


PROW Investigation relating to Green Road (Rouskey to Greencastle)

om>

Mon 12/11/2018 10:11

To: Robert Gibson <robert.gibson@fermanaghmagh.com>; Brendan Hegarty <brendan.hegarty@fermanaghmagh.com>**Cc:** Creea McManus
<creea.mcmanus@fermanaghmagh.com>; Imelda McCarron <imelda.mccarron@fermanaghmagh.com> 1 attachments (26 KB)

Green Road - Robert Gibson.docx;

Robert

Please see my letter ref. Green Road PROW investigation attached.

If and when this letter is uploaded to your Freedom Of Information section on your website, I respectfully request that all my personal details are redacted (i.e. email address, name, address and post code).

I will also provide a hard copy for your records in the post today. I look forward to your reply.

Regards

Mr. Robert Gibson

Director of Community, Health and Leisure

Fermanagh & Omagh District Council
Mountjoy Road
Lisnamallard,
Omagh,
Co. Tyrone BT79 7BL

11th November 2018

Dear Sir,

Green Road (Greencastle to Rouskey) PROW Assertion

As you will be well aware the above mentioned PROW assertion is currently work in progress by your Countryside Officers ably assisted by Fermanagh & Omagh District Council's legal staff.

I am writing to state my deep disappointment and frustration at the apparent lack of will by Fermanagh & Omagh District Council to progress this investigation to the formal assertion stage. This process is now almost three years old with initial points being raised with Council officials in January 2016.

For clarity, it is important to note that during this time Council have:

- Responded to initial letters from local residents.
- Carried out evidence gathering.
- Sought legal opinion on "The Access to the Countryside (Northern Ireland) Order 1983" in relation to this matter.
- Sought the opinion of a QC to proceed to Assertion in the County Court.
- Responded to FOI requests from many different stake holders.

My frustration lies in the fact that following all the above coupled with the fact that Fermanagh & Omagh District Council have taken the unprecedented step of making all information and correspondence available in relation to the Green Road accessible via your website, the process appears in limbo since Council took the unusual step of seek a second Senior Counsels opinion in July 2018.

You will be only too aware of the widespread fears within my community that delays in this process could be viewed as helpful and of benefit to Dalradian Gold Ltd. in their attempt to secure planning permission for a Industrial Mineral Processing Plant on Crockanboy Hill outside the village of Greencastle, these fears are real and without being cynical, it is hard to defend Council's position when your staff wrote to the landowners whose land the assertion will effect in early January 2018 stating that this matter will go before Council in March 2018 for formal approval following which a PROW assertion will be sought to put the matter beyond legal doubt. This letter stated that in the view of Senior Counsel Fermanagh &

Omagh Council would be taking this matter to the County Court for Formal Assertion. The formal approval was proposed to go before Council on a number of previous occasions, only to be pulled from the agenda at the 59th minute of the 11th hour with no reason or clarity given to Party Councillors across the spectrum other than Council officials and your legal team needed more time! These unacceptable delays can lead to accusations from the public of Councillors and senior Officials not giving the concern of a rate payers and the issue due thought and respect.

It must be noted from your September minutes that opinion would be sought and offered by your November Regeneration and Community committee meeting which is set to take place on Tuesday 13th November but again the issue is not listed for discussion or consideration on the agenda which can be viewed on the Councils website! I accept the fact that the legal system moves slowly but 3-4 months seems very slow indeed for a matter in which stakeholders and many local residents have provided evidence and maps which show the route of the Green Road going back hundreds of years, this evidence includes maps, written testimony accompanied by pictures, a professional report as well as local residents accompanying your staff on a walk of the Green Road. We must also be minded of the fact that Council have investigated this route over thirty years ago and must have had reason to feel a potential PROW route existed then, as they placed a picnic bench on the route to allow hikers a resting spot, whilst they hopefully were enjoying superb views of our beautiful countryside. I have no doubt you will have viewed these reports in considerably detail as part of this investigation.

Can I respectfully request that you will raise this matter before Council at the earliest possible opportunity and secondly, I am assuming that you will be able to supply me with firm commitments on Senior Counsels opinion and a definitive timeline on bringing this PROW investigation to the Formal Assertion stage within the **next 21 days**? I sincerely hope that this will be the case so as to avoid further legal angles being explored which will only result in additional expense to Council and ultimately rate-payers as well as continued time constraints and pressure on local civil servants!

To conclude, I would like to finish by reminding you of the text in the letter to landowners in January 2018 which stated - **In stating the evidence that is available about each route, the only test Council is able to apply is " does a public right of way – i.e. a right of passage already exist over this line ? " If it does then Council has a duty to assert the path.** The maxim is: ***Once a highway, always a highway.***

Yours Sincerely

Re: PROW Investigation relating to Green Road (Rouskey to Greencastle)

Robert Gibson <robert.gibson@fermanaghomagh.com>

Mon 12/11/2018 10:33

To: Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>

Brendan Will do. Robert

Get Outlook for iOS

From: Brendan Hegarty

Sent: Monday, November 12, 2018 10:33:01 AM

To: Robert Gibson

Subject: Fw: PROW Investigation relating to Green Road (Rouskey to Greencastle)

Robert

Can you please draft a response and discuss with me.

Thanks

Brendan

From: . >

Sent: 12 November 2018 10:09

To: Robert Gibson; Brendan Hegarty

Cc: Creea McManus; Imelda McCarron

Subject: PROW Investigation relating to Green Road (Rouskey to Greencastle)

Robert

Please see my letter ref. Green Road PROW investigation attached.

If and when this letter is uploaded to your Freedom Of Information section on your website, I respectfully request that all my personal details are redacted (i.e. email address, name, address and post code).

I will also provide a hard copy for your records in the post today. I look forward to your reply.

Regards

Fw: Green Road etc..

Robert Gibson <robert.gibson@fermanaghomagh.com>

Tue 13/11/2018 09:29

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

Hi Imelda,

Please see me re this.

Robert

From: Brendan Hegarty

Sent: 12 November 2018 22:20

To: Robert Gibson; Alison McCullagh

Subject: Fwd: Green Road etc..

Alison/Robert

Are you content with the following which incorporates an additional comment.

Brendan

Thank you for your correspondence.

There are two separate matters, albeit linked, in your correspondence and I will deal with each separately.

1) At the Council meeting last Tuesday we informed members that the papers are still with the QC and we are pressing for the opinion ASAP. I can assure you that it will be reported to the Council at the first appropriate meeting after we receive it. I totally refute any suggestion of an unnecessary stalling. Whatever decision the Council takes could be subject to Judicial examination and therefore we are ensuring that when the Council takes its decision it does so based on the best legal advice. That, in my view, is in everyone's interest.

2) The Council has a statutory duty to commence enforcement action when a breach of Planning Policy or Planning Conditions come to its attention. The GPO defender's camp and the placing of anti gold mining posters on BT property were both investigated in relation to breach of planning policy. It was on this basis alone that enforcement action was commenced.

Anyone is entitled to participate in legitimate protest as long as it is not in breach of any statutory provision.

I am also taking this opportunity to raise with you concerns about some comments from individuals in response to postings on the Greencastle Peoples Office facebook. These comments refer to Council officers in the following ways

'Brown envelopes for council bigwigs may be in order to silence protesters'

'Could be time for someone to expose their own planning office corruption during the building boom.'

I would be grateful if you could confirm your position in relation to these remarks and clarify what action you propose to take as far as they relate to content on the Facebook account of Greencastle Peoples Office. I trust that you will be in a position to refute these remarks and to have them taken down.

Regards
Brendan

From:

Sent: 12 November 2018 17:35

To: Brendan Hegarty

Cc:

Subject: Green Road etc

FAO

Brendan Hegarty
Chief Executive
Fermanagh & Omagh District Council

Dear Brendan
Re Green Road and People's Protest

i) I contact you once again to seek clarification on FODC's position on the Green Road and confirmation of its PRoW status. Has the legal opinion been received by Council and what is the timetable for moving these matters forward? The unnecessary stalling appears only to delay confirmation of the PRoW and allow Dalradian's proposal to gain traction.

ii) News that FODC Planning is actively pursuing action against the defenders' camp, the Greencastle People's Office (GPO) has sent shock waves through the community to the extent that there was a large gathering of families and individuals (on Sunday afternoon 11th November) at the site, where Dalradian propose to locate their processing plant and toxic waste dump. People gathered to express support for the GPO at this time. There appears to be within Council an unreasonable tendency that would remove from the public the right to protest against the Dalradian proposals. People remember the move from within Council to ask BT to remove anti goldmining posters from telegraph poles, expressing people's objections to water, air and land pollution by toxic mining. There is a feeling out there that whereas Council is particularly reluctant to take action against Dalradian that there is no such hesitation regarding taking action against local people whose only crime is seeking to protect the health and well being of our children and grandchildren. We are not the ones proposing to introduce tonnes of cyanide into the AONB with all the attendant risks. We are not the ones proposing to discharge mercury, lead, arsenic, cadmium, arsenic,.....sulphuric acid etc into the air and into the Pollanroe Burn. Council's proposal to act against the Greencastle People's Office stands in stark contrast to action by statutory authorities regarding the Twadell scenario.

I request that the relevant Committee and management ensure urgent clarification to avoid unnecessary stress and annoyance in the community.

Sincerely

Re: Green road

Andrea McCourt <andrea.mccourt@fermanaghomagh.com>

Thu 15/11/2018 10:38

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

Hi Imelda, send through to me, I can put it on website unless it's too large. I'll give ICT a shout to compress for us if it's too much for website.

Thanks

Andrea

Andrea McCourt
Policy Officer
Policy and Strategic Services
Fermanagh and Omagh District Council
Telephone: 0300 303 1777, ext 21187
Textphone: 028 8225 6216
Website: www.fermanaghomagh.com
Twitter and Facebook: fermanaghomagh

From: Imelda McCarron
Sent: 15 November 2018 10:36
To: Andrea McCourt
Subject: Re: Green road

Andrea

I have the information for Aug-Oct ready for going up online. Do you guys do that or is it IT?

Thanks
Imelda

From: Andrea McCourt
Sent: 10 August 2018 11:47:32
To: Imelda McCarron;
Subject: Green road

Hi All

May - Jul correspondence etc has now been added to the website.

Regards

Andrea

Media enquiry - Greencastle

Tracy Hunter <tracy.hunter@fermanaghomagh.com>

Thu 15/11/2018 11:57

To: Darren Lawther <darren.lawther@fermanaghomagh.com>; Deirdre McSorley <deirdre.mcsorley@fermanaghomagh.com>; Imelda McCarron <imelda.mccarron@fermanaghomagh.com>; Robert Gibson <robert.gibson@fermanaghomagh.com>

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

Darren, Deirdre, Imelda, Robert

Please see media enquiry from Belfast Live / Daily Mirror re Greencastle caravans, statue and Green Road right of way. Asking for a response ASAP.

Many thanks

Tracy

From: <[redacted]>

Sent: Thursday, November 15, 2018 10:41:52 AM

To: Peter Donaghey

Subject: Mary statue

Hi Peter,

I see you guys have issued enforcement notices with regards to the caravans and statue of Mary just off the Green Road in Greencastle.

Could you let me know why and who asked the council to issue these enforcement notices please?

Who owns the land on which the statue and caravan's sit?

Can you also confirm if these enforcement notices are in relation to a complaint?

And, could you fill me in with regards to the right of way access on the Green Road.

It has been suggested that the council has spent thousands on legal bills to cover ground already probed by one legal advisor.

My deadline is asap.

Many thanks,

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Re: Media enquiry - Greencastle

Robert Gibson <robert.gibson@fermanaghomagh.com>

Thu 15/11/2018 14:17

To: Tracy Hunter <tracy.hunter@fermanaghomagh.com>; Darren Lawther <darren.lawther@fermanaghomagh.com>; Deirdre McSorley <deirdre.mcsorley@fermanaghomagh.com>; Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

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

Hi Tracy,

In relation to where we are with the investigation into the Public Right of Way Investigation into the Green Road, I would suggest.

The Council has been involved in a protracted collection of evidence procedure in relation to the Public Right of Way investigation regarding the Green Road. A substantial body of evidence has been collected and a Barrister's opinion has been sought on this so that the Council can take a decision based on legal opinion. An earlier legal opinion was based on the evidence collected at that time but further representation has been made, to the Council, from both those for and against assertion and this necessitates a further legal opinion.

Regards

Robert

From: Tracy Hunter

Sent: 15 November 2018 11:57

To: Darren Lawther; Deirdre McSorley; Imelda McCarron; Robert Gibson

Cc: Alison McCullagh

Subject: Media enquiry - Greencastle

Darren, Deirdre, Imelda, Robert

Please see media enquiry from Belfast Live / Daily Mirror re Greencastle caravans, statue and Green Road right of way. Asking for a response ASAP.

Many thanks

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Could you let me know why and who asked the council to issue these enforcement notices please?

Who owns the land on which the statue and caravan's sit?

For approval - Media enquiry - The Mirror - Media enquiry - Greencastle

Tracy Hunter <tracy.hunter@fermanaghomagh.com>

Thu 15/11/2018 14:47

To: Robert Gibson <robert.gibson@fermanaghomagh.com>; Imelda McCarron <imelda.mccarron@fermanaghomagh.com>; Deirdre McSorley <deirdre.mcsorley@fermanaghomagh.com>; Darren Lawther <darren.lawther@fermanaghomagh.com>

Dear all

Thank you for your feedback. Please find draft response below for your review and edits / approval for the The Mirror.

Could you let me know why and who asked the council to issue these enforcement notices please?

The Notices were issued by the Council in response to a breach of planning control being identified. The decision on whether or not to take enforcement action is taken by Planning Officers.

Who owns the land on which the statue and caravan's sit?

Fermanagh and Omagh District Council is not in a position to release this information. LPS may be able to advise you on this.

Can you also confirm if these enforcement notices are in relation to a complaint?

The Council did not receive any complaints regarding this case. The case was opened in response to an article in the press.

And, could you fill me in with regards to the right of way access on the Green Road.

The Council has been involved in a protracted collection of evidence procedure in relation to the Public Right of Way investigation regarding the Green Road. A substantial body of evidence has been collected and a Barrister's opinion has been sought on this so that the Council can take a decision based on legal opinion. An earlier legal opinion was based on the evidence collected at that time but further representation has been made, to the Council, from both those for and against assertion and this necessitates a further legal opinion.

It has been suggested that the council has spent thousands on legal bills to cover ground already probed by one legal advisor.

Re: Green road

Imelda McCarron <imelda.mccarron@fermanaghomagham.com>

Fri 16/11/2018 09:02

To: Andrea McCourt <andrea.mccourt@fermanaghomagham.com>

Hi Andrea

Work away putting them up on the website. All the info I redacted was personal and legal info only. Sorry, didn't mean to include November - should keep them separate until the next bundle.

Thanks
Imelda

From: Andrea McCourt

Sent: 15 November 2018 17:19

To: Imelda McCarron

Subject: Re: Green road

Imelda

We are redacting a few further pieces of personal information from the submissions filed, do you want to see them before I put them on the website?

Can I check that what has been redacted already is all personal information and legal professional privilege info?

Also, the last 2 pages are a letter dated November, do you want it included or leave until the next bundle Nov - ?

Thanks
Andrea

Andrea McCourt

Policy Officer

Policy and Strategic Services

Fermanagh and Omagh District Council

Telephone: 0300 303 1777, ext 21187

Textphone: 028 8225 6216

Website: www.fermanaghomagham.com

Twitter and Facebook: [fermanaghomagham](https://www.facebook.com/fermanaghomagham)

From: Imelda McCarron

Sent: 15 November 2018 14:40

To: Andrea McCourt

Subject: Re: Green road

Andrea

Info as discussed. It's not extensive this time so should go up OK without compression...hopefully!

Thanks
Imelda

From: Andrea McCourt
Sent: 15 November 2018 10:38
To: Imelda McCarron
Subject: Re: Green road

Hi Imelda, send through to me, I can put it on website unless it's too large. I'll give ICT a shout to compress for us if it's too much for website.

Thanks

Andrea

Andrea McCourt
Policy Officer
Policy and Strategic Services
Fermanagh and Omagh District Council
Telephone: 0300 303 1777, ext 21187
Textphone: 028 8225 6216
Website: www.fermanaghomagh.com
Twitter and Facebook: fermanaghomagh

From: Imelda McCarron
Sent: 15 November 2018 10:36
To: Andrea McCourt
Subject: Re: Green road

Andrea

I have the information for Aug-Oct ready for going up online. Do you guys do that or is it IT?

Thanks
Imelda

From: Andrea McCourt
Sent: 10 August 2018 11:47:32
To: Imelda McCarron;
Subject: Green road

Hi All

May - Jul correspondence etc has now been added to the website.

Regards

Andrea

Re: PROW Investigation relating to Green Road (Rouskey to Greencastle)

Wed 21/11/2018 15:01

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

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

Creea / Robert

Thanks for taking the time to reply. I will await further information in the coming weeks.

Regards

On Wed, 21 Nov 2018, 13:33 Creea McManus <creea.mcmanus@fermanaghomagh.com> wrote:

Please find attached copy of letter which was issued to you by post on Monday.

Please be assured that all personal information will be redacted prior to any correspondence being uploaded to the Council's website.

Regards

Creea

Creea McManus

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

Tel: 0300 303 1777 Ext 21175

Email: creea.mcmanus@fermanaghomagh.com

From:

Sent: 12 November 2018 10:09:48

To: Robert Gibson; Brendan Hegarty

Cc: Creea McManus; Imelda McCarron

Subject: PROW Investigation relating to Green Road (Rouskey to Greencastle)

Robert

Please see my letter ref. Green Road PROW investigation attached.

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I will also provide a hard copy for your records in the post today. I look forward to your reply.

Regards

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

Your Ref:

Our Ref: RG/CMCM

Date: 19 November 2018

Being dealt with by: Robert Gibson

Email: Robert.Gibson@fermanaghomagh.com

Dear M

RE: Green Road (Greencastle to Rouskey) PROW Assertion

Thank you for your letter dated 11 November 2018 regarding the matter as above.

I understand your frustration at the length of time this investigation process has taken however I can assure you that this is not due to any lack of will, by the Council, to have the process completed. The Council has a duty to carry out a full investigation of the matters pertaining to the assertion, or not, of a Public Right of Way (PROW). The process has been prolonged by a number of Freedom of Information (FOI) requests and requests for more time to be permitted to provide further information.

Indeed, as you state in your letter, it was proposed to finalise the process in March 2018 however the FOI requests and requests for more time to be permitted to provide further information came into play.

The Council has a duty to accept all evidence and the legal advice provided to the Council was that it should do so and permit the additional time for this evidence to be provided.

Since the first Barrister's opinion a considerable amount of information has been submitted, in fact the volume of material is evidenced by the material uploaded to the website. The Council took the decision to upload this material to inform all the stakeholders of the process and the complexity of the situation.

While, as you state, there is evidence and maps provided by the stakeholders and local residents which supports the assertion of a Public Right of Way there has also been evidence supplied by stakeholders and local residents which opposes the assertion of a PROW. Whatever decision the Council takes could be subject to judicial examination and therefore we are ensuring when the Council takes its decision it does so based on the best legal advice.

While the legacy Omagh District Council did start the investigation into the route many years ago our records show that this matter was not brought to a conclusion at that time.

In relation to your request that this matter will be brought before the Council at the earliest possible opportunity may I sincerely assure you that I have been trying to do this and will continue to do so. We have been informed that the Barrister's opinion will be provided to the Council by the end of this month (November) and the Councillors have been informed of this. The opinion will then be reported to the next appropriate Committee meeting for consideration.

In relation to your final paragraph, I again confirm that the Council has to fully consider all of the evidence provided i.e. both for and against assertion and in this particular case there is considerable new evidence provided for both for and against assertion. It is therefore necessary for the Council, based on legal advice, to get a Barrister's opinion on all of the evidence and to advise the Council accordingly. We cannot provide any formal commitment on a timeline for assertion, or not. There are a number of factors outside our control that could impact on this however we will be seeking to complete the process as quickly as possible.

I hope that this is of help in confirming where the process is at present.

Yours sincerely



Robert Gibson

Director of Community, Health and Leisure

Re: Green Road Report

Thu 29/11/2018 14:16

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

Hi Creea

Schedule 6 Part 1 Item 5 - information in relation to which a claim to legal privilege would be maintained in legal proceedings

Regards

Democratic Services Section
Fermanagh and Omagh District Council
Tel: 0300 303 1777 Extension: 20207
Textphone: 028 8225 6216
www.fermanaghomagh.com



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

From: Creea McManus
Sent: 29 November 2018 13:16:23
To:
Subject: Green Road Report

Could you please advise under which grounds this report is confidential?

Thanks

Creea

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

Tel: 0300 303 1777 Ext 21175
Email: creea.mcmanus@fermanaghomagh.com

RE: Green Lane assertion

Philip Kingston <Philip.Kingston@derrystrabane.com>

Fri 30/11/2018 12:25

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

Robert,

Philip.

From: Robert Gibson [mailto:robert.gibson@fermanaghomagh.com]

Sent: 30 November 2018 12:09

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

Subject: Re: Green Lane assertion

Philip Robert

Get [Outlook for iOS](#)

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

Sent: Thursday, November 29, 2018 10:35:57 AM

To: Robert Gibson

Subject: RE: Green Lane assertion

Robert,

Following on from our conversation you had asked me to consider four issues in relation to this matter.

- 1.
- 2.
- 3.

I
E

ig in

Regards,
Philip.

From: Robert Gibson [mailto:robert.gibson@fermanaghomagh.com]

Sent: 19 November 2018 16:00

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

Subject: Re: Green Lane assertion

Philip Ok Robert

Fwd: Green Lane assertion

Robert Gibson <robert.gibson@fermanaghomagh.com>

Tue 20/11/2018 17:01

To: Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>

Hi Brendan, FYI Robert

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

Sent: Tuesday, November 20, 2018 3:31:46 PM

To: Robert Gibson

Subject: RE: Green Lane assertion

For info I have a call set up for Thursday.

Philip.

From: Robert Gibson [mailto:robert.gibson@fermanaghomagh.com]

Sent: 20 November 2018 13:53

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

Subject: Fwd: Green Lane assertion

Hi Philip, Please see Brendan's comments.

Regards Robert

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From: Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>

Sent: Tuesday, November 20, 2018 10:58 am

To: Robert Gibson

Subject: Re: Green Lane assertion

Robert

Can we discuss what meeting this will be reported to. We would need Philip to be present.

1

Brendan

From: Robert Gibson

Sent: 20 November 2018 08:53

To: Brendan Hegarty

Subject: Fw: Green Lane assertion

Good morning Brendan,

FYI. I will speak to Philip today and brief you.

Robert

From: Philip Kingston <Philip.Kingston@derrystrobane.com>
Sent: 19 November 2018 15:53
To: Robert Gibson
Subject: FW: Green Lane assertion

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

Robert,

Perhaps we could discuss tomorrow?

Philip.

From:
Sent: 19 November 2018 14:15
To: Philip Kingston <Philip.Kingston@derrystrobane.com>
Subject: Re: Green Lane assertion

Philip

Advice note attached - I did not see the need to summarise all of the factual background

-----Original Message-----

From: Philip Kingston <Philip.Kingston@derrystrobane.com>
To: >
Sent: Wed, 14 Nov 2018 20:06
Subject: Re: Green Lane assertion

Thanks. Little bit jealous.

Sent from my iPhone

On 14 Nov 2018, at 18:37,

wrote:

Philip

this week -will be able to look at this next week

-----Original Message-----

From: Philip Kingston <Philip.Kingston@derrystrobane.com>
To: >
Sent: Wed, 14 Nov 2018 15:03
Subject: Green Lane assertion

I appreciate you will not have had time to consider the papers in this yet but wondered if you would be able to give me a rough time frame for an opinion in

relation to this. Due to the sensitive political nature of the matter the CE of the Council is receiving fairly constant enquiries as to where the matter stands and it would help him if he was able to give some form of update indicating when he might be able to report further even if that date is some months away.

Regards,
Philip.

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Green Road

Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

Fri 30/11/2018 11:46

To: Creaa McManus <creaa.mcmanus@fermanaghomagh.com>

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

 2 attachments (523 KB)

23112016 Green_Road_PUBLIC_RIGHT_OF_WAY_ASSERTION_STATEMENT.docx; 170411-RC-Minutes-Confidential.pdf;

Creaa

Please see attached assertion statement and corresponding map. I have also attached the previous confidential minutes for you info.

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

Re: Media enquiry - Irish News

Tracy Hunter <tracy.hunter@fermanaghomagh.com>

Fri 30/11/2018 13:34

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

Yes - that would be great. Many thanks

Tracy Hunter

PR & Customer Service Manager

Fermanagh and Omagh District Council

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

Textphone: 028 8225 6216

www.fermanaghomagh.com



Fermanagh & Omagh
District Council

Comhairle Ceantair
Fhear Manach agus na hÓmaí

From: Robert Gibson

Sent: 30 November 2018 12:43

To: Tracy Hunter

Subject: Re: Media enquiry - Irish News

Tracy I will ring you. Is 2.00 pm ok? Robert

Get [Outlook for iOS](#)

From: Tracy Hunter

Sent: Friday, November 30, 2018 12:38:41 PM

To: Robert Gibson; Imelda McCarron

Subject: Media enquiry - Irish News

Robert

Please see below - I understand you are not in office today - would you be able to call me re this?

_____ from Irish News has been in touch re the Green Road.

He advised that it is his understanding that the Council sought and received legal opinion on the Green Road public right of way and that we have sought further legal opinion which is to be presented to council meeting on Tuesday night.

He has asked if we can confirm this..?

He has also asked for any other background info on the Green Road...?

Media enquiry - Irish News

Tracy Hunter <tracy.hunter@fermanaghmagh.com>

Fri 30/11/2018 12:38

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

Robert

Please see below - I understand you are not in office today - would you be able to call me re this?

A man from Irish News has been in touch re the Green Road.

He advised that it is his understanding that the Council sought and received legal opinion on the Green Road public right of way and that we have sought further legal opinion which is to be presented to council meeting on Tuesday night.

He has asked if we can confirm this..?

He has also asked for any other background info on the Green Road...?

He is planning to run a story in tomorrow's paper.

For your info - he has covered the statue of mary story a number of times recently.

I have copied below a response we sent to The Mirror re Green Road for your info also.

Would you be able to advise re response?

---Response issued to The Mirror----

The Council has been involved in a protracted collection of evidence procedure in relation to the Public Right of Way investigation regarding the Green Road. A substantial body of evidence has been collected and a Barrister's opinion has been sought on this so that the Council can take a decision based on legal opinion.

An earlier legal opinion was based on the evidence collected at that time but further representation has been made, to the Council, from both those for and against assertion and this necessitates a further legal opinion.

Tracy Hunter

PR & Customer Service Manager

Fermanagh and Omagh District Council

Tel: 0300 303 1777 Extension: 21188

Textphone: 028 8225 6216

www.fermanaghmagh.com



Green Road PROW Investigation Report

Mon 03/12/2018 09:25

To: Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>

Cc: Robert Gibson <robert.gibson@fermanaghomagh.com>; Creea McManus <creea.mcmanus@fermanaghomagh.com>

📎 1 attachments (65 KB)

181204-C-Green Road PROW Investigation.docx;

Brendan,

Please see attached for your approval as requested by Robert.

Thanks,

Fermanagh and Omagh District Council

Tel: 0300 303 1777 **Extension:** |

W: fermanaghomagh.com

Twitter & Facebook: fermanaghomagh

Re: Query in relation to Green Road Right of Way

Robert Gibson <robert.gibson@fermanaghomagh.com>

Wed 05/12/2018 10:58

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

Tracy Please ring me. Robert

Get [Outlook for iOS](#)

From: Tracy Hunter

Sent: Wednesday, December 5, 2018 10:45:49 AM

To: Robert Gibson

Subject: Re: Query in relation to Green Road Right of Way

Will ring you in a moment

Get [Outlook for Android](#)

From: Robert Gibson

Sent: Wednesday, December 5, 2018 10:43:21 AM

To: Tracy Hunter

Subject: Re: Query in relation to Green Road Right of Way

Would you ring me on the mobile please?

Get [Outlook for iOS](#)

From: Tracy Hunter

Sent: Wednesday, December 5, 2018 10:42:21 AM

To: Robert Gibson

Subject: Re: Query in relation to Green Road Right of Way

In townhall

Get [Outlook for Android](#)

From: Robert Gibson

Sent: Wednesday, December 5, 2018 10:42:05 AM

To: Tracy Hunter

Subject: Re: Query in relation to Green Road Right of Way

Tracy Where are you? R

Get [Outlook for iOS](#)

From: Tracy Hunter

Sent: Wednesday, December 5, 2018 10:40:32 AM

To: Robert Gibson

Subject: Fwd: Query in relation to Green Road Right of Way

Robert please see below - can you advise? Many thanks I'll get back to
asap but may have difficulty meeting deadline.

to advise I'll come back

Get [Outlook for Android](#)

From: .

Sent: Wednesday 5 December, 10:37

Subject: Query in relation to Green Road Right of Way

To: Tracy Hunter

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 Tracy, The Council at its meeting last night was due to discuss the Green Road Right of Way near Greencastle. Subsequent to this, please find the following query. 1 - What decision has been taken by Fermanagh and Omagh District Council in relation to the Green Road Right of Way? 2 - What is the next step in relation to this assertion and when will the situation be formalised in Court. My deadline for this is this afternoon Tracy as trying to get it into this week's paper. Many thanks /

Re: Query in relation to Green Road Right of Way

Robert Gibson <robert.gibson@fermanaghomagh.com>

Wed 05/12/2018 11:27

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

Tracy This is good. Robert

Get [Outlook for iOS](#)

From: Tracy Hunter

Sent: Wednesday, December 5, 2018 11:27:05 AM

To: Robert Gibson

Subject: Fw: Query in relation to Green Road Right of Way

Robert

Please find draft response below for your review and edits. Once happy with it we will send to Brendan for approval.

Thanks

Tracy

From:

Sent: 05 December 2018 10:35

To: Tracy Hunter

Subject: Query in relation to Green Road Right of Way

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

Tracy,

The Council at its meeting last night was due to discuss the Green Road Right of Way near Greencastle.

Subsequent to this, please find the following query.

1 - What decision has been taken by Fermanagh and Omagh District Council in relation to the Green Road Right of Way?

The decision was taken that the Council would assert that a public right of way does exist and would have that decision vindicated in the County Court.

2 - What is the next step in relation to this assertion and when will the situation be formalised in Court.

Further information regarding the assertion will be presented to the Council's Regeneration and Committee meeting on Tuesday 11 December 2018. The Council will prepare a deposition for the County Court with the timeframe dependent on court availability.

My deadline for this is this afternoon Tracy as trying to get it into this week's paper.

Many thanks

Re: Media Query in relation to Green Road Right of Way

Tracy Hunter <tracy.hunter@fermanaghomagh.com>

Wed 05/12/2018 12:17

To: Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>

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

Thanks Brendan - I will issue shortly.

Tracy

From: Brendan Hegarty

Sent: 05 December 2018 11:31

To: Tracy Hunter

Cc: Robert Gibson

Subject: Re: Media Query in relation to Green Road Right of Way

Tracy

This is fine

Brendan

Get [Outlook for iOS](#)

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

Sent: Wednesday, December 5, 2018 11:29

To: Brendan Hegarty

Cc: Robert Gibson

Subject: Media Query in relation to Green Road Right of Way

Brendan

Please find draft response below to media enquiry from Ulster Herald for tomorrow's paper for your review and comment / approval. Robert has approved.

Many thanks

Tracy

From:

Sent: 05 December 2018 10:35

To: Tracy Hunter

Subject: Query in relation to Green Road Right of Way

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

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Subsequent to this, please find the following query.

Re: Media Query in relation to Green Road Right of Way

Tracy Hunter <tracy.hunter@fermanaghomagh.com>

Wed 05/12/2018 12:17

To: Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>

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

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Sent: 05 December 2018 11:31

To: Tracy Hunter

Cc: Robert Gibson

Subject: Re: Media Query in relation to Green Road Right of Way

Tracy

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Brendan

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Sent: Wednesday, December 5, 2018 11:29

To: Brendan Hegarty

Cc: Robert Gibson

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om>

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Further information regarding the assertion will be presented to the Council's Regeneration and Committee meeting on Tuesday 11 December 2018. The Council will prepare a deposition for the County Court with the timeframe dependent on court availability.

My deadline for this is this afternoon Tracy as trying to get it into this week's paper.

Many thanks

Re: Media Coverage/Clippings - Thursday 6 December 2018

Creea McManus <creea.mcmanus@fermanaghomagh.com>

Thu 06/12/2018 14:26

To:

- could i please get a copy of the articles on page 6, 7 and 34 of the Ulster Herald relating to the Green Road and the Gold Mine.

No rush

Thanks

Creea

Creea McManus

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

Tel: 0300 303 1777 Ext 21175

Email: creea.mcmanus@fermanaghomagh.com

From:

Sent: 06 December 2018 12:23

To: Media Report Group

Subject: Media Coverage/Clippings - Thursday 6 December 2018

To Chief Executive/PA, Directors/PA, HOSs, PR/Customer Services

Please find below a summary of today's newspaper clippings. If you wish to view any of this articles, please contact me. Thank you.

Kind regards

Media Clippings – Thursday 6th December 2018

Directorate	Newspaper	Article Title	Page
Community, Health & Leisure	Impartial Reporter	Ardhowen 'could close for two years' for repairs	12
		Festive fun at Castle Coole	34
		The Whistlin' Donkeys live at the Ardhowen	34
	Ulster Herald	Trillick Mummers keeping an ancient tradition alive in Tyrone	25
		Council launch 5k to 10k programmes	69
	Belfast Telegraph		
Corporate Services & Governance	Impartial Reporter	Council backs calls for all Ireland solution to infant post mortems	4
		Brexit, the Border and the future (For info)	6
		A Sinn Fein vote in Westminster would 'drive other MPs away from Brexit deal', claims Gildernew (For info)	8
		Motion passed to help combat issue of 'period poverty'	13
	Ulster Herald	Anglers urged to attend meeting on Dalradian goldmine proposals/Council declares Greencastle 'Green Road' a right of way (For info)	6
		Goldmine plans weren't 'oven ready', court hears/Community consultation was 'substantially flawed' claims residents group	7
		GP shortages affect out of hours care in Omagh	11
		Construction work on first phase of A5 may start late next year (For info)	11
		Goldmine application – one year on (For info)	34
	Belfast Telegraph	Gold mine plan not 'oven ready' when shown to public, court told	31
	Newsletter	Gold mine plans not 'oven ready', court told	16
	Irish News	Gold mine proposals not 'oven ready' court told (For info)	12
	Ulster Herald	Traffic Trails – The Christmas lights in Omagh make for a spectacular scene as workers head home on an evening (Photo shot)	12
		Community groups share in £43,500 windfarm fund	31

PR & Customer Services
Fermanagh & Omagh District Council
The Grange
Mountjoy Road
OMAGH
Co Tyrone
BT79 7BL
Tel: 0300 303 1777 (Ext:)

Green Road Statement

Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

Thu 06/12/2018 17:45

To: \

📎 1 attachments (315 KB)

23112016 Green_Road_PUBLIC_RIGHT_OF_WAY_ASSERTION_STATEMENT.docx;

Went to send this to Creaa but I see she is off until Monday. Robert needed this for tomorrow so hopefully you can help!

Thanks

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

T: 0300 303 1777

M: 07702 919 798

E: imelda.mccarron@fermanaghomagh.com

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 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 _____

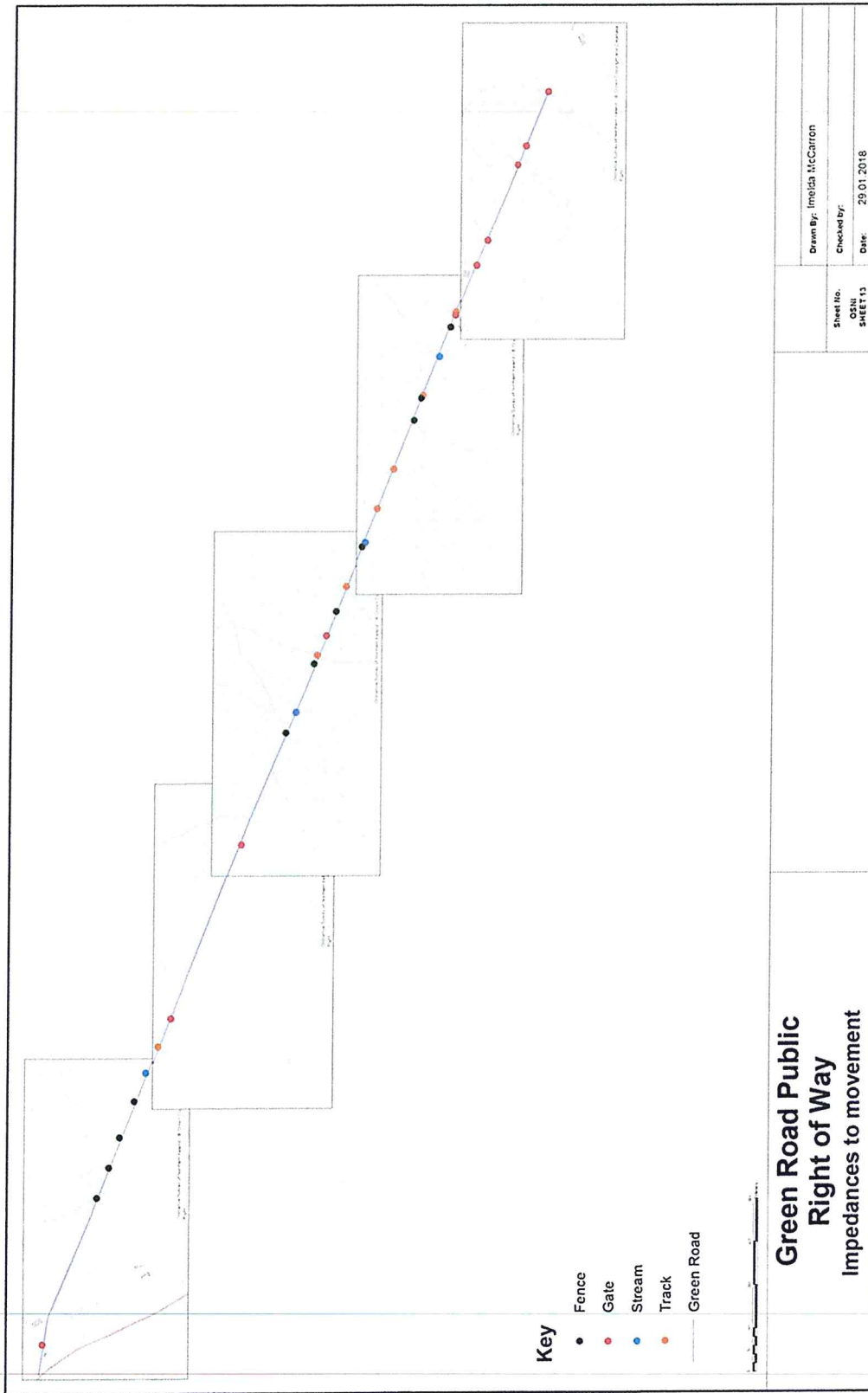
Chief Executive

Signed _____

Director of Community, Health and Leisure

Date: _____

Figure 1.



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draft Council & Confidential minutes

Tue 11/12/2018 09:43

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

Cc: Creaa McManus <creaa.mcmanus@fermanaghomagh.com>;
<< >>m>

📎 2 attachments (116 KB)

181204-Confidential Minutes.docx; 181204-Council Minutes.docx;

Hi Robert

please find attached version with some amendments so if you can come back to me on this one.

Alison has queried re the amount I have detailed under Confidential Minutes re Green Road PROW in respect of costs for the Solicitor and Counsel as she was of the view cost for Counsel should be more expensive - I took these figures from Paper I.

thanks

Democratic Services Section
Fermanagh and Omagh District Council
Tel: 0300 303 1777 Extension: 20207
Textphone: 028 8225 6216
www.fermanaghomagh.com



Fermanagh & Omagh
District Council

Comhairle Ceantair
Fhear Manach agus na hÓmaí

Re: R&C Actions 2018 - Update

Mon 14/01/2019 17:16

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

Hi,

Just coming back to you about;

December 2018 - 4.5 - Green Road Public Right of Way Assertion Statement - On the proposal of Councillor Shields, seconded by Councillor McAnespy, that the Council notes the Public Right Of Way Assertion Statement and the map for Green Road, Greencastle, attached at Appendix 1 of Paper O.

NOTED: that clarification would be provided to a Member in relation to where the records of existing Council Public Rights Of Way were held.

NOTED: that a report on the number and location of Public Rights Of Ways within the Fermanagh and Omagh District would be presented at a future Regeneration and Community Committee Meeting.

NOTED: that all information, including statements, relating to the Green Road Public Right of Way would be circulated to all Members.

Clarification issued to all Members on 18 December 2018 regarding where the records of existing Council Public Rights Of Way were held and number and location of Public Rights Of Ways within the Fermanagh and Omagh District.

Does this mean that a report on the number and location of Public Rights Of Ways within the Fermanagh and Omagh District will be presented at a future Regeneration and Community Committee Meeting now? Also, do you have any action against 'that all information, including statements, relating to the Green Road Public Right of Way would be circulated to all Members?'

Thanks,

(Leisure, Recreation and Sport)

Fermanagh and Omagh District Council

Tel: 0300 303 1777 **Extension:**

W: fermanaghomagham.com

Twitter & Facebook: fermanaghomagham

From: Imelda McCarron

Sent: 14 January 2019 14:29:33

To:

Subject: Re: R&C Actions 2018 - Update

Please see actions below, highlighted in red.

Any queries, give me a shout

Thanks
Imelda

February 2018 - 4.1 - Assertion of Green Road Public Right of Way - On the proposal of Councillor McCann, seconded by Councillor Robinson, that, following the receipt of Legal advice, consideration of the report on the Assertion of Green Road Public Right of Way be deferred to a future meeting of the Regeneration and Community Committee.

Current Actions taken:
Deferred on Legal Advice.

April 2018 - 4.1 - Assertion of Green Road PRoW - On the proposal of Councillor Wilson, seconded by Councillor Robinson, that the above report be deferred based on legal advice.

Current Actions taken:
Deferred on Legal Advice.

Report taken to committee in December 2018 - Committee considered an update report in respect of the Green Road, Public Right of Way (PROW), Greencastle and that the decision taken was that the Council would assert that a PROW does exist and have it vindicated in the County Court. This is currently with Philip Kingston to progress.

September 2018 - 4.1 - Arney Community Battlefield Project - On the proposal of Councillor Doherty, seconded by Councillor Baird, that the Council supports Outdoor Recreation NI (ORNI) and Cleenish Community Association in their application to Sport NI Outdoor Spaces by:

(i) Signing Permissive Path Agreements with the local landowners; and

(ii) Entering into an agreement with Cleenish Community Association with regard to the responsibility for the minor maintenance works on the route.

Current Actions taken:

IMcC met with local landowners regarding permissive path agreements. Waiting on ORNI to come back to IMcC on this. ORNI still leading on this work.

As above - no further progress to report

September 2018 - 4.2 - Feasibility Study of Cross Border Trail between Castle Caldwell and Ballyshannon - On the proposal of Councillor Baird, seconded by Councillor J Coyle, that the Council:

(i) Continues to work with Donegal County Council, Waterways Ireland and Erne Enterprise Development Company to investigate the feasibility of a cross border, off-road trail between Castle Caldwell, Belleek and Ballyshannon, to include water recreation sites along the route; and

(ii) Notes that the total cost of the feasibility study is £8,850, however the cost will be divided between Fermanagh and Omagh District Council, Donegal County Council and Waterways Ireland. Fermanagh and Omagh District Council will contribute up to a maximum of £4,000, already identified through the Access.

Current Actions taken:

Aecom Ltd were appointed as the successful contractor for this project. Work has been started and is ongoing. Not due to be complete until Christmas. Work is progressing as expected.

Met with Aecom on 08 January 2019 - work is progressing but due to the Christmas holidays, report is due for January.

December 2018 - 4.2 - Landfill Communities Fund - Forthill Park - On the proposal of Councillor Elliott, seconded by Councillor Baird, that the Council submits an application to the Landfill Communities Fund for up to a maximum of £140,000 for the remedial works, as detailed at Paragraph 2.5 of Paper L, and the potential for car parking provision in Forthill Park, Enniskillen be investigated.

Application ongoing - will be submitted to LCF by end of January 2019

December 2018 - 4.3 - Landfill Communities Fund - Red Squirrels United Project - On the proposal of Councillor Baird, seconded by Councillor Armstrong, that the Council supports the Ulster Wildlife Red Squirrels United Project by approving spend of up to £3,030 from the Landfill Communities Fund.

NOTED: that clarification would be provided to Members on:

- (i) The level of financial support provided to support the Red Squirrel Groups in the Fermanagh and Omagh District Council area; and
- (ii) The boundary within which the West Tyrone Red Squirrel Group operates.

LCF notified that Council approval was granted. West Tyrone Red Squirrel Group will manage the project going forward. Clarification was issued to all Members on 18 December 2018 regarding level of financial support and boundary within which the West Tyrone Red Squirrel Group operates.

December 2018 - 4.4 - Landfill Communities Fund - RSPB 'Cot' - On the proposal of Councillor Deehan, seconded by Councillor J Coyle, that the Council supports the RSPB project by approving the spend of up to £30,000 from the Landfill Communities Fund, subject to all the other funding being in place.

In the time frame that Council approval was sought, RSPB contacted LCF and said the funding was no longer required. A report will be taken to Council in February 2019 explaining, noting that the funds will be repooled for future projects.

December 2018 - 4.5 - Green Road Public Right of Way Assertion Statement - On the proposal of Councillor Shields, seconded by Councillor McAnespy, that the Council notes the Public Right Of Way Assertion Statement and the map for Green Road, Greencastle, attached at Appendix 1 of Paper O.

NOTED: that clarification would be provided to a Member in relation to where the records of existing Council Public Rights Of Way were held.

NOTED: that a report on the number and location of Public Rights Of Ways within the Fermanagh and Omagh District would be presented at a future Regeneration and Community Committee Meeting.

NOTED: that all information, including statements, relating to the Green Road Public Right of Way would be circulated to all Members.

Clarification issued to all Members on 18 December 2018 regarding where the records of existing Council Public Rights Of Way were held and number and location of Public Rights Of Ways within the Fermanagh and Omagh District.

Fw: Request for Disclosure of Information under the Freedom of Information Act 2000 [ID=48638-28]

Robert Gibson <robert.gibson@fermanaghomagh.com>

Wed 23/01/2019 08:50

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

📎 1 attachments (613 KB)

2NDFLOORBEDFORD@CFRLAW.CO.UK_20190122_120434.pdf;

From: Brendan Hegarty**Sent:** 22 January 2019 12:57**To:** Robert Gibson; Margaret McMahon**Subject:** Fwd: Request for Disclosure of Information under the Freedom of Information Act 2000 [ID=48638-28]

Margaret

Can you please take advice on this matter and then process through our normal FOI appeals process

Thanks
Brendan

Get [Outlook for iOS](#)

From:**Sent:** Tuesday, January 22, 2019 12:44**To:** Brendan Hegarty**Cc:** f**Subject:** Request for Disclosure of Information under the Freedom of Information Act 2000 [ID=48638-28]

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

Please find attached correspondence, the original of which will pass to you by way of post.

Yours faithfully

W

Mr Brendan Hegarty
Chief Executive
Fermanagh and Omagh District Council
Unit 2 Gortrush Industrial Estate
Great Northern Road
OMAGH
Co Tyrone BT78 5EJ

Our Ref:
Your Ref:
Date: 22 January 2019

POST AND EMAIL: brendan.hegarty@fermanaghomagh.com

Dear Sir

Request for Disclosure of Information under the Freedom of Information Act 2000

I refer to the response dated 9th January of the Council's FOI team to our email dated 8th January 2019 seeking disclosure of all documents that were made available to members before or at the meeting of Council which took place on 4th December 2018, relating to a proposal to assert a public right of way at lands near Greencastle. Its response was that the report that went to Council on 4th December 2018 is confidential and was withheld under the Local Government Act (Northern Ireland) 2014 Schedule 6, Part 1 Item 5 - Information in relation to which a claim to legal professional privilege could be maintained in legal proceedings. This letter constitutes our request for an internal review of that decision.

The Information Commissioner's Office has produced guidance on the use of the Legal Professional Privilege qualified exemption. In the current context, litigation privilege cannot apply as the report in question was not prepared for the purpose of providing or obtaining legal advice about proposed or contemplated litigation.

We acknowledge that legal advice privilege may apply to some or part of the documents that were made available to members but this exemption will be of limited application. It is therefore incumbent on you to review the documents in detail and assess which elements constitute advice given in a legal context. All elements not constituting such advice should be disclosed. Any elements constituting legal advice will also need to be considered carefully in the context of the public interest to assess whether the public interest in maintaining the exemption outweighs the public interest in disclosure.



We look forward to hearing from you as soon as possible.

Yours faithfully

15



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

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: Re The Green Road

Robert Gibson <robert.gibson@fermanaghomagh.com>

Thu 14/02/2019 11:44

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

Philip,

Will do.

Robert

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

Sent: 14 February 2019 11:39

To: Robert Gibson

Subject: RE: Re The Green Road

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Robert,

Can you get me the report that went into P&R and the minute please.

Thanks,
Philip.

From: Robert Gibson [mailto:robert.gibson@fermanaghomagh.com]

Sent: 13 February 2019 18:17

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

Subject: Re The Green Road

Hi Philip, Thank for your advice this afternoon. As discussed can you please progress the Green Road assertion into Court asap? Is it possible to get a timeline for the process please? Regards Robert

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Greenroad

Thu 14/02/2019 12:05

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

📎 3 attachments (667 KB)

181211-RC-Paper O.pdf; 181211-RC-Paper O-Appendix 1.pdf; Greenroad Minutes.pdf;

(Leisure, Recreation and Sport)

Fermanagh and Omagh District Council

Tel: 0300 303 1777 **Extension:** 1

W: fermanaghomagham.com

Twitter & Facebook: fermanaghomagham

The purpose of the report was to seek Members' approval to grant funding of £3,030 towards the Red Squirrels United Project to enable Ulster Wildlife and the West Tyrone Red Squirrel Group to purchase equipment to gain a better understanding of the current distribution of red and grey squirrels within the Council area, as detailed at Paragraph 1.5 of Paper M.

In response to Members queries, the Director of Community, Health and Leisure stated that:

- It was his understanding that a group which was based in Fermanagh and had responsibility for red squirrels in the area had received funding from either Fermanagh and Omagh District Council or the legacy Fermanagh District Council, however, confirmation of this would be provided;
- The West Tyrone Red Squirrel Group had recently been re-established and had approximately 25 members;
- Confirmation of the boundary within which the West Tyrone Red Squirrel Group operated would be clarified; and
- It was not known if there was any Cross Council collaboration in relation to red squirrel projects.

RECOMMENDED:

On the proposal of Councillor Baird, seconded by Councillor Armstrong, that the Council supports the Ulster Wildlife Red Squirrels United Project by approving spend of up to £3,030 from the Landfill Communities Fund.

4.4. Landfill Communities Fund - RSPB 'Cot'

NOTED: that Paper N had been issued with the agenda.

The purpose of the report was to seek Members approval to grant funding to the Royal Society for the Protection of Birds (RSPB) for the design, build and delivery of a replacement Cot vessel to transport livestock, machinery, equipment and occasionally people to islands on Lough Erne to enable the continuation of ongoing habitat restoration and management.

Members welcomed the commitment of funding to RSPB to assist in the protection of habitats in Lough Erne. A Member highlighted that it was a privilege to have the RSPB reserve in Lower Lough Erne and it was one of only two in Ireland with an increasing number of curlews.

RECOMMENDED:

On the proposal of Councillor Deehan, seconded by Councillor J Coyle, that the Council supports the RSPB project by approving the spend of up to £30,000 from the Landfill Communities Fund, subject to all the other funding being in place.

4.5. Green Road Public Right of Way Assertion Statement

NOTED: that Paper O had been issued in advance of the meeting.

The Director of Community, Health and Leisure stated that, following the Council's decision to assert that the Green Road, Greencastle was a Public Right Of Way and to have this vindicated in the County Court, it was necessary for the Council to have the assertion statement and the accompanying map, attached at Appendix 1 of Paper O, formally recorded within the Minutes.

In response to Members' queries, the Director of Community, Health and Leisure stated that:

- The assertion had taken place at the Council Meeting on 4 December 2018, however, to progress the matter, the Council required a record of what was asserted and this was provided within the description and accompanying map which detailed the description, the line, the length and the location of road to be asserted;
- Any interested parties to receive a copy of the description and the map, as detailed with the report, included everyone who was involved in the process previously including those who showed an interest, provided evidence or returned information;
- There was a record of Public Rights Of Way within the Council area and clarification of where the records were held would be provided;
- A report on the number and location of Public Rights Of Way within the Council area would be presented at a future Regeneration and Community Committee meeting;
- All information relating to the assertion of the Green Road Public Right Of Way would be circulated to all Members;
- The Council's legal opinion could not be made publicly available, however, it had been circulated to all Members;
- If the assertion of the Green Road Public Right of Way was confirmed in the County Court, there was an onus on the Council to investigate the aspect of insurance;
- The maintenance of and the insurance relating to the Green Road Public Right Of Way was dependent on the decision taken in the County Court, and it was preferable to await this decision and speculate on the matter;
- When a possible Public Right Of Way was brought to the Council's attention, it had a statutory responsibility to investigate it and to act on the evidence provided. Any member of the public could request that the Council undertakes an investigation;
- The first engagement with the Council in relation to the Green Road, Greencastle had been in the legacy Omagh District Council term, followed more recently by correspondence received from DfI Roads regarding the proposed abandonment at Mullydoo Road, Greencastle. Landowners and Community Groups in the area had also contacted the Council to advise that there was a Public Right Of Way on the Green Road;
- The assertion process had taken some time due to the requirement to collect all the necessary evidence and to obtain legal opinion;
- The decision could be challenged in the Court and additional cost implications could arise; and
- The Council would be apprised at each stage until the legal process of assertion was completed.

Fw: CONFIDENTIAL - LEGAL OPINION AS REQUESTED

Robert Gibson <robert.gibson@fermanaghomagh.com>

Thu 14/02/2019 12:27

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

 4 attachments (720 KB)

170411-RC-Minutes-Confidential.pdf; Dec18-Green-Road-Assertion-Minute.pdf; 181211-RC-Paper O.pdf; 181211-RC-Paper O-Appendix 1.pdf;

Good afternoon Philip,

Please find the reports as requested. They actually went to the Regeneration and Community Committee rather than P and R.

Regards

Robert

From: Imelda McCarron

Sent: 14 February 2019 12:22

To: Robert Gibson

Subject: CONFIDENTIAL - LEGAL OPINION AS REQUESTED

Robert

Please see attached as discussed.

Regards
Imelda

Imelda McCarron

Countryside Recreation Officer

Fermanagh and Omagh District Council

T: 0300 303 1777

M: 07702 919 798

E: imelda.mccarron@fermanaghomagh.com

Re: CONFIDENTIAL - LEGAL OPINION AS REQUESTED

Robert Gibson <robert.gibson@fermanaghomagh.com>

Thu 14/02/2019 14:35

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

Imelda,

Thank you.

Robert

From: Imelda McCarron

Sent: 14 February 2019 12:22

To: Robert Gibson

Subject: CONFIDENTIAL - LEGAL OPINION AS REQUESTED

Robert

Please see attached as discussed.

Regards
Imelda

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

T: 0300 303 1777

M: 07702 919 798

E: imelda.mccarron@fermanaghomagh.com

Re Green Road Assertion

Robert Gibson <robert.gibson@fermanaghomagh.com>

Tue 26/02/2019 12:24

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

Good afternoon Philip,

I am sorry for bothering you but I wonder have we got a time line for the Green Road assertion please? .

Regards

Robert

Robert Gibson <robert.gibson@fermanaghomagh.com>

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

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

 1 attachments (298 KB)

RE Lands at Greencastle and Rouskey.pdf;

Philip

Please see attached correspondence from _____, in relation to Lands at Greencastle and Rouskey.

Robert would like your advice on this matter.

Regards

Creea

Creea McManus

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

Tel: 0300 303 1777 Ext 21175

Email: creea.mcmanus@fermanaghomagh.com

Re: Green Road Decision - Solicitor Correspondence

Philip Kingston <Philip.Kingston@derrystarbane.com>

Thu 28/03/2019 14:07

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

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I'll give Robert a call this afternoon if he is free.

Philip.

Sent from my iPhone

On 28 Mar 2019, at 13:21, Robert Gibson <robert.gibson@fermanaghomagh.com> wrote:

Philip

Please see attached correspondence from _____ in relation to Lands at Greencastle and Rouskey.

Robert would like your advice on this matter.

Regards

Creea

Creea McManus

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

Tel: 0300 303 1777 Ext 21175

Email: creea.mcmanus@fermanaghomagh.com

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<Doris and MacMahon Solicitors RE Lands at Greencastle and Rouskey.pdf>

Fw: Green Road Decision - Solicitor Correspondence

Robert Gibson <robert.gibson@fermanaghomagh.com>

Tue 02/04/2019 15:22

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

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

 2 attachments (510 KB)

RE Lands at Greencastle and Rouskey.pdf; 020419_I

Philip

Please see draft acknowledgement letter from Imelda in response to correspondence received from . can you please advise if this can be issued as is or suggest amendments.

Regards

Creea

Creea McManus

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

Tel: 0300 303 1777 Ext 21175

Email: creea.mcmanus@fermanaghomagh.com

From: Robert Gibson
Sent: 28 March 2019 13:21
To: Philip Kingston
Cc: Imelda McCarron
Subject: Green Road Decision - Solicitor Correspondence

Philip

Please see attached correspondence from in relation to
Lands at Greencastle and Rouskey.

Robert would like your advice on this matter.

Regards

Creea

Creea McManus

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

Tel: 0300 303 1777 Ext 21175

Email: creea.mcmanus@fermanaghomagh.com

Our Ref:

304/1

Your Ref:

Date: 14th March, 2019

Ms Imelda McCarron
Countryside Recreation Officer
Fermanagh & Omagh District Council
The Grange
Mountjoy Road
Omagh
County Tyrone
BT79 7BL **FIRST CLASS POST**

BY EMAIL - imelda.mccarron@fermanaghomagh.com

Dear Imelda

Re: **Lands at Greencastle and Ruskey, County Tyrone**
Our Clients –

It has come to our attention as a result of a recent article in a local newspaper passed to us by one of our clients that the Council have concluded that a Right of Way exists over the alleged "Green Road". We are disappointed that neither our clients nor this firm were notified of this decision. We note that the decision will now be brought by Fermanagh and Omagh District Council for vindication in the County Court. Please advise as to the next steps that you intend to take in respect of same and also the timescales involved.

We would be obliged if we could also be provided with a copy of all documentation to be lodged by the Council in respect of the aforementioned application.

We await hearing from you.

Yours faithfully

Re: Green Road

Robert Gibson <robert.gibson@fermanaghomagh.com>

Wed 03/04/2019 18:55

To: ' >

Hi I spoke to Philip about two weeks ago and again expressed the need to move as quickly as possible. He is waiting for the Barrister's papers for the court. He did not have anything last night. He is to progress it. Robert

Get [Outlook for iOS](#)

From:

Sent: Wednesday, April 3, 2019 6:41 pm

To: Robert Gibson

Subject: RE: Green Road

Hi Robert,

Any update on this?

Regards,

,

Sent from [Mail](#) for Windows 10

From: Robert Gibson

Sent: Tuesday, March 12, 2019 7:51:53 PM

To: ' >

Subject: Re: Green Road

Hi : Philip told me this afternoon he is awaiting the Barristers instructions but should be with him within 2 weeks and he will immediately apply to the court. Robert

Get [Outlook for iOS](#)

From: >

Sent: Tuesday, March 12, 2019 7:30 pm

To: Robert Gibson

Subject: RE: Green Road

Hi Robert,

Rather than waste time at windy meeting -

Any progress?

Have there been any objections to the Council's decision to assert?

Even an indicative timeline?

Regards,

Sent from [Mail](#) for Windows 10

From: Robert Gibson
Sent: Wednesday, February 13, 2019 6:10:34 PM
To:
Subject: Re: Green Road

Hi , Thank you for your email and you are not nagging. I spoke to Philip Kingston about this late this afternoon. He is progressing the Court process. I have asked for a timeline and will get back to you with this. Regards Robert

Get [Outlook for iOS](#)

From:
Sent: Wednesday, February 13, 2019 2:50 pm
To: Robert Gibson
Subject: Green Road

Hi Robert,

Any update on assertion progress?

(Hope I am not nagging!)

Thanks,

Your Ref !
Our Ref
Date 02 04 2019
Email Imelda.mccarron@fermanaghmagh.com



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

Brendan Hegarty
Chief Executive

Dear ,

RE:

I am in receipt of your letter received on 19 March 2019. The Council is currently undertaking due process and will be in contact with all landowners when the matter has advanced to the next stage.

Yours sincerely

Imelda McCarron
Countryside Recreation Officer

Our Ref:

Your Ref:

Date: 14th March, 2019

Ms Imelda McCarron
Countryside Recreation Officer
Fermanagh & Omagh District Council
The Grange
Mountjoy Road
Omagh
County Tyrone
BT79 7BL FIRST CLASS POST

BY EMAIL - imelda.mccarron@fermanaghomagh.com

Dear Imelda

Re:

It has come to our attention as a result of a recent article in a local newspaper passed to us by one of our clients that the Council have concluded that a Right of Way exists over the alleged "Green Road". We are disappointed that neither our clients nor this firm were notified of this decision. We note that the decision will now be brought by Fermanagh and Omagh District Council for vindication in the County Court. Please advise as to the next steps that you intend to take in respect of same and also the timescales involved.

We would be obliged if we could also be provided with a copy of all documentation to be lodged by the Council in respect of the aforementioned application.

We await hearing from you.

Yours faithfully

Yours faithfully

Partners:

Brian MacMahon LLB
Francis Redmond LLB

Associates:

Roslin McGlass LLB
Jason McLaren LLB

Maire MacMahon LLB
Marina Maynes LLB

Kevin McEluff LLB
Michael Reamond LLB

Katherine Holland LLB
Grainne MacGeach LLB

Lexcel
Law Society Accredited

Fw: Green Road Decision - Solicitor Correspondence

Robert Gibson <robert.gibson@fermanaghomagh.com>

Thu 04/04/2019 11:37

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

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

Sent: 02 April 2019 15:52

To: Robert Gibson

Subject: RE: Green Road Decision - Solicitor Correspondence

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From: Robert Gibson [<mailto:robert.gibson@fermanaghomagh.com>]

Sent: 02 April 2019 15:23

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

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

Subject: Fw: Green Road Decision - Solicitor Correspondence

Philip

Please see draft acknowledgement letter from Imelda in response to correspondence received from : - can you please advise if this can be issued as is or suggest amendments.

Regards

Creea

Creea McManus

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

Tel: 0300 303 1777 Ext 21175

Email: creea.mcmanus@fermanaghomagh.com

From: Robert Gibson

Sent: 28 March 2019 13:21

To: Philip Kingston

Cc: Imelda McCarron

Subject: Green Road Decision - Solicitor Correspondence

Philip

Please see attached correspondence from ' ' in relation to
Lands at Greencastle and Rouskey.

Robert would like your advice on this matter.

Regards

Creea

Creea McManus

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

Tel: 0300 303 1777 Ext 21175

Email: creea.mcmanus@fermanaghomagh.com

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Your Ref I
Our Ref
Date 02 04 2019
Email Imelda.mccarron@fermanaghomagh.com



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

Brendan Hegarty
Chief Executive

I

Dear

RE: LANDS AT GREENCASTLE AND ROUSKEY, COUNTY TYRONE

I am in receipt of your letter received on 19 March 2019. The Council is currently undertaking due process and will be in contact with all landowners when the matter has advanced to the next stage.

Yours sincerely

Imelda McCarron
Countryside Recreation Officer

Re: Lands at Greencastle and Ruskey, County Tyrone. Our Clients -

Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

Thu 04/04/2019 12:24

To:

 1 attachments (455 KB)

Dear

Please see attached correspondence. I will issue a hard copy in the post today also.

Best regards
Imelda

From: Sharon McCarron
Sent: 14 March 2019 12:18
To: Imelda McCarron
Subject: Lands at Greencastle and Ruskey, County Tyrone.

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--

14th March, 2019

Ms Imelda McCarron
Countryside Recreation Officer
Fermanagh & Omagh District Council
The Grange
Mountjoy Road
Omagh
County Tyrone
BT79 7BL **FIRST CLASS POST**

BY EMAIL - imelda.mccarron@fermanaghomagh.com

Dear Imelda

Re: Lands at Greencastle and Ruskey, County Tyrone .

It has come to our attention as a result of a recent article in a local newspaper passed to us by one of our clients that the Council have concluded that a Right of Way exists over the alleged "Green Road". We are disappointed that neither our clients nor this firm were notified of this decision. We note that the decision will now be brought by Fermanagh and Omagh

District Council for vindication in the County Court. Please advise as to the next steps that you intend to take in respect of same and also the timescales involved.

We would be obliged if we could also be provided with a copy of all documentation to be lodged by the Council in respect of the aforementioned application.

We await hearing from you.

Yours faithfully

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<https://outlook.office.com/mail/AQMkADVjOGRhYjMyLTg5NTktNDA2NS1hYmVkLTg0ZWMyYjY5MWEzMAAuAAADQFI%2F%2BuVDYkSJymO...> 1/1

Re: Media enquiry - Fw: Gold Mine Order

Robert Gibson <robert.gibson@fermanaghomagh.com>

Tue 14/05/2019 13:14

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

Philip Thank you. Will do. R

Get [Outlook for iOS](#)

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

Sent: Tuesday, May 14, 2019 1:05 pm

To: Robert Gibson

Subject: RE: Media enquiry - Fw: Gold Mine Order

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Robert,

Philip.

From: Robert Gibson [mailto:robert.gibson@fermanaghomagh.com]

Sent: 14 May 2019 12:57

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

Cc: Alison McCullagh <alison.mccullagh@fermanaghomagh.com>; Philip Kingston <Philip.Kingston@derrystrabane.com>

Subject: Re: Media enquiry - Fw: Gold Mine Order

Hi Tracy,

I would like Philip to advise if this is ok?

The Council has engaged the services of a Barrister to take the assertion process forward and is awaiting his advice.

Regards

Robert

From: Tracy Hunter

Sent: 14 May 2019 12:36

To: Robert Gibson

Cc: Alison McCullagh

Subject: Media enquiry - Fw: Gold Mine Order

Robert

Please find below media enquiry. Would you be able to advise re Green Road?

Many thanks

Tracy

From: Tracy Hunter
Sent: 14 May 2019 11:44
To: Brendan Hegarty; Deirdre McSorley; Alison McCullagh
Subject: Media enquiry - Fw: Gold Mine Order

Dear all

Please see below media enquiry from the Tyrone Con for tomorrow's paper. Absolute deadline for comment is 3pm today.

Please can you advise re response?

---Tyrone Con media enquiry---

I got a call today from the anti-goldmining group at Greencastle claiming FODC via Deirdre McSorley, had posted an enforcement notice re the caravans 400 m north-west of 56 Mullydoo Rosad, Greencastle on site adding unless an appeal was made, the notice would take effect from June 19.

1. Can the council outline exactly what happened today
2. What can happen if there is no compliance
3. The protesters claim the other planning infringement re the holy statue is already going to court - is this the case? What stage is this at?
4. They are angry that planning moves can be taken against them but the council still can't assert the Green Road - what is the up to date position with it?

As you can appreciate we're up against a deadline so any assistance would be much appreciated.

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

Re: Media enquiry - Fw: Gold Mine Order

Robert Gibson <robert.gibson@fermanaghomagh.com>

Tue 14/05/2019 14:04

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

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

Hi Tracy,

The Council has resolved to take forward the assertion of the Green Road in December 2018 and had passed the matter to its legal advisers. It cannot comment further on ongoing legal proceedings.

Robert

From: Tracy Hunter

Sent: 14 May 2019 12:36

To: Robert Gibson

Cc: Alison McCullagh

Subject: Media enquiry - Fw: Gold Mine Order

Robert

Please find below media enquiry. Would you be able to advise re Green Road?

Many thanks

Tracy

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Sent: 14 May 2019 11:44

To: Brendan Hegarty; Deirdre McSorley; Alison McCullagh

Subject: Media enquiry - Fw: Gold Mine Order

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3. The protesters claim the other planning infringement re the holy statue is already going to court - is this the case? What stage is

thisd at?

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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



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

Re: Media enquiry - Fw: Gold Mine Order

Tracy Hunter <tracy.hunter@fermanaghomagh.com>

Tue 14/05/2019 14:57

To: Robert Gibson <robert.gibson@fermanaghomagh.com>; Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>; Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

Dear all - Alison has just signed this off so I am issuing now to Tyrone Con.

Tracy

From: Tracy Hunter

Sent: 14 May 2019 14:55

To: Robert Gibson; Brendan Hegarty; Alison McCullagh

Subject: Re: Media enquiry - Fw: Gold Mine Order

Brendan, Alison - are you content for me to issue the response below to the Tyrone Con?

Many thanks

Tracy

From: Robert Gibson

Sent: 14 May 2019 14:39

To: Tracy Hunter; Brendan Hegarty; Deirdre McSorley; Alison McCullagh; Darren Lawther

Subject: Re: Media enquiry - Fw: Gold Mine Order

Tracy,

I am content.

Robert

From: Tracy Hunter

Sent: 14 May 2019 14:29

To: Brendan Hegarty; Deirdre McSorley; Alison McCullagh; Robert Gibson; Darren Lawther

Subject: Re: Media enquiry - Fw: Gold Mine Order

Dear all

Thank you for your feedback. Please find draft response below for sign off. Please can you come back to me before 3pm?

Many thanks

Tracy

I got a call today from the anti-goldmining group at Greencastle claiming FODC via Deirdre McSorley, had posted an enforcement notice re

the caravans 400 m north-west of 56 Mullydoo Rosad, Greencastle on site adding unless an appeal was made, the notice would take effect from June 19.

1. Can the council outline exactly what happened today

Fermanagh and Omagh District Council issued an enforcement notice requiring the removal of two unauthorised caravans on lands at 400 metres NW of 56 Mullydoo Road, Greencastle.

2. What can happen if there is no compliance

Unless an appeal is received against the Notice then it will take effect on the 19 June and the caravans must then be permanently removed from the site within 28 days of this date. If the Notice is not complied with then a criminal offence has been committed with the maximum level of fine on summary conviction £100,000.

3. The protesters claim the other planning infringement re the holy statue is already going to court - is this the case? What stage is this at?

The Council has issued an Enforcement Notice against an unauthorised statue on lands 610 metres NW of 56 Mullydoo Road, Omagh. The Notice has not been complied with and the enforcement investigation is ongoing. At this stage it is not appropriate for the Council to comment on the progress of any legal action for the failure to comply with the Notice.

4. They are angry that planing moves can be taken against them but the council still can't assert the Green Road - what is the up to date position withi it?

The Council has resolved to take forward the assertion of the Green Road in December 2018 and had passed the matter to its legal advisers. It cannot comment further on ongoing legal proceedings.

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Fhear Manach agus na hÓmaí

From: Tracy Hunter
Sent: 14 May 2019 11:44
To: Brendan Hegarty; Deirdre McSorley; Alison McCullagh
Subject: Media enquiry - Fw: Gold Mine Order

Dear all

Please see below media enquiry from the Tyrone Con for tomorrow's paper. Absolute deadline for comment is 3pm today.

Please can you advise re response?

---Tyrone Con media enquiry---

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As you can appreciate we're up against a deadline so any assistance would be much appreciated.

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Tracy

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District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

RE: Media enquiry - Fw: Gold Mine Order

Darren Lawther <darren.lawther@fermanaghomagh.com>

Tue 14/05/2019 15:24

To: Robert Gibson <robert.gibson@fermanaghomagh.com>; Tracy Hunter <tracy.hunter@fermanaghomagh.com>; Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>; Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

Tracy – I'm content too.

Darren

From: Robert Gibson

Sent: 14 May 2019 14:40

To: Tracy Hunter <tracy.hunter@fermanaghomagh.com>; Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>; Deirdre McSorley <deirdre.mcsorley@fermanaghomagh.com>; Alison McCullagh <alison.mccullagh@fermanaghomagh.com>; Darren Lawther <darren.lawther@fermanaghomagh.com>

Subject: Re: Media enquiry - Fw: Gold Mine Order

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Tracy

Tracy Hunter

PR & Customer Service Manager

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Fw: Service of signed decision notice[Ref. FS50751302]

Imelda McCarron <imelda.mccarron@fermanaghomagh.com>

Mon 17/06/2019 09:38

To: Margaret McMahon <margaret.mcmahon@fermanaghomagh.com>; Robert Gibson <robert.gibson@fermanaghomagh.com>

 1 attachments (167 KB)

Signed decision notice Fermanagh & Omagh.doc;

Morning Robert, Margaret

I wasn't sure if either of you received this so thought it best to forward on.

Imelda

From: casework@ico.org.uk <casework@ico.org.uk>

Sent: 17 June 2019 09:27

To: Imelda McCarron

Cc: Brendan Hegarty

Subject: Service of signed decision notice[Ref. FS50751302]

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Dear Sir/Madam

Freedom of Information Act 2000 (FOIA)

Complainant:

Case Reference Number: FS50751302

Please find enclosed a decision notice relating to a FOIA complaint about a request for information submitted by the above complainant.

The complaint has been considered by the Commissioner and the decision notice sets out the reasons for the decision. If you disagree with the decision notice, you have the right to appeal to the First-tier Tribunal (Information Rights).

The Commissioner will publish this decision on the ICO website, but will remove all names and addresses of complainants. If the public authority also chooses to reproduce this decision notice, then the Commissioner expects similar steps to be taken.

I hope the above information is helpful.

Yours sincerely

Senior Case Officer

Fwd: Service of signed decision notice[Ref. FS50751302]

Brendan Hegarty <brendan.hegarty2@fermanaghomagh.com>

Mon 17/06/2019 09:51

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

 1 attachments (167 KB)

Signed decision notice Fermanagh & Omagh.doc;

Get Outlook for iOS

From: casework@ico.org.uk <casework@ico.org.uk>

Sent: Monday, June 17, 2019 9:27:46 AM

To: Imelda McCarron

Cc: Brendan Hegarty

Subject: Service of signed decision notice[Ref. FS50751302]

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Yours sincerely

Senior Case Officer

Service of signed decision notice[Ref. FS50751302]

casework@ico.org.uk <casework@ico.org.uk>

Mon 17/06/2019 09:27

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

Cc: Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>

 1 attachments (167 KB)

Signed decision notice Fermanagh & Omagh.doc;

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I hope the above information is helpful.

Yours sincerely

- . .

Senior Case Officer

Freedom of Information Act 2000 (FOIA)
Decision notice

Date: 17 June 2019

Public Authority: Fermanagh and Omagh District Council

Address: Townhall, 2 Townhall Street
Enniskillen, County Fermanagh
BT74 7BA

Complainant:

Address:

Decision (including any steps ordered)

1. The complainant has requested information from Fermanagh and Omagh District Council ("the Council") in relation to the investigation process for the assertion of a public right of way in County Tyrone, Northern Ireland. The Council disclosed the requested information, with some information redacted under section 40(2) of the FOIA.
2. The Commissioner's decision is that the Council wrongly handled the request under the FOIA. In failing to consider the request under the EIR, it breached the requirement of regulation 14 of the EIR.
3. The Commissioner finds that the Council was entitled to rely on regulation 13 (personal information) of the EIR to withhold the withheld information. No steps are required.

Background to the request

4. In 2010, Dalradian Gold Limited (DGL) acquired land at Curraghinalt, Omagh, County Tyrone, and in 2014 was granted planning permission for an exploration tunnel investigation on that land. A further planning application, for an underground mine, was lodged by DGL in 2017. The project, if approval is granted, is set to last 25 years and DGL has estimated that £750 million will be spent on it.
5. In 2016, the Council received correspondence calling for it to use its statutory powers of investigation to assert that there is a Public Right of Way over the Green Road from Greencastle to Rousky, County Tyrone, which would be highly significant as this is in the vicinity of the proposed Dalradian gold mine operation. The complainant has requested information in relation to the Assertion of Public Right of Way investigation being carried out by the Council.

Request and response

6. On 12 March 2018, the complainant wrote to the Council and requested information in the following terms:-
 1. Correspondence from residents received in February 2016.
 2. Correspondence to the 25 stakeholders identified at paragraph 2.13 of Summary of the Assertion Report dated November 2016.
 3. Copies of all other correspondence, internal file notes, internal e-mails, reports, attendance notes, from January 2016, not already disclosed to us between July 2017 and January 2018.
7. The Council responded to the complainant on 12 April 2018, disclosing the requested information in parts 1 and 2 of the request with redactions and citing the exemption under section 40(2) (personal data of a third party) as a basis for those redactions. It refused to disclose the information requested in part 3, citing section 12(1) (cost limit) as a basis for non-disclosure.
8. The complainant was not satisfied with that response and requested an internal review, the result of which was provided to her on 3 May 2018. The reviewer determined that the complainant should be provided with the information requested in part 3 of the request,

subject to redactions, and upheld the original decision in respect of parts 1 and 2 of the complainant's request.

Scope of the case

9. The complainant contacted the Commissioner on 30 May 2018 to complain about the way the Council handled part 2 of her request for information.
10. The Commissioner has considered the Council's handling of part 2 of the complainant's request, specifically the Council's redaction of names and contact details from the correspondence it disclosed in response to part 2 of the request.
11. During the Commissioner's investigation, she reconsidered the request and the withheld information and concluded that the information was environmental and that the Council should have dealt with the request under the Environmental Information Regulations 2004 (EIR).

Reasons for decision

Access regime

12. As set out above, the Council responded to the request under the FOIA. However, it is the Commissioner's view that the request was for environmental information and that the Council ought to have dealt with it under the EIR rather than the FOIA.
13. Regulation 2(1) of the EIR defines environmental information as being information on:
 - "(a) *the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;*
 - (b) *factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);*
 - (c) *measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors*

referred to in (a)...as well as measures or activities designed to protect those elements..."

14. The Commissioner has considered the wording and focus of the request. As it is regarding the legal process surrounding the assertion of a public right of way, the Commissioner now considers that it is a request for information which is a measure as set out in regulation 2(1)(c) which is likely to affect or protect the elements of the environment. Therefore, the Commissioner considers that the request was for environmental information as defined by regulation 2(1) of the EIR.

Regulation 13 – personal data of third parties

15. The Commissioner considers that the arguments provided by the Council in respect of its application of section 40(2) of the FOIA to the withheld information are comparable to what would be required when considering the application of regulation 13. She has therefore used her discretion and considered them below rather than requiring the Council to issue a fresh response in line with the EIR; this is to ensure that the complainant is not disadvantaged by any further delay.
16. In this case the Council cited section 40(2) in respect of the redacted information in part 2 of the complainant's request. The Council confirmed that it was applying section 40(2) in conjunction with the condition listed in section 40(3)(a)(i). This applies where the disclosure of the information to any member of the public would contravene any of the principles of the Data Protection Act 1998 (the DPA). The DPA has since been superseded by the General Data Protection Regulation 2018 (GDPR) and the Data Protection Act 2018, however the 1998 Act was still in force at the time of the complainant's request and this has therefore been considered under the 1998 legislation.
17. Regulation 13(1) of the EIR provides that information is exempt from disclosure if it is the personal data of an individual other than the applicant and where one of the conditions listed in regulation 13(2)(a)(i) and (ii) is satisfied.
18. In this case the relevant condition is contained in regulation 13(2)(a)(i) as the Council's position is that disclosure of this information into the public domain would be unfair and unlawful, which would contravene the first data protection principle as set out in the DPA.

19. The Council states that, following two preliminary site visits in June and August 2016, 25 different stakeholders were contacted as secondary evidence groups on 2 and 3 September 2016. Each group was issued with an evidence form and a map for them to demonstrate where, if at all, they felt the public right of way was located. The Commissioner has viewed the information detailing correspondence to the stakeholders.
20. The Commissioner is satisfied that the information in question is the personal data of individuals other than the requestor. This is because the individuals can be identified from their names and contact details on the correspondence. The other information which has been withheld by the Council is the names of the organisations which the individuals represent, save for the names of organisations which are public authorities, in which case the names and contact details of the individuals representing those organisations were also disclosed. The Commissioner does not usually consider the names of organisations to constitute personal data, however in this case the organisations whose names are being withheld are small, voluntary groups, and in some cases individual landowners. Disclosure of which of those groups received and responded to correspondence from the Council regarding the public right of way could lead to identification of the individuals who received the correspondence and responded on behalf of the small voluntary groups. The Commissioner has therefore gone on to consider whether disclosure of this information into the public domain would be unfair.
21. When considering the fairness and the first data protection principle the Commissioner has taken the following factors into account:
 - the individuals' reasonable expectations of what would happen to their information;
 - whether disclosure would cause any unnecessary or unjustified damage or distress to the individuals concerned (i.e. the consequences of disclosure); and
 - whether the legitimate interests of the public are sufficient to justify any negative impact to the rights and freedoms of the individuals as data subjects.

22. The Commissioner has first considered individuals' expectations. The Council states that the individuals in question, both the landowners and those who represented the small voluntary groups, would have a reasonable expectation that the Council would keep their personal information in confidence and not disclose it into the public domain in this specific context. A representative of one of the small voluntary groups indeed specifically requested anonymity in relation to the public right of way consultation process.
23. The Council stated that, as part of the Assertion of Right of Way process, the identities of the 25 stakeholders will be disclosed as part of the discovery process, as the Assertion process requires a County Court determination. However, at the time of the request, such a determination would have been at least 18-24 months away so, whilst the stakeholders would have been aware of future disclosure, they still had a reasonable expectation that the Council would keep their details confidential at the time of the request.
24. The Council states, and the Commissioner is otherwise aware, that both the proposed DGL gold mine and the interlinked public right of way issue have divided the community and caused heightened tensions. Some people believe very strongly that the gold mine will have an adverse environmental impact on the area, whilst others believe that it will be of great economic benefit, creating jobs and increasing tourism to the area.
25. The Council has expressed serious concerns about the possible consequences of the information being released, and has provided evidence of harassment of individuals over their views regarding the gold mine. The disclosure of a map drawn up by DGL, pinpointing homes in the area with the initials of the 'head of house' beside them, has caused locals on both sides of the argument to fear for their safety. If the information was to be disclosed, the individuals and organisations concerned would be likely to be very distressed and fear reprisals.
26. The Commissioner has next considered whether there is any legitimate interest in disclosure of the information which would be sufficient to justify the negative impact of disclosure on the data subjects. The Commissioner accepts that this is an area of great public interest, and that disclosure of the information would be of legitimate interest to both the complainant and the wider public. However, all papers regarding the ongoing planning application and assertion of public right of way are uploaded regularly onto the Council's website,

with appropriate redactions made and explained. The legitimate interest of the public can be served by reading the information available at www.fermanaghomagh.com/your-council/freedom-of-information, which can be accessed free of charge.

27. The Commissioner has concluded that, whilst there is some legitimate interest in disclosure of the information redacted under regulation 13(1) of the EIR, this is not sufficient to justify the distress which would be caused to the data subjects by disclosure, particularly as the legitimate interest can be served in large part by accessing the information available through the link above. The Commissioner therefore considers that regulation 13(1) of the EIR applies to the withheld information.

Regulation 14 – refusal to disclose information

28. In the circumstances of this case the Commissioner has found that, although the Council originally considered this request under the FOIA, it is the EIR that actually apply to the requested information.
29. In these circumstances the Commissioner believes that it is appropriate to find that the Council breached regulation 14(1) of EIR which requires that a public authority that refuses a request for information specifies, within 20 working days, the exceptions upon which it is relying. This is because the refusal notice which the Council issued (and indeed its internal review) failed to cite any exception contained within the EIR as the Council actually dealt with the request under FOIA.

Right of appeal

30. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

31. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
32. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

.....

Senior Case Officer

Information Commissioner's Office

**Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Re: Urgent: Funding Opportunity from DAERA, "Connecting people with Nature"

Alison McCullagh <alison.mccullagh@fermanaghomagh.com>

Sun 18/08/2019 09:09

To: Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>

I will do Brendan,

_____ has also sent a similar communication to me and given the Green Road focus, possibly Robert. There is considerable overlap with our Heritage application (from which SoS and others have excluded themselves), but we will check the potential. Given leave commitments, I think a meeting is unlikely but I will see what is required for an application.

I'll keep you posted,

Alison

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From: Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>

Sent: Sunday, August 18, 2019 00:50

To: Alison McCullagh

Subject: Fwd: Urgent: Funding Opportunity from DAERA, "Connecting people with Nature"

Alison

Please see attached. Can you please respond directly

Regards

Brendan

Get [Outlook for iOS](#)

From:

Sent: Sunday, August 18, 2019 12:47:11 AM

To: Brendan Hegarty <brendan.hegarty@fermanaghomagh.com>

Subject: Fwd: Urgent: Funding Opportunity from DAERA, "Connecting people with Nature"

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

FAO:

Brendan Hegarty CE

Fermanagh & Omagh District Council

Brendan

The quick turn around funding currently being offered by DAERA / NIEA under "Funding to Connect People with Nature" (application closing date 27 Aug) seems ideally suited / targeted for enabling access in the neglected Omagh Sperrins. As the funding is described below, Save Our Sperrins sees this is a great chance to bid for hard to get funding to move forward the Green Road access to the countryside route - and linking the historic battle of Formaeil with the amazing Cashel Fort, and walking routes linking these and other fascinating local archaeological features - Copney stone circles, Cregganconroe and the Black bog, Aghascrebagh Ogham Stone etc....

Given the short deadline for application it might be an idea to bring interested groups together to firm up a joined up proposal rather than having diverse bids. Projects like those above that are already at a more worked up stage would be preferable and eg the plans for a walking driving routeway marking the homeplaces of Muintir Luinigh's most renowned Irish language speakers, seanachaithe (storytellers), poets and singers throughout this 'Tyrone Gaeltacht' would require little additional preparation work and would add a rich cultural dimension to developing a unique access framework for the Omagh Sperrins AONB.

I hope this is helpful.

Funding to Connect People with Nature

New environment fund aimed at making it easier for people to connect with the natural environment has been launched by the Department for Agriculture, Environment and Rural Affairs (DAERA).

This funding is an excellent opportunity for organisations who want to improve spaces and engage in schemes such as the Blue Flag Award, Blue Flag for Marina, Seaside Award and Green Flag Award which are managed by Keep Northern Ireland Beautiful.

This could be an opportunity to act on the recommendations provided in your Green Flag or Blue Flag feedback reports.

David Small, Chief Executive of the Northern Ireland Environment Agency (NIEA), said the Environmental Challenge Competition will also provide capital funding to projects working to protect habitats.

"I am delighted to announce this £400,000 funding boost which

will not only help improve our health, support our environment and precious habitats, but also support jobs within the sector.

“We will be looking for applications from not-for-profit organisations and local councils for projects that will provide new paths and recreation infrastructures, such as walking trails or a greenway route. We also want to hear from applicants wanting to purchase land essential for the management of our priority habitats and species or for recreation infrastructure. We are also interested in the creation of data products, particularly for outdoor recreation, that will use technology to improve access to the outdoors and encourage greater participation,”

....

Re: Urgent: Funding Opportunity from DAERA, "Connecting people with Nature"

Robert Gibson <robert.gibson@fermanaghomagh.com>

Tue 20/08/2019 08:15

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

Alison OK Robert

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

Sent: Tuesday, August 20, 2019 7:57:06 AM

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

Subject: Fwd: Urgent: Funding Opportunity from DAERA, "Connecting people with Nature"

Robert

If possible I would also like to discuss this when we speak,

Kind regards

Alison

Get [Outlook for iOS](#)

From:

Sent: Saturday, August 17, 2019 11:55

To: brendan.hegarty@fermanaghomagh.com; Alison McCullagh; Julie Corry

Cc:

Subject: Urgent: Funding Opportunity from DAERA, "Connecting people with Nature"

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FAO:

Brendan Hegarty CE

Fermanagh & Omagh District Council

Brendan

The quick turn around funding currently being offered by DAERA / NIEA under "Funding to Connect People with Nature" (application closing date 27 Aug) seems ideally suited / targeted for enabling access in the neglected Omagh Sperrins. As the funding is described below, ' sees this is a great chance to bid for hard to get funding to move forward the Green Road access to the countryside route - and linking the historic battle of Formaeil with the amazing Cashel Fort, and walking routes linking these and other fascinating local archaeological features - Copney stone circles, Cregganconroe and the Black bog, Aghascrebagh Ogham Stone etc....

Given the short deadline for application it might be an idea to the bring interested groups together to firm up a joined up proposal rather than having diverse bids. Projects like those above that are already at a more worked up stage would be preferable and eg the plans for a walking

driving routeway marking the homeplaces of Muintir Luinigh's most renowned Irish language speakers, seanachaithe (storytellers), poets and singers throughout this 'Tyrone Gaeltacht' would require little additional preparation work and would add a rich cultural dimension to developing a unique access framework for the Omagh Sperrins AONB.

I hope this is helpful.

Funding to Connect People with Nature

New environment fund aimed at making it easier for people to connect with the natural environment has been launched by the Department for Agriculture, Environment and Rural Affairs (DAERA).

This funding is an excellent opportunity for organisations who want to improve spaces and engage in schemes such as the [Blue Flag Award](#), [Blue Flag for Marina](#), [Seaside Award](#) and [Green Flag Award](#) which are managed by Keep Northern Ireland Beautiful.

This could be an opportunity to act on the recommendations provided in your Green Flag or Blue Flag feedback reports.

David Small, Chief Executive of the Northern Ireland Environment Agency (NIEA), said the Environmental Challenge Competition will also provide capital funding to projects working to protect habitats.

"I am delighted to announce this £400,000 funding boost which will not only help improve our health, support our environment and precious habitats, but also support jobs within the sector.

"We will be looking for applications from not-for-profit organisations and local councils for projects that will provide new paths and recreation infrastructures, such as walking trails or a greenway route. We also want to hear from applicants wanting to purchase land essential for the management of our priority habitats and species or for recreation infrastructure. We are also interested in the creation of data products, particularly for outdoor recreation, that will use technology to improve access to the outdoors and encourage greater participation,"

....

Fw: Green Road Public Right of Way Assertion Statement

Creea McManus <creea.mcmanus@fermanaghomagh.com>

Tue 20/08/2019 14:51

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

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: 13 December 2018 15:39

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

Subject: Green Road Public Right of Way Assertion Statement

Green Road Public Right of Way Assertion Statement**RECOMMENDED:**

On the proposal of Councillor Shields, seconded by Councillor McAnespy, that the Council notes the Public Right Of Way Assertion Statement and map for Green Road, Greencastle, attached at Appendix 1 of Paper O.

NOTED: that clarification would be provided to a Member in relation to where the records of existing Council Public Rights Of Way were held.

NOTED: that a report on the number of Council Public Rights Of Ways with the Fermanagh and Omagh District would be presented at a future Regeneration and Community Committee Meeting.

NOTED: that all information, including statements, relating to the Green Road Public Right of Way would be circulated to all Members.

Creea McManus

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

Tel: 0300 303 1777 Ext 21175

Email: creea.mcmanus@fermanaghomagh.com

Assertion Statement

Creea McManus <creea.mcmanus@fermanaghomagh.com>

Tue 20/08/2019 14:51

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

 2 attachments (378 KB)

181211-LRS-Green Road Public Right of Way (PROW) Assertion Statement.docx; 181211-LRS-Green Road Public Right of Way (PROW) Assertion Statement-Appendix 1.docx;

Will look for the signed copy now

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

Imelda McCarron <imelda.mccarron@fermanaghomagham.com>

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

200819 Green_Road_land_owners_breakdown_assertion_status.docx; 181211-LRS-Green Road Public Right of Way (PROW) Assertion Statement-Appendix 1.docx;

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@fermanaghmagh.com

Re: Urgent: Funding Opportunity from DAERA, "Connecting people with Nature"

Ian Davidson <ian.davidson@fermanaghomagh.com>

Thu 22/08/2019 11:11

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

Thanks Alison.

I'll pick this up with uoi on your return.

\Enjoy your break.

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

Sent: 20 August 2019 20:21

To: Ian Davidson <ian.davidson@fermanaghomagh.com>

Subject: Fw: Urgent: Funding Opportunity from DAERA, "Connecting people with Nature"

Ian,

Please see below for info which I am forwarding to you in Kieran's absence. I am not sure whether any of our HOAULP projects might be suitable, but based on the DAERA website, any project needs to be in a position to spend quickly. It might not be appropriate for us.

I have acknowledged the email below, and advised that we will assess the prospects for success, and have noted that SoS may choose to submit an application independently.

I am on leave now for a few days, but will speak to you on my return,

Kind regards,

Alison

From:

Sent: 17 August 2019 11:54

To: brendan.hegarty@fermanaghomagh.ccom <brendan.hegarty@fermanaghomagh.ccom>; Alison McCullagh <alison.mccullagh@fermanaghomagh.com>;

Cc:

Subject: Urgent: Funding Opportunity from DAERA, "Connecting people with Nature"

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--

FAO:

Brendan Hegarty CE

Fermanagh & Omagh District Council

Brendan

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below, ⁶ sees this is a great chance to bid for hard to get funding to move forward the Green Road access to the countryside route - and linking the historic battle of Formaeil with the amazing Cashel Fort, and walking routes linking these and other fascinating local archaeological features - Copney stone circles, Cregganconroe and the Black bog, Aghascrebagh Ogham Stone etc....

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Fw: Green Road - Excel Spreadsheet of Landowners

Robert Gibson <robert.gibson@fermanaghomagh.com>

Tue 03/09/2019 15:28

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

 2 attachments (337 KB)

200819 Green_Road_land_owners_breakdown_assertion_status.docx; 181211-LRS-Green Road Public Right of Way (PROW) Assertion Statement-Appendix 1.docx;

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

Re Green Road

Robert Gibson <robert.gibson@fermanaghomagham.com>

Mon 30/09/2019 16:13

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

Hi Imelda,

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

Robert

Re: Green Road; Public Right of Way Assertion

Robert Gibson <robert.gibson@fermanaghomagh.com>

Fri 11/10/2019 11:54

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

Thank you.

From: Philip Kingston <Philip.Kingston@derrystrobane.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 [redacted] and revert.

Philip.

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

Sent: 11 October 2019 11:47

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

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

Good morning Philip

At our meeting with [redacted] on 8 August 2019 we discussed what PROW rights should the Council seek to assert. The advice being [redacted]

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

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

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Philip.

From: philip.kingston@library.com
Sent: 06 August 2019 09:38
To: Philip Kingston <Philip.Kingston@derrystrobane.com>
Subject: Re: Green Road; Public Right of Way Assertion

Dear

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,

in Ireland

From: Philip Kingston <Philip.Kingston@derrystrobane.com>
Sent: 18 July 2019 10:18

To: 1>
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 7/8th of August but the officer dealing with the practical day to day of the investigation is on leave until the 14th 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

www.derrystrabane.com



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSratha B  in
Derry Citty & Str  bane
District Council

From: 1]
Sent: 27 June 2019 16:26
To: Philip Kingston <Philip.Kingston@derrystrabane.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@derrystrabane.com> wrote:

Thank you for this. Unfortunately I am away from Monday until the 11th. 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@derrystrabane.com>

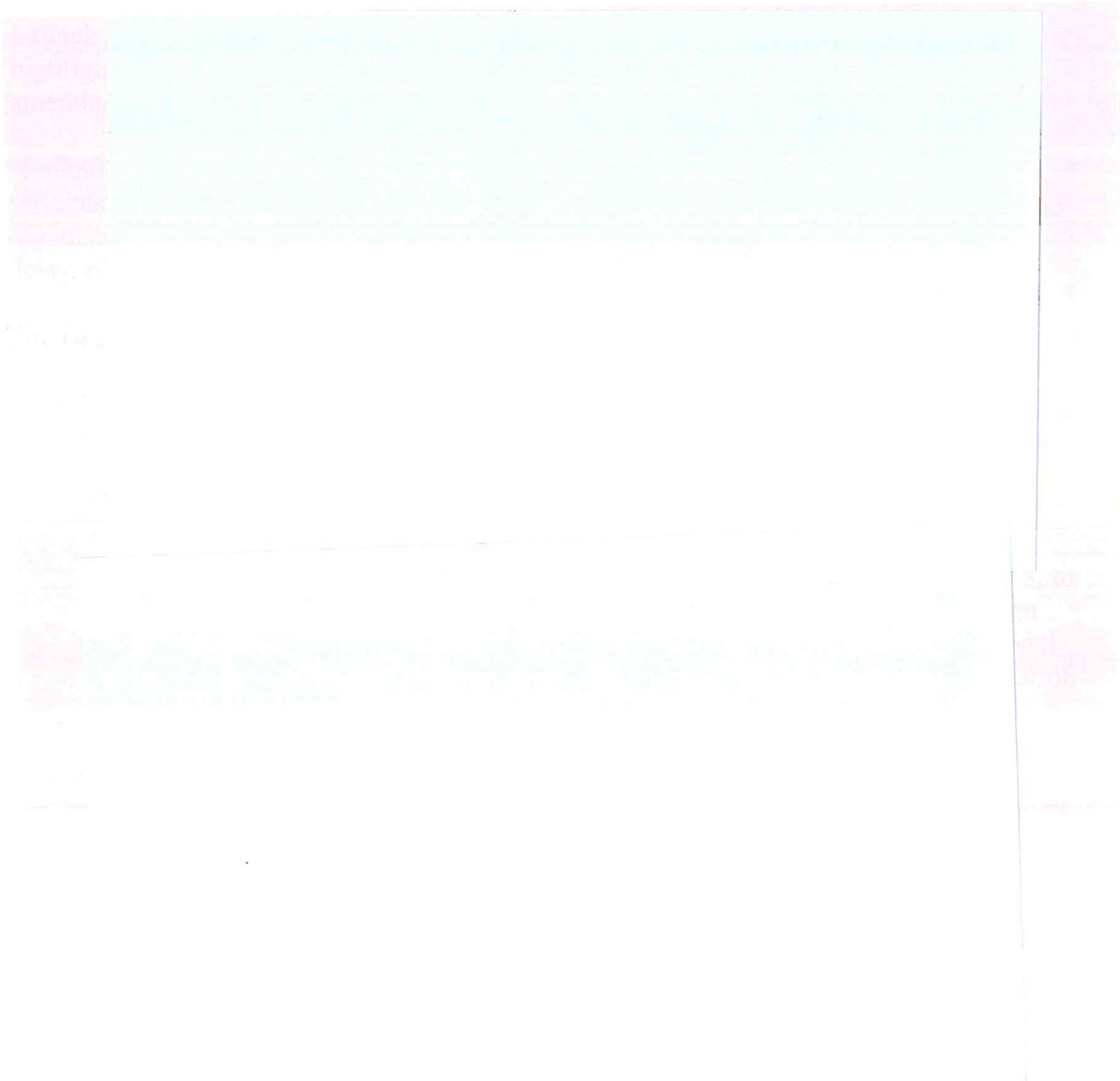
Subject: Green Road; Public Right of Way Assertion

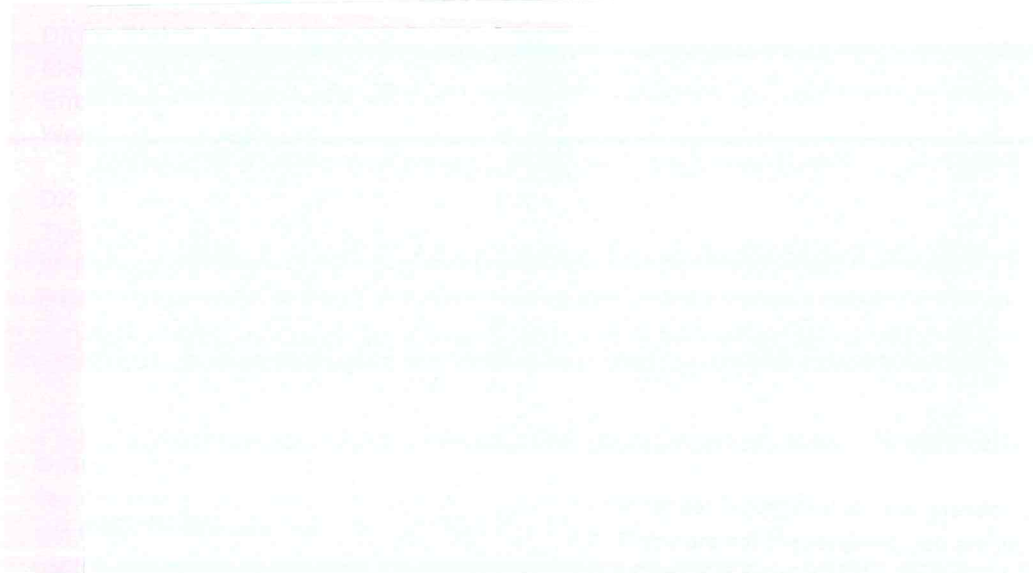
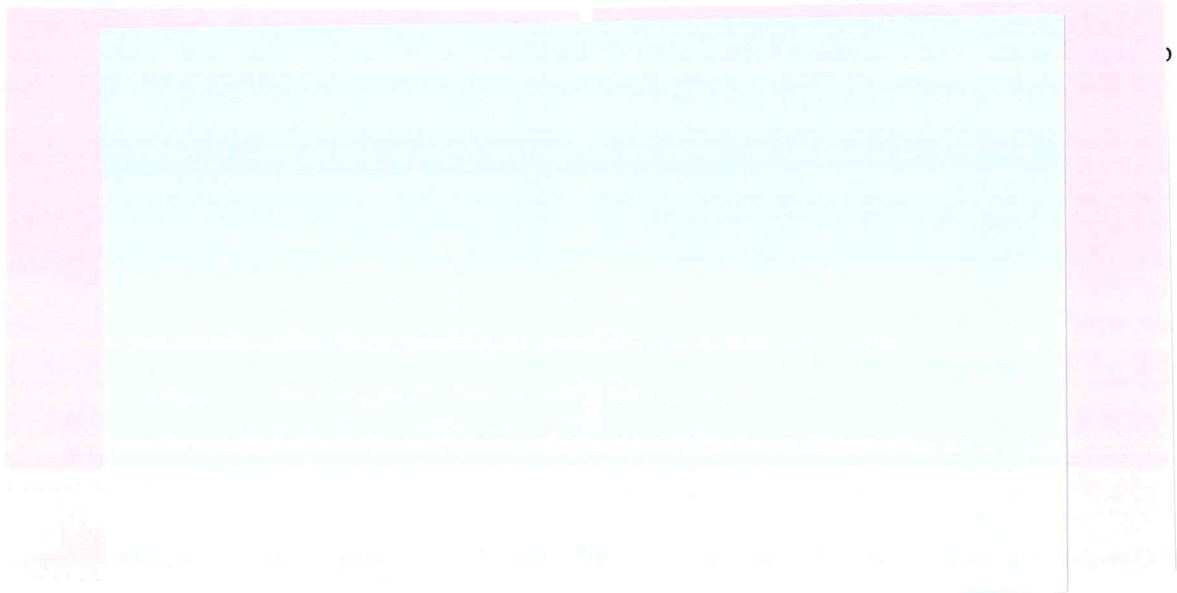
Re: Green Road; Public Right of Way Assertion

Your Ref:

Dear Philip,

Thank you for your instructions in this matter.





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Re: Diary appointment

Creea McManus <creea.mcmanus@fermanaghomagh.com>

Wed 23/10/2019 14:06

To:

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

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: fermanaghomagh.com

Twitter & Facebook: fermanaghomagh

From:

Sent: 22 October 2019 22:08

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

Cc: Creea McManus <creea.mcmanus@fermanaghomagh.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> 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 dealing with a customer.

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>
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

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Re: At airport

Creea McManus <creea.mcmanus@fermanaghomagham.com>

Fri 25/10/2019 16:04

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

All in order Robert.

Group Leaders is in **Omagh** on Monday so it will mess up your day.

There are lots of things to be authorised in your basket - Elish will return the signed copies to the relevant Officers.

There are agendas and papers for meetings that you missed and these are just for your information - just leave these back on my desk and I will file them.

I have pasted below a copy of notes I was keeping for you:

New Entries in your Diary

2

Tentative Dates in your Diary

- FLF (Discussion RE FLF Appraisal) – Grange – FRIDAY 8 November, 10.00-11.30 am (Brendan's Retirement Tea Party in Grange @ 3.30pm)

Action Required:

- Orders to be approved on Total (including Fireworks and CCTV maintenance)
- STARS requests to be approved
- Erne Disability Hub (Email – Report for R&C??)

Calls to be made

" returned your call from last week -

w – Edel took a call from _____ in relation to a Heritage Project – Edel passed the call on to Anne Quinn however told _____ that you would return her call regardless. - _____

STARS - Helen Gervis is going to rescan your Fingerprint on the machine – this will take 2 minutes so just give her a call on 21026 when you have time.

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: fermanaghmagh

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

Sent: 25 October 2019 13:42

To: Creaa McManus <creaa.mcmanus@fermanaghomagh.com>

Subject: At airport

Creea 26 degrees here. I believe that it is cold with you? All ok? R

Get Outlook for iOS

FW: Re: Urgent: Funding Opportunity from DAERA, "Connecting people with Nature"

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

Mon 02/12/2019 01:21

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

Good night Robert,

I'm sorry I missed your call last week, hopefully we'll get caught up at some stage this week in relation to the outstanding queries/matters raised.

In relation to a previous issue, relating to pollution instances which were reported to NIEA, the two people in question, who made the reports and are happy to speak to FODC in relation to this (as well as share photographic/video evidence) are

Hopefully I will get a chance to speak to you at some stage later today (Monday) in relation to getting an update on the Green Road PROW process.

Finally, please see below in relation to the matter raised involving the DAERA offer of funding as requested:

----- Original Message -----

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

To:

Sent: Tuesday, 20 Aug, 2019 At 20:18

Subject: Re: Urgent: Funding Opportunity from DAERA, "Connecting people with Nature"

Dear

I wish to acknowledge receipt of your email to the Council's Chief Executive which has been forwarded to me for attention.

Based on the information I have been able to establish thus far, it appears that projects have to be at an advanced state of readiness and able to facilitate spend within the current financial year. I have asked colleagues to liaise with the Department to establish if we have any potential projects which may be suitable for submission.

I note that applications are accepted from a wide variety of organisations and it may be that you choose to submit an application independently.

Yours sincerely,

Alison McCullagh

Director of Regeneration and Planning
Fermanagh and Omagh District Council

From:

Sent: 17 August 2019 11:54

To: brendan.hegarty@fermanaghomagh.com <brendan.hegarty@fermanaghomagh.com>; Alison McCullagh <alison.mccullagh@fermanaghomagh.com>; Julie Corry <julie.corry@fermanaghomagh.com>

Cc:

<b@fermanaghomagh.com>

Subject: Urgent: Funding Opportunity from DAERA, "Connecting people with Nature"

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FAO:

Brendan Hegarty CE

Fermanagh & Omagh District Council

Brendan

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Given the short deadline for application it might be an idea to bring interested groups together to firm up a joined up proposal rather than having diverse bids. Projects like those above that are already at a more worked up stage would be preferable and eg the plans for a walking driving routeway marking the homeplaces of Muintir Luinigh's most renowned Irish language speakers, seanachaithe (storytellers), poets and singers throughout this 'Tyrone Gaeltacht' would require little additional preparation work and would add a rich cultural dimension to developing a unique access framework for the Omagh Sperrins AONB.

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FW: Green Road PROW

Robert Gibson <robert.gibson@fermanaghomagh.com>

Thu 12/12/2019 14:21

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

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

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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