

Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystrabane.com>
Sent: 11 January 2018 11:56
To: Imelda McCarron
Subject: RE: Green Road

Imelda,

From: Imelda McCarron [mailto:imelda.mccarron@fermanaghomagh.com]
Sent: 11 January 2018 09:05
To: Philip Kingston <Philip.Kingston@derrystrabane.com>
Subject: Green Road

Hi Philip

Thanks
Imelda

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

0300 303 1777
07702 919 798
imelda.mccarron@fermanaghomagh.com

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Imelda McCarron

From:
Sent: 11 January 2018 15:52
To: Melissa Little
Cc: Imelda McCarron; Crea McManus
Subject: RE: ATI 994-17 - Request for Disclosure of Information - Our Client:
[ID=48638-28]

Importance: High

Melissa

I refer to your email below and the 2 attachments. The report dated November 2016 which our client received in May 2017, refers to 5 different pieces of evidence submitted by 5 individuals and our request for disclosure related to those 5 pieces of evidence. The information disclosed below is a single document and I should be grateful if you would clarify the situation with regard to the other 4 pieces of evidence.

Regards

From: Melissa Little [mailto:melissa.little@fermanaghomaggh.com]
Sent: 29 November 2017 09:03
To:
Cc: imelda mccarron; Crea McManus
Subject: Fw: ATI 994-17 - Request for Disclosure of Information under the Environmental Information Regulations 2004 - Your Client: [ID=48638-28]

ATI 884-17

Further to your letter of appeal dated 03 July 2017 regarding ATI 884-17, please find attached the documentary evidence as requested.

Please note, personal details redacted as per Section 40 of the Freedom of Information Act applies – Personal Information protected by the Data Protection Act 1998.

Regards

Melissa Little
Policy and Strategic Services

Imelda McCarron

From: Melissa Little
Sent: 11 January 2018 16:18
To: Imelda McCarron
Cc: Clarissa Beacom
Subject: Re: ATI 994-17 - Request for Disclosure of Information -
=48638-28]

I thought so too Imelda, I will double check emails. I will let you know.

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomagh.com
Fax (Townhall): 028 66 322 024

From: Imelda McCarron
Sent: 11 January 2018 16:16
To: Melissa Little
Subject: Re: ATI 994-17 - Request for Disclosure of Information - Our Client:

Melissa

I was of the understanding that this had been issued in previous FOI. Can you please clarify?

Thanks
Imelda

From: -
Sent: 11 January 2018 15:52
To: Melissa Little
Cc: Imelda McCarron; Creea McManus
Subject: RE: ATI 994-17 - Request for Disclosure of Information - Our Client:

Melissa

I refer to your email below and the 2 attachments. The report dated November 2016 which our client received in May 2017, refers to 5 different pieces of evidence submitted by 5 individuals and our request for disclosure related to those 5 pieces of evidence. The information disclosed below is a single document and I should be grateful if you would clarify the situation with regard to the other 4 pieces of evidence.

Regards

Imelda McCarron

From: Melissa Little
Sent: 12 January 2018 09:15
To: Imelda McCarron
Subject: Re: ATI 994-17 - Request for Disclosure of Information - Our Client: [38-28]

Imelda

Just an update re below - I looked through my emails yday evening and checked with Margaret, we both understood that the 4 pieces of doc evidence had already been issued but I cannot find the email and Crea has all of her correspondence saved in folder and I couldn't see where Crea had sent them either.

To avoid delay I sent the other 4 pieces of documentary evidence to [redacted] yesterday evening and she has since acknowledged with thanks.

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomagh.com
Fax (Townhall): 028 66 322 024

From: Imelda McCarron
Sent: 11 January 2018 16:16
To: Melissa Little
Subject: Re: ATI 994-17 - Request for Disclosure of Information - Our Client: [redacted] [3-28]

Melissa

I was of the understanding that this had been issued in previous FOI. Can you please clarify?

Thanks
Imelda

From: [redacted] >
Sent: 11 January 2018 15:52
To: Melissa Little
Cc: Imelda McCarron; Crea McManus
Subject: RE: ATI 994-17 - Request for Disclosure of Information - Our Client: [redacted] [3-28]

Melissa

I refer to your email below and the 2 attachments. The report dated November 2016 which our client received in May 2017, refers to 5 different pieces of evidence submitted by 5 individuals and our request for disclosure related to those 5 pieces of evidence. The information disclosed below is a single document and I should be grateful if you would clarify the situation with regard to the other 4 pieces of evidence.

To:
Cc: Imelda McCarron; Creaa McManus
Subject: Fw: ATI 994-17 - Request for Disclosure of Information under the Environmental Information Regulations 2004 - Your Client: 48638-28]

ATI 884-17

Further to your letter of appeal dated 03 July 2017 regarding ATI 884-17, please find attached the documentary evidence as requested.

Please note, personal details redacted as per Section 40 of the Freedom of Information Act applies – Personal Information protected by the Data Protection Act 1998.

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomaggh.com
Fax (Townhall): 028 66 322 024

From:
Sent: 03 July 2017 16:13
To: Brendan Hegarty
Subject: Request for Disclosure of Information under the Environmental Information Regulations 2004 - Our Client: [ID=48638-28]

Dear Sir

Please find attached correspondence in relation to the above matter.

Yours faithfully.

Imelda McCarron

From: Melissa Little
Sent: 12 January 2018 11:19
To: Imelda McCarron
Subject: Re: ATI 994-17 - Request for Disclosure of Information - Our Client: Limited [ID=48638-28]

No bother Imelda, can you review below wording and amend accordingly?

ATI 884-17

With reference to our recent correspondence regarding ATI 884-17 and further to your acknowledgement email I trust that you are now in receipt of all of the requested information.

Can I request a response within 28 days (09 February), otherwise the request will be closed?

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomagh.com
Fax (Townhall): 028 66 322 024

From: Imelda McCarron
Sent: 12 January 2018 10:50
To: Melissa Little
Subject: Re: ATI 994-17 - Request for Disclosure of Information - Our Client: Limited [ID=48638-28]

Thanks Melissa. Is it possible to request her to respond within 28 days of receiving this info? It might look a bit strange if she issues a separate email requesting her to respond?

Thanks
Imelda

From: Melissa Little
Sent: 12 January 2018 09:14
To: Imelda McCarron
Subject: Re: ATI 994-17 - Request for Disclosure of Information - Our Client: Limited [ID=48638-28]

Imelda

Just an update re below - I looked through my emails yday evening and checked with Margaret, we both understood that the 4 pieces of doc evidence had already been issued but I cannot find

the email and Crea has all of her correspondence saved in folder and I couldn't see where Crea had sent them either.

To avoid delay I sent the other 4 pieces of documentary evidence yesterday evening and she has since acknowledged with thanks.

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghmagh.com
Fax (Townhall): 028 66 322 024

From: Imelda McCarron
Sent: 11 January 2018 16:16
To: Melissa Little
Subject: Re: ATI 994-17 - Request for Disclosure of Information - Our Client: [638-28]

Melissa

was of the understanding that this had been issued in previous FOI. Can you please clarify?

Thanks
Imelda

From: [redacted]
Sent: 11 January 2018 15:52
To: Melissa Little
Cc: Imelda McCarron; Crea McManus
Subject: RE: ATI 994-17 - Request for Disclosure of Information - Our Client:

Melissa

Refer to your email below and the 2 attachments. The report dated November 2016 which our client received in May 17, refers to 5 different pieces of evidence submitted by 5 individuals and our request for disclosure related to those pieces of evidence. The information disclosed below is a single document and I should be grateful if you would clarify the situation with regard to the other 4 pieces of evidence.
Regards

From: Melissa Little [mailto:melissa.little@fermanaghmagh.com]
Sent: 29 November 2017 09:03

With reference to our recent correspondence regarding ATI 884-17 and further to your acknowledgement email I trust that you are now in receipt of all of the requested information.

Can I request a response within 28 days (09 February), otherwise the request will be closed?

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186

Email: melissa.little@fermanaghomagh.com

Fax (Townhall): 028 66 322 024

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Imelda McCarron

From: Melissa Little
Sent: 16 January 2018 09:56
To: Imelda McCarron
Subject: Re: ATI 884-17 [ID=48638-28]

Imelda

See below email from _____ and my draft response, does that sound ok?

ATI 884-17

I can confirm that all of the evidence referred to in the November 2016 report whyou requested has now been provided.

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomagh.com
Fax (Townhall): 028 66 322 024

From: _____
Sent: 12 January 2018 17:36
To: Melissa Little
Subject: RE: ATI 884-17 [ID=48638-28]

Melissa

If you are able to confirm that all the evidence referred to in the November 2016 report which we requested, has now been provided, the request can be treated as closed.

Regards

From: Melissa Little [mailto:melissa.little@fermanaghomagh.com]
Sent: 12 January 2018 14:06
To: :
Subj: _____ 7 [ID=48638-28]

ATI 884-17

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Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomagh.com
Fax (Townhall): 028 66 322 024

From:
Sent: 12 January 2018 17:36
To: Melissa Little
Subject: RE: ATI 884-17 [ID=48638-28]

Melissa

If you are able to confirm that all the evidence referred to in the November 2016 report which we requested, has now been provided, the request can be treated as closed.

Regards

!

From: Melissa Little [<mailto:melissa.little@fermanaghomagh.com>]
Sent: 12 January 2018 14:06
To: !
Subject: RE: ATI 884-17 [ID=48638-28]

ATI 884-17

With reference to our recent correspondence regarding ATI 884-17 and further to your acknowledgement email I trust that you are now in receipt of all of the requested information.

Can I request a response within 28 days (09 February), otherwise the request will be closed?

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomagh.com
Fax (Townhall): 028 66 322 024

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Imelda McCarron

From: Melissa Little
Sent: 16 January 2018 10:32
To: Imelda McCarron
Subject: Re: ATI 884-17 [ID=48638-28]

Good idea, I will do, thanks Imelda.

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomagham.com
Fax (Townhall): 028 66 322 024

From: Imelda McCarron
Sent: 16 January 2018 10:28
To: Melissa Little
Subject: RE: ATI 884-17 [ID=48638-28]

Hi Melissa

Thanks for this. Can you maybe just add in a sentence at the end confirming that she is happy the request is closed from this point?

Thanks
Imelda

Sent from my Windows 10 phone

From: Melissa Little
Sent: Tuesday, January 16, 2018 9:56:07 AM
To: Imelda McCarron
Subject: Re: ATI 884-17 [ID=48638-28]

Imelda

See below email from [redacted] and my draft response, does that sound ok?

ATI 884-17

[redacted] can confirm that all of the evidence referred to in the November 2016 report whyou requested has now been provided.

Regards

Imelda McCarron

From: Melissa Little
Sent: 16 January 2018 10:56
To: Imelda McCarron
Subject: Re: ATI 884-17 [ID=48638-28]

I suppose the only thing there is nothing to stop them from submitting another FOI... If they did submit another FOI could there be anything further that would affect assertion? Would it be worth getting go ahead from Philip before progressing assertion?

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomagh.com
Fax (Townhall): 028 66 322 024

From: Imelda McCarron
Sent: 16 January 2018 10:35
To: Melissa Little
Subject: RE: ATI 884-17 [ID=48638-28]

Just a thought Melissa - if the FOI is closed does that mean they won't be responding? Just need to confirm if we're to wait on a response or if I can progress the assertion.

Thanks
Imelda

Sent from my Windows 10 phone

From: Melissa Little
Sent: Tuesday, January 16, 2018 10:31:32 AM
To: Imelda McCarron
Subject: Re: ATI 884-17 [ID=48638-28]

Good idea, I will do, thanks Imelda.

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomagh.com
Fax (Townhall): 028 66 322 024

From: Imelda McCarron
Sent: 16 January 2018 10:28
To: Melissa Little
Subject: RE: ATI 884-17 [ID=48638-28]

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Sent from my Windows 10 phone

From: Melissa Little
Sent: Tuesday, January 16, 2018 9:56:07 AM
To: Imelda McCarron
Subject: Re: ATI 884-17 [ID=48638-28]

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ATI 884-17

I can confirm that all of the evidence referred to in the November 2016 report which you requested has now been provided.

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomagh.com
Fax (Townhall): 028 66 322 024

From: [redacted]
Sent: 12 January 2018 17:36
To: Melissa Little
Subject: RE: ATI 884-17 [ID=48638-28]

Melissa

If you are able to confirm that all the evidence referred to in the November 2016 report which we requested, has now been provided, the request can be treated as closed.
Regards

Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystرابane.com>
Sent: 16 January 2018 11:52
To: Imelda McCarron
Subject: RE: Green Road

Thursday looks good at the minute.

From: Imelda McCarron [mailto:imelda.mccarron@fermanaghomagh.com]
Sent: 16 January 2018 11:09
To: Philip Kingston <Philip.Kingston@derrystرابane.com>
Subject: Green Road

Philip,

has confirmed that are content if the FOI is closed with no response.

Would it be possible to get a chat with yourself either Thursday morning, Friday morning or Monday afternoon on how to progress to the next stage of assertion?

Thanks

Imelda

Sent from my Windows 10 phone

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Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystrabane.com>
Sent: 16 January 2018 14:44
To: Imelda McCarron
Subject: RE: Green Road

See you then.

From: Imelda McCarron [mailto:imelda.mccarron@fermanaghomagh.com]
Sent: 16 January 2018 14:31
To: Philip Kingston <Philip.Kingston@derrystrabane.com>
Subject: Re: Green Road

Perfect, will I come to you in Strabane for 11?

Thanks
Imelda

From: Philip Kingston <Philip.Kingston@derrystrabane.com>
Sent: 16 January 2018 11:51
To: Imelda McCarron
Subject: RE: Green Road

Thursday looks good at the minute.

From: Imelda McCarron [mailto:imelda.mccarron@fermanaghomagh.com]
Sent: 16 January 2018 11:09
To: Philip Kingston <Philip.Kingston@derrystrabane.com>
Subject: Green Road

Philip,

has confirmed that are content if the FOI is closed with no response.

Would it be possible to get a chat with yourself either Thursday morning, Friday morning or Monday afternoon on how to progress to the next stage of assertion?

Thanks
Imelda
Sent from my Windows 10 phone

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Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystrobane.com>
Sent: 18 January 2018 08:46
To: Imelda McCarron
Subject: RE: Roads

Imelda,

Main roads were fine yesterday. Haven't made it as fast as Strabane yet but should be ok. Off worried at all we can rearrange.

Philip.

Sent from my Windows Phone

From: Imelda McCarron
Sent: 18/01/2018 07:59
To: Philip Kingston
Subject: Roads

Hi Philip

Just checking in to see what the roads are like up with you? The main roads are grand this way but I know it was a lot heavier up that end of the country. If you could let me know as soon as you get this that would be great.

Many thanks
Imelda

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

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

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Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystرابane.com>
Sent: 18 January 2018 09:48
To: Imelda McCarron
Subject: RE: Roads

Imelda,

I'll cask you at 11.

Philip.

Sent from my Windows Phone

From: Imelda McCarron
Sent: 18/01/2018 09:46
To: Philip Kingston
Subject: Re: Roads

Hi Philip

Sorry to be contacting you again - I was ringing your line there but couldn't get through. Would it be possible to just have a discussion over the phone? I was in with Robert this morning and I've two committee reports and a consultation response to get drafted as a matter of urgency. My mobile number is 07702 919 798

Thanks
melda

From: Philip Kingston <Philip.Kingston@derrystرابane.com>
Sent: 18 January 2018 08:45
To: Imelda McCarron
Subject: RE: Roads

melda,

Main roads were fine yesterday. Haven't made it as fast as Strabane yet but should be ok. Off worried at all we can arrange.

Philip.

Sent from my Windows Phone

From: Imelda McCarron
Sent: 18/01/2018 07:59
To: Philip Kingston
Subject: Roads

Hi Philip

Just checking in to see what the roads are like up with you? The main roads are grand this way but I know it was a lot heavier up that end of the country. If you could let me know as soon as you get this that would be great.

Many thanks
Imelda

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

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E: imelda.mccarron@fermanaghomagh.com

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Imelda McCarron

From: Melissa Little
Sent: 18 January 2018 11:03
To: Imelda McCarron
Subject: Fw: ATI 884-17 [ID=48638-28]
Attachments: image001.png

Yes Imelda, see below email following my confirmation that all had been issued and request closed.

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomagh.com
Fax (Townhall): 028 66 322 024

From: >
Sent: 16 January 2018 19:09
To: Melissa Little
Subject: Re: ATI 884-17 [ID=48638-28]

Melissa

Thanks for the confirmation.

Regards

sent from my iPhone

On 16 Jan 2018, at 12:38, Melissa Little
melissa.little@fermanaghomagh.com<<mailto:melissa.little@fermanaghomagh.com>>> wrote:

TI 884-17

I can confirm that all of the evidence referred to in the November 2016 report which you requested has now been provided. This request has now been marked as closed.

Regards

Melissa Little
Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186
Email: melissa.little@fermanaghomagh.com<<mailto:melissa.little@fermanaghomagh.com>>
Fax (Townhall): 028 66 322 024

From: :
Sent: 12 January 2018 17:36
To: Melissa Little
Subject: RE: ATI 884-17 [ID=48638-28]

Melissa

If you are able to confirm that all the evidence referred to in the November 2016 report which we requested, has now been provided, the request can be treated as closed.

Regards

er Fulton Rankin || 50 Bedford Street || Belfast || BT2 7FW

mailto:k.blair@cfrlaw.co.uk> || 6 028 9024 9096 || •

. Belfast, Northern Ireland

alising in Commercial and company law, Corporate law,
rate Client Law ...

<image001.png>

From: Melissa Little [mailto:melissa.little@fermanaghomagh.com]
Sent: 12 Januarv 2018 14:06
To:
Subject: ATI 884-17 [ID=48638-28]

ATI 884-17

With reference to our recent correspondence regarding ATI 884-17 and further to your acknowledgment email I trust that you are now in receipt of all of the requested information.

Can I request a response within 28 days (09 February), otherwise the request will be closed?

Regards

Melissa Little

Policy and Strategic Services

Telephone: 0300 303 1777 ext 21186

Email: melissa.little@fermanaghomagh.com<<mailto:melissa.little@fermanaghomagh.com>>

Fax (Townhall): 028 66 322 024

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Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystrabane.com>
Sent: 24 January 2018 14:43
To: Imelda McCarron
Subject: RE: Green Road

Imelda,

Looks ok.

PK.

From: Imelda McCarron <imelda.mccarron@fermanaghomagham.com>
Sent: 24 January 2018 14:36
To: Philip Kingston
Subject: Re: Green Road

Philip

Noticed a few mistakes - amended letter attached

Thanks
Imelda

From: Imelda McCarron
Sent: 24 January 2018 14:25
To: Philip Kingston
Subject: Green Road

Philip

I have attached the proposed letter to the landowners regarding the assertion of the Green Road - could you mind glancing your eye over it to make sure it's OK

Thanks
Imelda

Imelda McCarron
Countryside Recreation Officer
Fermanagh and Omagh District Council

T: 0300 303 1777

M: 07702 919 798

E: imelda.mccarron@fermanaghomagh.com

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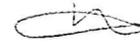
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RG/IMC
24 January 2018
Imelda.mccarron@fermanaghomagham.com

Signed on headed
letter posted on

26.01.18



Dear

**RE: Public Right of Investigation
Green Road, Greencastle, Omagh**

Further to my correspondence dated 22 May 2017, I am now writing to you to give a further update on the investigation process of the alleged Public Right of Way on the Green Road between Rousky and Greencastle.

You will be aware, from my last letter that the Council is of the opinion that a Public Right of Way does exist along the route in question.

Since my last correspondence the Council has been engaged in the ongoing process of investigation and so was not in a position to progress this matter further.

The Council has decided to proceed with the assertion. For your reference I have enclosed an amended copy of the report detailing the findings from the investigation process, which now includes a listing of the documentary evidence which helped contribute to the investigation.

It is anticipated that an Assertion Statement will be taken to the Regeneration and Community Committee in February. Subject to ratification at full Council in March, you will then receive a Public Right of Way Assertion Agreement, which you should read and sign accordingly, stating whether you agree or object to the assertion.

An application will be made to the County Court for a Declaration which would put the Public Right of Way past the point of legal doubt.

Any objections to the assertion will be noted, however the Council will not be in a position to respond until a decision has been reached by the Court.

Yours sincerely

Imelda McCarron
Countryside Recreation Officer

RG/IMC

24 January 2018

Imelda.mccarron@fermanaghmagh.com

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Yours sincerely

Imelda McCarron
Countryside Recreation Officer



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

*Report sent with
letters to individual
landowners on
26.01.17.*

SUMMARY OF THE ASSERTION REPORT FOR THE GREEN ROAD, BETWEEN GREENCASTLE AND ROUSKY, CO TYRONE

Completed by: Countryside Recreation Officer

Date: November 2016

Preface

In February 2016 Fermanagh and Omagh District Council received a request by a number of residents in the Gortin-Rousky-Greencastle area to consider asserting the Green Road from Greencastle to Rousky as a public right of way.

A summary of the investigation procedure that Council officers followed is outlined below. For the purposes of this report, a background to the process and legislation has also been included. A summary of all of the evidence is briefly outlined, followed by the conclusion and recommendation which has been driven and dictated by the legislation.

1.1.1 Defining a Public Right of Way

A public right of way is:

- Is a highway which any members of the public may use as of right; not a privilege granted by the landowner
- May be created specifically or through “deemed dedication” i.e. by the public openly using a path for a period of time (in some circumstances, for as little as a few years) with the knowledge of the landowner
- May be limited to certain types of user e.g. walkers only or walkers and horse riders
- Is a permanent legal entity and remains in existence unless and until the path is extinguished or diverted due to legal process. The maxim is: *Once a highway, always a highway*
- Must be respected by the occupier and landowner who should do nothing to obstruct the right of way or prevent or intimidate anyone from exercising their rights of passage.

The process of assertion is concerned solely and specifically with determining what public rights already exist and the nature of these rights.

In assessing the evidence that is available about each route, the only test the 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 the Council has a duty to assert the path.

1.1.2 Initial Contact

A number of letters were received by Fermanagh and Omagh District Council in February 2016 requesting for an assertion investigation process to commence for an alleged public right of way along the Green Road from Greencastle to Rousky, Co. Tyrone (Appendix 1). As a result, and under the powers granted to it under Section 3 of the Access to the Countryside (NI) Order 1983, the Council started a formal assertion investigation procedure in to the Green Road.

Due to the initial letters that were issued to the Council, Council officers began the investigation process by issuing public right of way investigation evidence forms and documentary evidence forms to a number of the concerned residents that had initially written to the Council.

Following receipt of the replies from the concerned residents contacted, Council officers then sent public rights of way investigation landowner evidence forms and accompanying letters to all of the landowners identified along the Green Road.

1.1.3 Survey Report

A detailed survey of the Green Road between Greencastle and Rousky was carried out on the 17 November 2016 by the Countryside Recreation Officer accompanied by a Leisure, Recreation and Sport Officer. In summary of this survey;

- 60% of the Green Road is clearly visible and is intact or partially intact as an embankment upwards, 4 to 6m wide accessible only on foot
- Just under 30% of the Green Road is well maintained by the local farmers, compacted with stone and gravel
- Less than 10% has completely gone, being subsumed into a domestic garden at one point and being reclaimed for pasturage at another.
- With regard to impedances to movement there were 10 farm gates, 10 fences, 1 of which had a stile for easy crossing and four streams were encountered, again all of which were passable on foot.

Section 2

2.1 Collation of Evidence

In carrying out any assertion, the Council must gather sources of evidence so it can demonstrate that a public right of way does exist. The sources of evidence can come from witness statements, from historical and documentary evidence or from a combination of both.

The strongest evidence is normally given by witnesses who have themselves used the path or know from their own personal experience of its use over a long period of time. Documentary evidence can come from a wide range of sources; maps, guidebooks, records of proceeding or similar documents that might contain evidence which either shows the existence of a public right of way or which can help to corroborate witness' statements or other evidence.

For the Green Road, a varied body of evidence was collected from a number of sources in order to clarify if a public right of way does exist over the Green Road.

2.1.2 Documentary Evidence

Council officers continued to progress the investigation further by consulting a number of secondary evidence sources.

The Green Road appears on a variety of maps as an old coach road, as far back as the 1700s. Assessing old maps, from online sources and from the OSNI maps in Omagh Library, the Green Road can be clearly identified.

2.1.3 Secondary Evidence Groups

Following the responses received from the landowners, 25 different stakeholders were contacted as secondary evidence groups. Each group was issued with an investigation evidence form and a map for them to demonstrate where, if at all, they felt the public right of way was.

In addition to the returned investigation evidence forms, 5 different pieces of documentary evidence were submitted from 5 individuals supporting the assertion;

- A letter outlining the history of the Green Road, detailing how it was used in the past, as far back as the 1600s
- A letter detailing the history of the Green Road and how it has been used in the past detailing as far back as 965AD
- A historical account on the history of the Green Road, detailing as far back as 965AD
- A detailed report on the Green Road, illustrating the road's origins and development, overview of its survival, current use, notable features and heritage significance.
- A letter, with supporting evidence from 1880s for the Green Road as a public right of way from the officer who had responsibility for public rights of way from c 1985 to c 2000

Section 3

3.1 Balance of Evidence and Legislation

Fermanagh & Omagh District Council has statutory duties towards public rights of way as defined under Article 3 of the Access to the Countryside (NI) Order 1983 which are defined below:

“A District Council shall assert, protect and keep open and free from obstruction or encroachment any public right of way; and for this purpose a District Council may institute proceedings in its own name”.

A public right of way is a permanent legal entity and remains in existence unless and until the path is extinguished or diverted due to legal process; *Once a highway, always a highway.*

The process of assertion is about assessing the evidence that is available about the route, the only test the 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 the Council has a duty to assert the path.

Although no one statement should be relied on as conclusive proof of the existence of a right of way, it will often be found that three or four statements collected from independent witnesses corroborate with each other and build up a broad picture of the existence of a public right of way.

The evidence statements provided for the Green Road are inconclusive, however when the additional interest groups were contacted, there was a greater number of witnesses claiming the existence of a right of way.

All of the witness statements were checked with consistency with the survey report and the early, large scale editions of Ordnance Survey maps. The Green Road is undoubtedly a marked feature along the majority of the route as a raised embankment but when looked at with the survey report it is clear to see that some sections of the Green Road have not been walked frequently as there is no sign of footfall.

For a public right of way to arise at common law, use must be over a more-or-less consistent line. This does not mean that the route must have been defined on the ground. If the path is still used regularly the line will often be visible on the ground. If not, the line may still be apparent from the presence of old stiles, gates, boundary walls / fencing or may be shown as a feature on the ground such as an embankment, such as the case with the Green Road.

Not all of the rights that exist with a public right of way will necessarily have been established at the same time, or continued to be exercised up to the present day. The fact that a stile was subsequently put up which restricted use, or that the path was obstructed so that no one could use it or that is simply "fell out of use" does not take away any of the rights that have become established. They continue to exist in law and may be lawfully exercised by the place

Although a farmer / landowner may believe, for example, that a particular path "has fallen into disuse and is no longer needed today", threatens the security of the farm holdings or conflicts with today's farming practices, he or she has no right to avert or extinguish the path.

If it is found that there is enough evidence to support an assertion, given that the rights already exist in law, any concerns that are raised about the desirability and suitability of the route are not relevant. No matter how sympathetic the Council may be, it has no option but to make the assertion.

Section 4

1.4 Summary

While reviewing evidence the 'Guide to Public Rights of Way and Access to the Countryside' reiterates the importance of continuing to focus on the single question of whether a public right of way can or cannot be shown to exist over a particular route.

The Council must not be swayed by desirability or suitability of the route, costs of restoring the path, strength of the landowner feelings or any other issues that may be at play.

Taking into consideration the historic maps, the corroborating historical accounts of the origin of the Green Road and the evidence investigation forms, the Countryside Recreation Officer, along with the Council's solicitor has evaluated the evidence, considered the legislation, and on the balance of probability a right of way **can** be said to exist along the Green Road.

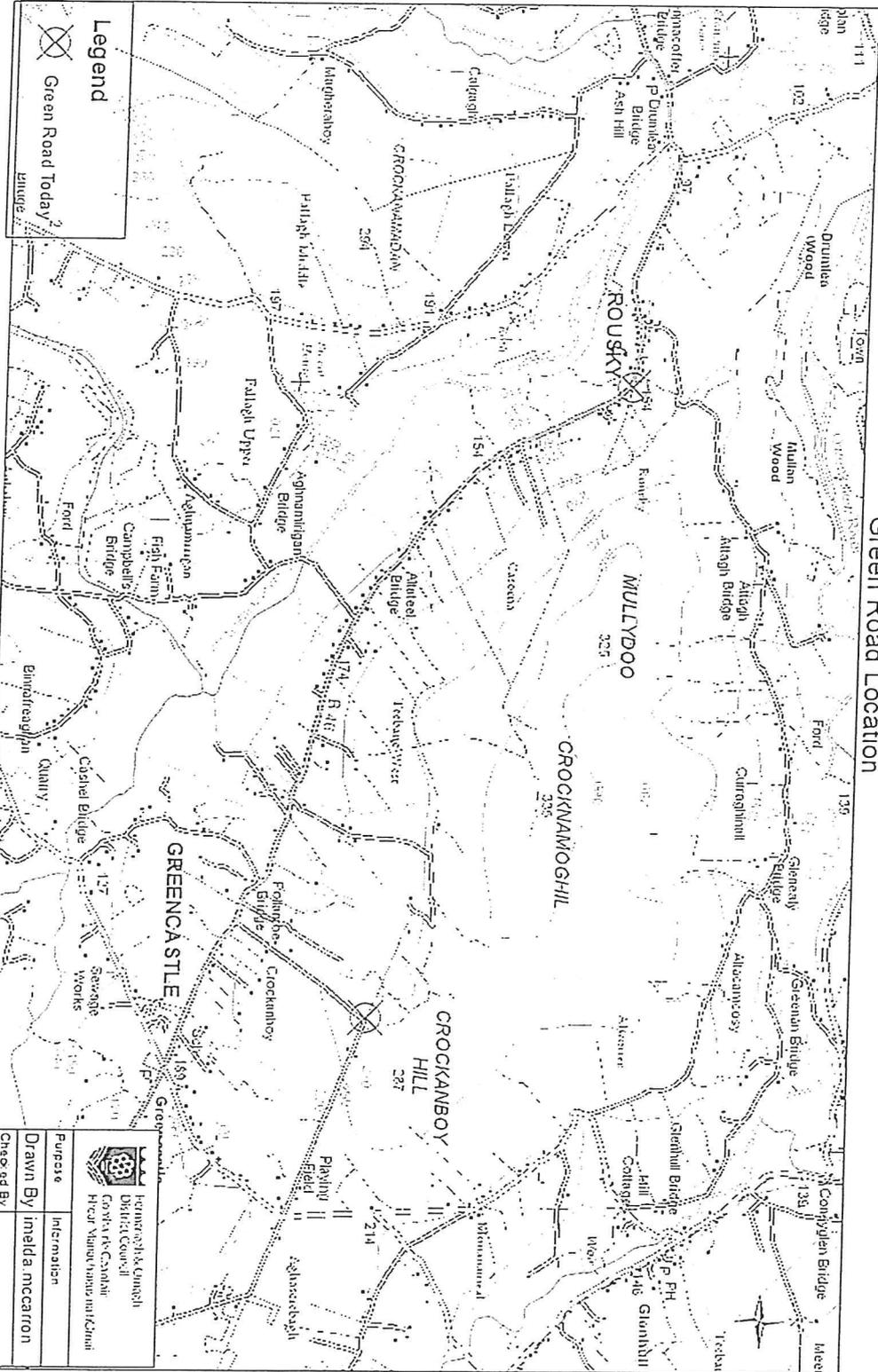
It is recommended that the Council accepts the formal assertion statement and accompanying map to assert the Green Road from Greencastle to Rousky as a public right of way.

APPENDICES

Appendix 1.

Route of the Green Road, from Rousky to Greencastle under investigation

Green Road Location



0 262.5 525 1,050
Meters

1:31,596

257.047 9 190 384 407 768 1

 Hemaghagh Kilnagh District Council Corraic, Carrick Heol, Manu, Vane, marichanai	
Purpose	Information
Drawn By	Inelda mccarron
Checked By	
Date	28/11/2016

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Your Ref
Our Ref RG/IMC
Date 24 January 2018
Email Imelda.mccarron@fermanaghomagh.com



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

Brendan Hegarty
Chief Executive

Letter not issued
as never
replied from my letter
on 10.05.17 confirming
land folio no. (not listed
on LPS either)

Dear

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Yours sincerely

Imelda McCarron
Countryside Recreation Officer



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

SUMMARY OF THE ASSERTION REPORT FOR THE GREEN ROAD, BETWEEN GREENCASTLE AND ROUSKY, CO TYRONE

Completed by: Countryside Recreation Officer

Date: November 2016

Preface

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Section 4

1.4 Summary

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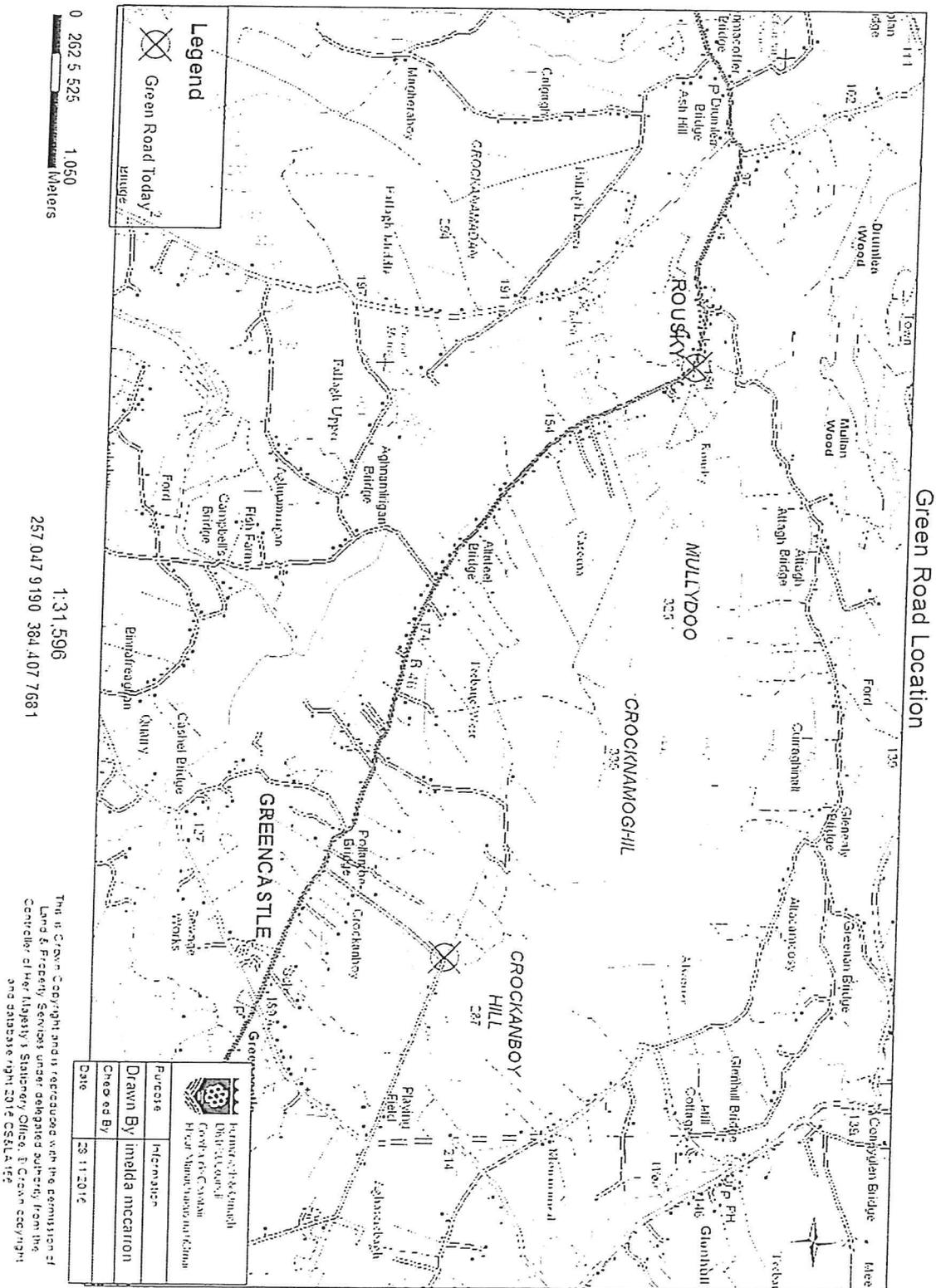
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It is recommended that the Council accepts the formal assertion statement and accompanying map to assert the Green Road from Greencastle to Rousky as a public right of way.

APPENDICES

Appendix 1.

Route of the Green Road, from Rousky to Greencastle under investigation



Green Road Location

Legend

Green Road Today

Green Road Location

0 252.5 525 1,050
Meters

1-31,596
257 047 9190 384 407 7681

Department of Transport, Tourism and Civil Aviation Office of the Director of Public Safety Highways and Road Safety Unit	
Prepared By:	Ingermarck
Checked By:	Imelda McCarroll
Date:	28/11/2012

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Imelda McCarron

From: Robert Gibson
Sent: 31 January 2018 16:15
To: Imelda McCarron
Subject: Fwd: Green Road

Hi Imelda Could we discuss please? Robert

Get [Outlook for iOS](#)

From: Brendan Hegarty
Sent: Wednesday, January 31, 2018 2:34:53 PM
To: Robert Gibson
Subject: Fwd: Green Road

Robert
Please discuss with me
Brendan

Get [Outlook for iOS](#)

From: Robert Gibson
Sent: Wednesday, January 31, 2018 2:31:13 PM
To: Brendan Hegarty
Subject: Green Road

Brendan Hegarty CEO
Fermanagh & Omagh District Council

Brendan

Re. Registration of the Green Road

I am advised that in order to be ensured protection the Green Road needs to be registered as a historic monument with the Department for Communities. Since FODC is the Local Authority I request that you ensure this registration without delay.

The decision of FODC to move forward recognition of this ancient right of way and site of the battle of Formaeil has been welcomed by people locally. Perhaps action is already underway on these matters, but given the ongoing threats to this uniquely important site I wish to press on you to move this formal registration forward with due diligence.

Sincerely

Sent from my iPad

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BY EMAIL ONLY
Mr Philip Kingston
Derry and Strabane District Council

Our Ref: KLB\RM\48638-28
Your Ref:
Date: 31 January 2018

Dear Mr Kingston

Our Client:
Your Client: Fermanagh and Omagh District Council

We attach for your attention a letter received on 29th January 2018 by our client from Imelda McCarron, the Council Countryside Recreation Officer ("the Council Officer"). Our client is deeply concerned by the contents of this letter and attachment and we set out the matters that arise.

The Background:

On 1st June 2018 we wrote to you, copying in the Council Officer, setting out the fundamental concerns relating to the investigation at that time. As was noted at the time

"The process adopted to date has resulted in a resolution by your client under "confidential business" and has been unfair and lacking in transparency."

On 14th June 2017, the Council Officer involved in the investigation replied, *inter alia*:-

"We confirm Council will allow a reasonable period thereafter for you to consider the documentation before any further action is taken".

At that time, our client had still not been provided with access to all of the materials that formed the basis of the investigation. The Council refused a request to disclose some of the relevant materials. That was the subject of a successful internal review before the Council produced the materials. Disclosure of the documentation was not completed by the Council until 11th January 2018 and we are in the process of finalising our client's submission.

Our client is now advised that the Council Officer has been conducting her own further unspecified investigations during this period. The same Council Officer has now stated that she has no intention of receiving, much less considering representations from our client, despite the unambiguous assurance of 14th June 2017.



Your Ref
Our Ref
Date
Email

The decision to proceed:

Chief Executive

The letter of 24th January 2018 states that "the Council has decided to proceed with the assertion". There are four initial matters upon which we require information:

- I. When was that decision taken?
- II. Please provide by return the Council Minute that adopted the decision to proceed with the decision to assert;
- III. Are the five items of "evidence" received referred to at paragraph 2.1.3 the materials forwarded to us on 29 November and 11 January respectively?
- IV. Please confirm that there are no other materials and that the five items listed at 2.1.3 are the totality of all of the representations that have been received.

The Council and the Council Officer have pre-determined the outcome of the investigation without affording the basic common law right to hear the other side.

The purpose of the Council's pre-determined conduct is to "put the Public Right of Way past the point of legal doubt." It must be apparent that this step is being taken with a completely one-sided acceptance of the ipse dixit representations and assertions received by the Council.

Legitimate expectation:

The letter of 14th June 2017 gives rise to a legitimate expectation that our client will be permitted to respond within a reasonable period of the disclosure of the materials that it was entitled to see. That opportunity has been denied by the decision already taken.

This unlawful situation has been permitted to arise despite your own personal assurance that we would be able to agree a suitable time frame for a response.

The failure to have regard to a relevant factor:

Even if there were evidence of a public right of way, which is disputed, the Council has failed to consider its legislative powers and other options available to it. Within the discretion available to the Council is the decision to extinguish any right of way. That is a material factor for the Council at this stage, to which it has failed to have regard.

The prejudice to our client:

The conduct of the Council is conspicuously unfair. Assurances given have been ignored and not honoured. The Council has already decided to proceed to Court without regard to our client.

The present position:

We made the unsatisfactory and unfair position clear on 1st June 2017. Far from addressing that position, the Council has acted deliberately to compound the unfairness.

As set out above the conduct of the Council has:-

- (1) delayed the disclosure of the materials received and considered by the Council Officer;
- (2) failed to make full disclosure and confirm that position until 11th January 2018;
- (3) continued with the investigation wherein the nature of that investigation and any further materials received have not been disclosed;
- (4) failed to provide a reasonable opportunity for the agreed response despite the assurances given in the letter dated 14 June and verbally by you;

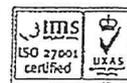


- (5) taken a decision to proceed; and
- (6) indicated that it will not respond to objections until after the Court procedure has concluded.

The conduct of the Council is irrational and unfair. Having issued requests for evidence from landowners, and further agreed that our client would be permitted to respond, it is now apparent that the Council Officer and the Council had no intention of having regard to those matters, but instead has determined the matter on the one-sided assertions contained within a limited number of representations and proceed to Court. It is difficult to countenance a more egregious example of bias and pre-determination.

Our client awaits your clear written statement on how this unacceptable state of affairs is to be addressed. Our client reserves its position to take such legal steps as are necessary to protect its rights without further notice.

Yours faithfully



Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystrabane.com>
Sent: 05 February 2018 12:26
To: Imelda McCarron
Subject: Phone Call

Imelda,

Unfortunately I was off unexpectedly on Friday. I'll call you on Wednesday to discuss if that is ok.

Regards,
Philip.

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Imelda McCarron

From: Kirby, Anthony <Anthony.Kirby@communities-ni.gov.uk>
Sent: 06 February 2018 09:55
To: Imelda McCarron
Cc: McQuillan, Liam; Reeves-Smyth, Terence
Subject: FW: HPRM: FW: HPRM: RE: Green Road - MBR inquiry

Good morning Imelda

HED does not currently have a policy on designated historic roads.

The SMR notes this battle recorded as a site both on the Sites and Monuments Record and on the Battlesites record under TYR 027:064, however, although recorded as not precisely located we have it recorded in the townland of Formil, derived from the Annal's reference "at Formaeil" cited below, and information from Placenames NI website (Formaeil). This would be on the opposite side of Greencastle to the location of the road being discussed that headed toward Rouskey.

I have provided a link <http://appsc.doeni.gov.uk/ambit/Details.aspx?MonID=14675> and click in the pdf which may be useful.

If we can be of any further assistance do not hesitate to contact us.

Regards

Anthony Kirby | National Monuments and Buildings Record of Northern Ireland | Heritage Records and Designation | Historic Environment Division | Department for Communities | Ground Floor | Klondyke Building | Gasworks Business Park | Malone Lower | BELFAST | BT7 2JA
Contact: ✉ anthony.kirby@communities-ni.gov.uk | ☎ Tel: (028) 9056 9701 | 📠 DD: 69701

REALISING THE VALUE OF OUR HISTORIC ENVIRONMENT

From: MBR Enquiries
Sent: 02 February 2018 14:05
To: imelda.mccarron@fermanaghomagh.com
Cc: Mitchell, Paul <Paul.Mitchell@communities-ni.gov.uk>; MBR Enquiries <mbr-enquiries@communities-ni.gov.uk>; Reeves-Smyth, Terence <Terence.Reeves-Smyth@communities-ni.gov.uk>; McBride, Emma <Emma.McBride@communities-ni.gov.uk>
Subject: Green Road - historic monument inquiry

Good afternoon Imelda

Thank you for your e-mail regarding the "Green Road".

I have forwarded your e-mail to Terence Reeves-Smyth who will be able to give you a considered response relating to the historic road.

Regards

Anthony Kirby | National Monuments and Buildings Record of Northern Ireland | Heritage Records and Designation | Historic Environment Division | Department for Communities | Ground Floor | Klondyke Building | Gasworks Business Park | Malone Lower | BELFAST | BT7 2JA

Contact: ✉ anthony.kirby@communities-ni.gov.uk | ☎ Tel: (028) 9056 9701 | 📠 DD: 69701

REALISING THE VALUE OF OUR HISTORIC ENVIRONMENT

From: Mitchell, Paul
Sent: 02 February 2018 10:54
To: MBR Enquiries <mbr-enquiries@communities-ni.gov.uk>
Subject: FW: Green Road - historic monument inquiry

Hi there

Please see the below.

Are you able to offer Imelda any advice?

Paul

Paul Mitchell | Historic Environment Division | Department for Communities
Level 6 | Causeway Exchange | 1-7 Bedford Street | Belfast | BT2 7EG
Contact: paul.mitchell@communities-ni.gov.uk | ☎ Tel: (028) 90 823205 | 📠 DD: 39205

From: Imelda McCarron [<mailto:imelda.mccarron@fermanaghomagh.com>]
Sent: 02 February 2018 10:47
To: Mitchell, Paul <Paul.Mitchell@communities-ni.gov.uk>
Subject: Green Road - historic monument inquiry

Morning Paul,

Many thanks for taking my call yesterday. The route in question is part of the old historic road between Cookstown and Newtownstewart. The section referred to is known locally as the 'Green Road' between Greencastle and Rousky, Co. Tyrone. The postcode for the area is BT79 7RT. There is currently an investigation ongoing over an alleged public right of way along the route and a community representative has written to the Council requesting that it be considered for declaration as an historic monument.

The following excerpt is taken from a report that the community group submitted to the Council.

Any advice you can offer would be greatly appreciated.

Imelda

The fact that the area was an essential means of communication is shown by such historical events as the battle in 865 A.D. In Drumnaspar, when Aedh Finnliath, son of the High King of Ireland caught a

marauding party of Danes there on their way to sack the Christian Churches of the region. Furthermore we find reference in the *Annals of the Four Masters* to a significant battle fought from Rathbeg (Formal) in Greencastle and Casorna in Rouskey c.968 between the O'Neill's and an O'Donaill raiding party. This battle is known locally as the battle at Rouskey Hill. This battle as we can see from *The Annals* was noteworthy as the King of Munster lost his life. It is with certainty we can assert that the battle was fought along the Green Road as it was the natural route for the raiding party to be following. Ref. *Annals of the Four Masters*.

the Deise-Mumhan, and Maclmairé, daughter of Niall, son of Aedh, died. Fearghal Ua Ruairc, King of Connaught, was slain by Domhnall, son of Conghalach, lord of Breagha and Cnogbha.

The Age of Christ, 965. The eleventh year of Domhnall. Ailill, son of Maenach, Bishop of Sord and Lusca; Daniel, Bishop of Leithghlinn; Flann, son of Aenghus, Abbot of Lann-Leire; Cairbre, son of Laidhgnen, Abbot of Fearnamór and Teach Moling; Conn, son of Coreran, Abbot of Munguirit, and head of all Munster; [and] Conchobhar, Lector of Cill-dara, died. Dubhseuile Ua Maichain, anchorite, and head of the rule of Gleann-da-locha, died. Muireadhach, son of Faélan, Abbot of Cill-dara, and royal heir of Leinster, was slain by Amhlaeibh, lord of the foreigners, and by Cearbhall, son of Lorcan, Gormghilla, son of Ceandubhan, chief Vice-abbot of Chuain-eidhneach, was killed by the Osraighi. The battle of Formacil, at Rath-beg*, [was gained] by the Cinel-Eoghain over the Cinel-Conaill, where Maelisa Ua Canannain, lord of Cinel-Conaill, and Muircheartaich Ua-Taidhg†, royal heir to Connaught, were slain, together with many others. Aedh Ua hAitidhe, King of Ui-Eathach-Cobha, was killed by his own tribe. Cearbhall, son of Lorcan, royal heir of Leinster, was slain by Domhnall, lord of Breagha. Mathghamhain, son of Ceinneidigh, King of Cuiseal, plundered Luimneach, and burned it. Tighearnach, son of Ruire, lord of Carrag-Brachaidhe, died. A battle was gained by Mathghamhain, son of Ceinneidigh, over the foreigners of Luimneach, where he made a slaughter of the foreigners, and burned their ships; and he plundered Inis-Ubain†; and Maelruanaidhe, son of Flann, Tanist of Osraighe, was slain in the heat of the conflict, while plundering the fortress. An army was led by Mathghamhain to Seithian-Eigis†; and he carried the hostages of Munster with him to his house, and expelled the son of Bran, lord of Desmond. The army of the foreigners of Ath-eliath and of Leinster, into Breagha; and Cearbhall, son of Lorcan, royal heir of Leinster, was there wounded, so that he afterwards died. An army was led by Murchadh, son of Finn, King of Leinster, into Osraighe, where he remained four nights, after having plundered Magh-Raighne; but Mathghamhain and the men of Munster overtook him, as did the Deisi and the Osraighi, from Ath-Buana to Commur†; but Murchadh escaped

Desmond, here referred to, was Maelghuaibh, *From Ath-Buana to Commur is from Augh-
the ancestor of O'Mahony, chief of Kinelmeaky-boyne, a ford on the River Suir, to Commur,

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

T: 0300 303 1777

M: 07702 919 798

E: imelda.mccarron@fermanaghomagh.com

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Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystrabane.com>
Sent: 07 February 2018 16:29
To: Imelda McCarron
Subject: RE: Green Road

Imelda,

Can you give me a cask tomorrow at 10.30?

Philip.

Sent from my Windows Phone

From: Imelda McCarron
Sent: 07/02/2018 14:15
To: Philip Kingston
Subject: Green Road - w

Philip

(acting on behalf of , landowner along the Green Road) has asked to see those 5 pieces of evidence referred to in the summary report. He hasn't submitted an FOI, just an email; can you please advise how to proceed?

Thanks
Imelda

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

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

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Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystrabane.com>
Sent: 08 February 2018 11:39
To: Imelda McCarron
Subject: ROW

Imelda,

I spoke to morning. Can you give me a call when convenient.

Regards,
Philip.

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Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystرابane.com>
Sent: 08 February 2018 12:05
To: Imelda McCarron
Subject: RE: Our Client:

From: Imelda McCarron [mailto:imelda.mccarron@fermanaghomagham.com]
Sent: 01 February 2018 08:26
To: Philip Kingston <Philip.Kingston@derrystرابane.com>
Subject: Re: Our Client: `

Morning Philip

I'm in the office all day today (leaving at 4.00 as I'm working late in Fintona). Back in tomorrow for half day. Let me know when suits and I'll call

Thanks
melda

From: Philip Kingston <Philip.Kingston@derrystرابane.com>
Sent: 31 January 2018 16:39
To: Imelda McCarron
Subject: FW: Our Client: 28]

melda,

We should discuss before the end of the week.

OK.

From:
Sent: 31 January 2018 16:02
To: Philip Kingston <Philip.Kingston@derrystرابane.com>

Imelda McCarron

From:
Sent: 08 February 2018 12:51
To: Imelda McCarron
Subject: Green Road 1825 map
Attachments: IMG_9910.JPG; ATT00001.txt

Your Ref KLB\RM\48638-28
Our Ref IMC/PK/GreenRoadPRoW
Date 08 February 2018
Email Imelda.mccarron@fermanaghomagh.com



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

Brendan Hegarty
Chief Executive

Dear

RE: Investigation of alleged Public Right of Way at Greencastle, Omagh

I refer to your correspondence of 31 January 2018 and to your subsequent telephone conversation of today's date with Council's legal adviser.

In light of that conversation, I do not propose to deal with the points raised in your letter but rather confirm that Council will take no action in relation to this matter for a period of 4 weeks from today's date to allow you to formalise your substantive response.

I note also that there has been a suggestion that meeting might be of assistance to discuss the issues raised and we would be happy to facilitate this during the week commencing 19th February, 2018. You may wish to liaise with Mr. Kingston to agree a mutually convenient time.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Imelda'.

Imelda McCarron
Countryside Recreation Officer

Imelda McCarron

From: Robert Gibson
Sent: 13 February 2018 09:50
To: Imelda McCarron
Subject: Fw: Fermanagh and Omagh DC Papers [ID=48638-28]

From: Philip Kingston
Sent: 09 February 2018 16:38
To: Philip Kingston
Cc: Robert Gibson
Subject: RE: Fermanagh and Omagh DC Papers [ID=48638-28]

Philip

Thanks for the email.

On the basis that our client has until 8 March to respond, a deferral of 1 month will not give the Council sufficient time to consider that response and update its report to Committee. A deferral of at least 2 months will therefore be required to allow proper consideration. Please confirm that this timeframe will form the terms of the recommendation to Committee.

Regards

From: Philip Kingston [mailto:Philip.Kingston@derrystrabane.com]
Sent: 09 February 2018 15:45
To: Imelda McCarron
Cc: Robert Gibson
Subject: RE: Fermanagh and Omagh DC Papers [ID=48638-28]

Apologies for the delay in reverting to you on this point. As the papers have been issued for the meeting the matter cannot be removed from the agenda, however, members will be advised that since the preparation of the paper there has been further communication between the parties legal representatives and that it is proposed that a meeting will take place (hopefully we will have an agreed date by then). The director will therefore ask that discussion on the paper be deferred until the next committee which will be in a month's time. I trust this is in order.

Regards,
Philip

From.

Sent: 09 February 2018 09:17

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

Subject: FW: Fermanagh and Omagh DC Papers [ID=48638-28]

Philip

In Imelda's absence, can you confirm please.

Regards

From: Imelda McCarron [<mailto:imelda.mccarron@fermanaghomagh.com>]

Sent: 09 February 2018 09:14

To:

Subj eply: Fermanagh and Omagh DC Papers [ID=48638-28]

Thank you for your email. I am out of the office until Tuesday 13th February with limited access to email.

If your query is urgent please contact the Community, Health and Leisure department on 0300 303 1777 or contact my colleague keith.collen@fermanaghomagh.com.

Regards

Imelda

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Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystrabane.com>
Sent: 13 February 2018 13:52
To: Imelda McCarron
Cc: Robert Gibson
Subject: RE: Our Client:

Imelda,

That's confirmed. I assume in the townhall?

Philip.

From: Imelda McCarron [mailto:imelda.mccarron@fermanaghomagh.com]
Sent: 13 February 2018 11:00
To: Philip Kingston <Philip.Kingston@derrystrabane.com>
Cc: Robert Gibson <robert.gibson@fermanaghomagh.com>
Subject: Re: Our Client: =48638-28]

That's fine Philip, thanks

Imelda

From: Philip Kingston <Philip.Kingston@derrystrabane.com>
Sent: 13 February 2018 10:28
To: Imelda McCarron
Cc: Robert Gibson
Subject: RE: Our Client: =48638-28]

Imelda,

I'll go back and suggest the Monday morning then in Enniskillen – would 10.30 am suit or would that be too late for Robert?

Philip.

From: Imelda McCarron [mailto:imelda.mccarron@fermanaghomagh.com]
Sent: 13 February 2018 09:26
To: Philip Kingston <Philip.Kingston@derrystrabane.com>
Cc: Robert Gibson <robert.gibson@fermanaghomagh.com>
Subject: Re: Our Client: =48638-28]

Philip

I'm sorry I am only coming back to you - I was off yesterday. Robert and myself can do either 26th or 27th but only in the morning and it would need to be in Enniskillen as Robert has meetings in the afternoon

Thanks

Imelda

From: Philip Kingston <Philip.Kingston@derrystrabane.com>
Sent: 12 February 2018 09:34
To: Imelda McCarron
Subject: FW: Our Client: :

Imelda,

I can do either afternoon if either suits you.

Philip.

Sent from my Windows Phone

From:
Sent: 12/02/2018 09:23
To: Philip Kingston
Subject: RE: Our Client: : 3638-28]

Philip

Later in the week is difficult. Have you and Imelda any availability on the 26th or 27th – either Belfast or Enniskillen?
Regards

From: Philip Kingston [<mailto:Philip.Kingston@derrystrabane.com>]
Sent: 09 February 2018 11:32
To: ;
Subj nt: -28]

Afraid not. But the same time on the Thursday might. I'll need to confirm with Imelda on Tuesday but I believe she was fairly flexible.

Philip.

From:
Sent: 09 February 2018 11:27
To: Philip Kingston <Philip.Kingston@derrystrabane.com>
Subject: RE:

Philip

Thanks for the confirmation. Does mid/late morning on Tuesday 20th February in Belfast suit?

Regards

From: Philip Kingston [<mailto:Philip.Kingston@derrystرابane.com>]
Sent: 09 February 2018 10:10
To:
Sub_ Our Client:

We can do either Belfast or Enniskillen.

Regards,
Philip.

From:
Sent: 08 February 2018 16:46
To: Philip Kingston <Philip.Kingston@derrystرابane.com>
Subject: FW: Our Client:

Philip

Can you confirm the preferred venue please as that may impact on dates that week.
Regards

rom: Imelda McCarron [<mailto:imelda.mccarron@fermanaghomagħ.com>]
ent: 08 February 2018 16:25
o:
c: Imelda McCarron
ubject: Re: Our Client:]

ear

lease see attached correspondence.

egards
nelda

From: :

Sent: 31 January 2018 16:02

To: Philip Kingston

Cc: Imelda McCarron

Subject: Oú

Dear Mr Kingston

Please see attached correspondence.

Yours faithfully

Report deferred from
Feis committee.

1



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

Report to: Regeneration and Community Committee Agenda Item: 5.1

Report Title: Assertion of Green Road PRoW (Paper O)

Date: 13 February 2018

Report by: Director of Community, Health and Leisure

For Publication: Yes

If 'not for publication', Insert reference to grounds upon which information is deemed 'confidential' [ref Local Government (Northern Ireland) Act 2014 section 42(2), (3)] or 'exempt' [ref Local Government (Northern Ireland) Act 2014 section 42(4) Schedule 6]:

(i) Confidential grounds: N/A

(ii) Exempt grounds: N/A

1. Relevant Background and Introduction

- 1.1 A report was previously taken to the Regeneration and Community Committee in April 2017 regarding the assertion of a Public Right of Way along the Green Road, between Rousky and Greencastle.
- 1.2 The report outlined details of the investigative process, evidence gathering and subsequent reasons for recommending to assert the public right of way.
- 1.3 Presented with the previous report was also an independent Barristers opinion, supporting the assertion.

2. Key Issues

- 2.1 Following the meeting in April 2017, there was a consultation in which the landowners along the Green Road were contacted and notified that the Council was of the opinion that a PRoW does exist along the route.
- 2.2 Landowners were given an opportunity to respond with their comments and to provide any new evidence.
- 2.3 The Council subsequently received a Freedom of Information request from one of the landowners regarding the evidence that was available to support the assertion.

- 2.4 The provider of one of the supporting pieces of information contested the Council's right to release this information through the Freedom of Information protocol and this delayed the process for some time.
- 2.5 Due to this ongoing dispute, the Council was not in a position to progress the assertion further.
- 2.6 The FOI has since closed and the Council is now able to proceed with the assertion.
- 2.7 A formal Assertion Statement is required to define and record:
- The exact line of the PRow
 - The nature of the public's rights over it
 - The presence and location of any stiles, gates, footbridges or similar features
 - Any conditions or limitations affecting the public's use of the way that are known to exist
 - The width of the right of way, to the extent that this can be ascertained
- These matters are all set out in a formal Assertion Statement (Appendix 1).
- 2.9 Subject to the following recommendation being approved and ratified at full Council, the landowners will receive an Assertion Agreement which they will need to sign accordingly, stating whether they agree or disagree with the assertion.
- 2.10 The Council will also need to make an application to the County Court for a Declaration which will put the PRow past the point of legal doubt.

3. Resource Implications

- 3.1 Financial
£10,000 County Court Costs.
- 3.2 Human Resources
Officer time in initiating proceedings in the County Court.
- 3.3 Assets and Other Implications
The Council would have to retain and protect the public right of way in future.

4. Equality and Good Relations Implications

- 4.1 Equality
This initiative has no negative Equality implications.
- 4.2 Good Relations
This initiative has no negative Good Relations implications.

5. Sustainable Development Implications

This initiative would support the 'Social' and 'Environmental' pillars.

6. Rural Proofing Implications

No negative Rural Proofing implications.

7. District Electoral Areas Affected

Owenkillew.

8. Recommendations

It is recommended that Fermanagh and Omagh District Council continues proceedings in order to obtain a Declaration from the County Court as to the nature and extent of the Public Right of Way, confirming that the assertion puts the status of the Green Road as a Public Right of Way beyond legal doubt.

9. Appendices and Attachments

Appendix 1 – Assertion Statement.

10. Background Documents

N/A

Key to Abbreviations:

PRoW – Public Right of Way

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: 1.5m on raised embankment

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 obstacles to movement which include gates, fences and streams. It also shows where existing tracks intersect the Green Road. The route is accessible on foot and although there are obstacles, they are surmountable.

Signed _____

Chair Person

Signed _____

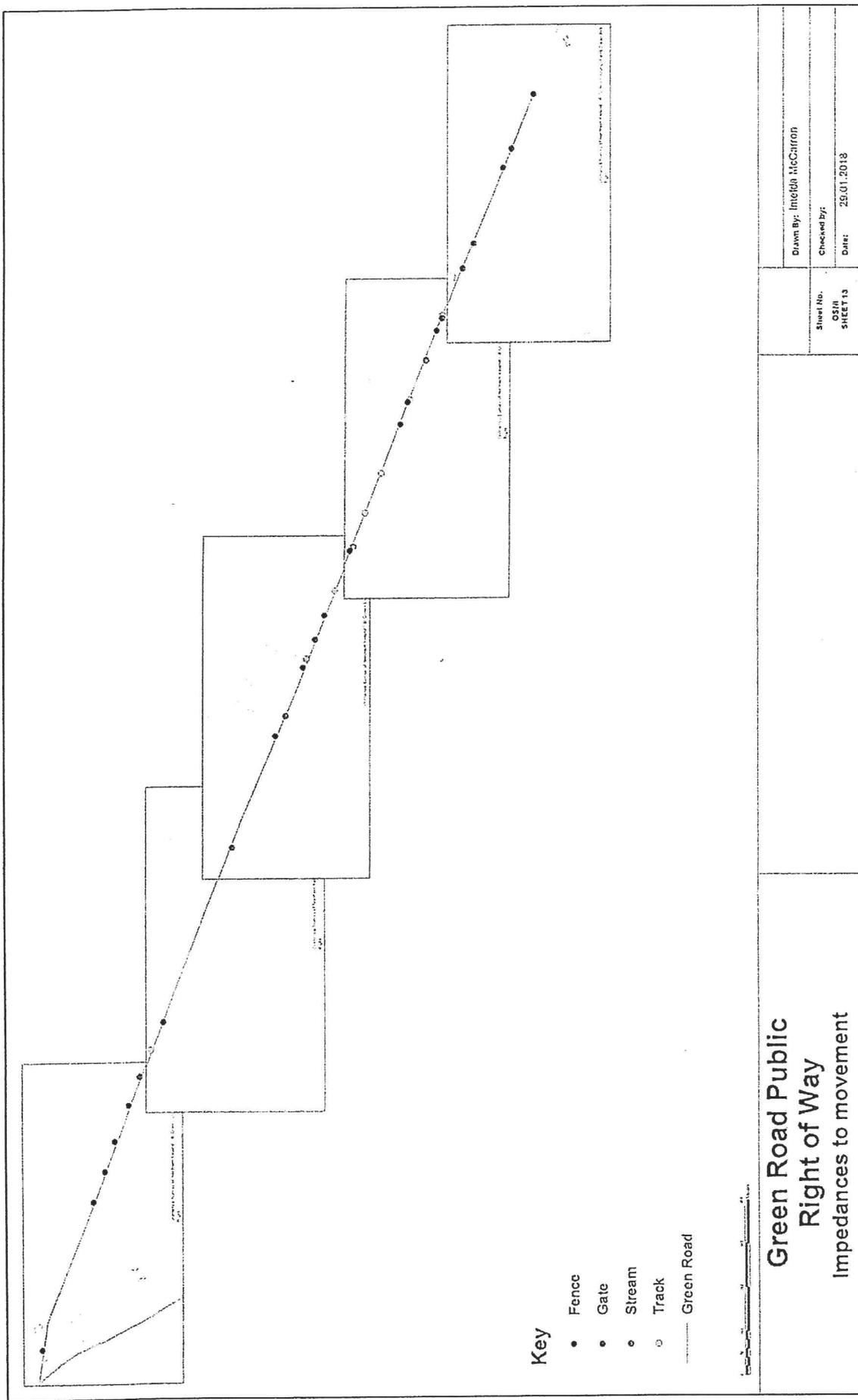
Chief Executive

Signed _____

Director of Community, Health and Leisure

Date:

Figure 1.



Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystرابane.com>
Sent: 14 February 2018 16:05
To: Imelda McCarron
Subject: RE: Deferral notice - Green Road

Imelda,

From: Imelda McCarron [mailto:imelda.mccarron@fermanaghomagħ.com]
Sent: 14 February 2018 15:49
To: Philip Kingston <Philip.Kingston@derrystرابane.com>
Subject: Deferral notice - Green Road

Philip

Robert asked me to run this letter past you - are you OK that I send this to the landowners?

Thanks
Imelda

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

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

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Your Ref
Our Ref RG/IMC
Date 14 February 2018
Email Imelda.mccarron@fermanaghomagh.com



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

Brendan Hegarty
Chief Executive

Dear :

**RE: Public Right of Investigation
Green Road, Greencastle, Omagh**

Further to my correspondence dated 24 January 2018, I am now writing to you to provide a further update on the investigation process regarding the alleged Public Right of Way on the Green Road between Rousky and Greencastle.

You will be aware, from my last letter that it was intended that a report would be taken to committee on 13 February for ratification by the Council in March 2018.

In order to facilitate ongoing discussions with interested parties, the consideration of the report has been deferred. I will come back to you regarding the new timeline.

Yours sincerely

Imelda McCarron
Countryside Recreation Officer

letter asked to call
landowners 15-02-18.
Spire copy
never confirmed
land ownership parcel.
14-02-18

Feb. 2018.

F.A.O. Mrs. Inez de Calzon,

Following your last communication on the 24th Jan 2018, we are disappointed to read that the 'Green Road' is deemed a highway and could well be opened to the public in the future.

As we mentioned in a previous letter of objection to this, we would not be happy to have the road opened, as it goes through a large part of our farm and very close to our dwelling house.

Our views on this have not changed - this matter, and we would urge you to re-consider any decision to open this road to the public.

Yours Sincerely,

Concerned Resident.

Imelda McCarron

From: Robert Gibson
Sent: 15 February 2018 17:15
To: Imelda McCarron; Philip Kingston
Subject: re " " 31 January 2018

Good afternoon Imelda and Philip,

Have we responded to the email received on the 31 January 2018 from

Regards

Robert

Imelda McCarron

From: Robert Gibson
Sent: 16 February 2018 16:15
To: Imelda McCarron
Cc: Philip Kingston
Subject: Re: Our Client: -48638-28]

Hi Imelda,

Thank you for responding even though you are on leave.

Regards

Robert

From: Imelda McCarron
Sent: 16 February 2018 12:34
To: Robert Gibson
Cc: Philip Kingston
Subject: FW: Our Client: 638-28]

Hi Robert

In response to your email; this is a copy of the letter that was issued to Philip's request. From this we've arranged a meeting for the end of February.

Imelda

Sent from my Windows 10 phone

From: Imelda McCarron
Sent: 08 February 2018 16:25
To:
Cc: Philip Kingston
Subject: Re: Our Client:

Dear Roisin

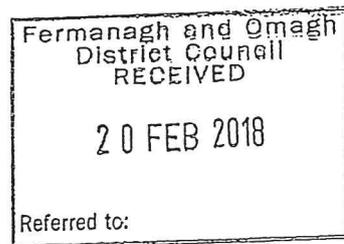
Please see attached correspondence.

Regards
Imelda

Sent: 31 January 2018 16:02
To: Philip Kingston

16th Feb. 2018

Mr Brendan Hegarty,
The Grange,
Mountjoy Road,
Lisnamallard,
Omagh,
BT79 7BL



Dear Mr Hegarty,

Thank you for your correspondence dated 24th January 2018. I was quite astounded at the fact that the council is considering making the Green Road between Rouskey and Greencastle a Public Right of Way.

The Green Road is unused apart from landowners whose land it goes through or verges on and by few people who wish to get to their turf banks.

If this road is made public, who do you visualise using it – bike riders, cars doing donuts, a race track? Who is going to maintain? If there an accident who is responsible for insurance, and for the replacement of fences. Who will be responsible for repair and replacement resulting from vandalism or for tipping and burning of rubbish?

Would it be more effective if there was a meeting of landowners with Council Reps. so that we all be made aware of your thinking.

Yours Sincerely

Imelda McCarron

From: Robert Gibson
Sent: 21 February 2018 08:24
To: Imelda McCarron
Subject: Fw: 180216
Attachments: doc05364720180220170751.pdf

Hi Imelda,

Please see me re this.

Robert

From: Brendan Hegarty
Sent: 20 February 2018 17:12
To: Robert Gibson
Subject: Fw: 180216

Robert
can you please draft a response to : for my consideration.
Thanks
Brendan

From: Nicola Nugent
Sent: 20 February 2018 17:02
To: Brendan Hegarty
Cc: Mercedes Monteith
Subject: 180216 .

Regards
Nicola Nugent
PA to Director of Corporate Services and Governance
Fermanagh and Omagh District Council
T: 0300 303 1777
W: www.fermanaghomagh.com
Direct Line: 028 8225 6205

From: noreply@fermanaghomagh.com <noreply@fermanaghomagh.com>
Sent: 20 February 2018 17:07
To: Nicola Nugent
Subject: Scanner Grange Mailroom

Sent from Kyocera 5551ci - Grange Mailroom Upstairs

Evolution meeting
Klein office 20/11/15 @ 10:30

①

KS, P, M, W, E + SV

Re: Background to meeting

WJ - concerns re how investigation of asbestos
contaminated soil plan + choice to comment
received that the process has been predetermined.

Explored re predetermination Area Council
such as re to review

3 outlined reports re investigation and Council
re looking for more info evidence to support
determined details.

views were relayed to some of the evidence -
firm on the ground as to what constitutes
soil Road.

Advice supplied is consistent with. MyHydro Road
I believe people have been using Green Rd
per evidence forms, believes refer to

Hydro Road

main critique is poor, referring to old maps (2)
and no key or scale.

once a highway always a highway is being
misinterpreted

more on additional plans A evidence raised
legal on community acknowledge private rights
of public rights.

RG assumed ZC to be effects and no personal
M. 12.

There is a power to get rid of
C. Substantive on add evidence. Info. It will
be considered

applicant's concern about "good faith" of
10. 12. and the relevance of the evidence
is queried if any further evidence will be
brought to independent legal advice

- officer's fall to say if it will require further
depos. heard

- if required the local authority advice is not?

~~There is a power to get rid of
C. Substantive on add evidence. Info. It will
be considered~~

Positive social control?

⑤

Is school the only source of positive reinforcement
if it really is?

Insufficient evidence?

Yes to, toward both (at least not necessarily)

Attending



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

risk being liable only if he or she deliberately injures a path user or otherwise does something which is blatantly negligent.

- The Council is not aware of any vandalism or fly tipping issues/burning of rubbish at present. Should these issues arise on private property, they will be the responsibility of the landowner.
- The Council is following the Public Right of Way assertion process as it is required to do within the legislation. All landowners have been given the opportunity to provide supporting or conflicting evidence and to respond to the findings that a Public Right of Way does indeed exist along the route in question. The Council is willing to receive any further information that may come to light.

I trust this answers your query. Should you have any further queries, please contact the Countryside Recreation Officer, Imelda McCarron by calling 07702 919 798 or emailing Imelda.mccarron@fermanaghomaghs.com

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Hegarty'.

Brendan Hegarty
Chief Executive

BY EMAIL ONLY
Mr Philip Kingston
Derry and Strabane District Council

Our Ref: KLB\RM\48638-28
Your Ref:
Date: 07 March 2018

Dear Sir

Our Client:

Your Client: Fermanagh and Omagh District Council

In the matter of a decision of Fermanagh and Omagh District Council to assert a public right of way for pedestrian use

We refer to the above matter and write to inform you that [redacted] intends to challenge the above decision of Fermanagh & Omagh District Council by way of judicial review. This letter should be treated as the letter before action in accordance with the prevailing judicial review pre-action protocol.

1. Proposed claim for judicial review:

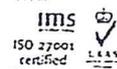
To: Fermanagh & Omagh District Council
The Grange
Mountjoy Road
Lisnamallard
Omagh
BT79 7BL

2. The Applicant:

The Applicant is

3. Reference details:

KLB/48638-28



4. **The details of the matter being challenged:**

The Applicant will challenge the decision of Fermanagh & Omagh District Council ("the Council"), whereby the Council took a decision asserting a public right of way with pedestrian rights only on a line at lands between Greencastle and Rousky, County Tyrone.

Further or in the alternative, the Applicant will seek disclosure of the report, information, recommendation or other materials and information that informed the Chief Executive of the Council and led him to inform a member of the public that "the Council is asserting the Public Right of Way with pedestrian rights only."

5. **The issues**

Relevant Chronology:

On or about January 2016, consultants, retained by the Applicant, sought information from the Council relating to its lands.

On or about February 2016, the Council received seven letters requesting the Council to assert a public right of way along a line running from Greencastle to Rousky, County Tyrone, pursuant to The Access to the Countryside (Northern Ireland) Order 1983.

On or about February 2016, the Council commenced investigations into an alleged public right of way between Greencastle and Rousky, County Tyrone. In the course of those investigations the Council received a series of materials as follows:-

- (i) A bundle of Right of Way Investigation Initiation application forms stamped received April 2016;
- (ii) A bundle of Right of Way Investigation Evidence Forms from landowners stamped received June 2016;
- (iii) Evidence forms completed by stakeholders referenced at para 2.1.3 of the Council Officer's Summary Report;
- (iv) A document entitled "Historical account of the public right of way between Rouskey and Greencastle (locally known as Green Road)";
- (v) A "25th anniversary" flyer for the "Greencastle 5 mile road race";
- (vi) A letter of support dated 4th October 2016;
- (vii) A letter of support dated 15th November 2016;
- (viii) A document entitled "Survey of Green Road, Rousky, Co Tyrone" dated October 2016.

On or about 22 May 2017 the Council wrote to the Applicant advising that the Council was content that the route under investigation 'can be classified as a public right of way'. The letter enclosed a Summary Investigation report and said that it would welcome comments by 2 June 2017.



On or about 30 May 2017, the Applicant's solicitors wrote to the Council's solicitor stating, *inter alia*, that the Applicant required further information from the Council and that the timeframe set was not sufficient to allow for full consideration and comment. The letter also sought disclosure of items (i) to (viii) above and confirmation that a reasonable extension of time would be provided to allow the Applicant sufficient time to consider the material and prepare comments.

On or about 1 June 2017, the Applicant's solicitors wrote a further letter to the Council on behalf of the Applicant putting on record the Applicant's fundamental concerns regarding how the investigation had been conducted to date and its position that in light of the errors in approach made to date, it was imperative that information and evidence was furnished to interested parties for comment, and that, only then, should the matter be brought to Council for a proper, robust and lawful consideration.

On or about 14 June 2017, the Council wrote to the Applicant's solicitors confirming that the Council would allow a reasonable period from the date of disclosure for the Applicant to consider the documentation before any further action would be taken.

Despite the Council conceding that the Applicant was entitled to consider the materials, and would be afforded a reasonable opportunity to do so, the Council withheld items (iv) to (viii) of the materials set out above from the Applicant.

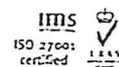
On or about 3 July 2017, the Applicant was compelled to seek an internal review of that decision to refuse to disclose materials. The internal review by the Council was allowed. The first disclosure of the additional materials was made at the end of November 2017. The full disclosure of the materials was not completed until 11 January 2018.

Despite the delay in disclosure, and the assurance that the Applicant would be permitted to respond to the materials within a reasonable period; on or about 24 January 2018, the Council wrote to the Applicant advising that the Council had decided to proceed with the assertion of a public right of way.

As a result of this further announcement of a decision having been made, on or about 31 January 2018, the Applicant's solicitors again objected to the Council's solicitor. On or about 8 February 2018, the Council advised the Applicant that it would take no further action for a period of 4 weeks from the date of that letter to allow the Applicant to formalise its substantive response.

Despite this further express assurance, on or about 9 February 2018, the Applicant learned that a copy report had been furnished to the Council's Regeneration and Community Committee in advance of a meeting scheduled for 13 February 2018, with a recommendation to assert a public right of way.

For a third time, on or about 9 February 2018, the Applicant objected to the conduct of the Council and asked for the matter to be withdrawn from the Committee agenda.



On or about 13 February 2018, the Council deferred the agenda item.

A meeting took place on 26 February 2018. In attendance for the Council were Mr Robert Gibson, the Director of Community, Health and Leisure, Ms Imelda McCarron, the Council Recreation Officer who had produced the previous reports for the Council, and Mr Philip Kingston a Solicitor retained by the Council. In attendance for the Applicant were Applicant, and

At that meeting it was noted that the Applicant intended to submit a detailed written response to the materials. The response was under preparation and was expected to be submitted on or about 7 March 2018.

In reliance upon the express and unequivocal assurances, the Applicant has been preparing and finalising a written representation to the Council that was to be submitted on 7 March 2018.

On 5 March 2018, the Applicant received a copy letter dated 28 February 2018 that was written by the Chief Executive of the Council to another landowner in response to a letter dated 16 February 2018. Redacted copies of the letters are attached for ease of reference, albeit that the letters are within the knowledge of the Council already. In the response, the Council's Chief Executive stated, *inter alia*, that:

The Council is asserting the Public Right of Way with pedestrian rights only. This is without prejudice to the subsequent assertion of any additional rights which may be shown to exist. The Council may need to reconsider the matter should further evidence come to light.

The Council is following the Public Right of Way assertion process as it is required to do within the legislation. All landowners have been given the opportunity to provide supporting or conflicting evidence and to respond to the findings that a Public Right of Way does indeed exist along the route in question. The Council is willing to receive any further information that may come to light.

6. The grounds of challenge:

The grounds upon which the Applicant will challenge the Council are set out below.

6.1 Failure to have regard for material considerations:

The Council failed to have regard for a material consideration: namely that it misled both the Applicant and a member of the public in stating that "all landowners have been given the opportunity to provide supporting or conflicting evidence and to



respond to the findings that a Public Right of Way does indeed exist along the route in question" when the Council knew this to be untrue.

6.2 Predetermination/Bias

The Council's conduct is evidence of persistent predetermination and bias.

The reports furnished to the Council are predetermined and biased, as they have been prepared and put forward on three occasions and adopted publicly as a decision without having regard to the issues of unfairness set out herein, and previously conceded by the Council, and without regard for the submissions of the Applicant and other interested parties.

6.3 Legitimate Expectation:

The Council has failed to have regard to two express assurances given to the Applicant that no decision would be taken until the Applicant was given the opportunity to comment upon materials received by the Council but not made available to the Applicant until January 2018. That created a legitimate expectation on the part of the Applicant that it would have its representations considered in a fair and impartial manner.

6.4 Procedural Unfairness:

The Council has pre-determined an investigation process and conducted itself in a manner that is conspicuously unfair.

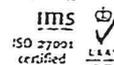
The Council reached a decision having failed to afford the Applicant a fair hearing.

The Council failed to provide sufficient information to the Applicant to enable it to participate effectively in the decision-making process, which included information both as to the issues and as to the evidence to be considered.

The Council failed in its common law duty of *audi alteram partem* (hear the other side).

The conduct of the Council offends against the overarching requirement of transparency: see *R v Secretary of State for the Home Department, ex parte Doody* [1994] 1 AC 531; *Re D (Minor)* [1996] AC 593.

Each of the instances of declaration that a decision had been reached is unfair; as is the failure to disclose materials; as is the persistent breach of the legitimate expectation created by the Council that the representations of the Applicant would be received and considered in good faith. Taken together, the procedure as a whole and the effect of the Council's misconduct is that the procedure is conspicuously unfair.



6.5 Misdirection of law:

The Council failed to have regard for the correct legal principles engaged in assessing public rights of way.

In failing to hear the representations of the Applicant and others, the Council failed to have regard to the requirements of The Guidance for public authorities in public rights of way (The Red Book). The Council is obliged to give effect to the various procedures and assurances contained in the Guidance: see *McFarland*, [2004] UKHL 17; *R (Lumba) v Secretary of State for the Home Department* [2012] 1 AC 245 and [2011] UKSC 12.

7. The details of the action that the Proposed Respondent is expected to take:

The proposed Respondent is expected to:-

- 7.1 Confirm the date of the decision that has been taken and communicated publicly;
- 7.2 Confirm that the decision taken will immediately be rescinded and brought back to the Council.
- 7.3 Confirm a period of time taken to permit responses to the allegations of the public right of way;
- 7.4 Confirm that it will forthwith disclose the report, information, recommendation, emails, letters, correspondence or other materials and information that informed the Chief Executive of the Council and led him to inform a member of the public that "the Council is asserting the Public Right of Way with pedestrian rights only".
- 7.5 Confirm that the decision taken and the process that has been taken thus far is unfair in taking a decision to assert a public right of way having first denied access to documents that the Applicant and others were entitled to see in formulating replies and then failing to provide any adequate opportunity for the Applicant or other interested parties to respond.

8. Interim relief:

The Council is expected to confirm that it will not require the submission of the Applicant until the Council has addressed the issues set out herein.

In the event that the Council fails to so confirm, the Applicant will seek injunctive relief to prevent the Council taking any further steps until the Council has:-

- (i) addressed the issues set out herein;



- (ii) made full disclosure of the materials that resulted in the decision to assert a public right of way with pedestrian rights only; and
- (iii) permitted a reasonable time for the submission of a response by the Applicant.

9. The details of the legal advisers dealing with this claim:

10. The details of any interested party:

Other landowners affected and materially misled are within the knowledge of the Council.

11. The address for reply and service of court documents:

The address for reply and service of any court documents on the applicant is:-

10. Proposed reply date.

We would request you reply to this correspondence by 28 March 2018.

Yours faithfully

Our Ref:
Your Ref: KH/UMcl/M3804/1
Date: 13 March 2018



Ms. Imelda McCarron
Countryside Recreation Officer
Fermanagh & Omagh District Council
The Grange
Mountjoy Road
Omagh
BT79 7BL

Dear Madam

Re:

We have been consulted by the above named in connection with the investigation process regarding the alleged public right of way on the Green Road between Rousky and Greencastle. In order to advise our client more fully we require a copy of all recorded information held by you in connection with this matter in accordance with the Freedom of Information Act.

We look forward to hearing from you.

Yours faithfully

Imelda McCarron

From: Victoria Kerr
Sent: 14 March 2018 11:04
To: Imelda McCarron
Subject: Re: ATI - 806 17
Attachments: FOI Response Table.odt

Victoria Kerr has shared a OneDrive for Business file with you. To view it, click the link below.

 Appendices.zip

Hi Imelda

Please find attached, as requested

Victoria Kerr

Regeneration & Planning
Fermanagh & Omagh District Council

Tel: 0300 303 1777
Ext. 20226

From: Imelda McCarron
Sent: 13 March 2018 14:19
To: Victoria Kerr
Subject: ATI - 806 17

Hi Victoria

Would you be able to send me the response issued for ATI - 806 please? I understand it was x-directorate and I only have the information released from CHL. We've received another FOI in regarding the Green Road and we have to release all of the information that has been previously released.

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: Green Road Assertion

Andrea McCourt

Fri 09/03/2018 14:25

Green Road

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

Hi Imelda

We are just trying to get an idea of all the requests for information coming in re Green Road/Dalradian, we understand a number of staff are involved across different sections and the requests for information are, in some cases, taking up quite a bit of staff time. Even if the request is straight forward and can be responded to quickly, we would like to get an idea of the number of requests and the volume of work involved with each.

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: 09 March 2018 10:08
To: Andrea McCourt
Subject: Fw: Green Road Assertion

Andrea

Following your email regarding FOI going direct to officers I thought I'd forward this on - it is the email I received from [redacted]. He is acting on behalf of one of the landowners and he requested this information off the back of a letter than I had issued to all landowners regarding Council pressing forward with the assertion.

When I asked Philip Kingston should I release the information he said as it had been released in a previous FOI it was better to give it to him (this is the report I did, plus the 5 pieces of supplementary evidence, redacted etc). I hope this is OK but can you just confirm what should be the process should this situation arise in future?

Many thanks
Imelda

From: [redacted]
Sent: 07 February 2018 13:19

Imelda

Many thanks but can you provide all documentary evidence ; I note significant responses received from landowners etc.

Thanks

From: Imelda McCarron <imelda.mccarron@fermanaghomagah.com>
Sent: Wednesday, February 7, 2018 12:07:20 PM
To: ;
Subject: Re: Green Road Assertion

Apologies , my oversight. Please see attached.

Thanks
Imelda

From: ;
Sent: 07 February 2018 11:50
To: Imelda McCarron ;
Subject: RE: Green Road Assertion

Imelda,

Thanks for your email; your letter states *I have enclosed an amended copy of the report ... which now includes a listing of the documentary evidence.*

Can you forward on the enclosures.

Thanks

Director

From: Imelda McCarron [mailto:imelda.mccarron@fermanaghomagh.com]
Sent: 07 February 2018 11:41
To: ; n
Cc: ;
Subject: Green Road Assertion

Morning

As per our call this morning, please see attached a copy of the letter that was issued to landowners on 24.01.2018 regarding the Green Road PRow investigation. I trust all is in order, however should you have any queries, please do not hesitate to contact me.

Kind 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*

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Imelda McCarron

From: Philip Kingston <Philip.Kingston@derrystرابane.com>
Sent: 15 March 2018 10:03
To: Imelda McCarron
Subject: RE: Public Right of Way Investigation re green road, Rousky to Greencastle [ID=48638-28]

Imelda,

I'm back in the office today but I'll be about a bit. Give me a call on the mobile which is

PK.

From: Imelda McCarron [mailto:imelda.mccarron@fermanaghomagham.com]
Sent: 13 March 2018 14:11
To: Philip Kingston <Philip.Kingston@derrystرابane.com>
Subject: Fw: Public Right of Way Investigation re green road, Rousky to Greencastle [ID=48638-28]

Hi Philip

Would you be able to give me a call about this FOI and the letter regarding the judicial review when you get a moment please?

Thanks
Imelda

From: Clarissa Beacom
Sent: 13 March 2018 10:50
To: Imelda McCarron
Subject: Fw: Public Right of Way Investigation re green road, Rousky to Greencastle [ID=48638-28]

Please see below ATI. Please note the response deadline is 12 April 2018.

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

Tel: 0300 303 1777 **Extension:** 21101
W: fermanaghomagham.com
Twitter & Facebook: fermanaghomagham

From: Clarissa Beacom
Sent: 13 March 2018 10:50
To:
Cc:
Subject: Fw: Public Right of Way Investigation re green road, Rousky to Greencastle [ID=48638-28]

Reference: ATI 1241/18

Thank you for your email of 12 March 2018.

Your request has been allocated reference number ATI 1241/18.

Your request shall be dealt with as soon as possible and you will be issued with a response no later than 12 April 2018.

Kind Regards,

Clarissa Beacom

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

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

W: fermanaghomagh.com

Twitter & Facebook: fermanaghomagh

From:

Sent: 12 March 2018 03:07 PM

To: Freedom of Information

Cc: Philip Kingston

Subject: Public Right of Way Investigation re green road, Rousky to Greencastle [ID=48638-28]

In respect of the above investigation, we write formally to request copies of the following information under the Freedom of Information Act 2000:-

- Correspondence from residents received in February 2016;
- Correspondence to the 25 stakeholders identified at paragraph 2.13 of Summary of the Assertion Report dated November 2016;
- Copies of all other correspondence, internal file notes, internal emails, reports, attendance notes, from January 2016, not already disclosed to us between July 2017 and January 2018.

Regards

Imelda McCarron

From: Robert Gibson
Sent: 14 March 2018 16:24
To: Philip Kingston; Imelda McCarron
Subject:

Good afternoon Philip,

When you are back perhaps

we could discuss this letter and our response please?

Regards

Robert

From: Philip Kingston <Philip.Kingston@derrystrabane.com>
Sent: 07 March 2018 16:33
To: Robert Gibson; Imelda McCarron
Subject:

Will call tomorrow when possible to discuss.

From:
Sent: 07 March 2018 16:25
To: Philip Kingston <Philip.Kingston@derrystrabane.com>
Subject: Our client:

Philip

Correspondence attached for your attention.
Regards

Imelda McCarron

From: Andrea McCourt
Sent: 27 March 2018 09:44
To: Imelda McCarron
Subject: Re: FoI - Green Road - ATI 1253-181

Hi Imelda

Is the email address specific to the requester or just a company email (eg info@)? If it's a generic email, I would ring and ask the requester is it ok to send to it as you don't know who is picking up the email?

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](https://www.facebook.com/fermanaghomagh)

From: Imelda McCarron
Sent: 27 March 2018 08:43
To: Andrea McCourt
Subject: Re: FoI - Green Road - ATI 1253-181

Andrea

As this was submitted in hard copy form do I need to reply in hardcopy form or can I reply via the email address on the letter?

Thanks
Imelda

From: Clarissa Beacom
Sent: 16 March 2018 11:37
To: Andrea McCourt
Cc: Imelda McCarron
Subject: FoI - Green Road - ATI 1253-181

Andrea,

Please see attached another FoI re: the Green Road.

Imelda, response deadline is 17 April 2018.

Clarissa Beacom

Imelda McCarron

From: Robert Gibson
Sent: 21 March 2018 15:45
To: Imelda McCarron
Subject: Fw: 100040.00154 - Green Assert a Public Right-of-Way for Pedestrian use - Green Lane
Attachments: Letter to Robert Gibson.pdf; Letter to

From: Paula Deery <Paula.Deery@derrystrabane.com>
Sent: 20 March 2018 14:27
To: Robert Gibson
Subject: Re:100040.00154 - Green Assert a Public Right-of-Way for Pedestrian use - Green Lane

For and on behalf of Philip Kingston, LLB., Lead Legal Services Officer

Robert

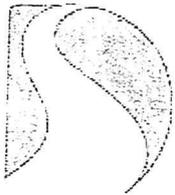
I attach letter together with attached letter to

for your attention.

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

Tel: (028) 71 253 253 Extn 6762

www.derrystrabane.com



Derry City & Strabane
District Council
Community
Chairman Group &
Chairman (Strabane) Group
Derry City & Strabane
District Council

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Re: Freedom of information request ref. PROW Assertion/ Green Road

Thu 22/03/2018 12:37

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

Imelda

Many Thanks for your e-mail and for the information provided so far.

I will review the documentation supplied over the coming days and will be in touch in due course.

Best regards

On 15 March 2018 at 13:57, Imelda McCarron <imelda.mccarron@fermanaghomagh.com> wrote:
Afternoon

As per call earlier in the week, I'm just sending you a wee courtesy email to let you know that I am working on the FOI and will get it issued to you asap. I am waiting on other departments to come back to me with information and I endeavour to get it issued to you as soon as I can.

I trust this is satisfactory, however should you wish to discuss please do give me a call

Best regards
Imelda

From: Imelda McCarron
Sent: 22 February 2018 10:01
To: Imelda McCarron
Subject: Fw: Freedom of information request ref. PROW Assertion/ Green Road

Imelda,

Please see below FOI. Response deadline is 15 March 2018.

Thanks,

Yours faithfully,
Imelda McCarron
Assistant Director of Community, Health and Leisure

Fermanagh and Omagh District Council

Tel: 0300 303 1777 Extension: 21101

W: fermanaghomagh.com

Twitter & Facebook: fermanaghomagh

From:

Sent: 22 February 2018 09:58

To:

Subject: Fw: Freedom of information request ref. PROW Assertion/ Green Road

[

Reference: ATI 1223/18

Thank you for your email of 15 February 2018.

Your request has been allocated reference number ATI 1223/18.

Your request shall be dealt with as soon as possible and you will be issued with a response no later than 15 March 2018.

Kind Regards,

PA to Director of Community, Health and Leisure

Fermanagh and Omagh District Council

Tel: 0300 303 1777 Extension: 21101

W: fermanaghomagh.com

Twitter & Facebook: fermanaghomagh

Our Ref:

Your Ref:

KH/UMcl/M3804/1

Date:

27th March 2018

Ms. Imelda McCarron
Countryside Recreation Officer
Fermanagh & Omagh District Council
The Grange
Mountjoy Road
Lisnamallard
Omagh
BT79 7BL

Dear Madam

Re:

We refer to the above and thank you for your letter of 16th March, 2018. We would be grateful if you could amend your records to reflect our client's address which is actually rather than

We apologise for any inconvenience caused and look forward to hearing from you.

Yours faithfully

Imelda McCarron

From: Andrea McCourt
Sent: 04 April 2018 15:48
To: Imelda McCarron
Subject: Re: FoI - Green Road - ATI 1253-181

Hi Imelda

You can respond with 'The Panel met previously to consider a request for the same/similar information (you can word as appropriate) and after careful consideration it was decided.....' Continue with reasons, etc.

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](https://www.facebook.com/fermanaghomagh)

From: Imelda McCarron
Sent: 04 April 2018 15:11
To: Andrea McCourt
Subject: Re: FoI - Green Road - ATI 1253-181

Hi Andrea

For response we said 'The panel had met and after careful consideration....' - how do I word this response to :?

Thanks
Imelda

From: Andrea McCourt
Sent: 23 March 2018 17:10
To: Imelda McCarron
Subject: Re: FoI - Green Road - ATI 1253-181

Hi Imelda

From what I remember, requested all information inc emails, meeting notes, etc so I think his response could cover this also.

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: 23 March 2018 16:39
To: Andrea McCourt
Subject: Re: Fol - Green Road - ATI 1253-181

Andrea

Am I treating this FOI along the same lines as [this](#) request?

Thanks
Imelda

From: Clarissa Beacom
Sent: 16 March 2018 11:37
To: Andrea McCourt
Cc: Imelda McCarron
Subject: Fol - Green Road - ATI 1253-181

Andrea,

Please see attached another Fol re: the Green Road.

Imelda, response deadline is 17 April 2018.

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

Tel: 0300 303 1777 **Extension:** 21101
W: fermanaghomagh.com
Twitter & Facebook: [fermanaghomagh](#)

Imelda McCarron

From: Andrea McCourt
Sent: 12 April 2018 11:59
To: Imelda McCarron
Subject: Re: FOI - Green Road

Hi Imelda

This looks fine to me. Could you add in a line to cover redaction of the personal information from the first 2 questions (Personal information has been redacted from this correspondence under the Freedom of Information Act 2000 Section 40(2) where disclosure of the data would breach one of the data protection principles.).

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](https://www.facebook.com/fermanaghomagh)

From: Imelda McCarron
Sent: 12 April 2018 09:57
To: Andrea McCourt
Subject: FOI - Green Road

Andrea

I need to issue a response to this FOI today - can you please just read over my response and attached documents and confirm you are content that I proceed?

Thanks
Imelda

Dear

I refer to your request for information, reference number ATI 1241/18 and wish to provide the following response:

Correspondence from residents received in February 2016

Please find attached the correspondence from residents received in February 2016. Due to the volume this has been split over three attachments.

Correspondence to the 25 stakeholders identified at paragraph 2.13 of Summary of the Assertion Report dated November 2016;

Please find attached the correspondence to the 25 stakeholders identified at paragraph 2.13 of Summary of the Assertion Report dated November 2016.

Copies of all other correspondence, internal file notes, internal emails, reports, attendance notes, from January 2016, not already disclosed to us between July 2017 and January 2018.

The Access to Information Panel met previously to consider a request for the same information as you requested, and after careful consideration the Panel concluded that to deal with your entire request would exceed the time limit (18 hours).

The remainder of the information is being withheld under the Freedom of Information Act 2000 Section 12(1) Requests where the cost of compliance exceeds the appropriate limit – Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

If you are unsatisfied with this response, you may request an internal review of the decision by writing to Brendan Hegarty, Chief Executive, Fermanagh and Omagh District Council, Townhall, 2 Townhall Street, Enniskillen, Co Fermanagh, BT74 7BA.

Kind 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*

Imelda McCarron

From: Clarissa Beacom
Sent: 16 April 2018 14:47
To: Imelda McCarron
Subject: Please call Phillip when you are back

Cheers

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

Tel: 0300 303 1777 **Extension:** 21101
W: fermanaghomagh.com
Twitter & Facebook: fermanaghomagh

Imelda McCarron

From: Paula Deery <Paula.Deery@derrystrabane.com>
Sent: 17 April 2018 15:29
To:
Subject: Re:100040.00154 - In the Matter of a Decision of Fermanagh and Omagh District Council to Ascertain a Public Right-of-Way for Pedestrian Use
Attachments: Letter to \ enclosure.pdf; image001.jpg

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

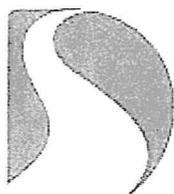
Dear Madam

I attach letter for your attention.

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

Tel: (028) 71 253 253 Extn 6762

www.derrystrabane.com



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Derry Citty & Strabane
District Council

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Imelda McCarron

From: Clarissa Beacom
Sent: 18 April 2018 09:16
To: Imelda McCarron
Subject: Fw: Public Right of Way Investigation re green road, Rousky to Greencastle [ID=48638-28]

Imelda,

Please see below ATI. Please note the response deadline is 16 May 2018.

Thanks,

Clarissa Beacom

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

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

W: fermanaghomagh.com

Twitter & Facebook: fermanaghomagh

From: Clarissa Beacom
Sent: 18 April 2018 09:15
To:
Subject: Fw: Public Right of Way Investigation re green road, Rousky to Greencastle [ID=48638-28]

Reference: ATI 1296/18

Thank you for your request dated 16 April 2018. As your request was received outside of business hours it has been recorded as being received the next working day, 17 April 2018.

Your request has been allocated reference number ATI 1296/18.

Your request shall be dealt with as soon as possible and you will be issued with a response no later than 16 May 2018.

Kind Regards,

Clarissa Beacom

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

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

W: fermanaghomagh.com

Twitter & Facebook: fermanaghomagh

From: I
Sent: 16 April 2018 05:11 PM

To: Freedom of Information

Subject: FW: Public Right of Way Investigation re green road, Rousky to Greencastle [ID=48638-28]

In respect of the above investigation, we write formally under the Freedom of Information Act 2000 to request copies of the following:-

1. all correspondence to and from the Countryside Recreation Officer not already disclosed to us between July 2017 and January 2018.
2. the Countryside Recreation Officer's internal file notes and attendance notes from January 2016, not already disclosed to us between July 2017 and January 2018.

Regards

Imelda McCarron

From: Clarissa Beacom
Sent: 27 April 2018 09:36
To: Imelda McCarron
Subject: Fw: Correspondence

Hi,

Please see below. I noticed you weren't copied in. I'm assuming this is to do with your FOI. I don't know if Robert has spoke to you regarding this and although you are going to being doing the work on this, the response should probably come from him.

Clarissa Beacom

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

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

W: fermanaghomagh.com

Twitter & Facebook: fermanaghomagh

From: Robert Gibson
Sent: 27 April 2018 09:27
To: Carol Deane
Cc: Mercedes Monteith; Clarissa Beacom
Subject: Re: Correspondence

Hi Carol,

I have received the same letter addressed to me which has been recorded as an FOI. I have asked for clarity re the process but I believe that as it is the same letter, albeit with two different addressees then only one FOI applies but both letters are referenced in the response.

Regards

Robert

From: Carol Deane
Sent: 26 April 2018 17:06
To: Robert Gibson
Cc: Mercedes Monteith
Subject: Fw: Correspondence

Robert

Brendan said to send this to you

Carol

From: Nuala Quinn
Sent: 26 April 2018 16:32
To: Carol Deane
Subject: Correspondence

Carol

Correspondence as discussed, 2 more to follow.

Regards

Nuala Quinn
Democratic Services
Fermanagh & Omagh District Council

Tel: 0300 303 1777 (Ext 21213)
nuala.quinn@fermanaghomagh.com

From: xerox@fermanaghomagh.com <xerox@fermanaghomagh.com>
Sent: 26 April 2018 14:43
To: Nuala Quinn
Subject: Scanned from a Xerox Multifunction Device

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

Multifunction Device Location: Corporate
Device Name: XRX9C934E1E3B0A

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