence of the use of a way by bicycles cannot be used to support a claim that the way is a footpath or bridleway.

An assertion that "under records" a right of way does not take away the "higher" rights that exist over the path, nor does it prevent anyone from exercising those rights. If a right of way is asserted as a footpath, for example, that does not take away any bridleway rights that may exist over the path and anyone who can prove they have those rights is entitled to exercise them. Nevertheless, this can clearly lead to confrontation both with the landowner and other path users and should be avoided if at all possible.

---

**If the situation arises in which it is clear to the council that footpath rights exist, but there is uncertainty (which the council cannot resolve) about the existence of other rights, then the council can only assert the way as footpath. But it should make it clear, both to the landowner and path user groups, that this is without prejudice to the subsequent assertion of any additional rights which may be shown to exist and that the council would need to reconsider the matter should any further evidence comes to light.**



PUBLIC RIGHT OF WAY ASSERTION STATEMENT

Fermanagh and Omagh District Council in accordance with the provisions set out in the Access to the Countryside (Northern Ireland) Order 1983 hereby asserts a Public Right of Way over those lands at Green Road between Rousky and Greencastle as more particularly described and delineated on the Statement and the attached map.

Details of path being asserted:

Name of Path: Green Road between Rousky and Greencastle

Status: To be asserted as a Public Right of Way with pedestrian right only

Location:

Grid Reference: Start H552 857 Finish H593 841

O.S. Map Sheet No. The Sperrins, Sheet 13

Scale: 1:50 000

Townlands: Rousky, Cassorna, Teebane West, Crockanboy

Description:

Length: 4,500m

Width: variable

Description of Route / Features (existing):

Apart from a slight bend on the west end, the Green Road runs in a straight line for its entire 4500m length. The extent of the Green Road still intact varies along the route; for just over 3km the route is clearly visible and is intact, accessible only on foot. Just under 30% of the Green Road is well maintained by the local farmers, and less than 30m has been subsumed into a domestic garden at one point and being reclaimed for rough pasturage at another.

Where the gradient of the land allows, there is clear sight of the Green Road along the horizon. The road is generally bound by post-and-wire fences on both sides, and a drainage channel on the north side.

Figure 1 below, outlines the presence and location of impedances to movement which includes gates, fences and steams. It also shows where existing tracks intersect the Green Road. The route is accessible on foot and although impedances add an additional obstacle, it is not surmountable.

Signed \_\_\_\_\_

Chair Person

Signed \_\_\_\_\_

Chief Executive

Signed \_\_\_\_\_

Director of Community, Health and Leisure

Date:



Ref Number: 4

---

**From:** Robert Gibson  
**Sent:** 03 September 2019 15:28  
**To:** Philip Kingston <Philip.Kingston@derrystrabane.com>  
**Subject:** Fw: Green Road - Excel Spreadsheet of Landowners

Philip

Please see below and attached - Robert thought he had already issued these to you  
- apologies for the delay.

Regards

Creea

**Creea McManus**  
PA to Director of Community, Health and Leisure

Fermanagh and Omagh District Council

**Tel:** 0300 303 1777 **Extension:** 21175  
**Web:** fermanaghomagh.com  
**Twitter & Facebook:** fermanaghomagh

---

**From:** Imelda McCarron <imelda.mccarron@fermanaghomagh.com>  
**Sent:** 20 August 2019 15:10  
**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Subject:** Green Road - Excel Spreadsheet of Landowners

Robert,

As discussed I have attached a spreadsheet showing the breakdown of the landowners, their opinions as to the assertion of the PRow and also their solicitors, if known. With regard to contacting the pro witnesses did you want me to do that via phonecall or do you feel it better being a formal approach in writing? Maybe a phonecall followed up with formal correspondence?

Also, with regard to the assertion statement, Creea is currently looking to see if there is a signed copy but it was declared as pedestrian rights only. I'm not sure if this can be changed or not before going to court - perhaps Philip or Barrister can advise. I have attached copy of that as well for your info.

Many 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](mailto:imelda.mccarron@fermanaghomagh.com)*



ROUSKEY PROW – BREAKDOWN OF LANDOWNERS, OPINION ON PROW AND ASSOCIATED SOLICITOR

FOLIO	OWNERSHIP	ADDRESS	STATUS	REPRESENTING SOLICITOR IF KNOWN

ROUSKEY PROW – BREAKDOWN OF LANDOWNERS, OPINION ON PROW AND ASSOCIATED SOLICITOR


ROUSKEY PROW – BREAKDOWN OF LANDOWNERS, OPINION ON PROW AND ASSOCIATED SOLICITOR






## PUBLIC RIGHT OF WAY ASSERTION STATEMENT

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### Details of path being asserted:

Name of Path: Green Road between Rousky and Greencastle

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### Location:

Grid Reference: Start H552 857 Finish H593 841

O.S. Map Sheet No. The Sperrins, Sheet 13

Scale: 1:50 000

Townlands: Rousky, Cassorna, Teebane West, Crockanboy

### Description:

Length: 4,500m

Width: variable

### Description of Route / Features (existing):

Apart from a slight bend on the west end, the Green Road runs in a straight line for its entire 4500m length. The extent of the Green Road still intact varies along the route; for just over 3km the route is clearly visible and is intact, accessible only on foot. Just under 30% of the Green Road is well maintained by the local farmers, and less than 30m has been subsumed into a domestic garden at one point and being reclaimed for rough pasturage at another.

Where the gradient of the land allows, there is clear sight of the Green Road along the horizon. The road is generally bound by post-and-wire fences on both sides, and a drainage channel on the north side.

Figure 1 below, outlines the presence and location of impedances to movement which includes gates, fences and streams. It also shows where existing tracks intersect the Green Road. The route is accessible on foot and although impedances add an additional obstacle, it is not surmountable.

Signed \_\_\_\_\_

Chair Person

Signed \_\_\_\_\_

Chief Executive

Signed \_\_\_\_\_

Director of Community, Health and Leisure

Date:

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** Tuesday, December 10, 2019 5:52:46 PM  
**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Subject:** Re: Green Road PROW

Good evening Emmet, Thank you for your email and apologies that we have not spoken sooner. The information regarding the Green Road is substantially up on the website. However I have also met with the Barrister and Philip Kingston in early August in Belfast and asked that he progress this as soon as possible. He had asked for a list of the people who support the assertion so that he might organise his case and this has been provided. I again asked Philip last week to try to get a timeline so that I can report this to the Council. This latter part of my email relating to the Barrister and Philip is confidential.

If you wish to speak to me I will do my best to facilitate this.

I hope that this is of help.

Regards

Robert

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---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Sent:** Tuesday, December 10, 2019 5:02:36 PM  
**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Subject:** Green Road PROW

Good afternoon Robert,

I just wanted to check what the latest was in relation to my previous enquiries into the current standing of the Green Road Public Right of Way decision, and also to follow up whether there was a file or paperwork dealing with this that I would have access to as a Councillor for the area in question, and one who has been lobbied on this subject?

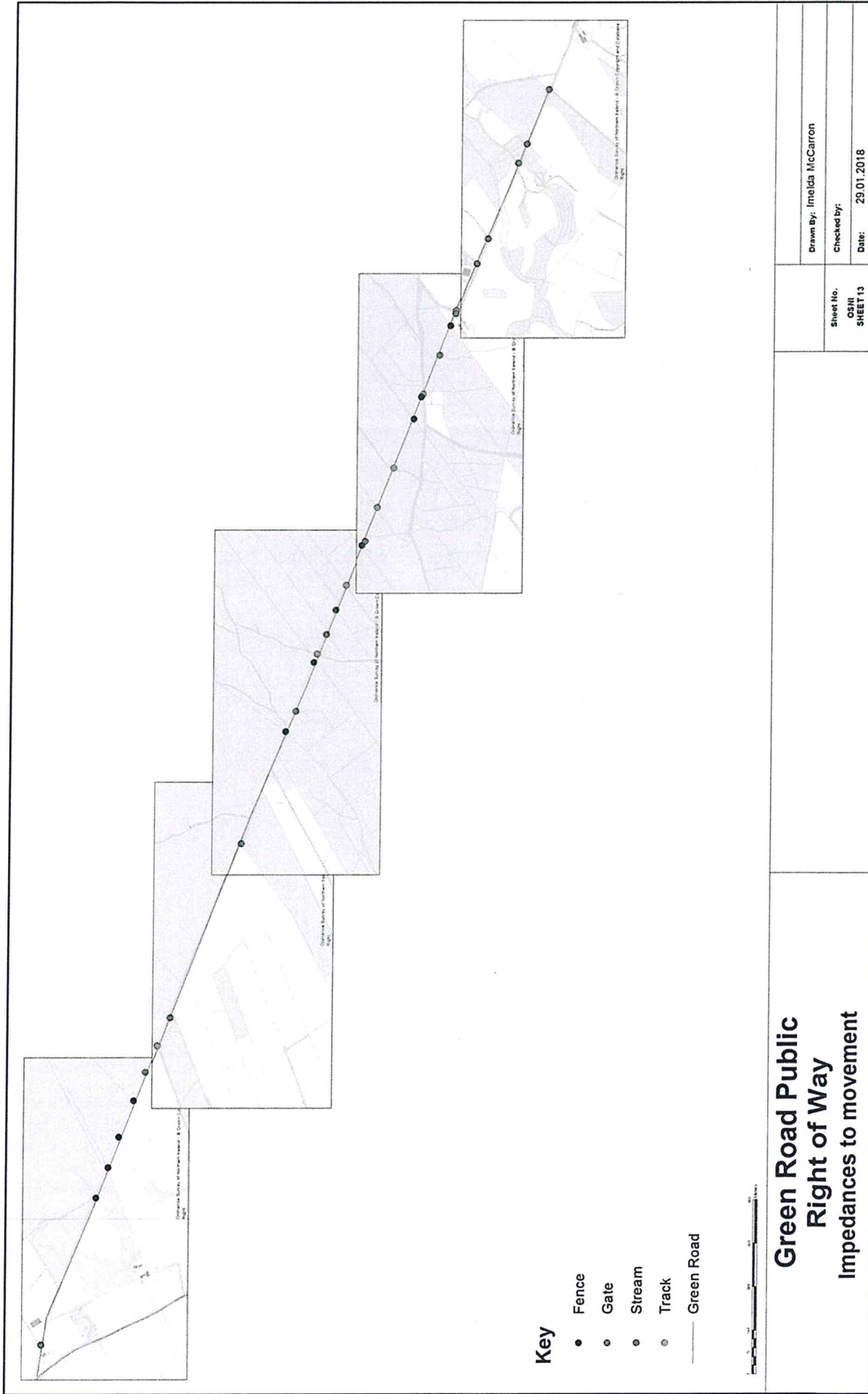
Can you get back to me either by return e-mail or on my Council phone, or alternatively let me know when it would suit to contact you in relation to this?

Many thanks,

Emmet

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Figure 1.







Ref Number: 5

---

**From:** Robert Gibson

**Sent:** 30 September 2019 16:13

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

**Subject:** Re Green Road

Hi Imelda,

When it suits could you please give me a call. It will only take 5 mins.

Robert

Ref Number: 6

---

**From:** Creea McManus <creea.mcmanus@fermanaghomagham.com>  
**Sent:** 23 October 2019 14:06  
**To:**  
**Cc:** Robert Gibson <robert.gibson@fermanaghomagham.com>  
**Subject:** Re: Diary appointment

Further to our telephone call this afternoon I would like to confirm that the meeting arranged for Robert to provide you with an update on the Green Road Public Right of Way Process has been scheduled to take place at 2.00pm on **Wednesday 6 November 2019** in the '**Upstairs Meeting Room (Park Side)**', The Grange, Omagh. Please report to reception on arrival.

Best regards

Creea

**Creea McManus**  
PA to Director of Community, Health and Leisure  
  
Fermanagh and Omagh District Council

**Tel:** 0300 303 1777 **Extension:** 21175  
**Web:** fermanaghomagham.com  
**Twitter & Facebook:** fermanaghomagham

---

**From:**  
**Sent:** 22 October 2019 22:08  
**To:** Robert Gibson <robert.gibson@fermanaghomagham.com>  
**Cc:** Creea McManus <creea.mcmanus@fermanaghomagham.com>  
**Subject:** Re: Diary appointment

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Robert

Just a wee follow-up on this, can you confirm a suitable time, date and venue to meet up to discuss the process around the Green PROW ??

Regards

On Wed, 16 Oct 2019, 08:48 Robert Gibson,  
<[robert.gibson@fermanaghomagh.com](mailto:robert.gibson@fermanaghomagh.com)> wrote:  
Good morning ,

Thank you for your email. I did ring you on the landline last week . I think Tuesday and left a message that I had rung with the gentleman who had answered the call and informed me that you were .

I can ring you again or we can meet if you wish. I am not available this week and am on leave and out of the country until Monday 28 October.

Regards

Robert.

---

**From:**  
**Sent:** 15 October 2019 14:01  
**To:** Robert Gibson <[robert.gibson@fermanaghomagh.com](mailto:robert.gibson@fermanaghomagh.com)>  
**Subject:** Diary appointment

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Robert

I hope all is well with you.

I had left a number of message but as you have now taken on your new role, I am assuming that it places heavy time commitments on your diary, with this in mind I am contacting you to seek a face to face meeting to discuss the current state of play with the Green Road PROW Investigation and Proposed Assertion.

As you will be aware, this process has been under Council consideration for approaching four years ( from January 2016 onward's ) and has appeared to be log-jammed for the past 15 - 18 months. I have attached a copy of my previous correspondence to provide some context and timelines. Can you please let me know when and where it suits you to meet to discuss this matter further ??

Thanks in advance.

Regards



Ref Number: 7

---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** 12 December 2019 14:21  
**To:** Creaa McManus <creaa.mcmanus@fermanaghomagh.com>  
**Subject:** FW: Green Road PROW

Creaa,

For record against outstanding item 7.4 Env and Place 6 November.

Robert

---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** 10 December 2019 17:52  
**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Subject:** Re: Green Road PROW

Good evening Emmet, Thank you for your email and apologies that we have not spoken sooner. The information regarding the Green Road is substantially up on the website. However I have also met with the Barrister and Philip Kingston in early August in Belfast and asked that he progress this as soon as possible.

This latter part of my email relating to the Barrister and Philip is confidential.

If you wish to speak to me I will do my best to facilitate this.

I hope that this is of help.

Regards

Robert

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---

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**Subject:** Green Road PROW

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access to as a Councillor for the area in question, and one who has been lobbied on this subject?

Can you get back to me either by return e-mail or on my Council phone, or alternatively let me know when it would suit to contact you in relation to this?

Many thanks,

Emmet

---

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Ref Number: 7

---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
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**To:** Creaa McManus <creaa.mcmanus@fermanaghomagh.com>  
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Regards  
Robert

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---

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access to as a Councillor for the area in question, and one who has been lobbied on this subject?

Can you get back to me either by return e-mail or on my Council phone, or alternatively let me know when it would suit to contact you in relation to this?

Many thanks,

Emmet

---

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Ref Number: 8

---

**From:** Philip Kingston <Philip.Kingston@derrystrabane.com>  
**Sent:** 21 December 2019 11:25  
**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Subject:** RE: Green Road PROW

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Robert,

I think this would be important to do. I will prioritise this in the new year and will liaise with counsel as quickly as possible.

Regards,  
Philip.

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** 20 December 2019 16:10  
**To:** Philip Kingston <Philip.Kingston@derrystrabane.com>  
**Subject:** Fwd: Green Road PROW

Dear Philip

Please see the latest email from Councillor McAleer.

Would it be possible to get a timeline after Christmas as to when we might progress this please?

Thank you

Robert

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---

**From:** Emmet McAleer (Councillor) <[emmet.mcaleer@fermanaghomagh.com](mailto:emmet.mcaleer@fermanaghomagh.com)>  
**Sent:** Friday, December 20, 2019 9:52:18 AM  
**To:** Robert Gibson <[robert.gibson@fermanaghomagh.com](mailto:robert.gibson@fermanaghomagh.com)>  
**Subject:** Re: Green Road PROW

Thank you for your response Robert,  
This has seemingly become a more pressing issue following recent developments surrounding the work being carried out by Dalradian and growing fears within the community in relation to planned work for the New Year, so it is of utmost importance that we progress this Declaration as quickly as possible.  
If it were possible could you advise on whether or not there are files/additional information stored within Council that I would have access to, or is everything up on the Council website?

Given the length of time that this issue has already taken up, and the fears of the local community, this is something that it would be hugely beneficial to have confirmed/sorted as soon as possible.

We finish for Christmas in the College this afternoon, so if the Grange was open any days next week I could call in if required/suitable?

Regards,

Emmet

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---

**From:** Robert Gibson <[robert.gibson@fermanaghmagh.com](mailto:robert.gibson@fermanaghmagh.com)>

**Sent:** Tuesday, December 10, 2019 5:52:46 PM

---

**To:** Emmet McAleer (Councillor) <[emmet.mcaleer@fermanaghmagh.com](mailto:emmet.mcaleer@fermanaghmagh.com)>

**Subject:** Re: Green Road PROW

Good evening Emmet, Thank you for your email and apologies that we have not spoken sooner. The information regarding the Green Road is substantially up on the website. However I have also met with the Barrister and Philip Kingston in early August in Belfast and asked that he progress this as soon as possible.

. This

latter part of my email relating to the Barrister and Philip is confidential.

If you wish to speak to me I will do my best to facilitate this.

I hope that this is of help.

Regards

Robert

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---

**From:** Emmet McAleer (Councillor) <[emmet.mcaleer@fermanaghmagh.com](mailto:emmet.mcaleer@fermanaghmagh.com)>

**Sent:** Tuesday, December 10, 2019 5:02:36 PM

**To:** Robert Gibson <[robert.gibson@fermanaghmagh.com](mailto:robert.gibson@fermanaghmagh.com)>

**Subject:** Green Road PROW

Good afternoon Robert,

I just wanted to check what the latest was in relation to my previous enquiries into the current standing of the Green Road Public Right of Way decision, and also to follow up whether there was a file or paperwork dealing with this that I would have access to as a Councillor for the area in question, and one who has been lobbied on this subject?

Can you get back to me either by return e-mail or on my Council phone, or alternatively let me know when it would suit to contact you in relation to this?

Many thanks,

Emmet

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Ref Number: 9

---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** 23 December 2019 09:03  
**To:** Philip Kingston <Philip.Kingston@derrystرابane.com>  
**Subject:** Re: Green Road PROW

Hi Philip,

Thank you for this.

Regards

Robert

---

**From:** Philip Kingston <Philip.Kingston@derrystرابane.com>  
**Sent:** 21 December 2019 11:25  
**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Subject:** RE: Green Road PROW

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Robert,

I think this would be important to do. I will prioritise this in the new year and will liaise with counsel as quickly as possible.

Regards,  
Philip.

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** 20 December 2019 16:10  
**To:** Philip Kingston <Philip.Kingston@derrystرابane.com>  
**Subject:** Fwd: Green Road PROW

Dear Philip

Please see the latest email from Councillor McAleer.

Would it be possible to get a timeline after Christmas as to when we might progress this please?

---

Thank you

Robert

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---

**From:** Emmet McAleer (Councillor) <[emmet.mcaleer@fermanaghomagh.com](mailto:emmet.mcaleer@fermanaghomagh.com)>  
**Sent:** Friday, December 20, 2019 9:52:18 AM  
**To:** Robert Gibson <[robert.gibson@fermanaghomagh.com](mailto:robert.gibson@fermanaghomagh.com)>  
**Subject:** Re: Green Road PROW

Thank you for your response Robert,  
This has seemingly become a more pressing issue following recent developments surrounding the work being carried out by Dalradian and growing fears within the community in relation to planned work for the New Year, so it is of utmost importance that we progress this Declaration as quickly as possible.

If it were possible could you advise on whether or not there are files/additional information stored within Council that I would have access to, or is everything up on the Council website?

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We finish for Christmas in the College this afternoon, so if the Grange was open any days next week I could call in if required/suitable?

Regards,

Emmet

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---

**From:** Robert Gibson <[robert.gibson@fermanaghomagh.com](mailto:robert.gibson@fermanaghomagh.com)>  
**Sent:** Tuesday, December 10, 2019 5:52:46 PM  
**To:** Emmet McAleer (Councillor) <[emmet.mcaleer@fermanaghomagh.com](mailto:emmet.mcaleer@fermanaghomagh.com)>  
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If you wish to speak to me I will do my best to facilitate this.

I hope that this is of help.

Regards

Robert

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---

**From:** Emmet McAleer (Councillor) <[emmet.mcaleer@fermanaghomagh.com](mailto:emmet.mcaleer@fermanaghomagh.com)>  
**Sent:** Tuesday, December 10, 2019 5:02:36 PM  
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Many thanks,

Emmet

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Ref Number: 10

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**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** 23 December 2019 09:02  
**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Subject:** Re: Green Road PROW

Good morning Emmet,

Sorry for the delay in responding but I was out of the office all day on Friday, in Belfast on Council business. The information on the website is all up to date but I have forwarded your email onto the Council's solicitor and asked for a timeline to be provided as soon as possible after the Christmas break..  
May I wish you a Merry Christmas.

Regards

Robert

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Sent:** 20 December 2019 09:52  
**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Subject:** Re: Green Road PROW

Thank you for your response Robert,

This has seemingly become a more pressing issue following recent developments surrounding the work being carried out by Dalradian and growing fears within the community in relation to planned work for the New Year, so it is of utmost importance that we progress this Declaration as quickly as possible.

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Regards,

Emmet

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---

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---

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If you wish to speak to me I will do my best to facilitate this.  
I hope that this is of help.  
Regards  
Robert

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---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Sent:** Tuesday, December 10, 2019 5:02:36 PM  
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**Subject:** Green Road PROW

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Can you get back to me either by return e-mail or on my Council phone, or alternatively let me know when it would suit to contact you in relation to this?

Many thanks,

Emmet

---

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**Re: PROW Update Meeting**

Ryan Hanna <ryan.hanna@fermanaghomagh.com>

Wed 15/01/2020 11:55

To: Creea McManus <creea.mcmanus@fermanaghomagh.com>

Cc: Imelda McCarron <imelda.mccarron@fermanaghomagh.com>; Keith Collen <keith.collen@fermanaghomagh.com>

Hi Creea

Wednesday 29 January at 2pm suits all. Can you please add this to Robert's diary. Thanks.

Regards  
Ryan

**Ryan Hanna**

Countryside Recreation Officer

Fermanagh & Omagh District Council

**A** Townhall, 2 Townhall Street, Enniskillen, Co. Fermanagh, BT74 7BA

**P** 0300 303 1777 ext 21168 **M** 07702 919798

**E** ryan.hanna@fermanaghomagh.com

**W** www.fermanaghomagh.com

---

**From:** Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

**Sent:** 15 January 2020 11:06

**To:** Ryan Hanna <ryan.hanna@fermanaghomagh.com>; Keith Collen <keith.collen@fermanaghomagh.com>

**Cc:** Creea McManus <creea.mcmanus@fermanaghomagh.com>

**Subject:** Re: PROW Update Meeting

Morning,

29th or 5th suit

Thanks  
Imelda

---

**From:** Ryan Hanna <ryan.hanna@fermanaghomagh.com>

**Sent:** 14 January 2020 12:48

**To:** Imelda McCarron <imelda.mccarron@fermanaghomagh.com>; Keith Collen <keith.collen@fermanaghomagh.com>

**Cc:** Creea McManus <creea.mcmanus@fermanaghomagh.com>

**Subject:** PROW Update Meeting

Afternoon All

Robert has requested a meeting to discuss the Green Road and Belleek PROW investigations. Please can you let me know which of the following dates / times suit, if any:

Wednesday 29 January - 2pm

Tuesday 4 February - AM

Wednesday 5 February - Anytime

Regards  
Ryan

**Ryan Hanna**

Countryside Recreation Officer  
Fermanagh & Omagh District Council

---

**A** Townhall, 2 Townhall Street, Enniskillen, Co. Fermanagh, BT74 7BA

**P** 0300 303 1777 ext 21168    **M** 07702 919798

**E** ryan.hanna@fermanaghomagh.com

**W** www.fermanaghomagh.com

**FW: Greencastle green road**

Ryan Hanna <ryan.hanna@fermanaghomagh.com>

Wed 22/01/2020 09:55

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

Cc: Keith Collen <keith.collen@fermanaghomagh.com>

Good Morning Robert / Imelda

Please see below.

Regards  
Ryan

**Ryan Hanna**

Countryside Recreation Officer  
Fermanagh & Omagh District Council

**A** Townhall, 2 Townhall Street, Enniskillen, Co. Fermanagh, BT74 7BA

**P** 0300 303 1777 ext 21168 **M** 07702 919798

**E** ryan.hanna@fermanaghomagh.com

**W** www.fermanaghomagh.com

---

**From:** Information <info@fermanaghomagh.com>

**Sent:** 20 January 2020 14:26

**To:** Ryan Hanna <ryan.hanna@fermanaghomagh.com>

**Subject:** FW: Greencastle green road

Hi Ryan, how are you?

Please see below email. I referred to DFI initially and he replied saying that it was definitely Council.

I'll forward his reply as well.

Thanks

LeeAnn

**Fermanagh and Omagh District Council**

**Tel:** 0300 303 1777

**Textphone:** 028 8225 6216

**E:** info@fermanaghomagh.com

---

**From:**

**Sent:** 20 January 2020 12:30 PM

**To:** Information <info@fermanaghomagh.com>

**Subject:** Greencastle green road

CAUTION: This message originates from outside our organisation. Consider carefully whether you should click on any links, open any attachments or reply. If in doubt, forward to [helpdesk@fermanaghmagh.com](mailto:helpdesk@fermanaghmagh.com)

Dear Sir/Madam

As a Rate Payer, may I ask who exactly is responsible for ordering a third legal consultation on the status of the green road in Greencastle ?

This seems like an awful waste of Rate Payers money, as there have already been two such consultations, at supposedly £10,000 each. And both coming to the same conclusion. Are we going to keep paying for endless consultations until there is another conclusion ? One which suits outside parties.

The Rate Payers deserve an answer from the FODC, public servants who are accountable to the people who pay their wages, the Rate Payers.

Thank you, ...



**FW: Re Greencastle green road.**

Ryan Hanna <ryan.hanna@fermanaghomagh.com>

Wed 22/01/2020 09:56

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

Cc: Keith Collen <keith.collen@fermanaghomagh.com>

Robert / Imelda

Please see below.

Regards  
Ryan

**Ryan Hanna**

Countryside Recreation Officer  
Fermanagh & Omagh District Council

**A** Townhall, 2 Townhall Street, Enniskillen, Co. Fermanagh, BT74 7BA

**P** 0300 303 1777 ext 21168 **M** 07702 919798

**E** ryan.hanna@fermanaghomagh.com

**W** www.fermanaghomagh.com

---

**From:** Information <info@fermanaghomagh.com>

**Sent:** 20 January 2020 14:27

**To:** Ryan Hanna <ryan.hanna@fermanaghomagh.com>

**Subject:** FW: Re Greencastle green road.

LeeAnn

**Fermanagh and Omagh District Council**

**Tel:** 0300 303 1777

**Textphone:** 028 8225 6216

**E:** info@fermanaghomagh.com

---

**From:**

**Sent:** 20 January 2020 01:48 PM

**To:** Information <info@fermanaghomagh.com>

**Subject:** Re Greencastle green road.

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Dear LeeAnn

This has nothing to do with the Department of Infrastructure, it is the council alone who are calling for a third Barrister's report. We need to know exactly who in the FODC is wasting Rate Payers money ? Were two legal enquiries not enough ?

The Rate Paying people of the area need answers.

Thank you,



FW: Green Road

Ryan Hanna <[ryan.hanna@fermanaghomagh.com](mailto:ryan.hanna@fermanaghomagh.com)>

Wed 22/01/2020 09:57

**To:** Robert Gibson <[robert.gibson@fermanaghmagh.com](mailto:robert.gibson@fermanaghmagh.com)>; Imelda McCarron <[imelda.mccarron@fermanaghmagh.com](mailto:imelda.mccarron@fermanaghmagh.com)>

Cc: Keith Collen <[keith.collen@fermanaghomagh.com](mailto:keith.collen@fermanaghomagh.com)>

Robert / Imelda

Please see below.

Regards  
Ryan

Ryan Hanna

Countryside Recreation Officer  
Fermanagh & Omagh District Council

**A** Townhall, 2 Townhall Street, Enniskillen, Co. Fermanagh, BT74 7BA

**P** 0300 303 1777 ext 21168      **M** 07702 919798

E [ryan.hanna@fermanaghomagh.com](mailto:ryan.hanna@fermanaghomagh.com)

**W** [www.fermanaghomagh.com](http://www.fermanaghomagh.com)

**From:** Information <info@fermanaghomagh.com>

**Sent:** 20 January 2020 14:53

**To:** Ryan Hanna <[ryan.hanna@fermanaghomagh.com](mailto:ryan.hanna@fermanaghomagh.com)>

**Subject:** FW: Green Road

Hi Ryan, how are you?

Please see below email.

## Thanks

LeeAnn

## Fermanagh and Omagh District Council

**Tel: 0300 303 1777**

**Textphone: 028 8225 6216**

**E:** [info@fermanaghmagh.com](mailto:info@fermanaghmagh.com)

**From:** ' ' }

**Sent:** 20 January 2020 09:59 AM

**To:** Information <info@fermanaghomagh.com>

**Subject:** Green Road

CAUTION: This message originates from outside our organisation. Consider carefully whether you should click on any links, open any attachments or reply. If in doubt, forward to [helpdesk@fermanaghmagh.com](mailto:helpdesk@fermanaghmagh.com)

I would like to know what is happening to our Green Road in Greencastle? This road is very dear to me as I use this road daily for walking. Would be grateful for an update regarding this matter.

Thanks

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**FW: The Green Road**

Information <info@fermanaghomagh.com>

Wed 22/01/2020 11:52

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

Cc: Ryan Hanna <ryan.hanna@fermanaghomagh.com>

Hi Imelda, how are you?

Please see below email. Can you cc info@fermanaghomagh.com in to the response or advise when the customer has been responded to, please?

Thanks

LeeAnn

**Fermanagh and Omagh District Council**

**Tel:** 0300 303 1777

**Textphone:** 028 8225 6216

**E:** info@fermanaghomagh.com

---

From:

Sent: 22 January 2020 11:41 AM

To: Information

Subject: The Green Road

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To whom it may concern

May I say how disappointing it would be to lose this piece of local heritage and history.

The path of Hugh O'Neill and the flight of the earls

I have walked this road on many occasions a great amenity for local people a beautiful place to paint say a prayer or take part in a community run.

To be lost for a toxic waste rock heap on a ridiculous scale, posing health risks to the community near and far.

Please respect the wishes of local people and not those of Canadian multi nationals. Don't give the Green Road Away . Keep it for the People

Please acknowledge receipt of this objection

Regards

Sent from my iPhone

## Green Road Public Right of Way Investigation

Creea McManus <creea.mcmanus@fermanaghomagh.com>

Thu 23/01/2020 09:51

To: Geraldine O'Reilly <geraldine.oreilly@fermanaghomagh.com>

Cc: Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

Geraldine

Following our discussion yesterday and further discussions with Robert later in the afternoon there has been a change of plan in relation to how telephone calls and emails, regarding the above, are handled.

Imelda had been dealing with the case initially however since leaving the post as Countryside Recreation Officer she has not had much dealing with it.

Robert is to fully apprise Imelda of the current situation next Wednesday afternoon.

Could all emails relating to the Green Road be directed to Imelda - she will decide whether she is in a position to respond and if not she will forward to Robert for Action.

Could all calls be directed to Robert, through me, up until 30 January and after that directly to Imelda.

Apologies for the confusion over this issue.

Regards

Creea

**Creea McManus**

PA to Director of Community, Health and Leisure  
Fermanagh and Omagh District Council

**Tel:** 0300 303 1777 **Extension:** 21175

**Web:** fermanaghomagh.com

**Twitter & Facebook:** fermanaghomagh



**FW: Greencastle green road**

Robert Gibson <robert.gibson@fermanaghomagh.com>

Thu 23/01/2020 15:53

To: \_\_\_\_\_ 1>

Cc: Information <info@fermanaghomagh.com>; Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

Good afternoon

Thank you for your email and the second one which I hope one response will satisfy. Firstly I apologise for you being directed to the Dept for Infrastructure. The Council is the body dealing with the Green Road Public Right of way assertion. The Council has taken the decision to assert that the Green road is a PROW. The previous two consultations did not cost £10,000 each. However the main clarification is that the third meeting with a Barrister was to progress the assertion process to the courts.

I hope that this is of help.

Regards

Robert Gibson

Director of Community, Health and Leisure

---

**From:**

**Sent:** 20 January 2020 12:30 PM

**To:** Information <info@fermanaghomagh.com>

**Subject:** Greencastle green road

CAUTION: This message originates from outside our organisation. Consider carefully whether you should click on any links, open any attachments or reply. If in doubt, forward to helpdesk@fermanaghomagh.com

Dear Sir/Madam

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This seems like an awful waste of Rate Payers money, as there have already been two such consultations, at supposedly £10,000 each. And both coming to the same conclusion. Are we going to keep paying for endless consultations until there is another conclusion ? One which suits outside parties.

The Rate Payers deserve an answer from the FODC, public servants who are accountable to the people who pay their wages, the Rate Payers.

Thank you, 1.



**FW: Green Road**

Robert Gibson <robert.gibson@fermanaghomagh.com>

Thu 23/01/2020 15:59

To: Information <info@fermanaghomagh.com>

Cc: Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

Good afternoon

Thank you for your email. The Council is proceeding to have its assertion of the Green Road as a Public Right of Way confirmed through the Courts.

I hope that this is of help.

Regards

Robert Gibson

Director of Community, Health and Leisure

**Sent:** 20 January 2020 09:59 AM

**To:** Information <info@fermanaghomagh.com>

**Subject:** Green Road

CAUTION: This message originates from outside our organisation. Consider carefully whether you should click on any links, open any attachments or reply. If in doubt, forward to [helpdesk@fermanaghomagh.com](mailto:helpdesk@fermanaghomagh.com)

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Thanks

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**FW: Greencastle green road**

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Thu 23/01/2020 15:53

To:

Cc: Information <info@fermanaghomagh.com>; Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

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I hope that this is of help.

Regards

Robert Gibson  
Director of Community, Health and Leisure

---

**From:** j

**Sent:** 20 January 2020 12:30 PM

**To:** Information <info@fermanaghomagh.com>

**Subject:** Greencastle green road

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Dear Sir/Madam

As a Rate Payer, may I ask who exactly is responsible for ordering a third legal consultation on the status of the green road in Greencastle ?

This seems like an awful waste of Rate Payers money, as there have already been two such consultations, at supposedly £10,000 each. And both coming to the same conclusion. Are we going to keep paying for endless consultations until there is another conclusion ? One which suits outside parties.

The Rate Payers deserve an answer from the FODC, public servants who are accountable to the people who pay their wages, the Rate Payers.

Thank you, .

**Re: Green Road PROW**

Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

Thu 23/01/2020 21:27

To: Robert Gibson <robert.gibson@fermanaghomagh.com>

That's great Robert,

Thank you for the reassurance, I'm sure you can appreciate the concern locally when such stories appear.

Hopefully, moving forward, the assertion process will continue to progress at greater speed, although I appreciate that as with any legal proceeding this is not always the case.

I appreciate your response.

Thank you,

Emmet

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---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** Wednesday, January 22, 2020 6:12:31 PM

**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Good afternoon Emmet,

Thank you for your email. I will respond to your queries in the order that they are raised and hope to put your mind at ease.

-The last meeting with a Barrister, regarding the Green Road , took place in August 2019, to begin taking the assertion process through the courts.

-There is no external pressure on Officers to find against the legal opinion to assert.

-There is not another legal opinion being sought. The contact was made with the Barrister to progress the assertion process.

-The Council's legal representative hopes to have a confirmed timeline for reporting to the Council in early February.

I hope that this is of help.

Regards

Robert

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Sent:** 22 January 2020 10:52

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Good morning Robert,

I wish to follow up on a few queries raised by constituents in Mid Tyrone and Omagh directly to me, and subsequently also noted on various forums/pages online in relation to The Green Road PROW process, perhaps you can help advise and put my/their minds at ease?

- Despite legal findings and recommendations to assert The Green Road as a legal right of way, it is alleged that the Council is currently considering another (third) barrister's report on the matter - is this the case?

- Is there external pressure on the Council to find against the initial decision(s) supporting the public right of way declaration? If so, where is this coming from and what impact is it having on the process?

- If there is an additional legal opinion being sought is this costing the Council (& by default the people of Fermanagh and Omagh) more money? If so, can you advise how much, and perhaps how/why this was agreed or approved? Are any new legal fees having to be factored into the 2020 rates costings?

- At present is there a timeline/end date in sight for the declaration on The Green Road as a public right of way?

I look forward to hearing back from you in relation to this.

Regards,

Emmet

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---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** Friday, January 10, 2020 5:09:40 PM

**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Hi Emmet,

I hope that it is of help.

Have a good weekend.

Robert

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Sent:** 10 January 2020 16:25

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Thank you Robert,

That's the weekend reading material sorted!

Much appreciated,

Emmet

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---



**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** Friday, January 10, 2020 2:51:08 PM  
**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Subject:** Re: Green Road PROW

<http://fodc.online/responses/2016.pdf> 486 pages  
<http://fodc.online/responses/2017.pdf> 186 pages  
<http://fodc.online/responses/2018.pdf> 120 pages  
<http://fodc.online/responses/MayJuneJuly2018.pdf> 144 pages  
<https://www.fermanaghomagh.com/app/uploads/2018/11/AugustSeptemberOctober2018.pdf> 24 pages

Good afternoon Emmet,

Thank you for your email. Please see above the five links (one for each year) which are on the website. These include 960 pages of information. They sit below the 2 pages that you copied to me.

I hope that this is of help.

Regards

Robert

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Sent:** 10 January 2020 12:30  
**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Subject:** Re: Green Road PROW

Good afternoon Robert,

Having had a look at the Council website over the Christmas break, and again earlier this week, I just wanted to double check your previous advice that "the information regarding the Green Road is substantially up on the website"?

When I search for the Green Road PROW only two responses are returned:



Home

# Alleged PROW Green Road Covering Note

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## Download File

File Type	File Name	File Size	Last Updated
PDF	<u><a href="#">Alleged PROW Green Road Covering Note</a></u>	54 KB	22nd June 2018

---

 Image

Both of these are just over one page in length and are very scant on detail.

I was hoping that perhaps, as an elected representative, that I would have access to something more substantive than this.

Is there further/more detailed paperwork and/or information held physically by the Council that I could access, if not online then possibly in The Grange or Townhall perhaps?

Many thanks,

Emmet

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---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** Monday, December 23, 2019 9:02:22 AM  
**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Subject:** Re: Green Road PROW

Good morning Emmet,

Sorry for the delay in responding but I was out of the office all day on Friday, in Belfast on Council business. The information on the website is all up to date but I have forwarded your email onto the Council's solicitor and asked for a timeline to be provided as soon as possible after the Christmas break..  
May I wish you a Merry Christmas.

Regards

Robert

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Sent:** 20 December 2019 09:52  
**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Subject:** Re: Green Road PROW

Thank you for your response Robert,

This has seemingly become a more pressing issue following recent developments surrounding the work being carried out by Dalradian and growing fears within the community in relation to planned work for the New Year, so it is of utmost importance that we progress this Declaration as quickly as possible.

If it were possible could you advise on whether or not there are files/additional information stored within Council that I would have access to, or is everything up on the Council website?

Given the length of time that this issue has already taken up, and the fears of the local community, this is something that it would be hugely beneficial to have confirmed/sorted as soon as possible.

We finish for Christmas in the College this afternoon, so if the Grange was open any days next week I could call in if required/suitable?

Regards,

Emmet

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---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Sent:** Tuesday, December 10, 2019 5:52:46 PM  
**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Subject:** Re: Green Road PROW

Good evening Emmet, Thank you for your email and apologies that we have not spoken sooner. The information regarding the Green Road is substantially up on the website. However I have also met with the Barrister and Philip Kingston in early August in Belfast and asked that he progress this

If you wish to speak to me I will do my best to facilitate this.  
I hope that this is of help.  
Regards  
Robert

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---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Sent:** Tuesday, December 10, 2019 5:02:36 PM  
**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>  
**Subject:** Green Road PROW

Good afternoon Robert,

I just wanted to check what the latest was in relation to my previous enquiries into the current standing of the Green Road Public Right of Way decision, and also to follow up whether there was a file or paperwork dealing with this that I would have access to as a Councillor for the area in question, and one who has been lobbied on this subject?

Can you get back to me either by return e-mail or on my Council phone, or alternatively let me know when it would suit to contact you in relation to this?

Many thanks,

Emmet

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## Re: Green Road

Thu 23/01/2020 20:54

To: Robert Gibson <robert.gibson@fermanaghomagh.com>

Cc: Information <info@fermanaghomagh.com>; Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

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Thank you for your reply.

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**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** Thursday, January 23, 2020 3:59:55 PM

**To:**

**Cc:** Information <info@fermanaghomagh.com>; Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

**Subject:** FW: Green Road

Good afternoon

Thank you for your email. The Council is proceeding to have its assertion of the Green Road as a Public Right of Way confirmed through the Courts.

I hope that this is of help.

Regards

Robert Gibson

Director of Community, Health and Leisure

**Sent:** 20 January 2020 09:59 AM

**To:** Information <info@fermanaghomagh.com>

**Subject:** Green Road

CAUTION: This message originates from outside our organisation. Consider carefully whether you should click on any links, open any attachments or reply. If in doubt, forward to helpdesk@fermanaghomagh.com

I would like to know what is happening to our Green Road in Greencastle? This road is very dear to me as I use this road daily for walking. Would be grateful for an update regarding this matter.  
Thanks

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**FW: FAO Acting CEO FODC**

Information <info@fermanaghomagh.com>

Fri 24/01/2020 09:45

To: Celine McCartan <Celine.McCartan@fermanaghomagh.com>

Cc: Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

Good Morning Celine

Below email received through "info" for your attention.

If I can be of further assistance please do not hesitate to get in touch.

Kind regards

Joanne Lowry

Customer Service Advisor

**Fermanagh and Omagh District Council**

**Tel:** 0300 303 1777

**Textphone:** 028 8225 6216

**E:** info@fermanaghomagh.com

---

From: Information  
Sent: 23 January 2020 11:09 PM  
To: Information  
Subject: FAO Acting CEO FODC

CAUTION: This message originates from outside our organisation. Consider carefully whether you should click on any links, open any attachments or reply. If in doubt, forward to helpdesk@fermanaghomagh.com

Dear Sir/ Madam,

I wish to query why FODC has not legally asserted the Green Road as a Public Right of Way. I understand that FODC commissioned 2 independent reports from barristers who concluded that the Green Road was indeed a public right of way and should be asserted as thus. It was shown on old maps going back to the Annals of the Four Masters and was used by Hugh O'Neill at the time of the Flight of the Earls in 1607 when he travelled from Tullyhogue to Rathmullan on his way to Europe. A local survey confirmed how the Green Road is used and has been used down through the generations. These details were all discussed at a Council meeting in April 2017 and it was reported in the local press in June 2017 that FODC confirmed that the Green Road was a Public Right of Way. My understanding is that in order to complete the process, FODC then had to make a formal Assertion statement to define and record it through the Courts. It appears that this has not yet been done. I wish to know why has there been a delay of almost three years and who is responsible for this? Someone in FODC has to be accountable to the public. What is going on behind the scenes?

Yours faithfully,

**Re: FAO Acting CEO FODC**

Robert Gibson <robert.gibson@fermanaghomagh.com>

Fri 24/01/2020 10:34

To: Celine McCartan <Celine.McCartan@fermanaghomagh.com>

Cc: Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

Hi Celine I will prepare a response for you. Robert

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---

**From:** Celine McCartan <Celine.McCartan@fermanaghomagh.com>

**Sent:** Friday, January 24, 2020 10:31:34 AM

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Cc:** Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

**Subject:** Fwd: FAO Acting CEO FODC

Robert,

Please see below details of correspondence re wives to the generic info@ Council email.

Can you advise how best to reply at this time?

Regards

Celine

Please see below

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---

**From:** Information <info@fermanaghomagh.com>

**Sent:** Friday, January 24, 2020 9:45:54 AM

**To:** Celine McCartan <Celine.McCartan@fermanaghomagh.com>

**Cc:** Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

**Subject:** FW: FAO Acting CEO FODC

Good Morning Celine

Below email received through "info" for your attention.

If I can be of further assistance please do not hesitate to get in touch.

Kind regards

Joanne Lowry

Customer Service Advisor

**Fermanagh and Omagh District Council**

**Tel:** 0300 303 1777

**Textphone:** 028 8225 6216

**E:** [info@fermanaghomagh.com](mailto:info@fermanaghomagh.com)

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From:

Sent: 23 January 2020 11:09 PM

To: Information  
Subject: FAO Acting CEO FODC

CAUTION: This message originates from outside our organisation. Consider carefully whether you should click on any links, open any attachments or reply. If in doubt, forward to [helpdesk@fermanaghomagh.com](mailto:helpdesk@fermanaghomagh.com)

Dear Sir/ Madam,

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Yours faithfully,



## FW: Green Road PROW

Robert Gibson <[robert.gibson@fermanaghmagh.com](mailto:robert.gibson@fermanaghmagh.com)>

Fri 31/01/2020 17:35

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

## FOR YOUR RECORDS

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomaggh.com>

**Sent:** 23 January 2020 21:27

**To:** Robert Gibson <[robert.gibson@fermanaghmagh.com](mailto:robert.gibson@fermanaghmagh.com)>

**Subject:** Re: Green Road PROW

That's great Robert,

Thank you for the reassurance, I'm sure you can appreciate the concern locally when such stories appear.

Hopefully, moving forward, the assertion process will continue to progress at greater speed, although I appreciate that as with any legal proceeding this is not always the case.

I appreciate your response.

Thank you,

## Emmet

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**From:** Robert Gibson <[robert.gibson@fermanaghmagh.com](mailto:robert.gibson@fermanaghmagh.com)>

**Sent:** Wednesday, January 22, 2020 6:12:31 PM

**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagham.com>

**Subject:** Re: Green Road PROW

Good afternoon Emmet,

Thank you for your email. I will respond to your queries in the order that they are raised and hope to put your mind at ease.

-The last meeting with a Barrister, regarding the Green Road , took place in August 2019, to begin taking the assertion process through the courts.

- There is no external pressure on Officers to find against the legal opinion to assert.

-There is not another legal opinion being sought. The contact was made with the Barrister to progress the assertion process.

-The Council's legal representative hopes to have a confirmed timeline for reporting to the Council in early February.

I hope that this is of help.

Regards

Robert



Home

# Alleged PROW Green Road Covering Note

## Download File

File Type	File Name	File Size	Last Updated
PDF	<a href="#"><u>Alleged PROW Green Road Covering Note</u></a>	54 KB	22nd June 2018



Both of these are just over one page in length and are very scant on detail.

I was hoping that perhaps, as an elected representative, that I would have access to something more substantive than this.

Is there further/more detailed paperwork and/or information held physically by the Council that I could access, if not online then possibly in The Grange or Townhall perhaps?

Many thanks,

Emmet

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---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** Monday, December 23, 2019 9:02:22 AM

**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Good morning Emmet,

Sorry for the delay in responding but I was out of the office all day on Friday, in Belfast on Council business. The information on the website is all up to date but I have forwarded your email onto the Council's solicitor and asked for a timeline to be provided as soon as possible after the Christmas break..

May I wish you a Merry Christmas.

Regards

Robert

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Sent:** 20 December 2019 09:52

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Thank you for your response Robert,

This has seemingly become a more pressing issue following recent developments surrounding the work being carried out by Dalradian and growing fears within the community in relation to planned work for the New Year, so it is of utmost importance that we progress this Declaration as quickly as possible.

If it were possible could you advise on whether or not there are files/additional information stored within Council that I would have access to, or is everything up on the Council website?

Given the length of time that this issue has already taken up, and the fears of the local community, this is something that it would be hugely beneficial to have confirmed/sorted as soon as possible.

We finish for Christmas in the College this afternoon, so if the Grange was open any days next week I could call in if required/suitable?

Regards,

Emmet

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**Green Road ATIs**

Creea McManus <creea.mcmanus@fermanaghomagh.com>

Wed 05/02/2020 17:55

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

Imelda

Please see below ATI Reference details an relation to all ATI requests received regarding the Green Road.

**2016**

ATI 443

ATI 475

ATI 476

ATI 648

**2017**

ATI 884

**2018**

ATI 1223

ATI 1241

ATI 1253

ATI 1296

ATI 1308

**2019**

ATI 2208

I tried to attach the zip files however they were too large so I have pasted the zip files into the below named folder:

[R:\CHL\Leisure Recreation and Sport\Countryside Recreation\PROWs\Rousky- Greencastle-Green Road PROW\FOI\ALL ATIs](#)

Any queries please just give me a call.

Apologies for the delay.

Regards

Creea

**Re: Green Road**

Robert Gibson <robert.gibson@fermanaghomagh.com>

Wed 12/02/2020 19:32

To: Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

Hi Alison, Of course. I will brief you fully. Robert

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---

**From:** Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

**Sent:** Wednesday, February 12, 2020 7:23:05 PM

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** Fw: Green Road

Robert,

Please see below for info; this is another issue on which I will need an update before your departure,

Thanks,

Alison

**From:** Nicola Nugent <nicola.nugent@fermanaghomagh.com>

**Sent:** 12 February 2020 14:38

**To:** Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

**Subject:** Green Road

Alison

I had a visit from [redacted] today at the Grange in Omagh who wished to speak to someone face-to-face regarding the above.

In Sonya's absence (as she had spoken to her previously) I listened to her concerns and advised that I would pass them on to you.

She has concerns regarding a Conflict of Interest issue specifically regarding [redacted] in relation to [redacted] the Green Road, Greencastle (formerly [redacted]).

Following a conversation with Robert Gibson some weeks back, she is awaiting information on the date that the case was going to Court.

[redacted]

(please note that her mobile phone will not be in action until Friday as she had an altercation on the Green Road last week and it was damaged)

Regards

**Nicola Nugent**

PA to the Director of Corporate Services & Governance

Fermanagh and Omagh District Council

**Tel:** 0300 303 1777 **Extension:** 20210

**Direct:** 028 82256 205

**Textphone:** 028 8225 6216



**Re: Attn: Chief Executive- Allison McCullagh**

Philip Kingston <Philip.Kingston@derrystabane.com>

Mon 17/02/2020 09:12

To: Robert Gibson <robert.gibson@fermanaghomagh.com>

Cc: Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

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Agreed.

Sent from my iPhone

On 17 Feb 2020, at 08:56, Robert Gibson <robert.gibson@fermanaghomagh.com> wrote:

Good morning Alison,

I would suggest the following:

The Council has appointed a Barrister to prepare the case for asserting the Green Road. The process for doing this will begin within weeks with a letter to all landowners being issued regarding the process. As this is a civil case the Court Service will determine when the actual case is listed.

I have copied Philip in ,in case he would like to comment before release.

Regards

Robert

---

**From:** Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

**Sent:** 17 February 2020 08:40

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** Fwd: Attn: Chief Executive- Allison McCullagh

Hi Robert,

Please see email below - could you please send me a form of words on this? I know this gentleman,

Thanks

Alison

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---

**From:** Mercedes Monteith <mercedes.monteith@fermanaghomagh.com>  
**Sent:** Monday, February 17, 2020 8:37:43 AM  
**To:** Alison McCullagh <alison.mccullagh@fermanaghomagh.com>  
**Subject:** FW: Attn: Chief Executive- Allison McCullagh

Alison

The email below was received via Info@ on Friday 14 February for your attention.

Regards  
**Mercedes Monteith**  
PA to Chief Executive  
Fermanagh and Omagh District Council

Direct Line No: 028 66 321819  
Tel: 0300 303 1777 Ext 21121  
email: mercedes.monteith@fermanaghomagh.com

---

**From:** Information  
**Sent:** 14 February 2020 10:07 AM  
**To:** Information <info@fermanaghomagh.com>  
**Subject:** Attn: Chief Executive- Allison McCullagh

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Please could you clarify the current situation on the assertion of the right of way status on the Green Road, Greencastle.  
I understand that the council have agreed to proceed with this, but when will it actually be asserted?

Regards,

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## Green Road References

Creea McManus <creea.mcmanus@fermanaghomagh.com>

Tue 25/02/2020 17:33

To: Robert Gibson <robert.gibson@fermanaghomagh.com>

Robert

I continued the search using GREEN ROAD

I have come up with the following references but again nothing to support what you are looking for - possibly something to slightly contradict it in the second reference??

Creea

## Council Meeting – 1 November 2016

### 15.2 Save Our Sperrins - Gold Mining in the Sperrins Area of Outstanding Natural Beauty (AONB) and Proposal to Abandon the Green Road, Greencastle, Co Tyrone

In view of the expressed Declarations of Interest, Councillors J Coyle, Gallagher, Irvine, Robinson, Thompson and Thornton left the meeting at this juncture. Councillor McColgan also left the meeting at this juncture.

NOTED: that a copy of the above correspondence dated 17 October 2016 requesting a meeting with Fermanagh and Omagh District Council had been issued with the agenda.

The Chief Executive advised that as previously advised there was no issue with a Member of the Planning Committee listening to the presentation as long as the Member made no comment at the meeting.

Reference was made to the benefit of hearing first-hand the concerns being conveyed by the above group. A Member also expressed the view that consideration should be given to respecting historical and cultural sites and she spoke of the work undertaken by Mid Ulster District Council at the 'Hill of the O'Neill's' at Tullyhogue, Cookstown.

#### **RESOLVED:**

**On the proposal of Councillor McAnespy, seconded by Councillor Wilson, that representatives from the above Group be invited to attend an informal meeting in order to apprise Members of their concerns.**

Councillors J Coyle, Gallagher, Irvine, McColgan, Robinson, Thompson and Thornton re-entered the meeting at this juncture.

## Council Meeting – 26 July 2018

### 3.6 Green Road PROW – Page 18, Item 11.9

In response to a Member's query, the Chief Executive confirmed that an updated report on the above matter would be tabled in September or October 2018 once an updated legal opinion which considered all of the submissions, had been received.

In reply to a Member's comments in relation to information contained on the Council website, the Chief Executive advised that the correspondence she referenced was a pre-action protocol and that no legal action had been taken, therefore there had been nothing additional to report to the Council at this stage.

The Member commented that the website included details of a meeting which Council officers attended on 26 February 2018 with Dalradian, even though the Council had previously resolved that it would not meet any further with the company. She asked why Members had not been briefed on this matter. In response, the Chief Executive advised that it was his recollection that the Council had resolved not to receive deputations from Dalradian or to attend site visits. He stated that the Council was currently in a legal process that had to be correctly followed, giving proper and due consideration to all stakeholders. He stated that it would not be appropriate to brief Members on some aspects of the process in isolation, as opposed to the entirety.

In response to another query from the Member, the Chief Executive stated he did not know if Dalradian owned land affected by the Public Right of Way.

The Lead Legal Services Officer provided further clarity on the meeting of 26 February 2018 at which he had also been in attendance. He confirmed that the meeting was part of the ongoing process following on from receipt of the pre-action protocol and it was entirely appropriate for it to be scheduled and for Council Officers to be in attendance. He stated that in relation to the Green Road, relevant details were still being gathered and this information would be included in the report that would be brought back to the Council.

The Chief Executive re-iterated that the Council was currently involved in a process which had included a number of Freedom of Information requests that had also required legal consideration. He advised that when the process was complete a full report, taking account of all correspondence, would be presented to the Council.

**NOTED.**

**Creea McManus**

PA to Director of Community, Health and Leisure  
Fermanagh and Omagh District Council

**Tel:** 0300 303 1777 **Extension:** 21175

**Web:** fermanaghomagh.com

**Twitter & Facebook:** fermanaghomagh



**Re: 100040.00154 - Green Road - Public Right-of-Way Assertion**

Sent: 06/04/2020 16:51

To: Paula.Deery@derrystarabane.com

Cc: Philip.Kingston@derrystarabane.com

**Re: 100040.00154 - Green Road - Public Right-of-Way Assertion**

Dear Paula & Philip,

Thank you for your email.

I confirm that I have no issue with the draft position correspondence, nor your proposed terms of settlement. I am aware that the draft position correspondence is sent to who is joined as a Defendant in the resulting civil bill.

In respect of those not named as Defendants in the correspondence, it is important that they are aware of the legal consequences of the fact that there is a public right of way, or foot, over that part of the Green Road. It is important that they are aware of the legal consequences of the fact that there is a public right of way, or foot, over that part of the Green Road. It is important that they are aware of the legal consequences of the fact that there is a public right of way, or foot, over that part of the Green Road.

They can then be joined as Defendants in the civil bill. We will also want to show them the legal consequences of the fact that there is a public right of way, or foot, over that part of the Green Road. It is important that they are aware of the legal consequences of the fact that there is a public right of way, or foot, over that part of the Green Road.

Kind regards,

DRAFT CIVIL BILL ENDORSEMENT

4. The Plaintiff claims:

ary.com

---

From: Paula Deery <Paula.Deery@derrystrabane.com>

Sent: 31 March 2020 15:52

To:

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

Subject: Re:100040.00154 - Green Road - Public Right-of-Way Assertion

**For and on behalf of Philip Kingston, LL.B., Lead Legal Services Officer**

Dear

I refer to attached email. I was wondering if you have had an opportunity to consider this yet. It may be the case that you already have responded but we don't appear to have received it so could you please resend. I await hearing from you.

**Paula Deery**  
**Administrative Assistant (Legal Services)**  
Derry City & Strabane District Council  
98 Strand Road  
Derry  
BT48 7NN

Tel: (028) 71 253 253 Extn 6762

[www.derrystrabane.com](http://www.derrystrabane.com)

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**Fw: Green Road PROW**

Robert Gibson <robert.gibson@fermanaghomagh.com>

Tue 26/5/20 9:38 PM

To: John Boyle <john.boyle@fermanaghomagh.com>

John

Please see email thread below as per my email

Creea

---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** 22 January 2020 18:12

**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Good afternoon Emmet,

Thank you for your email. I will respond to your queries in the order that they are raised and hope to put your mind at ease.

-The last meeting with a Barrister, regarding the Green Road , took place in August 2019, to begin taking the assertion process through the courts.

-There is no external pressure on Officers to find against the legal opinion to assert.

-There is not another legal opinion being sought. The contact was made with the Barrister to progress the assertion process.

-The Council's legal representative hopes to have a confirmed timeline for reporting to the Council in early February.

I hope that this is of help.

Regards

Robert

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Sent:** 22 January 2020 10:52

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Good morning Robert,

I wish to follow up on a few queries raised by constituents in Mid Tyrone and Omagh directly to me, and subsequently also noted on various forums/pages online in relation to The Green Road PROW process, perhaps you can help advise and put my/their minds at ease?

- Despite legal findings and recommendations to assert The Green Road as a legal right of way, it is alleged that the Council is currently considering another (third) barrister's report on the matter - is this the case?

- Is there external pressure on the Council to find against the initial decision(s) supporting the public right of way declaration? If so, where is this coming from and what impact is it having on the



<http://fodc.online/responses/2018.pdf> 120 pages  
<http://fodc.online/responses/MayJuneJuly2018.pdf> 144 pages  
<https://www.fermanaghomagah.com/app/uploads/2018/11/AugustSeptemberOctober2018.pdf> 24 pages

Good afternoon Emmet,

Thank you for your email. Please see above the five links (one for each year) which are on the website. These include 960 pages of information. They sit below the 2 pages that you copied to me.

I hope that this is of help.

Regards

Robert

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagah.com>  
**Sent:** 10 January 2020 12:30  
**To:** Robert Gibson <robert.gibson@fermanaghomagah.com>  
**Subject:** Re: Green Road PROW

Good afternoon Robert,

Having had a look at the Council website over the Christmas break, and again earlier this week, I just wanted to double check your previous advice that "the information regarding the Green Road is substantially up on the website"?

When I search for the Green Road PROW only two responses are returned:

Is there further/more detailed paperwork and/or information held physically by the Council that I could access, if not online then possibly in The Grange or Townhall perhaps?

Many thanks,

Emmet

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---

**From:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Sent:** Monday, December 23, 2019 9:02:22 AM

**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Good morning Emmet,

Sorry for the delay in responding but I was out of the office all day on Friday, in Belfast on Council business. The information on the website is all up to date but I have forwarded your email onto the Council's solicitor and asked for a timeline to be provided as soon as possible after the Christmas break..

May I wish you a Merry Christmas.

Regards

Robert

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

**Sent:** 20 December 2019 09:52

**To:** Robert Gibson <robert.gibson@fermanaghomagh.com>

**Subject:** Re: Green Road PROW

Thank you for your response Robert,

This has seemingly become a more pressing issue following recent developments surrounding the work being carried out by Dalradian and growing fears within the community in relation to planned work for the New Year, so it is of utmost importance that we progress this Declaration as quickly as possible.

If it were possible could you advise on whether or not there are files/additional information stored within Council that I would have access to, or is everything up on the Council website?

Given the length of time that this issue has already taken up, and the fears of the local community, this is something that it would be hugely beneficial to have confirmed/sorted as soon as possible.

We finish for Christmas in the College this afternoon, so if the Grange was open any days next week I could call in if required/suitable?

Regards,

Emmet

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## Re: Green Road Update

Creea McManus <creea.mcmanus@fermanaghomagh.com>

Tue 26/05/2020 21:38

To: John Boyle <john.boyle@fermanaghomagh.com>

John this is actually something I emailed Robert about over the weekend as I felt that we should contact Philip Kingston for an update - Robert agreed that an update should be requested - I did not want to send you another email on this as was planning to speak to you about it.

This one falls under Liz's remit.

The file is was in the Townhall but I imagine it has now been moved to the Old VIC as that is where Ryan Hanna, Countryside Recreation Officer, has been relocated.

I started to pull the reports and minute references together today and have saved them in the R Drive - I didn't think you would come to me about this before I got it completed!!

R:\CHL\CHL Directors Office\PROW Investigation - Green Road

Imelda McCarron who had been dealing with this case before she moved to a position in the Geopark also has a file on the R Drive

R:\CHL\Leisure Recreation and Sport\Countryside Recreation\PROWs\Rousky- Greencastle-Green Road PROW

I will forward you an email thread between Robert and Councillor McAleer now which Robert had provided links to the website where all the information is available. A Barristers report was presented to the Councillors at the end of 2018 but as this was highly Confidential it was saved in the Document Library of Decision Time - this report is obviously not available online however Councillor McAleer has access to it. Otherwise I believe that all the information is online.

The latest email from Philip Kingston was just before Christmas in response to Robert asking for a timeline and Philip advised that he would prioritise this in the new year and liaise with counsel as quickly as possible.

Creea

### **Creea McManus**

PA to Director of Community, Health and Leisure  
Fermanagh and Omagh District Council

**Tel:** 0300 303 1777 **Extension:** 21175

**Web:** fermanaghomagh.com

**Twitter & Facebook:** fermanaghomagh

---

**From:** John Boyle <john.boyle@fermanaghomagh.com>

**Sent:** 26 May 2020 17:44

**To:** Creea McManus <creea.mcmanus@fermanaghomagh.com>

**Subject:** Fw: Green Road Update

Creea,

Is this a query for Ian or is there a file on the issue?

Thank you  
John

**John Boyle**

Director of Community, Health and Leisure  
Fermanagh & Omagh District Council

Telephone: 0300 303 1777  
Extension: 21002

---

**From:** Alison McCullagh <alison.mccullagh@fermanaghomagh.com>  
**Sent:** 26 May 2020 5:23 PM  
**To:** John Boyle <john.boyle@fermanaghomagh.com>  
**Subject:** Fw: Green Road Update

Dear John,

Please see below for your information and consideration. I don't think there have been any recent updates, but it will be useful to clarify the situation, probably in advance of the June Committee meetings if we can,

thanks,

Alison

**From:** Alison McCullagh <alison.mccullagh@fermanaghomagh.com>  
**Sent:** 26 May 2020 17:22  
**To:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Subject:** Re: Green Road Update

Good afternoon Emmet,

My understanding, and I will check this, was the most up to date legal position and that related to assertion had been reported to the Council. I don't think there have been any new developments.

In terms of access to the documentation, I am sure this can be facilitated when the relevant staff are back at work. Again, I will check this and revert to you.

Regards,

Alison

Alison McCullagh  
Chief Executive  
Fermanagh and Omagh District Council

---

**From:** Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>  
**Sent:** 26 May 2020 17:15  
**To:** Alison McCullagh <alison.mccullagh@fermanaghomagh.com>  
**Subject:** Green Road Update

Good afternoon Alison,



I have been contacted by a number of local resident's who have been asking me what stage we are currently at with the Green Road Public Right of Way Declaration, and if there has been any update in relation to this – this is something I had been in contact with Robert about prior to his retirement.

I was also wondering, if it would be possible at some stage in the near future to call into The Grange to view any documentation/papers on the PRow process that the Council hold, to try to bring myself up to speed with what is currently happening, what the reason for any delay in declaring this road a Public Right of Way might be and how this may be finally resolved?

Many thanks,

Emmet

**Fw: Green Road Update**

Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

Thu 28/5/20 2:19 PM

To: John Boyle <john.boyle@fermanaghomagh.com>

John,

Please see below for your information and attention.

Two things that I think we need to address/clarify:

When do we think we will be able to report to Committee (my recollection is there were some outstanding legal matters - Philip will be able to advise) and when can we facilitate access to the paperwork?

Thanks,

Alison

From: Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

Sent: 28 May 2020 14:15

To: Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

Subject: Re: Green Road Update

Dear Emmet,

Further to your email below, just to confirm there is no change in the Council's position, and to the best of my recollection, Robert had previously provided an update on the various legal matters pertaining to this, prior to his retirement.

An update report has been requested and will be provided to the Committee as soon as it is available.

We are also seeking to accommodate your request to view the papers, but I do need the relevant staff to be able to collate the documentation and have it available for you. I will seek an update as to when we will be able to facilitate this,

Regards,

Alison

Alison McCullagh  
Chief Executive  
Fermanagh and Omagh District Council

---

From: Emmet McAleer (Councillor) <emmet.mcaleer@fermanaghomagh.com>

Sent: 28 May 2020 12:20

To: Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

Subject: RE: Green Road Update

Thanks Alison,

I would appreciate if this could be followed up as a matter of urgency if possible?

My understanding is that this was approved by the previous sitting of the Council, and that the process of declaring a public right of way is generally a fairly straightforward matter – can I enquire why, after being approached by local residents and land owners in 2016, and making the declaration in Council in 2017 this declaration is still outstanding?

<https://ulsterherald.com/2017/06/02/greencastle-route-set-declared-right-way/>

Having been again contacted by a number of local land owners in recent weeks, and indeed since my previous e-mail, I was wondering if given the urgency of this issue, and the uncertainty surrounding the return to work of staff within the Council, would it be possible for me to call in at present to have a read through what is currently available?

I am aware there is a skeleton staff currently in the building facilitating key public/Council services, but perhaps something could be arranged – even if it entailed sitting with the file(s) in the glass office located near the door/Reception Desk on the Ground Floor in the Grange?

I would appreciate if this could be considered on behalf of those living locally to the Green Road, as they continue to question the delay in this assertion, having been agreed by Council some years ago?

Thank you,

Emmet

---

From: Alison McCullagh <[alison.mccullagh@fermanaghomagh.com](mailto:alison.mccullagh@fermanaghomagh.com)>

Sent: 26 May 2020 17:22

To: Emmet McAleer (Councillor) <[emmet.mcaleer@fermanaghomagh.com](mailto:emmet.mcaleer@fermanaghomagh.com)>

Subject: Re: Green Road Update

Good afternoon Emmet,

My understanding, and I will check this, was the most up to date legal position and that related to assertion had been reported to the Council. I don't think there have been any new developments.

In terms of access to the documentation, I am sure this can be facilitated when the relevant staff are back at work. Again, I will check this and revert to you.

Regards,

Alison

Alison McCullagh  
Chief Executive  
Fermanagh and Omagh District Council

---

From: Emmet McAleer (Councillor) <[emmet.mcaleer@fermanaghomagh.com](mailto:emmet.mcaleer@fermanaghomagh.com)>

Sent: 26 May 2020 17:15

To: Alison McCullagh <[alison.mccullagh@fermanaghomagh.com](mailto:alison.mccullagh@fermanaghomagh.com)>

Subject: Green Road Update

Good afternoon Alison,

I have been contacted by a number of local resident's who have been asking me what stage we are currently at with the Green Road Public Right of Way Declaration, and if there has been any update in relation to this – this is something I had been in contact with Robert about prior to his retirement.

I was also wondering, if it would be possible at some stage in the near future to call into The Grange to view any documentation/papers on the PRow process that the Council hold, to try to bring myself up to speed with what is currently happening, what the reason for any delay in declaring this road a Public Right of Way might be and how this may be finally resolved?

Many thanks,

Emmet

## Give me a quick call

Ian Davidson <ian.davidson@fermanaghomagham.com>

Fri 29/05/2020 16:34

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

JB is going to contact you - Green Road.

I'll fill you in if you give me a quick call.



## Conversation on Green Road

John Boyle <john.boyle@fermanaghomagh.com>

Fri 29/05/2020 16:37

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

Imelda,

there have been a number of queries this week on the PROW for the Green Road. I have spoken with Philip Kingston and he tells me that you are the person who has done a lot of work in relation to this. Whilst I know where we are at in the process I would like to have a conversation with you as to how we move ahead. Can you please give me a call when you get a chance to have a chat - probably best to get me on the mobile.

Thank you

John

### John Boyle

Director of Community, Health and Leisure  
Fermanagh & Omagh District Council

Telephone: 0300 303 1777

Extension: 21002

Mobile: 07880469978

## Contact Details

Ian Davidson <ian.davidson@fermanaghomagh.com>

Fri 29/05/2020 16:37

To: Imelda McCarron <imelda.mccarron@fermanaghomagh.com>; John Boyle <john.boyle@fermanaghomagh.com>

Imelda McCarron; 07542 226867

**Re: Matters for discussion**

Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

Fri 29/5/20 5:27 PM

To: John Boyle <john.boyle@fermanaghomagh.com>

Thanks John,

This is very comprehensive and also clear; I'm also happy with the guidance re Cllr McAleer, but we will need to evidence the legal proceedings element of this. As you suggest, we can discuss.

I hope you have a good weekend,

Alison

---

**From:** John Boyle <john.boyle@fermanaghomagh.com>

**Sent:** 29 May 2020 17:22

**To:** Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

**Subject:** Matters for discussion

Alison,

I managed to get speaking with Philip this afternoon. He confirmed that he and Robert obtained advice from QC on whether the Green Road could possibly be designated as a PROW.

What needs to be done next:

In relation to the request from Cllr McAleer to review all the files in FODC in relation to the case, Philip would not be keen that this takes place. He points out that this is an ongoing case with the possibility of future litigation and therefore there is an element of legal privilege. The files would

also contain personal data which would have to be redacted before he were to review. He also points out the if we make it available to 1 Councillor then it should be open for all Councillors which has potential for information to be released for others to use. Philip would rather that we advise Cllr McAleer that we will provide a report to Committee on an update on the Green Road PROW, highlighting the way forward as outlined above.

I will work on a draft report for Committee and maybe we could get a chance to discuss on Monday.

Thank you  
John

**John Boyle**  
Director of Community, Health and Leisure  
Fermanagh & Omagh District Council

Telephone: 0300 303 1777  
Extension: 21002

## R&C Draft Reports

Creea McManus <creea.mcmanus@fermanaghomagh.com>

Sat 30/05/2020 02:11

To: John Boyle <john.boyle@fermanaghomagh.com>

 1 attachments (8 MB)

200609-June 2020 as at 30.05.2020.zip;

John

I see an email from James Gallogly so I am assuming you cannot access the R Drive.

Just in case you can access it- the draft reports for the R & C Committee are saved in the below folder:

R:\CHL\CHL Directors Office\Regeneration & Community\Reports\2020\200609-June 2020

Each report is saved as:

Date of Committee – initials of Service area – report title (followed by appendix details if applicable)

e.g 200609-AH-Irish Language Development

If you can't access the R Drive I have attached a zip file of this folder. If you make any changes to any of the reports can you make sure to return the amended versions to me please.

I have also included a draft agenda in the zip file. I have included some notes in blue. Each item is numbered 5.0 on the agenda because I don't confirm the numbers until the agenda is finalised. The agenda numbers and Paper details on the actual reports are not input until we get notification of the paper number from Democratic services- once this is received I amend all and PDF.

In this zip drive is another file relating to the Green Road PRow – it is previous reports presented and the minutes. I have also included a PDF of the information you requested.

Give me a call over the weekend if you need to discuss any of this.

Creea

**Creea McManus**

PA to Director of Community, Health and Leisure  
Fermanagh and Omagh District Council

**Tel:** 0300 303 1777 **Extension:** 21175

**Web:** fermanaghomagh.com

**Twitter & Facebook:** fermanaghomagh



## Directors Report

John Boyle <john.boyle@fermanaghomagh.com>

Sun 31/5/20 9:48 PM

To: Creea McManus <creea.mcmanus@fermanaghomagh.com>

 1 attachments (79 KB)

200609-DCHL-Report of the Director of Community, Health and Leisure.docx;

Creea,

I have updated the Directors report to include the Green Road PRow.

Can you please read over it to ensure it makes sense and please check the date of the last discussion on this (4 December 2018) - I have a note of this but please check.

Also I was wondering if this is a discussion under 'Confidential Business'?

Thank you

John

**John Boyle**

Director of Community, Health and Leisure  
Fermanagh & Omagh District Council

Telephone: 0300 303 1777

Extension: 21002