

## Road Abandonment SoC – Rebuttal

Dalradian Executive Summary, p.3 Completely misses the point, arguing that the existing road “is in poor condition” and that their new, publicly funded road “provides significantly enhanced alternative facilities for all road traffic”. The crux of the issue isn’t specific to the road surface on either the existing road or their requested road, it is that the existing road is one that the local people use and don’t want to see buried under a toxic spoil heap. They want their land, water, air and environment preserved, not polluted. The fact of the matter is that, should Dalradian’s toxic proposal be given the go-ahead, neither the existing nor the new road will be usable by local people because of its proximity to the toxins inherent to the processes and industry of Dalradian, and stored on a 62m tall waste dump<sup>1</sup>. The negative impact that this completely unsuitable storage of toxic waste will have on our air quality will be severe. According to DAERA’s own information<sup>2</sup>, there are no measurements currently taken locally, with the nearest sites in Newtownstewart, Strabane and Limavady (Co. Derry). Given the history of sand and dust appearing in The Sperrins from the Sahara, and nuclear fallout from Chernobyl<sup>3,4</sup>, the fine particulate matter being stored (& released into the air) will obviously negatively impact the health and well-being of not only the local human population, but also the entire biodiversity of a much wider area.

The Dalradian claim this is also the case for “road users”, but the current state of the road in question means it’s safe for those who use it precisely because of its condition – vehicles are not constantly on this road, travelling at high speeds, so it’s a safe road to walk, jog, run, cycle or for recreational use without the threat of accident. With a new road comes higher road usage, and accordingly higher threat of accident.

p.5 “The adopted track has limited usage, related to access farmland and sporadic recreational use”. McVitty’s report notes he visited the site on 23<sup>rd</sup> November 2023. This was a Thursday, during school term and work hours. How, with any degree of authority could this statement be upheld? At best it’s speculation or personal opinion, and is in no way based of fact or any known investigation from the author. At worst it is bought bias on behalf of those paying Mr. McVitty. The local community has utilised and looked after this road where DfI has not, with several documented records of this on social media<sup>5</sup>., indeed DfI only made an appearance on the road earlier this year (April 2023)<sup>6</sup>.

<sup>1</sup> Dalradian Document 2016021-P-CIV-004(A) General Site Layout Plan Map – lowest noted elevation 224.49m Vs. highest point 286m

<sup>2</sup> [Air quality in Northern Ireland - latest pollution levels, air pollution information and reports](#)

<sup>3</sup> [Sheep farmers still stuck under a Chernobyl cloud | Food safety | The Guardian](#)

<sup>4</sup> [cspaper\\_nora.pdf](#)

<sup>5</sup> Greencastle People’s Office [Facebook](#) 22-May-2022, GPO [Facebook](#) 15-Oct-2021, GPO [Facebook](#) 01-Feb-2020 / My Way Access [Facebook](#) 25-April-2021

<sup>6</sup> [Facebook](#)

p.6 Third Party Representations – Recreation – note made in relation to Greencastle St. Patrick's GAA Club, who oppose the abandonment and the overall Dalradian proposals.

p.8 Access to the Green Road and Crockanboy Mass Rock – not addressed by Dalradian Tourism – who would want to visit a site with a 62m spoil heap/toxic waste dump polluting the air, water, land, health and surrounding environment/biodiversity?

p.9 History & Heritage – Flight of the Earls and impact on Aughacribba Ogham Stone and other local archaeological sites not addressed/considered by Dalradian.

p.9/10 The Historic Green Road – Judgment flawed – The Environment & Heritage Services Guide to Public Rights Of Way & Access to the Countryside<sup>7</sup> notes, under 3.3.1

Public rights of way on p.32,

“A public right of way:

- 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 by due 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.***

Through their inept handling of the case, the senior management of Fermanagh & Omagh District Council, failed to convey these easily corroborated points to the judge through their inadequately resourcing, research and failure of senior personnel to attend the court (a junior member of staff who was aggressively cross-examined over two days having previously been advised they were to attend solely to assist with providing supporting documentation was thrown in here rather than the Head of Planning, Relevant Director/Directors, or indeed the Council Chief Executive). Indeed, during the course of the Green Road PRow case Dalradian representatives and their landowners with vested/financial interests all acknowledged to some degree the existence of a PRow/road/path along the Green Road.<sup>8</sup>

<sup>7</sup> [A Guide to Public Rights of Way and Access to the Countryside](#)

<sup>8</sup> [221213-RC-PaperT-Appendix 1-Confidential.pdf](#)

Dr Hammond was uncertain about the precise date of construction of the asserted route, but it existed in the late 18th century as it is clearly marked on Taylor and Skinner's 1777 road map of Ireland. (p.3)

From the map evidence Mr Reilly concluded that the Newtown Stewart to Cookstown Road, which includes the asserted route, must have appeared at some point between 1728 and 1777. (p.5)

Professor Connolly concluded that the asserted route was constructed at some point between 1759 and its identification on the Taylor and Skinner map of 1777. (p.7)

Mr. McVitty, p.16 Conveniently doesn't record any history of the road prior to 1854, and consistently refers to English records. Is he unaware that The Sperrins was an unconquered outpost of Empire and as such was neither open to nor available for reconnaissance by the British Crown? What local people or historians were questioned in relation to the history of the road? Those with "landed estate[s]" (p.13), with which the author of this report is more familiar with, are not the sort of people who would have detailed, if any records of roads around Muintir Lúinigh. It is also worth noting that there seems to be a convulsion of roads when it comes to officialdom dealing with the Crockanboy Road (proposed for abandonment) and the historic Green Road Public Right of Way, (which Dalradian wish to bury under their proposed infrastructure/waste site). There is a history here which stretches back far beyond the 1854 date cited in Mr. McVitty's Report, even the botched Fermanagh & Omagh District Council report from Dr Hammond, said that although this road is not shown on William McRae's 1802 map of County Tyrone, "the Crockanboy Road must have been constructed sometime between then and 1813". Dr. Hammond, in his report, although uncertain about the precise date of construction of the Green Road PRoW stated that it existed in the late 18th century as it is clearly marked on Taylor and Skinner's 1777 road map of Ireland.

p.17 "This was not assuming any civil engineering expertise, but rather making observations" – carry little weight, rather it is paid opinion for Dalradian.

HoyDorman p.42 'Reason for the Proposed New Road' – no reason given, suffice to say that the logic of DfI surrendering a section of road is unknown/not committed to public record?

p.43 'Access from the Proposed New Road' – "There are no public accesses along the Proposed New Road" – no benefits to the local people who are losing a road they have used and maintained for generations to accommodate a foreign, exploitative, extractivist corporation.

p.44 'Drainage' – "The drainage will outfall to a watercourse (Pollanroe Burn) with attenuation (rainwater water storage) to green field runoff" i.e. all the shit and pollutants coming from Dalradian's new road will be absorbed by the local environment.

‘Residual Effects’ - “There are no residual effects expected from the development of the New Proposed Road.” In what reality is this the case? DfI currently cannot look after the roads it has within its care, yet is now being asked to construct a new road at the whim of a private company, solely for their benefit and without planning permission approval. A company already found to have been in breach of planning application (both by Fermanagh & Omagh District Council) and through a Judicial Review taken by Derry City & Strabane District Council. How is this either sensible or proper use of public money? Furthermore, in the midst of a Climate Crisis, why are public funds being funnelled off to construct a completely unnecessary roadway for an extractivist and destructive interest? The negative “residual effects” on our economy, health, environment and public services should be fairly apparent, even to the casual observer!

DfI, p.48 visibility splays/sightlines apparently didn’t seem to matter when it came to access/egress on the Camcosy Road, why is DfI so concerned with this matter now?

p.52 “This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system”

Bearing this, and all previous objections recorded, in mind this application must be refused.

Author: [REDACTED]

Word Count 1,485

Submitted: 25<sup>th</sup> November 2024