

# MANAHAN PLANNERS

Town Planning Consultants

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6<sup>th</sup> March 2020

The Planning Officer,  
An Bord Pleanála,  
64 Marlborough Street  
Dublin 1

**AN BORD PLEANÁLA**

LDG- \_\_\_\_\_  
ABP- \_\_\_\_\_

09 MAR 2020

Fee: € \_\_\_\_\_ Type: \_\_\_\_\_

Time: 15:14 By: hand

**Narin and Portnoo Golf Club, Portnoo,**

**Re: Response to Section 5 application at Narin and Portnoo Golf Club, Portnoo, County Donegal.**  
**ABP Ref: ABP 306362 L.A. Ref: S5 25/19**

Dear Sirs,

We have been retained by Narin and Portnoo Golf Club, Portnoo, County Donegal, to respond to the grounds of a Section 5 application lodged with An Bord Pleanála. The following is our response.

## Introduction

The matter which has been referred to the Board has been described by the Applicants/Referrers as follows. "*Whether ground excavation, alteration and demolition on private and public property is or is not a development or is or is not exempted development*". It is submitted that this is an inaccurate description of the location and nature of the development in question.

The matters refer to works which were carried out at two locations, described by the Referrers as A and B, within the golf links at Portnoo. It is inaccurate to claim the works involve ground excavation or demolition or were carried out on public property.

## Background

The Narin and Portnoo golf club was founded in 1905 and presently has 440 members. The settlements of Narin and Portnoo have grown up adjoining the golf course and it is a holiday destination for families who have used the golf course and beaches as a holiday destination over the last century.

The golf course anchors the tourist product in this part of Donegal which according to the County Development Plan is a structurally weak part of the County. The hotels at Ardara, Dungloe, Glenties and Donegal town derive a large part of their business from persons using the course. The majority of persons using the course however stay during the summer months in the caravans and guest houses adjacent to the course.

Some years ago the club ran into financial difficulties and was on the verge of closing down. This would have been a disaster for the tourist industry in this location. This is of course part of a wider issue where golf courses throughout the country are becoming uneconomic and unless on financially sound footing are closing down. See relevant literature relating to the

general decline of golf courses throughout the country.. *"80% of the golf courses in Ireland struggle to keep the grass cut while the other 20% are very wealthy and have no money worries. It's an alarming tale of the haves and the have nots....and at the same time, one golf course per month is closing down"* - <https://irishgolfer.ie/latest-golf-news/2019/11/10/euphoria-in-irish-golf-is-misleading/>

In relation to this issue in this location, investors have bought the club debt and decided to invest in the course. This investment has involved upgrading the club house and improving the course.

As a first step they engaged the services of Gil Hanse, a world renowned golf architect to redesign and upgrade the course. This is something that he is renowned for, i.e. the upgrading of existing courses. He was responsible for the design of the course for the Rio Olympics and has designed a series of prominent golf courses in America that have been used for the U.S. Open.

The particular approach that he takes is to melt the golf course back into the landscape. Literature on him refers to his approach as a "minimalist golf architect". American website "Top 100 Courses" describe him as follows, "Hanse is regarded as one of the most influential minimalist golf course architects of the late 20<sup>th</sup> and early 21<sup>st</sup> centuries". See <https://www.top100golfcourses.com/architect/gil-hanse> His work can involve the removal of artificial features such as bunkers and lakes from courses and designing tees and greens that blend unobtrusively with the landscape.

Works have been ongoing for the last two years to refurbish and improve the layout of the course so as to secure its future and these works are approaching completion. It is expected they will be complete by Easter 2020. Once the overall refurbishment is complete the course will provide a facility that will attract increased tourism to the area in line with the policy approach of Failte Ireland and the policy of Donegal County Council to encourage the improvement of the tourist product in appropriate areas.

It may be of interest to note that the golf club has "members" and does not differentiate them as to whether they are male and female. Moreover on the course itself it does not have male and female tees as most courses do but rather has four separate grades of tees which any golfer playing can choose which of four sets of tees to follow based on their own ability and/or interest that day. In addition the golf club and its catering is open to everyone and thereby supplies a facility to holidaymakers in the area whether they are golfers are not.

It is unfortunate that the Referrers object, for their own purposes, to minor parts of this overall refurbishment and upgrading of the facility.

## The "Works"

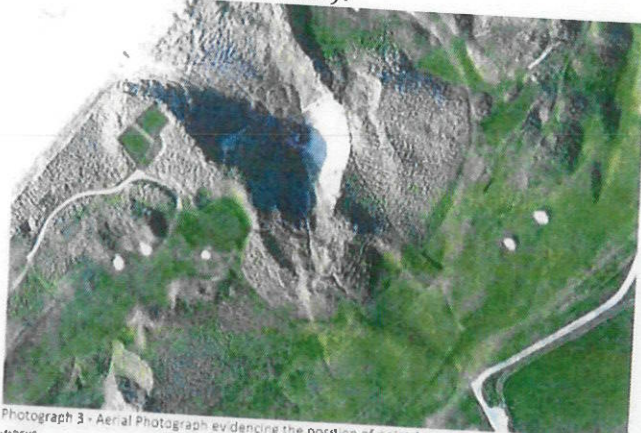
The works at point A involve the creation of a natural sand bunker in line with the core design principle of the golf architect to avoid the creation of artificial elements within the course and to work with nature.

These works involve the restoration of a sandy area that existed many years ago but over time got filled in from sand blowing and the regeneration of marram grass. These works have been described by the referrers as excavation which gives the impression of the creation of a depression/large hole within the landscape. Rather the works involved the removal of the upper layer of the ground vegetation on a slope which is at a higher level than the surrounding adjoining fairway. The referrers include the following photograph of it.



Photograph 1 - 29th May 2019 - View of works on privately owned property (Narin and Portnoo Links) being point A on the map SK-01 with Sweeney's Banks behind and looking towards golf course gate

They also supply an aerial shot of this area. This shows the artificial bunkers which were removed. (White circles).



Photograph 3 - Aerial Photograph evidencing the position of point A on the map SK-01 prior to the works

The works at point B location are also complained of. This is an area which was part of the beach many decades ago. With the retreat of the beach from this area, the area regenerated as grass land and was used by the club as a practice fairway, driving range and an area where the club pro in recent years gave golf lessons. It was not used as one of the fairway circulation of the course but was an integral part of the course as practice ground, driving range and for lessons.



The works involved the harvesting of the grass in this area and its transplanting elsewhere within the course. This area is now being transplanted with marram grass so as to "re-wild" this area as part of the overall design approach for the course. The photographs below show first the marram grass regenerating in the area first worked on and the second photograph shows the more recently harvested area which will in time become similar to the land in the first photograph.



The photograph below shows the marram grass transplanted so as to secure this area.



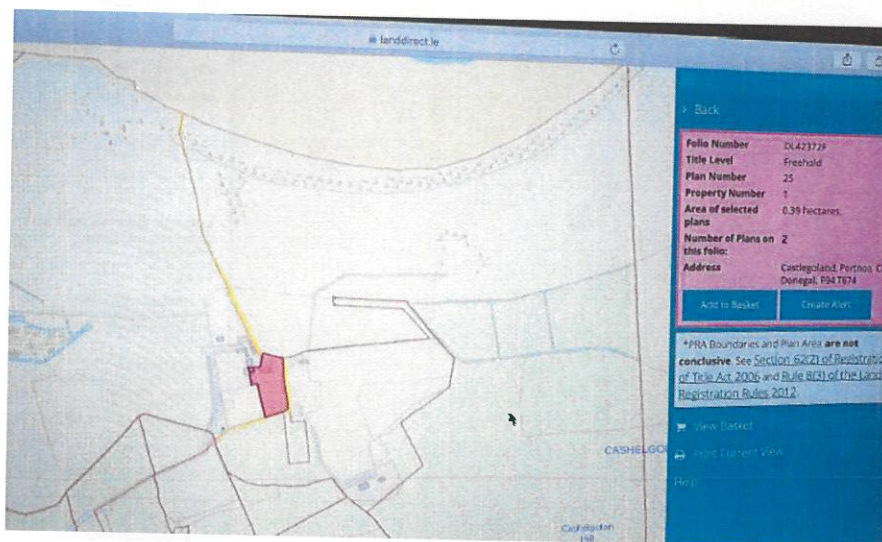


## The Issue of the Right of Way

The central issue in relation to this matter relates to alleged rights-of-way over the golf course.

The referrers claim there are rights of way across the golf course and they wish to exercise those rights. They refer firstly to an entry in the Donegal County Plan (item 30) that states there is a right of way to Castlegoland beach. It is not clear where exactly this right away is. We understand that staff within the County Council are unclear where exactly this right-of-way, referred to in the County plan, might be located. But it is important to note that the golf course is in the townland of "Clooney" and not "Castlegoland".

Our investigations reveal that one of the referrers used to be the owner of a right-of-way from their property to Castlegoland beach. See extract from the Land Registry Folio below. This right-of-way was extinguished in 2004 by one of the Referrers. See extract below. This right-of-way could be reached by the county road running alongside the Lake House Hotel and provided a direct route to the beach along the route marked in yellow on the map below. The full folio accompanies this submission.



There is appurtenant to the property No 2 a right of way on foot and with horses or other animals with or without carts and other conveyances and for every purpose over part of the Townland of Ballyviriston by the way coloured brown and marked 1D2 on the Registry Map thereof ).

Revised D2004WS007826J

~~The property No 2 is subject a right of way on foot and with horses or other animals with or without carts and other conveyances and for every purpose over part of the lands of Ballyiriston along the passage coloured brown and marked 1D2 on the said Map.~~

~~Description revised D2004WS007826J~~

Cancelled

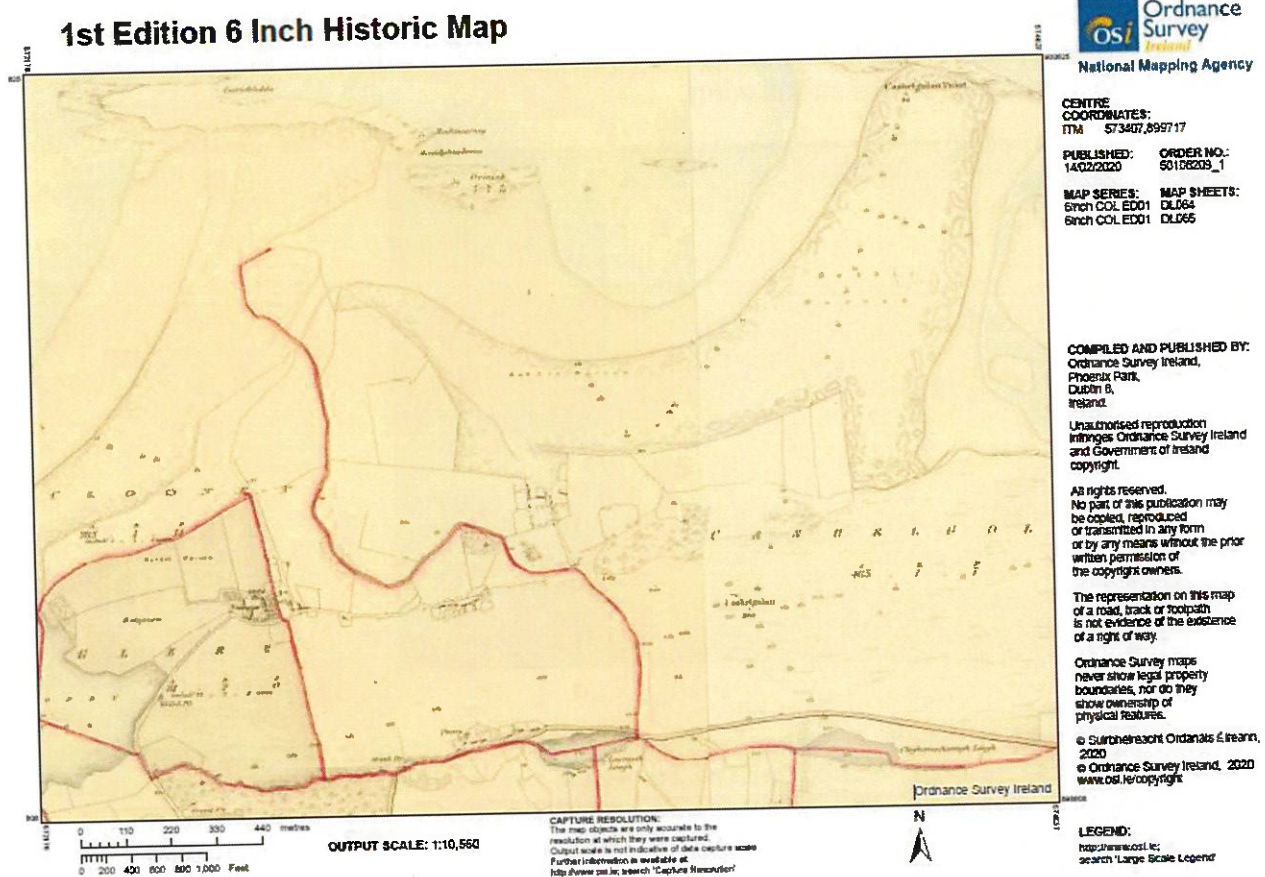
D2004WS007826J

05-JUL-2004

It is submitted that this is the right of way that led the Planning Authority to create Entry 30 in the list of rights of way. It was not removed from the plan following the extinguishment of the right of way in 2004. In view of the loss of this route, the referrers are now seeking to establish rights-of-way across the golf course to the beach instead. Our clients do not accept that any of these walkways/routes claimed are established as public rights-of-way or are the RoW referred to in the County Plan.

The section 5 submission includes a number of items which purport to show rights-of-way across the golf course and these are refuted below.

Figures 11 and 12 of the section 5 Referrer's submission shows part of an historic 6" map which they claim shows a right of way as a red line. This line in fact is the boundary between the townlands of Clooney, where the golf course is located and Castlegoland townland. See map below and hard copy enclosed with this submission.



The Referrers make similar incorrect claims as to the right to cross over the golf course not just on foot but by vehicle. It is the position that there are a number of all routes within the course wherein maintenance vehicles and tractors travel around the property. These have been widened recently by the club but are not and were never used as vehicle routes to the beach.

These maintenance haul routes are also used by golf club buggies for older golfers to travel around the course. These buggies are now fitted with satnav equipment that prevents club cars departing from the haul routes or the fairways onto the dunes, greens or tees. This is to protect the ecology of the sensitive areas of the golf course.



Fig 1 of the Referral document shows the three routes (in white dots) that are claimed to provide pedestrian and vehicular access. These claims are not accepted to be public ROW's. See image below.



Figure 1 - Location

We enclose the OSi Aerial Imagery maps for 1995, 2000 and 2005. It will be noted that the so-called “vehicular access to Castlegoland Beach” would involve driving along a fairway in play and then up and over the old 7<sup>th</sup> Tees to get to the beach. Such a vehicular route is completely unrealistic.

Another alleged route is a pedestrian route named “pedestrian public path to Sweeneys banks” At present persons who wish to access Narin beach have a car park adjoining it and this provides an easy access to the beach. The submission claims a person would walk along the County road and then across the fairways in play and finally up and over a large sand dune to get to the beach. This is completely unrealistic.

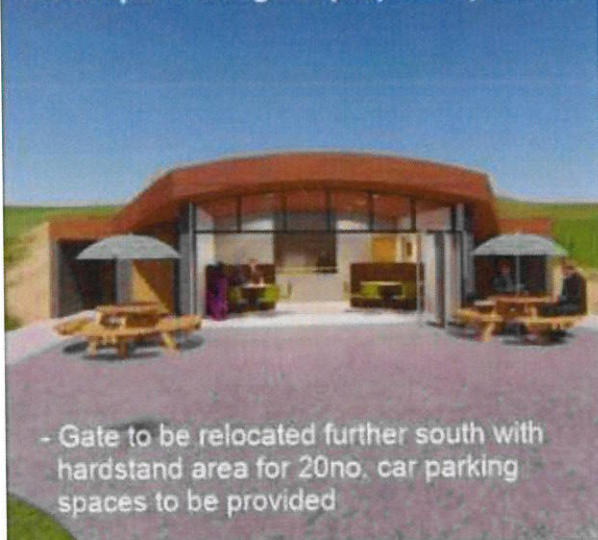
Finally it is claimed that there is a walkway from the end of Narin beach onto Castlegoland beach across the 8<sup>th</sup> fairway, which would be extremely dangerous, given there are “blind” holes in this location. There is no such public right of way.

In response, to issues of access, the golf club is currently investigating the creation of a walkway alongside the edge of the course which would give pedestrian access for the public to Castlegoland beach. <https://www.dropbox.com/s/y1zvbrwuud2yspe/Final%20Video.mp4?dl=0> This new walkway would be 2 or 3 m wide for pedestrian use only and would be subject of a one-year license initially (from Golf club to County Council) to enable the county council to own this walkway on foot of a new 99 year lease. The terms of this transfer would be that

the council would become liable for the insurance and health and safety aspects of the use of this new walkway. Images of this access point with car parking is below.

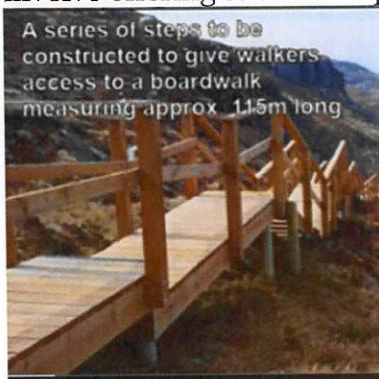


Conceptual design of proposed pavillion



- Gate to be relocated further south with  
hardstand area for 20no. car parking  
spaces to be provided

In addition the club is offering to facilitate the construction of a boardwalk along the top of the course to enable the easy transfer by walkers from one beach to the other. This would involve offering to transfer part of the club land to facilitate this facility.



A series of steps to be  
constructed to give walkers  
access to a boardwalk  
measuring approx. 115m long



The golf club has offered to facilitate these new amenities in meetings with the county council. We understand this has been looked upon favorably by the council. However the Referrers are unhappy with this offer as they wish to have pedestrian and vehicle access to the beach. It is the view of our clients that cars traversing these lands and the beach would not be in accordance with the proper planning and sustainable development of this area in particular the protection and conservation of the ecology of the area.

In summary, in relation to rights off way generally, in the past golf courses adjoining holiday locations may have had a rather casual approach to non-players wandering around a golf course at the same time as the course was being played. However in today's litigations environment and with the governance pressure on clubs to provide a safe environment for the sport to be played, having regard to health and safety considerations, it is necessary to make clear, by fencing if necessary, what areas are for play and what areas are available for the safe passage of persons on foot. Our clients are working to create a safe and suitable environment for all parties that are also in line with their insurers' requirements.

Moreover in this case the fencing and gating is necessary to stop casual and irregular access by caravans, cars, horses and other vehicles in the interests both of the safety of all persons but also to prevent damage to regenerating ground conditions, in the interests of protecting the ecology of the area. The intention is to make clear which areas are for golf and which areas are associated with the beach.

While this new walkway and boardwalk are the subject of ongoing discussions with the planning authority and hopefully will be the subject of an agreement shortly, but in the meantime, for the purposes of this Section 5, it is necessary to examine the works already carried out.

## Exempted Development

Our clients clear understanding is that the works, the subject of the Section 5, are within the context of a golf course and so constitute exempted development. The relevant provision states,

### *CLASS 34*

*Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.*

The works involve “**alterations to the layout**” of the course as a consequence of the design alterations specified by the golf architect in order to blend the course back into the landscape. This overall project consists of the “**management**” of the golf course and requires “**maintenance**” works in order to achieve its objectives. It is our strong opinion that all the works being carried out can be identified as fitting within this clear description of “alterations to the layout, Management and maintenance”.

In addition, none of the restrictions on exemptions apply in the circumstances of these two sites identified by Referrers. We will examine each of these restrictions in turn.

## Response to Restrictions on Exemptions

The planning and development regulations 2001 as amended do contain a number of restrictions wherein the normal provisions of exempted development will not apply. We will examine each of these in turn. The relevant section states,

**Development to which article 6 relates shall not be exempted development for the purposes of the Act - (a) if the carrying out of such development would—**

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,**

A number of permissions have been applied for and approved relating to the golf course. The works at point A or B are not inconsistent with any condition in those permissions.

- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,**

This does not apply to the circumstances of the works at A or B.

- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,**

Clearly the works at A or B do not endanger public safety as they do not constitute a traffic hazard nor can form an obstruction of road users.



**(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed.**

The works do not interfere with the character of a landscape. In this instance it is the design intention of the golf course architect that all the works are carried out to ensure that the golf course would be more in keeping with its landscape than previously. It is certainly the case that the creation of a bunker and harvesting of grassland will not interfere with the character of this wider landscape.

Furthermore, there is no view or prospect of special amenity value or special interest listed in the development plan to be preserved within the location of the golf course. The works involved therefore cannot interfere with this non-existent objective.

**(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed.**

The works in question do not involve the excavation or alteration of a site of interest that it is an objective of the County Development Plan to preserve or protect. No such provision applies to the two sites in question in the County Development Plan.

**(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,**

The works do not interfere with any archaeological feature.

**(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.**

The two recent planning applications were accompanied by a screening for Appropriate Assessment carried out by a specialist firm in this field. In addition the planning authority assessed the works proposed a) for the maintenance shed and b) a halfway house toilet block and came to the conclusion that these proposals would not be likely to have a significant effect on the integrity of European site. It can be deduced from this that the works the subject of this section 5 reference equally are unlikely to have a significant effect on the integrity of the European site, due their modest scope and as they are outside the boundaries of such a site.

**(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.**

Site B is within an area proposed but not yet designated as a NHA. Our clients have consulted on many occasions (see below) with the National Parks and Wildlife Service who have not raised any objections to the works the subject of this reference.

**(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.**

There are no such structures within the area of A or B

**(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,**

This does not apply in points A or B

**(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.**

The activity at points A or B does not consist of the fencing or enclosure of any land.

**(xi) obstruct any public right of way.**

We have dealt with this point above. The activity at point A or B does not obstruct any public right of way as none exists in these two locations.

**(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.**

There is no structure at points A or B.

In summary therefore none of the restrictions on exempted development can be said to apply to the activity that has been carried on at points A and B within the golf course. Given that works within a golf course are exempted development unless they are restricted by the exceptions set out above, (which we have shown not to apply), therefore the conclusion of this



assessment must be that the works referred to An Bord Pleanála are indeed exempted development.

## **Submission from Golf Club**

The following observations were made by the golf club in response to this Section 5.

*None of the above work can be associated with any of the works described as A & B on the property. For clarity it's important to point out the following:*

- i. Work described as "A" is a bunker that was built on the RHS of the 12<sup>th</sup> fairway adjacent to an area called "Sweeney's Bank" which used to be a massive sand blowout that started at the RHS of the fairway and extended all the way to the beach. Over the years the topography of this area has undergone dramatic changes including dense growth of marram grass.*
- ii. Work described as "B" is an area that the club have occupied forever and was a practice range until it was closed early in the 2018 season so that it could be maintained as a nursery for the renovations to the course that started in October 2018. On a number of occasions during the work in 2018 & 2019 several complaints were made by 2 or 3 locals that we were removing sand from the beach. The complaints were investigated by representatives from DCC & NWPS who visited the site on numerous occasions. On one instance the representative from NWPS asked us to stop until her supervisor visited the site. After his review he was content with the harvesting that was being undertaken and suggested that we stay within the existing fence line that was once the location of the high water mark but advised that all SAC areas including the adjacent SAC area were being moved back (out) to the current high water marks. DCC did request in writing that we replant the areas where marram plants were harvested. After Phase I was completed we hydroseeded this area with Fescue to trap the sand from blowing and during the harvesting process we were careful to leave sufficient root structure so the plants could regenerate, which is what happened. The same process will be adopted when Phase II is completed.*

In addition the club has commented as below to the points raised.

### **REASON # 1 – "Contravention of previous planning condition"**

**Comment:** *The following applications were made over the last few years to DCC and were approved:*

- 1. Approval Ref # 18/50855 – New maintenance facility that has been built with site work nearing completion.*
- 2. Approval Ref # 18/51383 – New Halfway House that was approved by DCC but appealed to An Board Pleanála by An Taisce. The Planning application was withdrawn and no work was ever started.*

### **REASON # 2 - "Works are clearly extension to the golf club and therefore cannot fall under class 34"**

**Comment:** *Adding a bunker on an existing fairway and harvesting sod and marram from a driving range turned into a nursery is not an extension to the golf club.*

### **REASON # 3 - "Obstruction of Public Rights of Way"**

**Comment:** There are no public rights of way on the property. On page 264 & 265 of the County Donegal Development Plan 2018 – 2024 it lists 44 Rights of Ways. # 30 is located at Castlegoland Beach but senior management at DCC have admitted that the exact location, if it exists at all, can't be determined.

It's important to note that the majority of the Golf course and the access road to the gate are located in the townland of Clooney and not Castlegoland (see attached map titled "1837 OSI 6" Historic Map"). Also the applicants have gone out of their way in their appeal to blackout the word Castlegoland for unknown reasons ( see attachment titled "Document # 3").

The applicants have rejected all offers for pedestrian access to the beach while insisting that vehicles have been driven along the road that they say has existed forever and is a public right of way. However, OSI aerials would reject this notion. See attached Aerials from 1995, 2000 & 2005. The club only improved access to the practice range a few years after hiring their first Golf Professional.

### **REASON # 4 - "Development within a Proposed Natural Heritage Area"**

**Comment:** NPWS agents did not raise this as a concern during any of their numerous visits to site probably because its not designated as a "Natural Heritage Area". Clearly the applicants are conflicted because their concerns outlined in their appeal are not compatible with their desires to drive and park in a Natural Heritage Area.

### **REASON # 5 – "Development is within or adjacent to a Special Area of Conservation"**


**Comment:** Golf course is not in a SAC but is adjacent to one. See attached screenshot from NWPS website which clearly shows that no areas of the Golf Course are in a SAC. Again, its clear that the applicants are conflicted because their concerns outlined in their appeal are not compatible with their desires to drive and park in a SAC.

## **Conclusion**

The subject of this Reference involves works as part of the alteration of the layout of an existing golf course to bring it closer to its natural condition. We submit that these works are Exempted Development and are not subject to the restrictions outlined in Article 9.

Accordingly, we ask An Bord Pleanala to examine the contents of this letter and the accompanying enclosures and support the Decision of the Planning Authority in this regard.

Yours faithfully



**Tony Manahan**  
**Manahan Planners**

Enclosures:  
6 Inch historic map.  
OSi maps 1995, 2000 and 2005,  
Land Registry Folio.



# 1st Edition 6 Inch Historic Map

**CENTRE**  
**COORDINATES:**  
ITM 573407,899717

**PUBLISHED:** 14/02/2020  
**ORDER NO.:** 50106209\_1

**MAP SERIES:** 6inch COLED01  
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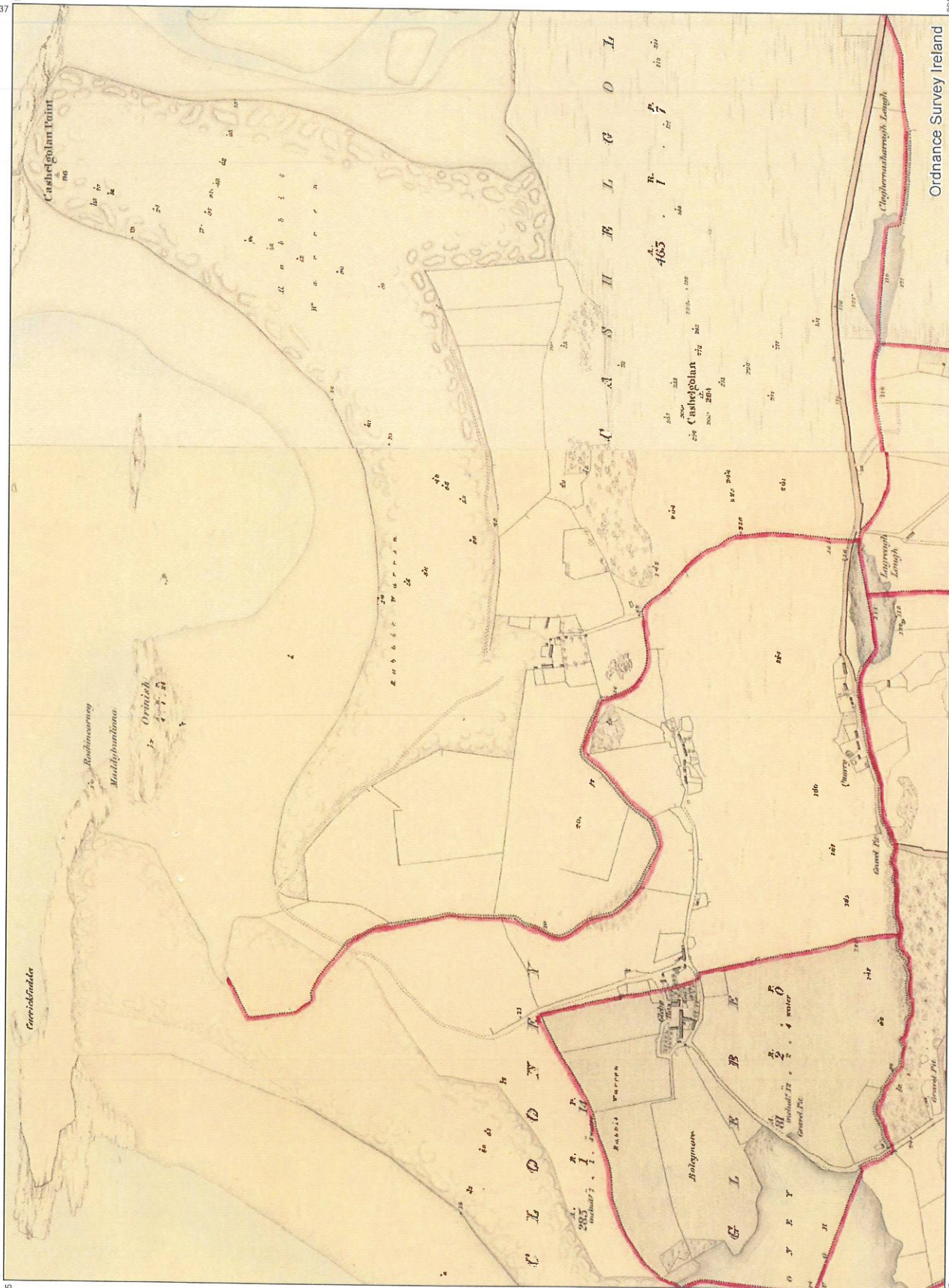
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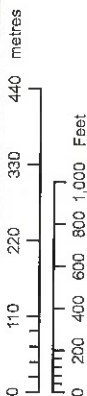
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**OUTPUT SCALE: 1:10,560**







# Aerial Imagery Map - 2005

CENTRE  
 COORDINATES:  
 ITM 872463, 865993

PUBLISHED:  
 23/02/2020  
 ORDER NO.:  
 80106834\_2

MAP SERIES:  
 2005 Ortho  
 2005 Ortho  
 MAP SHEETS:  
 OS/2898  
 OS/2840

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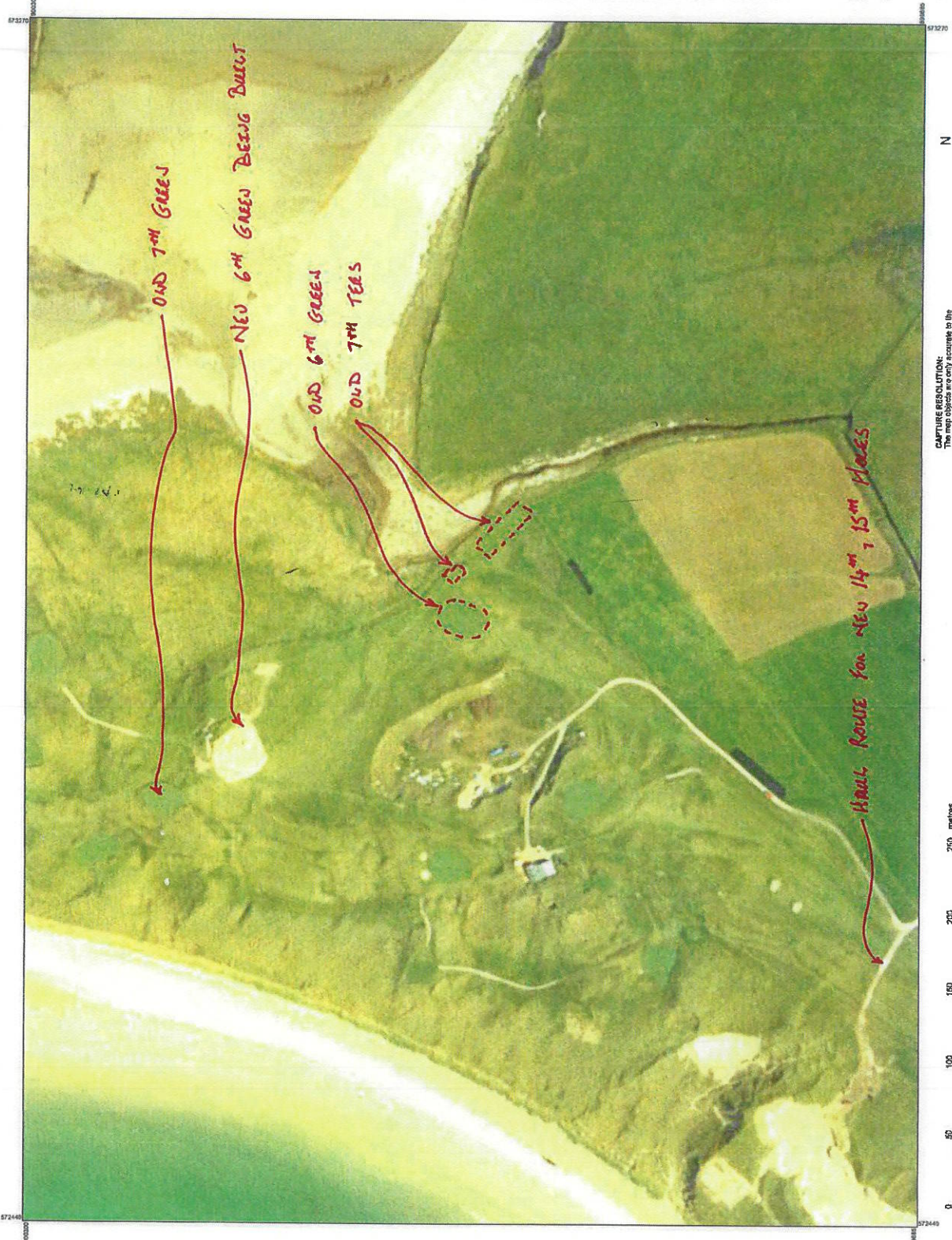
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OUTPUT SCALE: 1:2,500







# Aerial Imagery Map - 2000

**CENTRE COORDINATES:**  
 ITM 672889.800896

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 23/02/2020

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 OSi Orio  
 2000 Orio

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 OSi 2888  
 OSi 2890

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# Aerial Imagery Map - 1995



CENTRE  
COORDINATES:  
ITM 572869.89593

PUBLISHED:  
23/07/2020  
ORDER NO.:  
50109625\_1

MAP SERIES:  
1995 Ortho  
1995 Ortho  
1995 Ortho  
1995 Ortho

MAP SHEETS:  
O341-C  
O341-C  
O341-C  
O341-C

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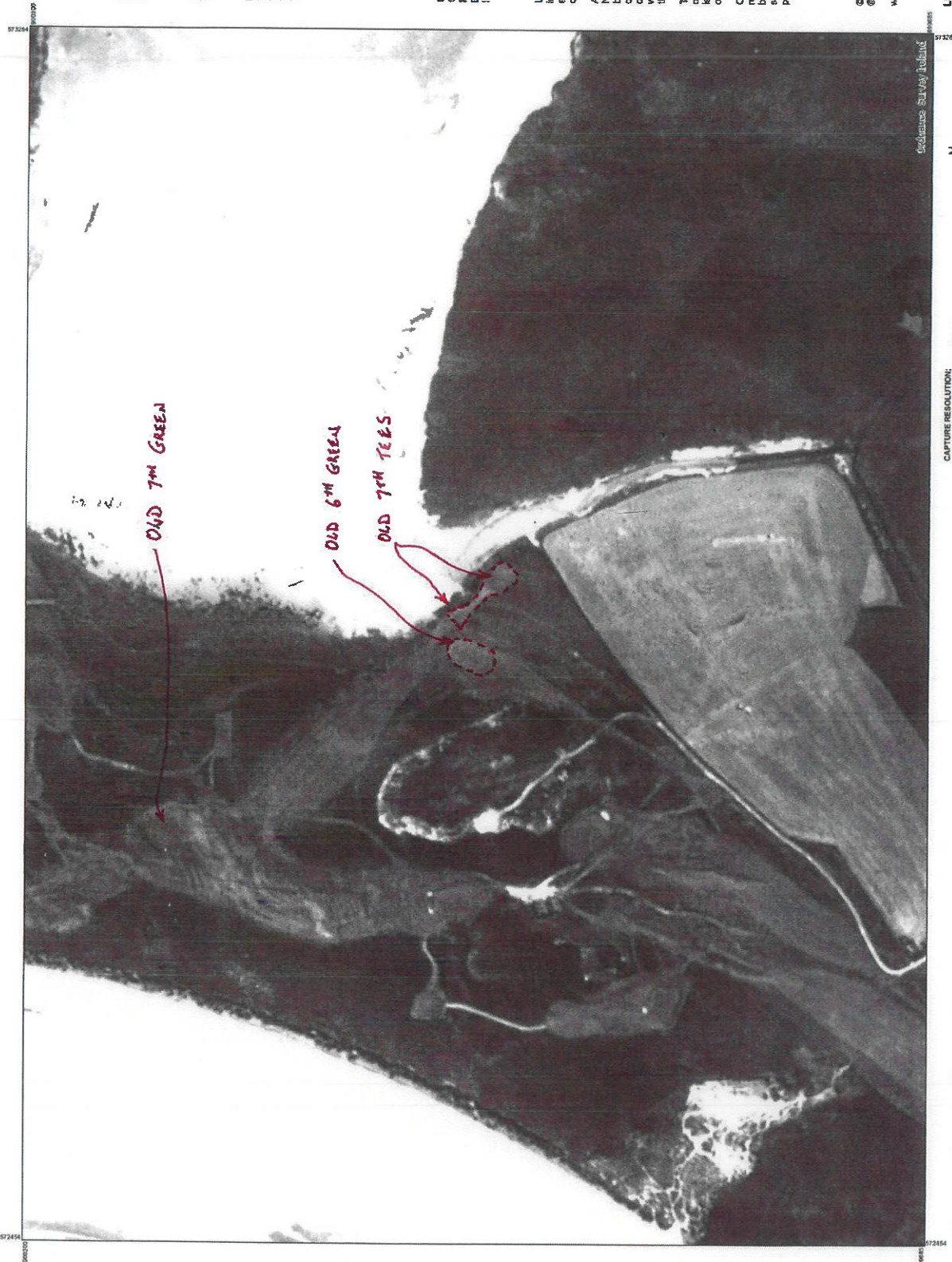
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landdirect.ie



> Back

Folio Number	DL42372F
Title Level	Freehold
Plan Number	25
Property Number	1
Area of selected plans	0.39 hectares.
Number of Plans on this folio:	2
Address	Castlegoland, Portlaoise, Co. Down, BT24 1T6
Add to Basket	Create Alert

\*PRA Boundaries and Plan Area are not conclusive. See Section 62(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

View Basket

Print Current View

Help



3357



# Land Registry

County Donegal

Folio 42372F

## Register of Ownership of Freehold Land

### Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

No.	For parts transferred see Part 1(B) Description	Official Notes
1	A plot of ground being part of the Townland of CASHELGOLAN and Barony of BOYLAGH containing .3690 Hectares shown as Plan(s) 25 edged RED on the Registry Map (OS MAP Ref(s) 64/12).  The Registration does not extend to the mines and minerals	From Folio DL24107F
2	A plot of ground being part of the Townland of CASHELGOLAN and Barony of BOYLAGH shown as Plan(s) 24 edged RED on the Registry Map (OS MAP Ref(s) 64/12).  The Registration does not extend to the mines and minerals	From Folio DL13608

1

There is appurtenant to the property No 2 . the exclusive right to cut make spread and take turf for fuel to be consumed thereon and bog mould for manure for use on the property on and from part of the Townland of Ballyiriston containing .726 hectares on the Registry Map thereof (Plan . 1C) such right to be exercised in the manner provided by Fiat of the Land Commission (L.R. 337/22829)

Land Cert Issued: No

Page 1 of 6

Collection No.:



## Land Registry

County Donegal

Folio 42372F

- 2                    There is appurtenant to the property No 2 a right of way on foot and with horses or other animals with or without carts and other conveyances and for every purpose over part of the Townland of Ballyviriston by the way coloured brown and marked 1D2 on the Registry Map thereof ).
- 3                    Revised D2004WS007826J  
There is appurtenant to the property no 2 in conjunction with the property in folio 2301F and 13608 the right to cut and remove seaweed on and from those parts of the foreshore of Cashelgolan and adjacent island coloured shown coloured green at co-ordinates XY: (573361, 900346), (573741, 900372), (573610, 900846) and (573997, 900662).
- Description revised D2004WS008428B  
Note: Appurtenant right revised under Rule 8(4). See Q2019LR009241G 11-Jul-2019.

# Land Registry

County Donegal

Folio 42372F

## Part 1(B) - Property Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:

# Land Registry

County Donegal

Folio 42372F

## Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965
1	<p data-bbox="276 842 1337 920">08-FEB-2000 BRONAGH HEVERIN of 5 ABBEYVIEW CRESCENT, THE GLEBE, DONEGAL TOWN, and BRIAN MC GONAGLE of 5 ABBEYVIEW CRESCENT, THE GLEBE, DONEGAL TOWN are full owners.</p>



# Land Registry

County Donegal

Folio 42372F

## Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	<p><del>The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.</del></p> <p>Cancelled D2013LR003171B 10-JAN-2013</p>
2	<p>The sporting rights within the meaning of the Irish Land Act, 1903 save the shooting rights to which the Land Commission was entitled are reserved out of the lands No 1 L.R 337/22829</p>
3	<p><del>The property No 2 is subject to the exclusive right of taking bog-mould for manure for use of the said lands on and from part of the lands of Ballyriston containing 726 hectares marked 1C on the Office Map such rights to be exercised as specified on Folio 13608.</del></p> <p>Description revised D2005WS007826J</p> <p>Cancelled D2004WS007826J 05-JUL-2004</p>
4	<p><del>The property No 2 is subject a right of way on foot and with horses or other animals with or without carts and other conveyances and for every purpose over part of the lands of Ballyriston along the passage coloured brown and marked 1D2 on the said Map.</del></p> <p>Description revised D2004WS007826J</p> <p>Cancelled D2004WS007826J 05-JUL-2004</p>
5	<p><del>The property No 2 is subject to the right to cut and remove seaweed on and from those parts of the foreshore of Cashelgolan and adjacent island coloured brown on the said Map.</del></p> <p>Description revised D2004WS007826J</p> <p>Cancelled D2004WS007826J 05-JUL-2004</p>

# Land Registry

County Donegal

Folio 42372F

6	<del>08 FEB 2000</del> <del>D2000WS001119U</del>	<del>Charge for present and future advances stamped to cover £75000</del> <del>repayable with interest.</del> <del>The Governor and Company of the Bank of Ireland is owner of this</del> <del>charge.</del> <del>Certificate of Charge issued. Rule 156</del>  Cancelled D2001WS001555G 27-FEB-2001
7	<del>27 FEB 2001</del> <del>D2001WS001555G</del>	<del>Charge for present and future advances stamped to cover £73000</del> <del>repayable with interest.</del> <del>The Governor and Company of the Bank of Scotland is owner of this</del> <del>charge.</del> <del>Certificate of Charge issued. Rule 156</del>  Cancelled D2013LR003171B 10-JAN-2013

**AN BORD PLEANÁLA**  
  
09 MAR 2020  
LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_  
LDG- \_\_\_\_\_  
ABP- \_\_\_\_\_

AM BORD PLEANA  
MAR 1968  
USDA-AM 2.0  
DATE DATED  
FROM  
LDS  
ABP



8<sup>th</sup> January 2020

**The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1, D01 V902**

2

<b>AN BORD PLEANÁLA</b>	
LDG-	023220-20
ABP-	
09 JAN 2020	
Fee: €	220
Type:	PMO
Time:	—
By:	Exp. PoA (as Reg.)

**Section 5 Appeal to An Bord Pleanála**

**Ref S5 19/25 – Ground excavation, alteration and demolition on private and public property at Narin and Portnoo Links and Castlegoland Beach, Narin, Portnoo, Co Donegal.**

I enclose the recent Section 5 declaration (SS 19/25) by Donegal County Council for review by the board. Donegal County Council issued the declaration on 6<sup>th</sup> December 2019.

I disagree with the declaration that the development is exempted development on numerous grounds which are addressed in detail in the attached 'Section 5 - Background Information' Document. The reasons for appealing the decision include:

- Contravention of previous planning condition
- Works are clearly extension to the golf club and therefore cannot fall under class 34
- Obstruction of Public Rights of way
- Development within a Proposed Natural Heritage Area
- Development is within or adjacent to a Special Area of Conservation

I also include a copy of Donegal County Council's section 5 declaration ref S5 19/23, This declaration is not referred for appeal, but included as background information. The declaration recognises the public rights of way on the site in question.

**Applicants** - Anne Murphy, Declan Brennan, Hanora Gyo, Bronagh Heverin, Tony Kitterick

**Applicants Address** – Loughfad, Portnoo, Co Donegal, F94 P8E2

**Agent Name** – Tony Kitterick

**Agent Address** - Loughfad, Portnoo, Co Donegal, F94 P8E2

Please do not hesitate to Contact the undersigned if you require any additional information or clarification, to date approximately 150 letters of objection to the obstruction of the public rights of way and trespass have been issued to Donegal County Council. Copies of these are available if required.

Yours Faithfully



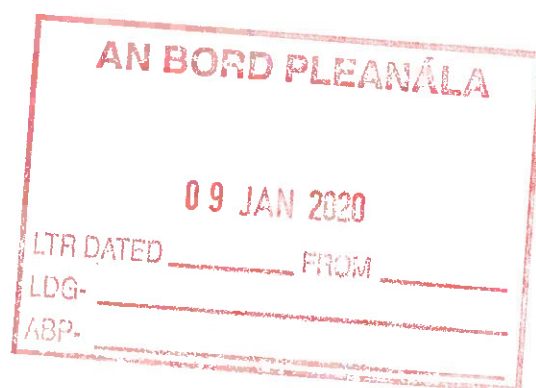
Tony Kitterick

Loughfad, Portnoo, Co Donegal. F94 P8E2



## Attached Documents

- Declaration S5 19/25 – The subject of this appeal
- Postal Order for €220 payable to An Bord Pleanála
- Receipt for original section 5 application to Donegal County Council
- Document 'Section 5 – Background information, previously submitted with section 5 application
- Drawing SK-01 – Drawing, previously submitted with section 5 application
- An Bord Pleanála Inspectors report ref 05B.RL2252 – refers to previous An Bord Pleanála decision for the same site
- DCC declaration S5 19/23 – For information regarding Public Rights of Way
- Drawing NWPS-001 – Background information regarding SAC Boundary and record photos
- Drawing SK-03 – Identification of Vehicular Rights of Way



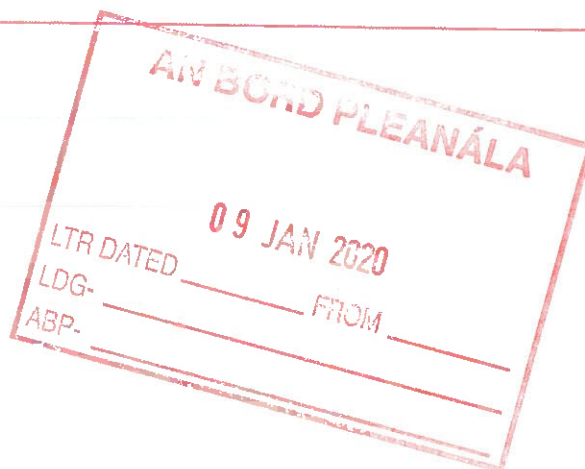






**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

[www.ccdhunnangall.ie](http://www.ccdhunnangall.ie) [www.donegalcoco.ie](http://www.donegalcoco.ie)



**Ref. No: S5 19/25**

6<sup>th</sup> December, 2019

Tony Kitterick,  
Lough Fad  
Portnoo  
Co Donegal  
F94 P8E2

**Re: Section 5 – Ground excavation, alteration and demolition on private and public property at Narin and Portnoo Links and Castlegoland Beach, Narin, Portnoo, Co Donegal**

A Chara,

I refer to your request received on 10<sup>th</sup> October, 2019 as above under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

  
\_\_\_\_\_  
**for Senior Planner**  
**Planning Services**  
/mp

Cuir freagra chuig: Áras an Chontae, Leifear, Contae Dhún na nGall, Éire F93 Y622  
Please reply to: County House, Lifford, Co. Donegal, Ireland F93 Y622

Guthán/Tel: 074 9153900 | Facs/Fax: 074 9172812 | Ríomhphost/Email: [info@donegalcoco.ie](mailto:info@donegalcoco.ie)





**Planning and Development Acts, 2000 – 2018  
(Declaration and Referral on Development and Exempted Development)**

**DECLARATION**

**AN BORD PLEANÁLA**

**Chief Executive's Order No:** 2019PH2446

**Reference No:** S5 19/25

**Name of Requester:** Tony Kitterick,  
Lough Fad  
Portnoo  
Co Donegal  
F94 P8E2

**09 JAN 2020**

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_  
LDG- \_\_\_\_\_  
ASP- \_\_\_\_\_

**Summarised Description of development the subject matter of request:**

Ground excavation, alteration and demolition on private and public property

**Location of Development:**

Narin and Portnoo Links and Castlegoland Beach, Narin, Portnoo, Co Donegal

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE**

**IS** Development

**IS** Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

**The Planning Authority, in considering this referral, had regard particularly to:**

- (i) Sections 2(1), 3(1) and 177U of the Planning and Development Act 2000 (as amended).
- (ii) Class 34, Schedule 2, Part 1, (Exempted Development - General) of the Planning & Development Regulations, 2001 (as amended), and
- (iii) Article 9 (vi) of the Planning & Development Regulations 2001 (as amended).

**and concluded that:**

The proposal IS DEVELOPMENT within the meaning of the Planning & Development Act, 2000 (as amended) and IS EXEMPTED DEVELOPMENT as it comes within the scope of Class 34 Schedule 2, Part 1, (Exempted Development - General) and Article 9 (vi) of the Planning & Development Regulations 2001 (as amended).

**DATED THIS 6<sup>th</sup> DAY OF DECEMBER, 2019**

  
\_\_\_\_\_  
**FOR SENIOR PLANNER  
PLANNING SERVICES**



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AN BORD PLEANAL

Donegal County Council  
Cash Office  
Three Rivers Centre  
Lifford  
Co. Donegal  
074 9153900  
10/10/2019 10:14:39

09 JAN 2020

LTR DATED FROM

LOG-

Receipt No. : LA01/0/78194

TONY KITTERICK  
LOUGHFAD  
PORTNOO  
DONEGAL PO  
CO DONEGAL  
REF - SECTION 5

PLANNING FEE - PART V/SECT 5 8  
GOODS 80.00  
VAT Exempt/Non-vatable

Total : 80.00 EUR  
63.01 IEP

Tendered :  
Cash 100.00

Change : 20.00

Issued By : Rosemary Coyle  
From : Cash Office  
Vat reg No. IE8F28103W

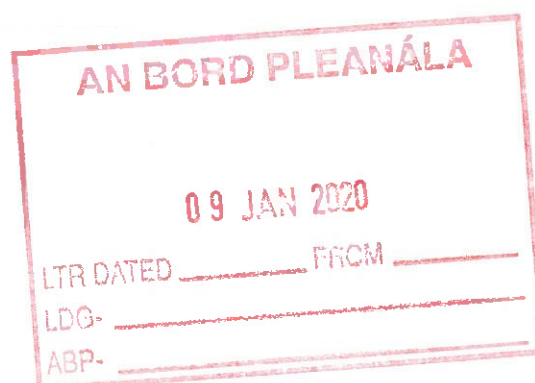




## **Section 5 – Background Information**

**The 'works':** Ground excavation, alteration and demolition at Narin and Portnoo Links and public lands at Castlegoland Beach all in Narin, Portnoo, County Donegal

9<sup>th</sup> October 2019







## 1 - Description of development

The 'works' that comprise 'development' within the meaning of sections 2 and 3 of The Planning And Development Act 2000 are the excavation, alteration and demolition of ground

- within privately owned property (Narin and Portnoo Links) being point A on the map SK-01; and
- on public property (Narin Beach and Castlegoland Beach) being point B on the map SK-01 all at Narin, Portnoo, County Donegal.

Photographs 1 and 2 below illustrate the works at point A on the map SK-01, while photograph 3 illustrates the position at point A on the map SK-01 prior to the works.

Photograph 4 below illustrates the works at point B on the map SK-01, while photograph 5 illustrates the position at point B on the map SK-01 prior to the works.

Drawing SK-01 contains a table, which is also included at Appendix F and provides a broad overview of the position vis-à-vis planning and the works.



Photograph 1 - 29th May 2019 – View of works on privately owned property (Narin and Portnoo Links) being point A on the map SK-01 with Sweeney's Banks behind and looking towards golf course gate.







Photograph 2 – 29th May 2019 – Close up view of works on public property being point A on the map SK-01 with Sweeney's Banks behind and looking towards golf course gate.



Photograph 3 - Aerial Photograph evidencing the position of point A on the map SK-01 prior to the works.







Photograph 4 - 29th May 2019 – View of works on public property being point B on the map SK-01.



Photograph 3 - Aerial Photograph evidencing the position point B on the map SK-01 prior to the works.

**It is submitted that these works comprise development within the meaning of the Planning Acts and are not exempted development within the meaning of the Planning Acts for the reasons set out.**





## 2 - Location of the works

Narin and Portnoo Links form part of the headland between two beaches, namely Narin Beach and Castlegoland Beach.

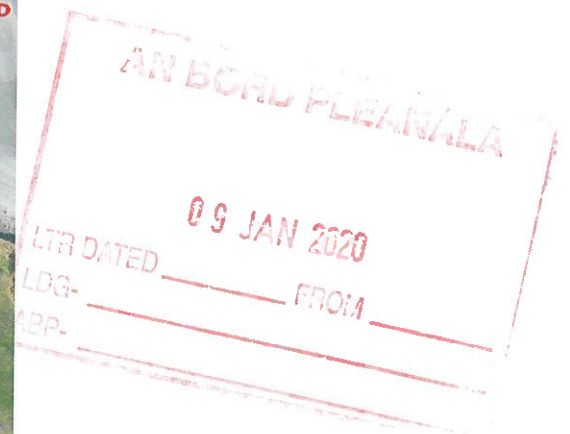


Figure 1 - Location

This golf links in Narin and Portnoo was originally owned by Narin and Portnoo Golf Club however when the club got into financial difficulty, the bank sold the debt which was ultimately acquired by the current owners/mortgagees, Knather Acquisitions Unlimited Company, of which Liam McDevitt and his sister-in-law Jane McDevitt are the directors. The course was renamed 'Narin and Portnoo Links' by the new owners/mortgagees. The title deeds for the property are registered in the Land Registry in folio 68768F County Donegal and registration of their title was completed on the 1<sup>st</sup> of August 2017 – see Figure 2. A map showing the boundaries of folio 68768F County Donegal is included in drawing SK-01 where the folio is shaded yellow.





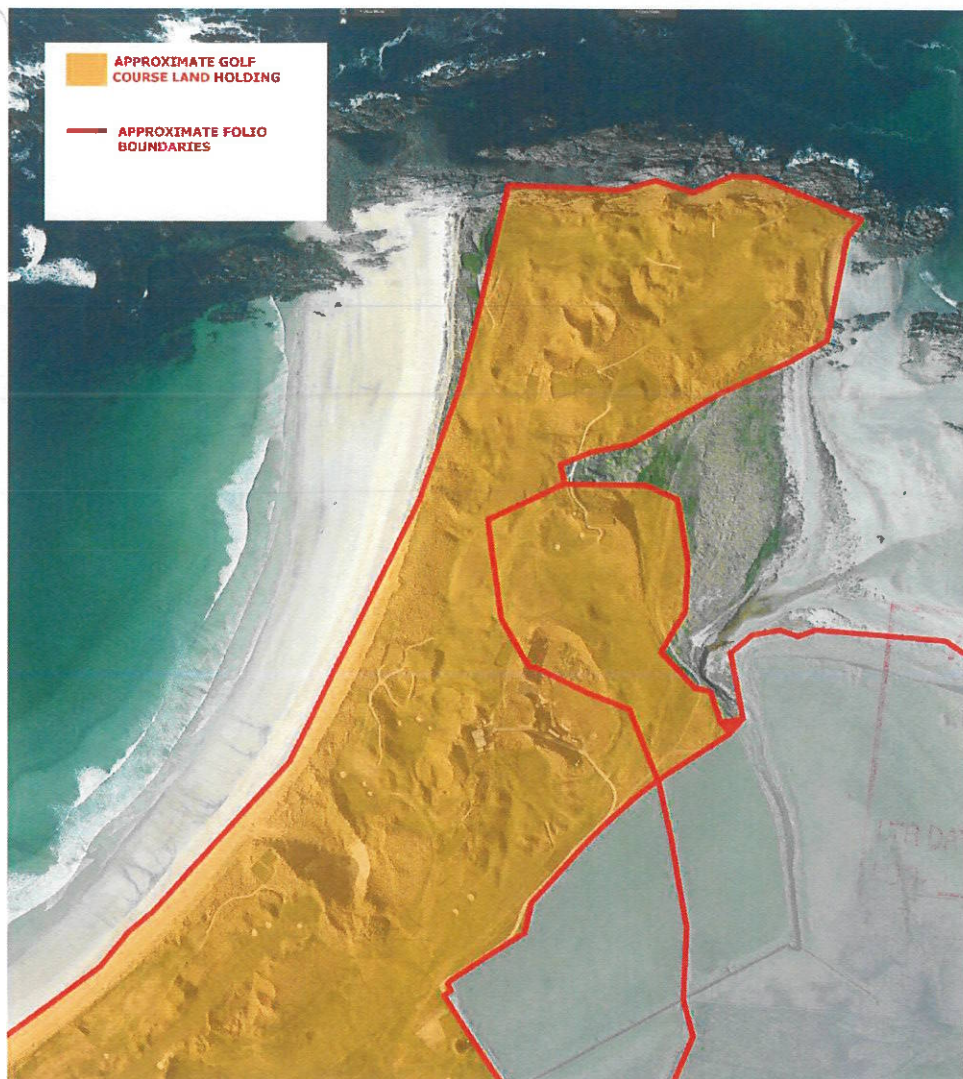


Figure 2 – Folio 68768F County Donegal is shaded yellow, however part of the works are on land outside of the folio to the North West and East.

The location of the works on folio 68768F County Donegal are shown on drawing SK-01 marked with the letter 'A'.

The location of the works on Public Land are shown on drawing SK-01 marked with the letter 'B'.

The identifiers A and B as shown on drawing SK-01 will be referenced throughout this document.

### **3 - Jurisdiction of Donegal County Council**

Part of the works are located on folio 68768F County Donegal as shown on drawing SK-01, and marked A are within the functional area of Donegal County Council.

The balance of the works are located on publicly owned property, as shown on drawing SK-01, and marked B. This publicly owned property is either foreshore or reclaimed land.

If it is foreshore, it is owned by the State pursuant to Article 10 of the Constitution and the Foreshore Acts. Section 224 of the Planning and Development Act 2000 confirms the foreshore to be within the functional area of the planning authority which adjoins such land and so confers the required



jurisdiction on Donegal County Council. Section 225 of the Planning and Development Act 2000 confirms the obligation to obtain permission for development on these lands. The current County Donegal Development Plan reiterates the statutory provisions:

"The foreshore of Ireland is classed as the land and seabed between the high water of ordinary or medium tides (shown HWM on Ordnance Survey maps) and the twelve-mile limit (12 nautical miles equals approximately 22.24 kilometres). Foreshore also covers tidal areas of rivers, particularly estuaries.

Currently Planning permission is required for, and the Council assesses proposals for, development on the foreshore (not being exempted development) where it would adjoin the functional area of the planning authority or any reclaimed land adjoining such functional area. However where the Council proposes to carry out development wholly or partially on the foreshore it must apply to An Board Pleanála for approval" (pages 162-163).

If it is reclaimed land, then it forms part of the local authority area - section 227 of the Local Government Act 2001 provides that land which is above the ordinary high water mark, which is formed by natural accretion, shall be included in and form part of the county to which it is connected. It is therefore within the functional area of Donegal County Council.

Further confirmation of the jurisdiction of Donegal County Council is provided through section 157 of the Planning and Development Act 2000, which provides that proceedings for an offence under the Act can be brought by the planning authority whether or not the offences were committed in the authority's functional area.

In effect any development on the foreshore is treated the same as a development on the mainland with all the necessary requirements for an application for planning permission. In addition, section 225 of the Planning and Development Act 2000 effectively requires that it is also necessary to obtain such licences as are required under the provisions of the Foreshore Acts.

#### **4 - Name and address of the owner**

Narin and Portnoo Links is owned by Knather Acquisitions Unlimited Company, of which Liam McDevitt of 44 Coleytown Road, Westport, Connecticut 06880, USA and his sister-in-law Jane McDevitt of the Mullin's, Ballyshannon, County Donegal are the directors. Jane McDevitt is also the company secretary.

#### **5 - Development**

Section 3(1) of the Planning and Development Act 2000 defines development as "the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 2 of the Planning and Development Act 2000 defines "works" as "any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure."

**It is submitted that the works the subject of this application as described in Paragraph 1 come within the definition of 'works' in the Planning Acts and as such comprise**





**development' within the meaning of the Planning Acts and are not exempted development within the meaning of the Planning Acts for the reasons set out below.**

Drawing SK-01 contains a table, which is also included at Appendix F and provides a broad overview of the position vis-à-vis planning and the works.

## **6 - Exempted development**

Section 4(2)(a) of the Planning and Development Act 2000 provides that the Minister may by regulations provide for any class of development to be exempted development for the purposes of the Act.

CLASS 45 Part 1 of Schedule 2 of the Planning and Development Regulations 2001 exempts "any drilling or excavation for the purpose of surveying land or examining the depth and nature of the subsoil, other than drilling or excavation for the purposes of minerals prospecting".

There is no evidence that these works are for the purposes of surveying land or examining the depth and nature of the subsoil and the works cannot therefore come within this exemption.

CLASS 34 Part 1 of Schedule 2 of the Planning and Development Regulations 2001 exempts works "incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course".

However, Article 9 of PDR 2001 contains a list of restrictions to developments which might otherwise appear exempt. Several of these restrictions apply to the works and are outlined as follows:

**Article 9 (1)(a)(i)** provides that any such development will not be exempt if it "contravenes a condition attached to a permission under the Act or be inconsistent with any user specified in the permission under the Act".

Condition 4 of Planning Permission 18/50855 dated July 2018 and Condition 3 of the decision to grant planning permission 18/51383 dated October 2018 both provide that

"All works associated with the development shall be confined to the proposed development site. No filling or, or encroachment onto, nearby coastal habitat with the Special Area of Conservation shall occur. Reason: To ensure the integrity and preservation of Natura 2000 sites and their qualifying interests".

**These works are clearly encroaching on the adjoining coastal habitat with the special area of conservation and are therefore inconsistent with these planning permission conditions and cannot be an exempt development.**

**Article 9 (1)(a)(iii)** provides that any such development will not be exempt if it would "endanger public safety by reason of traffic hazard or obstruction of road users"

The works obstruct several public rights of way.

The works at the point A on the map SK-01 directly obstructs the pedestrian access path from Narin Beach to Castlegoland Beach. The route of this pedestrian pathway is clearly marked on the Donegal County Council map included in Figure 3 and user of this pathway is clearly evident in Photograph 3.



Map SK-01 illustrates both the location of the works and this path and clearly illustrates how the works at the point A are a clear impediment to passage along the public pedestrian pathway.

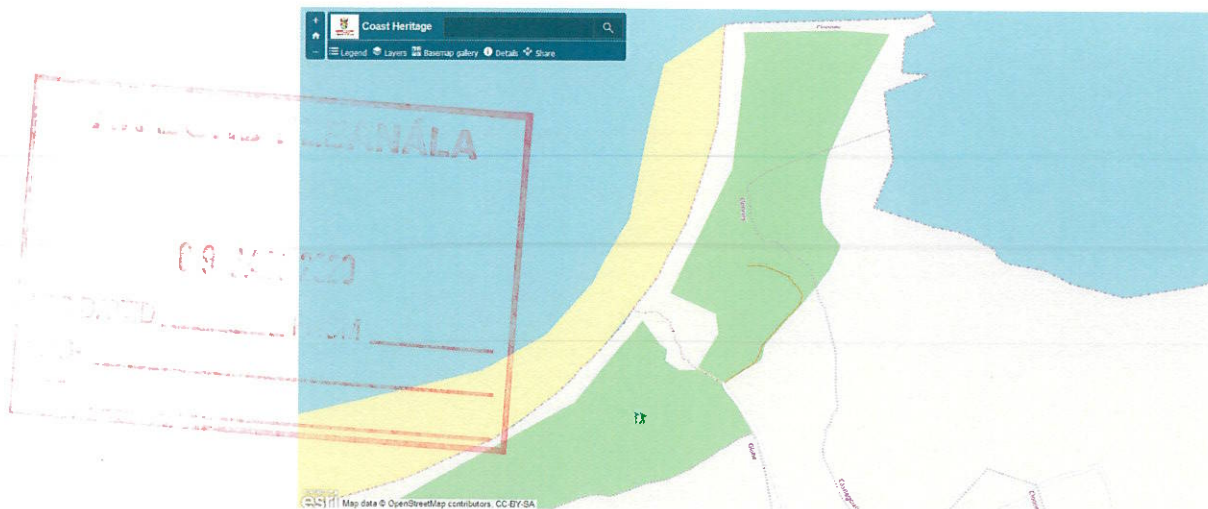


Figure 3 – Donegal County Council Map indicating the pedestrian Public Right of Way to Narin Beach via Sweeneys Banks.

The works at the point B on the map SK-01 completely obstruct both the vehicular access and pedestrian access from the public road (road ID L-7543-2) to Castlegoland Beach. See Figure 10 which contains the relevant section of the current County Donegal Development Plan recording the public right of way to Castlegoland Beach together with Figures 11 to 14 containing various maps evidencing the location and user of the public rights of way since time immemorial.

**As such, the works constitute both a traffic hazard and an obstruction to road users and cannot be an exempt development.**

**Article 9 (1)(a)(vi)** provides that any such development will not be exempt if it interferes “with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed...”

A Landscape Character Assessment (LCA) for Donegal was prepared and endorsed by the members of Donegal County Council in May 2016 whose purpose is to classify and describe the landscape to provide an evidence base of the landscape’s components to assist in planning formulating the policy of the current County Donegal development plan 2018-2024. The landscape of Donegal was categorised into three layers of value namely areas of ‘Especially High Scenic Amenity’, ‘High Scenic Amenity’ and ‘Moderate Scenic Amenity’.

Figure 4 is an excerpt from the current County Donegal Development Plan showing the designation for the land the subject of this application. The works at the point A on map SK-01 are in an area designated as High Scenic Amenity while the works at the point B on map SK-01 are in an area designated as both Especially High Scenic Amenity and High Scenic Amenity. Thus, the entirety of the works are comprised within either an Especially High Scenic Amenity or High Scenic Amenity.







Figure 4 – Scenic amenity designations of County Donegal Development plan 2018-2024. Point A and B on map SK-01 are within areas designated as Especially High Scenic Amenity and High Scenic Amenity.

The preservation of such landscapes is then endorsed in the following objectives of the current County Donegal Development Plan:

#### Objectives and Policies regarding The Natural Heritage

##### **Objectives**

**NH-O-5:** To protect, manage and conserve the character, quality and value of the landscape having regard to the proper planning and development of the area, including consideration of the scenic amenity designations of this plan, the preservation of views and prospects and the amenities of places and features of natural, cultural, social or historic interest.

**NH-O-7:** To protect the areas of Especially High Scenic Amenity from intrusive and/or unsympathetic developments.

##### **Policies**

**NH-P-6:** It is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered.

**NH-P-8:** It is the policy of the Council to safeguard the scenic context, cultural landscape significance, and recreational and environmental amenities of the County's coastline from inappropriate development.

**NH-P-9:** It is the policy of the Council to manage the local landscape and natural environment, including the seascape, by ensuring any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of the area.

**NH-P-13:** It is a policy of the Council to protect, conserve and manage landscapes having regard to the nature of the proposed development and the degree to which it can be accommodated into the receiving landscape. In this regard the proposal must be considered in the context of the landscape classifications, and views and prospects contained within this Plan and as illustrated on Map 7.1.1: 'Scenic Amenity'.

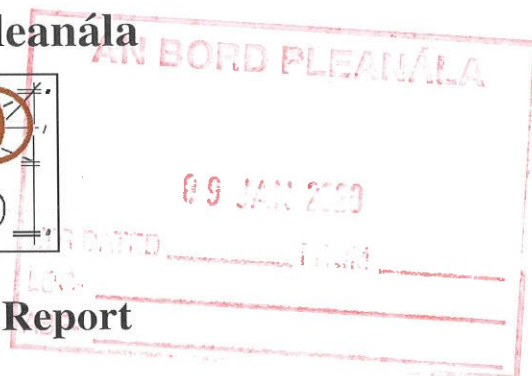
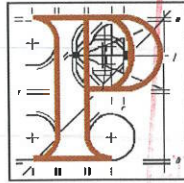
In addition as can be seen from Figure 5 part of the works at the point A on map SK-01 are located within the Blue Flag area of Narin Beach, which clearly runs counter to the following policy in the current County Donegal Development Plan:

#### **Marine resource and coastal management policies:**

**MRCM-P-10:** It is a policy of the Council to ensure that development proposals do not adversely compromise the recreational amenity and environmental quality of coastal areas including Flag Beaches, Natura 2000 sites and areas of Especially High Scenic Amenity.



## An Bord Pleanála



### Inspector's Report

**Referral Reference Number:** 05B.RL2252

**Subject of Reference:** Whether site excavation works to accommodate regrading and alteration to golf course layout is or is not exempted development.

**Location:** Narin, Portnoo, County Donegal

**Referrer:** An Taisce, The Tailor's Hall, Back Lane, Dublin 8.

**Respondent:** Narin and Portnoo Golf Club, Narin, Portnoo, County Donegal.

**Site Inspection:** 8<sup>th</sup> September, 2005

**Inspector:** Ruairi Somers





## 1.0 SITE LOCATION AND DESCRIPTION

Narin and Portnoo Golf Course lies 11 kilometres north-west of Glenties and 20 kilometres north-west of Donegal town. It is located along the west coast of Donegal and on the east side of Tramore Strand. The latter virtually borders the course along its main axis, which runs roughly from south-west to north-east.

The entrance to the golf course is located at the south-western end and here the access, parking and club house facilities are located. The 18 holes extend over a distance of almost 2 kilometres north-eastwards whereas the width of the course is quite narrow and typically of the order of 200-300 metres. The topography of the course varies significantly from the coastal boundary inland. The coastal zone is characterised by high sand dune type terrain with steep cliffs falling to the strand further west (or north). Advantage has been taken of these high dunes to provide effective teeing areas.

## 2.0 NATURE OF WORKS

Previously it would appear that the course was primarily located towards the inland portions of the club's landholding i.e. towards the east, south-east and south and leaving a more extensive dune system between the "operative" course and the coast. Thus, an extract from the tenth edition of **Golf Days – Golf Courses of Ireland** (1999) would appear to identify a relatively untouched area of perhaps an average width of 50 metres or so separating the course from Tramore Strand. In the period since 1999 and particularly since 2004 the course has been significantly reorganised and the club's landholding more fully availed of so as to provide greater separation between fairways, longer holes, etc.

Reorganisation of the course has involved encroachment into the "pristine" dunes and is well illustrated in comparing the new and old locations of the 14<sup>th</sup> and 15<sup>th</sup> holes as between the "**Golf Days**" (1999) layout and the submitted layout of April 2004. The 15<sup>th</sup> Hole now runs parallel to Tramore Strand and is set back a mere 30-40 metres from it. It would appear that the relatively "untouched" dune system was up to 90 metres in width previously in this vicinity. The newly constructed hole would seem to have involved extensive excavation works so that the fairway and playline now extend along a south-west to north-east axis and comprise of a valley like feature with the higher sand hills located both towards the west and east.

## 3.0 REFERRER'S CASE

An Taisce explain that concern at the impact of excavation on this site came to its attention through press reports in August-September 2004 and that they complained to Donegal County Council on 2<sup>nd</sup> September 2004. Subsequently, An Taisce lodged a Section 5 reference to the Council requesting a determination as to whether extensive works comprising site excavation and realignment of the golf course layout around the identified areas of the golf club's landholding were exempted development or not. On 6<sup>th</sup> May 2005



Donegal County Council decided that site excavation works to accommodate regrading and alteration to the golf course layout was exempted development. An Taisce now seek a determination from An Bord Pleanála that the works carried out to the golf course were not exempted development and required a lodgement of a planning application because of the location in a Priority Habitat under the E.U. Habitats Directive.

An Taisce submit a document entitled **“Narin Golf Course Extension – Vegetation Assessment”** dated 27<sup>th</sup> May 2005 which was prepared by Ralf Shepard, Environmental Consultant. Mr. Shepard visited the dune complex on 28<sup>th</sup> August, 2004 after works had commenced and photographs included show two parallel fairways constructed into an area shown by Mr. Shepard to have previously been untouched by the golf course.

Mr. Shepard identifies the major part of the site as comprising shifting and fixed dunes which are scheduled under Annex 1 of the EU Habitats Directive as Priority Habitats, notwithstanding the lack of specific Special Area of Conservation designation. It is Mr. Shepard’s contention that this work has undermined the status of areas of dune, which would have warranted designation as Special Area of Conservation.

An Taisce quote from an Irish Times Report of 30<sup>th</sup> August, 2004 by Richard Narin and Paddy Woodworth. This states the following:-

“Since last August, three large mechanical diggers have been tearing at a line of sand dunes in west Donegal... The golf club at Narin – Portnoo beach is busy extending its links course from the flat area inland into the high sand dunes near the beach.”

#### **4.0 RESPONDENT’S CASE**

In a ten page report the respondent sets out the background to the declaration and referral sought by An Taisce from Donegal County Council and An Bord Pleanála respectively, in relation to the subject works. It is the contention of the Narin and Portnoo Golf Club that the works involved were related to the maintenance and management of its course especially as they relate to “alterations to the layout thereof” as permitted under Class 34 of the Planning and Development Regulations 2001.

A golf course is not only the tees, the greens and the fairways but also and crucially the areas of ‘rough’. These are generally sections of the course which have ponds, forests, dunes and the such like that are less manicured than the fairways. However, nevertheless if the ball lands in such areas a player, if the ball can be located, is entitled to play the shot therefrom. These areas are not out of bounds nor are they lands that are kept free from the playing area in the interest of safety to those outside the site. The subject works being complained about were on lands that were part of the playing area of the golf course. It is totally incorrect for An Taisce to seek to suggest that the grounds of this golf





course are being extended as this would suggest that the grounds now being used were never part of the golf course.

Class 34 seeks to allow for the proper management and maintenance of the golf course but more especially alteration to its overall layout. This was the work that was undertaken by the club last summer. There was no extension of the course rather an alteration to its overall layout which involve lands which were part of the playing surface of the course.

## 5.0 PLANNING AUTHORITY'S RESPONSE

In a letter of the 29<sup>th</sup> June 2005 Donegal County Council made the following points in response to the referral:-

- the Planning Authority wish to reiterate that the site of the works in question do not lie within a candidate Special Area of Conservation and that the National Parks and Wildlife Section of the DOEHLG informed the Planning Authority that the works posed no threat to the adjoining candidate Special Area of Conservation;
- the works to the golf course have been carried out on lands from which players were always entitled to play shots and thus the works comprise of alterations to the layout of the existing course and thus are exempted development.

## 6.0 ASSESSMENT

Under Class 26 of Part 1 of the Third Schedule to the **1977 Planning and Development Regulations** development consisting of the laying out and the use of land as a golf course incorporating parking space for not less than 24 cars was exempted development i.e. that is setting aside the restrictions on exemption under Article 11. In sharp contrast Class 34 of Part 1 of Schedule 2 of the **Planning and Development Regulation 2001** would seem to restrict golf course related development to comparatively minor works associated with maintenance and management. The precise wording of Class 34 is as follows:-

“Works incidental to the maintenance and management of any golf course ..., including alterations to the layout thereof, excluding any extension to the area of a golf course ...”

It is An Taisce's case that the extensive works comprising site excavation and realignment of the golf course layout involves extension to the area of the golf course and referring to, for example, the addition of the high dune area to the north-east and the two parallel fairways centrally located in the golf club lands within dune areas previously untouched by the golf course. The respondent considers that this view suggests that a golf course is restricted to the tees, the



putting area and the fairways whereas a golf course also and crucially includes the areas of 'rough'.

In response to a request from An Bord Pleanála Fáilte Ireland in a letter dated 17<sup>th</sup> August 2005 states the following:-

"It appears, therefore that the question of whether or not the works are to be considered exempted development, rests on the determination of whether or not the area of the proposed works were already within the operational area of the golf course, in other words, whether the lands were already being used as a golf course. It is noted that the County Council (letter 27<sup>th</sup> June 2005) states that "the works to the golf course have been carried out on lands from which players were already always entitled to play shots". However, it is not considered that this in itself provides sufficient evidence to determine whether or not the lands were previously part of the golf course. It is suggested that it must also be established whether these lands are subject to the same management regime as the rest of the course (i.e. irrigation and fertilisation practices). If it is found that the lands that are subject to the works had a different management regime before the works than they do after the works, then it is considered that the works constitute an extension to the golf course and should therefore require planning permission".

In a response to the above submission from Fáilte Ireland the applicant states that in the management of the golf course, which is a links golf course, no irrigation or fertilisation takes place on the fairways or rough and very little irrigation takes place on the greens. It would appear therefore that in the applicant's view this addresses the submission by Fáilte Ireland and thus the rough areas are part of the golf course since they are subject to the same management regime.

In a letter dated 25<sup>th</sup> August 2005 An Taisce in the context of the earlier submission from Narin and Portnoo Golf Club and in an effort to lend further clarification to Class 34 considers that all works have to be within the "fairways alignment area that was playable on the old course". In contrast An Taisce feels that the plan confirms that significantly new alignments took place.

At the outset it is acknowledged that there is some difficulty in defining the extent of works which have been carried out to this golf course relative to that which existed prior to, for example the Planning and Development Regulations 2001 coming into effect. In this respect I concur with the suggestion by An Taisce that the drawing marked "Proposals for Development" by Eddie B. Connaughton Ltd and dated April 2004 is unsatisfactory in terms of showing the difference between the previous and current golf courses and therefore indicating the extent of development works the subject of this referral.

Reference has already been made to the golf course layout as shown in the 'Golf Days' publication, which existed in 1999. Comparing the then existing golf course to that set out in the 2004 drawing would indicate a significant





reorganisation and extension to the course. In this respect the following is noted:-

- The old course was a par 69 (i.e. in 1999) - the 2004 course (i.e. prior to works) was a par 70 - while the proposed/new golf course is 72.
- In 1999 the old golf course had a total length of 5272 metres (5,766 yards) - the 2004 course had a length of 5,521 metres - while the proposed/new course has a length of 6,209 metres. The difference in length following the post-2004 works represents an increase of 12%. If all the lengthening works took place after the coming into operation of the 2001 Regulations then the applicant is deemed an increase of the order of 18% as not comprising an "extension".

It is acknowledged that there is some ambiguity in the concept of "the area of a golf course" referred to in Class 34. Thus, there may be a limited basis to the view of Donegal County Council and the respondent that the 'extension' was not an extension because of simply bringing into the full 'hole' set up of the course - areas which were/are an inherent part of the course. This, for example, might apply to certain parts of the reorganised course such as perhaps the 18<sup>th</sup> hole. The April 2004 drawing indicates that the hole is being extended from 340 to 365 metres but this may be taking place within what might be considered the functional area of the golf course.

In contrast to the view of the applicant it is considered that both the submissions of Failte Ireland and that of An Taisce dated 25<sup>th</sup> August 2005 do serve to apply some insight into the 'area of a golf course' for the purposes of Class 34. Both submissions would tend towards the conclusion that the works are not exempted and the implication by the Golf Club that no management has been applied to the newly 'occupied' areas, for example, towards the north-western side of the centre of the course seems at variance with the apparently different grass regimes which exist on the new course areas as opposed to the untouched/less touched sand dune areas. An example of the veracity of both Failte Ireland and An Taisce's perspective is the 15<sup>th</sup> hole as indicated on the respondent's drawing as opposed to its previous location shown in the **Golf Days** publication. This hole is almost entirely developed in a sand dune area, which could hardly be regarded as part of even the 'rough' areas of the previous course given the various tee, green, and fairway positions as indicated in the old layout. In short the contentions of both Donegal County Council and the respondent that the works carried out fall into Class 34 do not stand up to scrutiny. This is particularly so when the word "alteration" is taken in the context of being incidental to "maintenance and management".

The determination of the full extent of the works carried out by Narin and Portnoo Golf Club and which would not fall within a reasonable interpretation of Class 34 is not possible in the absence of adequate drawings of the 'before and after' situations. In a letter of the 9<sup>th</sup> June 2005 An Bord Pleanála requested Donegal County Council to submit to it any information which would be relevant to the referral. Maps setting out the nature and extent of the works deemed to be exempted development were not forwarded so that it would appear that the informational analysis on which the Planning Authority came to its



decision for the purposes of the Section 5 declaration was limited. Moreover, the Department of the Environment, Heritage and Local Government in a submission to An Bord Pleanála dated 18<sup>th</sup> August, 2005 indicate that a recorded monument (DGO64-004-Midden) is located in the midst of the golf course. Again, no evidence was submitted by the County Council indicating a consideration with regard to archaeology and the golf course works given the restrictions on exemption under Article 9(1)(vii) of the Planning and Development Regulations 2001 and the archaeological policies outlined in Section 2.6.4 of the County Donegal Development Plan 2000 (copy enclosed).

## 7.0 CONCLUSION

Having regard to the Class 34 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended, I conclude that works carried out to the Narin and Portnoo Golf Course were not incidental to maintenance and management and comprised of an extension to the area of the golf course and thus were not exempted development.

**Ruairi Somers**  
Senior Planning Inspector  
27<sup>th</sup> September, 2005

YM

AN BORD PLEANÁLA	
09 JAN 2009	
LTR DATED	FROM
LDG-	
A2P-	







**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

**FOR  
INFORMATION**

[www.ccdhunnangall.ie](http://www.ccdhunnangall.ie) [www.donegalcoco.ie](http://www.donegalcoco.ie)

**Ref. No: S5 19/23**

6<sup>th</sup> December, 2019

Bronagh Heverin  
Castlegoland  
Portnoo  
Co Donegal  
F94 T674

AN BORD PLEANALA

09 JAN 2020

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_

***Re: Section 5 – Erection of 4 stand electric fence along the perimeter of privately owned Narin and Portnoo Links and across public property at Narin Beach and Castlegoland Beach, Narin, Portnoo, Co Donegal.***

A Chara,

I refer to your request received on 25<sup>th</sup> September, 2019 as above under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

  
for Senior Planner  
Planning Services  
/mp

Cuir freagra chuig: Áras an Chontae, Leifear, Contae Dhún na nGall, Éire F93 Y622  
Please reply to: County House, Lifford, Co. Donegal, Ireland F93 Y622

Guthán/Tel: 074 9153900 | Facs/Fax: 074 9172812 | Ríomhphost/Email: [info@donegalcoco.ie](mailto:info@donegalcoco.ie)



**Planning and Development Acts, 2000 – 2018**  
**(Declaration and Referral on Development and Exempted Development)**

**DECLARATION**

**Chief Executive's Order No:** 2019PH2445

**Reference No:** S5 19/23

**Name of Requester:** Bronagh Heverin  
Castlegoland  
Portnoo  
Co Donegal  
F94 T674

AN BORD	
09 JAN 2020	
LTR DATED	FROM
LDG-	
ADP-	

**Summarised Description of development the subject matter of request:**

Erection of 4 stand electric fence along the perimeter of privately owned Narin and Portnoo Links and across public property

**Location of Development:**

Narin Beach and Castlegoland Beach, Narin, Portnoo, Co Donegal.

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE –**

**IS** Development

**IS IN PART** Exempted Development

**IS IN PART** NOT Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

**The Planning Authority, in considering this referral, had regard particularly to:**

- (i) Sections 2(1), 3(1) and 177U of the Planning and Development Act 2000 (as amended),
- (ii) Class 4, Schedule 2, Part 3, (Rural Exemptions) of the Planning & Development Regulations, 2001 (as amended), and
- (iii) Article 9 (vi), (ix), (x), and (xi) of the Planning & Development Regulations 2001 (as amended)





**And concluded that:**

**THE PROPOSAL:**

Where the fence is located on land designated as High Scenic Amenity within the County Development Plan 2018-2024 (from the point of the gated access at the end of the L-7543-2 public road to a point where the fence crosses on to land categorised as an Especially High Scenic Amenity area) IS DEVELOPMENT within the meaning of the Planning & Development Act, 2000 (as amended) and IS EXEMPTED DEVELOPMENT as it comes within the scope of Class 4, Schedule 2, Part 3, (Rural Exemptions), of the Planning & Development Regulations 2001 (as amended).

**AND THE PROPOSAL:**

Where the fence line crosses over lands that are categorised in the County Development Plan 2018-2024 as being an Area of Especially High Scenic Amenity IS DEVELOPMENT within the meaning of the Planning & Development Act, 2000 (as amended) and IS NOT EXEMPTED DEVELOPMENT as the fence is subject to restrictions set under Article 9 (vi) and (xi) of the Planning & Development Regulations 2001 (as amended).

**DATED THIS 6<sup>th</sup> DAY OF DECEMBER, 2019**

*L. O'Connell*

**FOR SENIOR PLANNER  
PLANNING SERVICES**

<b>AN BORD PLEANALA</b>	
<b>09 JAN 2020</b>	
LTR DATED _____	FROM _____
LDG- _____	
ASP- _____	





Figure 5: Map of Blue Flag area of Narin Beach confirming works at the point A on map SK-01 are located within the Blue Flag area.

The works clearly constitute an interference within the context of Article 9 (1)(a)(vi) and cannot be an exempt development.

**Article 9 (1)(a)(vii)** provides that any such development will not be exempt if it consists of or comprises “the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest the preservation of which is an objective of a development plan for the area in which the development is proposed...”

In the current County Donegal development plan 2018-2024 the overriding aim in relation to Natural Heritage is “To conserve, protect and manage the County’s natural heritage for future generations and encourage appreciation and enjoyment of these resources” (P125).

These works would comprise an excavation, alteration or demolition of a place, the preservation of which is covered by several objectives in the current County Donegal Development Plan. These objectives include:

**Key strategic objectives:**

**S-O-6:** To protect, enhance and appropriately harness the unique quality and diversity of the environment in the County, through a wide range of measures, supported by proper planning and sustainable development.

**S-O-9:** To implement the policies of the Development Plan.

**Natural heritage objectives:**

**NH-O-1:** To protect, sustainably manage and enhance the rich biodiversity of County Donegal for present and future generations.

**NH-O-2:** To comply with Article 6 of the Habitats Directive (92/43/EEC) and have regard to the relevant conservation objectives, management plans, qualifying interests and threats to the integrity of Natura 2000 sites.



**NH-O-3:** To maintain the conservation value of all existing and/or proposed SACs, SPAs, NHAs and RAMSAR sites including those plant and animal species that have been identified for protection under the EU Habitats Directive (92/43/EEC), EU Birds Directive (79/409/EEC as amended by 2009/147/EC), the Wildlife Acts (1976-2014) and the Flora Protection Order (2015). **NH-O-4:** To ensure the protection and management of the landscape in accordance with current legislation, ministerial and regional guidelines and having regard to the European Landscape Convention 2000. **NH-O-5:** To protect, manage and conserve the character, quality and value of the landscape

**Natural heritage Policies:**

**NH-P-1:** It is a policy of the Council to ensure that development proposals do not damage or destroy any sites of international or national importance, designated for their wildlife/habitat significance in accordance with European and National legislation including: SACs, Special SPAs, NHAs, Ramsar Sites and Statutory Nature Reserves.

**NH-P-5:** It is a policy of the Council to require consideration of the impact of potential development on habitats of natural value that are key features of the County's ecological network and to incorporate appropriate mitigating biodiversity measures into development proposals.

**Archaeological heritage objective:**

**AH-O-1:** To conserve and protect the County's archaeological heritage for present and future generations.

**Archaeological policy:**

**AH-P-4:** It is the policy of the Council to protect where appropriate, the character and setting of any unrecorded archaeological object or site.

**Tourism objectives:**

**TOU-O-2:** To protect and enhance Donegal's landscape and natural environment as a fundamental resource which underpins the county's tourism product.

**TOU-O-7:** To manage development in a manner which supports and sustains the Wild Atlantic Way Tourism Initiative.

**TOU-O-9:** To support the development of new, and protect the functionality of existing, Greenways, walking and cycling routes as keys components of an overall green tourism infrastructure and as standalone tourism products in their own right.

**Tourism policies:**

**TOU-P-1:** It is a policy of the Council to ensure that tourism related development proposals do not negatively impact on the natural landscape, environmental habitats and built heritage of the county.

**TOU-P-5** It is a policy of the Council not to permit development which would materially detract from visual and scenic amenities along the route of the Wild Atlantic Way.

**TOU-P-9:** It is policy of the Council to:

- Conserve lands zoned Amenity/Green space/Open Space in settlement frameworks/urban areas for exclusively for public amenity/recreational use.
- Protect the routes of, not permit development which would hinder the creation of, and otherwise positively facilitate the development of, future 'Greenways', walking and cycling routes including those identified in this Plan.
- Protect the extent, quality, visual setting and functionality of existing 'Greenways', walking and cycling routes including those identified in this Plan.

**Marine resource and coastal management objectives:**

**MRCM-O-2:** To safeguard and improve and the health of our Marine ecosystem by:

- Protecting the qualifying habitat and species of Natura 2000 sites through Appropriate Assessment of development proposals.
- Maintaining and improving water quality in our estuaries and seas by implementing River Basin Management Plan and any future programmes under the Marine Strategy Framework Directive.
- Ensuring that there is; sufficient sewage treatment capacity to serve development in urban areas, adequate on-site effluent treatment to EPA standards for developments in rural/unserved areas, and adequate pollution control measures for commercial/industrial development.
- Seeking best practice measures in relation to the carrying out of site preparation and construction works for developments in close proximity to rivers and the sea.

**MRCM-O-3:** To manage our coastal environment in a sustainable manner by:

- Avoiding new development in areas at risk from Coastal Flooding in line with the flooding policies of this Plan.
- Managing coastal change in a manner which accepts that coastal erosion/sea level rise is a natural and/or inevitable process and does not permit/provide coastal protection works; in areas subject to significant long term coastal erosion/change or sea level rise unless there is overriding reason of public interest to do (e.g. built up urban areas), where it would damage the visual, scenic or environmental amenities of the area or where it would have a significant impact on natural coastal geomorphological processes and systems.





- Managing development in a manner which protects sensitive coastal environments (e.g. dune environments) and undertaking coastal zone management projects.
- Ensuring that new marine infrastructure developments (e.g. pier, breakwaters) are located, sited and designed in a manner which has minimal impact on natural Coastal Geomorphological process.

**MRCM-O-7:** To manage the marine resource and coastal environment in a co-ordinated and collaborative manner by engaging with stakeholders and agencies, and utilising managements tools such as Integrated Coastal Zoned Management.

#### **Marine resource and coastal management policies:**

**MRCM-P-6:** It is a policy of the council not to permit developments which will have a significant impact on natural coastal geomorphological processes and systems (e.g. longshore drift, tidal currents, sediment budgets) or give rise to significant coastal change. Coastal development shall be required to submit appropriate evidence based assessments which demonstrate compliance with this policy.

**MRCM-P-9:** It is a policy of the Council to ensure that development proposals in coastal areas do not significantly impact on, and incorporate appropriate measures to protect, sensitive coastal environments (e.g. beaches, sand dunes and other soft shorelines).

**MRCM-P-10:** It is a policy of the Council to ensure that development proposals do not adversely compromise the recreational amenity and environmental quality of coastal areas including Flag Beaches, Natura 2000 sites and areas of Especially High Scenic Amenity.

#### **Community Culture and the Gaeltacht objectives**

**CCG-O7:** To promote, protect, harness and sustainably develop the Culture of Donegal by inter alia: Recognising and protecting the landscape and built heritage of Donegal as key elements of our culture.

#### **Community Culture and the Gaeltacht objectives**

##### **Health, Sport and Recreation**

**CCG-P-12:** It is a policy of the Council to ensure that relevant development proposals have appropriate regard for walking and cycling which will promote physical activity and reduce car use.

**CCG-P-13:** It is policy of the Council to:

- Conserve lands zoned Amenity/Green space/Open Space in settlement frameworks/urban areas for exclusively public amenity/recreational use.
- Protect the routes of, not permit development which would hinder the creation of, and otherwise positively facilitate the development of, future Greenways, walking and cycling routes including those identified in this Plan.
- Protect the extent, quality, visual setting and functionality of existing Greenways, walking and cycling routes including those identified in this Plan.

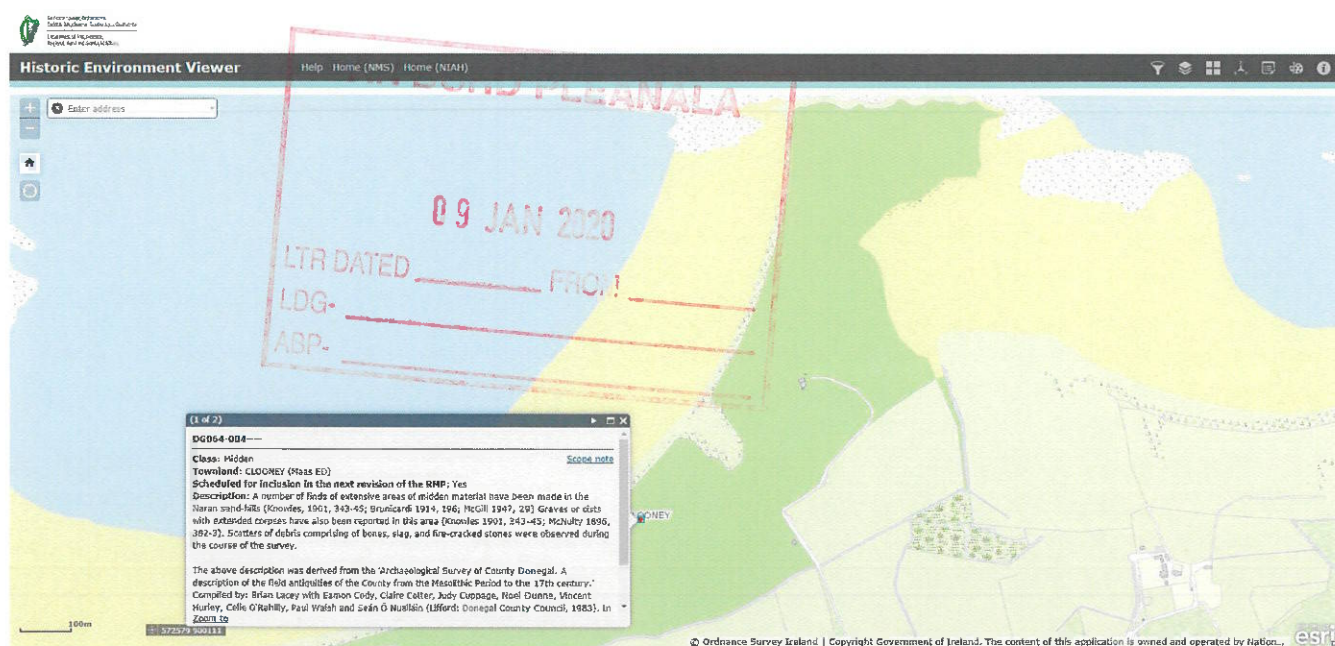


Figure 6: Archaeological map from Ordnance Survey Ireland as of 8th October 2019 confirming the archaeological heritage of the area.



The area surrounding the works has a rich historical and archaeological heritage which is substantiated by the Archaeological Report contained in Appendix A and the archaeological map contained in Figure 6.

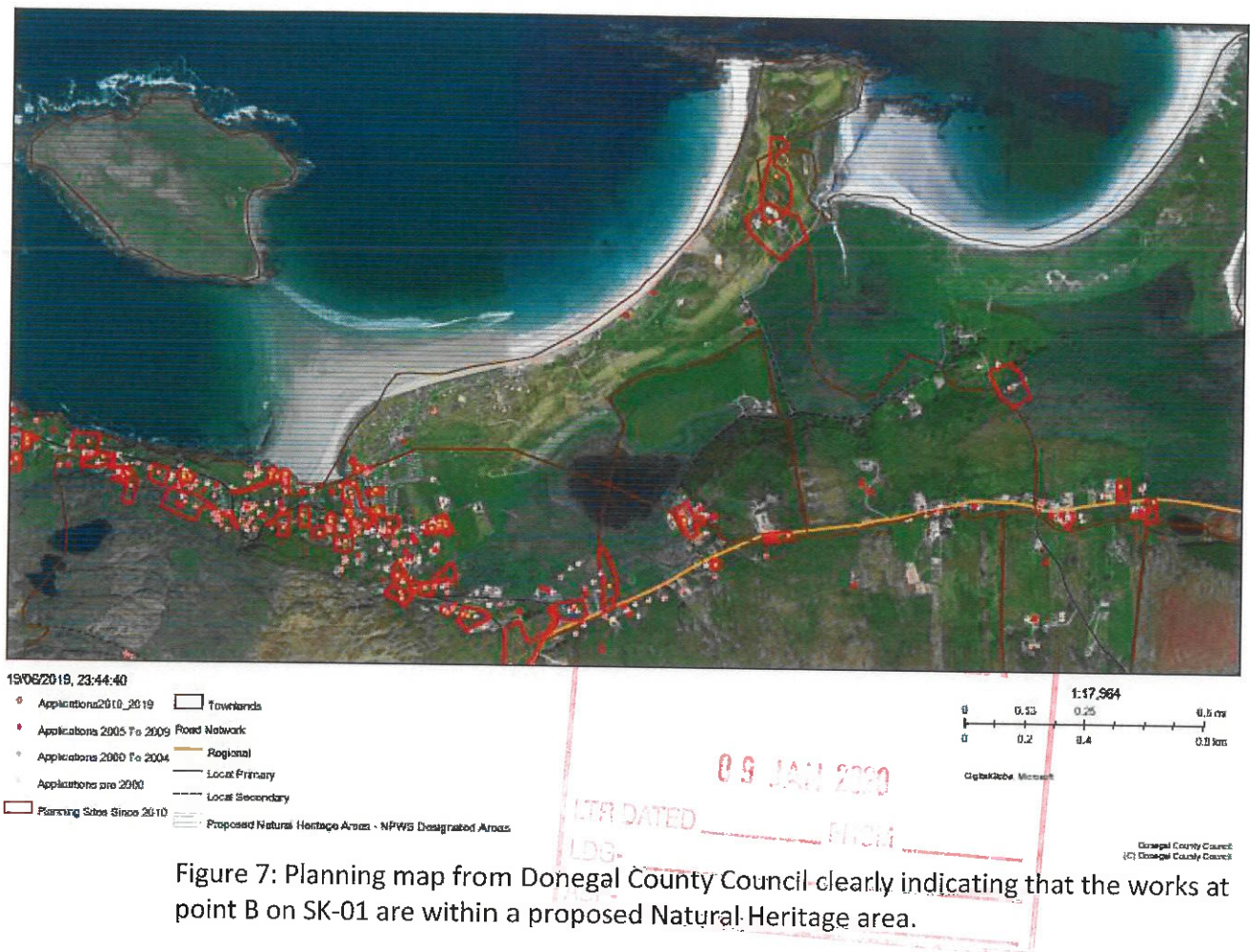


Figure 7: Planning map from Donegal County Council clearly indicating that the works at point B on SK-01 are within a proposed Natural Heritage area.

The rich natural heritage of the area surrounding the works has been confirmed by Donegal County Council as evidenced by Figure 7.

In terms of ecology, the Natura 2000 network is a network of important ecological sites across the European Union made up of Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (all of these and related terms are defined on pages 125-126 of the current County Development Plan). The purpose of designating areas is to ensure that they are environmentally sustainable and that activities both of human and of nature will be controlled to ensure, inasmuch as is possible, that they do not affect the integrity of the area or its habitats and that it will not adversely affect the overriding EU objective of protected species conservation and biodiversity of species. In planning terms where development is contemplated which might possibly have an adverse effect on the integrity of a Natura 2000 site or on its conservation objectives, a Natura impact statement is required, which, if complete and objective, is followed by an 'appropriate assessment' by the planning authority or the board.

Figures 7 and 8 contain maps delineating SAC 197 West of Ardara/Maas Road SAC. There is a discrepancy between the maps, in that the map provided by Ordnance Survey Ireland (Figure 8) clearly include the public ground at the point marked B on map SK-01 as part of SAC 197, this section is then excluded in the map of SAC 197 from the National Parks and Wildlife Services in Figure 9. The correct status of these grounds is currently being ascertained, however in the interim it is clear that both





points marked A and B are at a minimum immediately adjoining an SAC and as such are a site with ecological interest within Article 9 (1)(a)(vii).

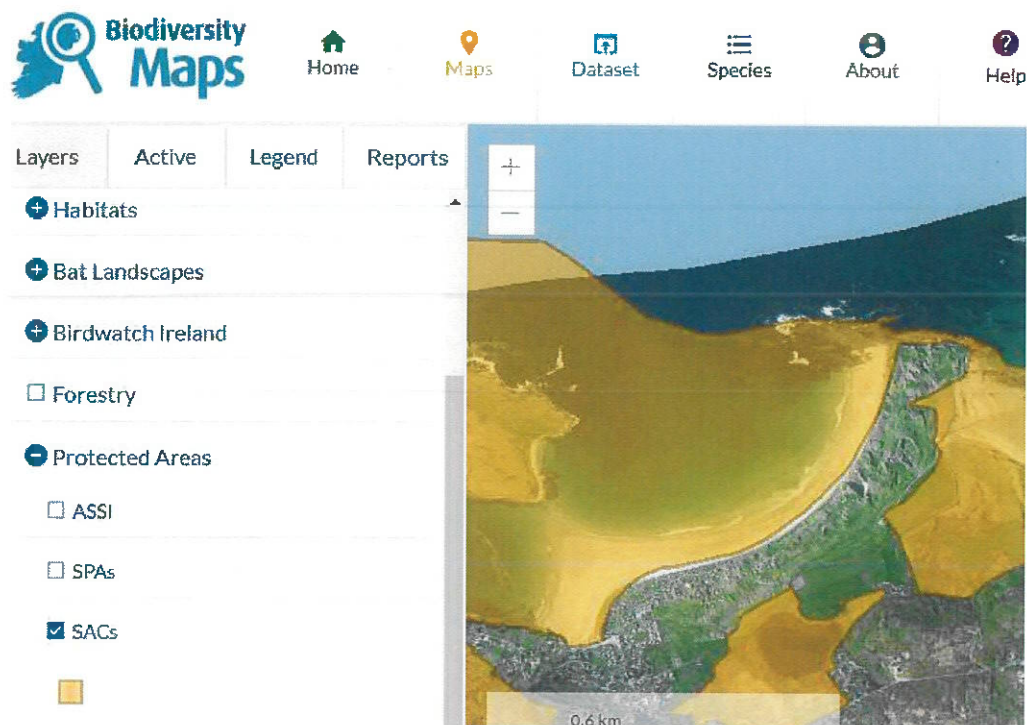


Figure 8: Biodiversity map from Ordnance Survey Ireland as of 7th October 2019 confirming the works at the point A on map SK-01 to be within an SAC and the works at the point B on map SK-01 to be immediately adjoining an SAC.

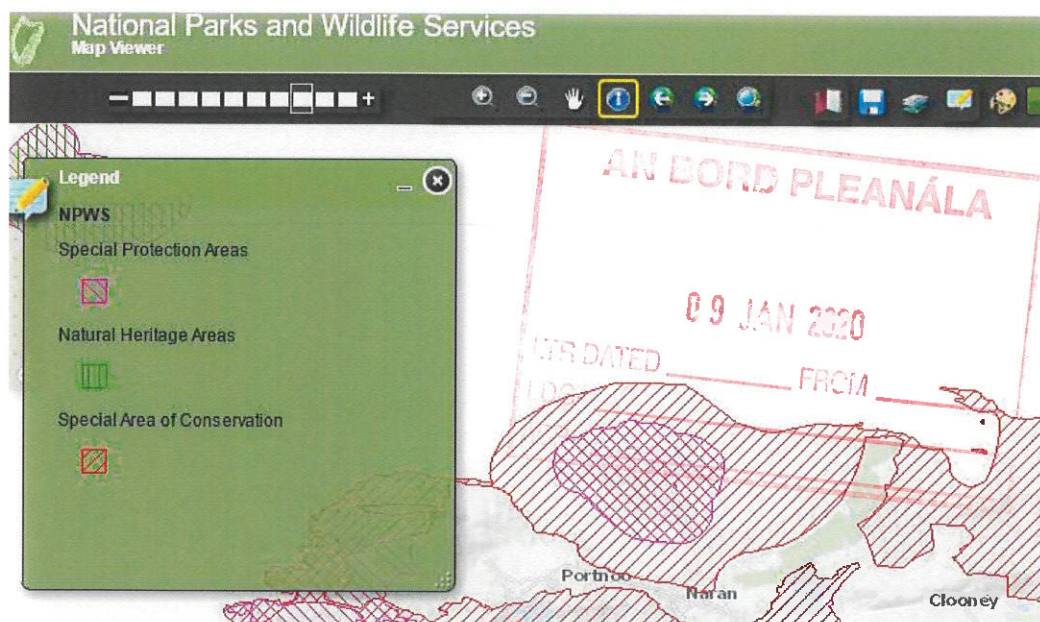


Figure 9: Map from the National Parks and Wildlife Service as of 7th October 2019 confirming the property the subject of this application to be immediately adjoining an SAC.

A sample of correspondence filed with Donegal County Council confirming acknowledgement and appreciation by the public of the rich ecological interest in these grounds is contained in Appendix B.



Thus, as these works would comprise an excavation, alteration or demolition of a place the conservation, protection and management of which is an aim of the current County Donegal Development Plan which is reiterated and reinforced by several objectives in the current County Donegal Development Plan, they cannot be an exempt development.

**Article 9 (1)(a)(viii)** provides that any such development will not be exempt if it consists of or comprises "the extension, alteration, repair or renewal of a non-authorised structure or a structure the use of which is an unauthorised use"

Thus in the event that any part of the works is held to be a development requiring planning permission, then that part of the works is unauthorised, and any extension is subject to this restriction and therefore equally cannot be an exempt development.

**Article 9 (1)(a)(xi)** provides that any such development will not be exempt if it obstructs "any public right of way".

The works obstruct several public rights of way. The works at the point marked A on map SK-01 directly and unnecessarily obstruct the pedestrian access path from Narin Beach to the golf course gate (the route of this pedestrian path is shown on the map contained in Figure 3). The works at the point marked B on map SK-01 completely obstruct both the vehicular access and pedestrian access to Castlegoland Beach. All of these public rights of access have been used from time immemorial and there is ample proof of long user by the public as of right. Please see Appendices B, C and D containing a sample of Photograph and letters evidencing this user for many years. The user of these public rights of way is also evident from inspection of the property and many of the online maps publicly available (see examples in Figures 3, 11 to 14).

Donegal County Council is obliged to protect the rights of the public to use public rights of way in its administrative area pursuant to Section 73 (11) of the Roads Act 1993. This obligation to protect public rights of way was reiterated in the Planning and Development (Amendment) Act 2010 (No. 30 of 2010) which provided for the inclusion of a new mandatory objective in development plans for the preservation of public rights of way - see copy of Circular Letter PL 09/2012 on page 19.

In addition to these statutory obligations, Donegal County Council themselves have recognised the importance of public rights of way, particularly in the context of access to beaches. In their own publication titled "Rural Beach Management A Good Practice Guide", they state on page 35 that "Any attempt by landowners of private property to block access routes to the shore along the public right-of-way should be strongly resisted." They go on to state that "Government agencies and local authorities and conservation NGOs should be acutely aware of the importance of maintaining rights of way as a means of ensuring that the public have access to the shore."

The vehicular access road is specifically listed in the list of public rights of way detailed in the current County Donegal Development Plan (at number 30 in Table 15 Appendix 3 on page 264) - see Figure 10.



Table 15 Appendix 3: Public Rights of Way

Number	Location
1.	North West end of Cudaff Beach
2.	Carnashanna Beach
3.	Glenburnie Beach
4.	Ballynarry Beach
5.	Leckon Beach, Inch Island
6.	West End of Kinnegar Beach
7.	Kinnegar Beach on West End
8.	South end of Stocker Strand
9.	Stocker Strand
10.	West Side of Ballyhiernan Beach
11.	Centre of Ballyhiernan Beach
12.	East side of Ballyhiernan Beach
13.	Point 600 yds. towards Doaghmore Beach
14.	Trafalghboy Beach
15.	Gortnalugage Beach
16.	Tramore Beach
17.	East end of Marble Hill Beach
18.	Braughy Head
19.	Dunfinaginy Beach
20.	Dooley Beach
21.	Magheradougher Beach
22.	West Pier, Bumbeg
23.	South end of Beade West Beach
24.	Mullaghderg Beach
25.	Fishing Pier and Boat Slip on east of County Road L1463
26.	Beach West of Road L1463 at Tradearg

Part B: Appendix 3  
Development Guidelines and Technical Standards  
Page 254

Number	Location
27.	West End of Arlands Beach
28.	Maghera Beach
29.	Dooley Beach
30.	Castlegoland Beach
31.	Dunes east of Maghera Beach
32.	South End of Glencolumbkille Beach
33.	Beach at Malinbeg
34.	East end of Fintragh Beach
35.	Fintragh Beach
36.	West end of Fintragh Beach
37.	South End of Mullinacole Beach
38.	South end of Finer Beach
39.	Beach and Coves at Portnablagh
40.	South End of Beach at Downings
41.	Tullagh Beach
42.	Dunree Beach
43.	Dunree Beach
44.	Main Carrigart Road

Part B: Appendix 3  
Development Guidelines and Technical Standards  
Page 255

Figure 10 – Donegal County Development Plan, Appendix 3, Table 15: Public Rights of Way. Note No. 30 Castlegoland Beach.

It has been similarly recorded in previous County Donegal Development Plans (as far back as 1988) and other records (the Griffiths valuation map dated approximately 1841 and the historic 6 inch map included at Figures 4 and 5 record the existence of this public right-of-way). This particular right-of-way is therefore afforded the protection of section 14 of the Planning and Development Act 2000 and in particular Section 7(b). The Planning and Development Act 2000 also recognises the existence of public rights of way which have not been included in the development plan and section 7(a) confirms their validity is not adversely affected by such omission. This applies to the pedestrian right of way at Sweeney's Banks. The Public Right of Way at Sweeney's Banks is from the gate to Narin Beach via Sweeney's Banks. This right of way has been used since time immemorial, is partly shown on the Griffiths Valuation map (Figure 6) and also indicated on current Donegal County Council online Maps (Figure 3).

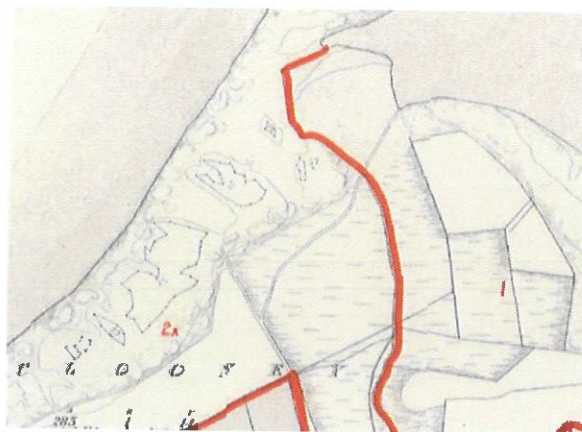


Figure 11 – Griffiths Valuation (Approx 1841) showing Public Right of Way to Castlegoland Beach





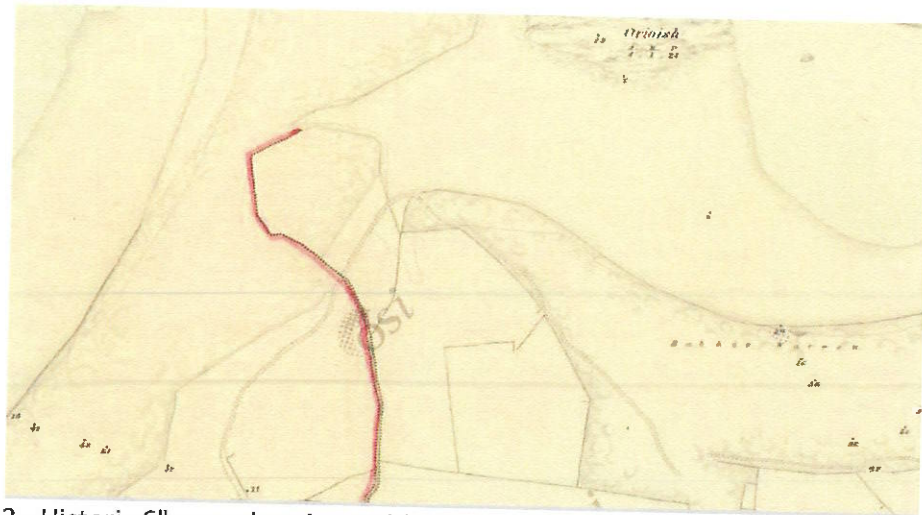


Figure 12 - Historic 6" map showing Public Right of Way to Castlegoland Beach



Figure 13 - Donegal activity map showing route to Castlegoland Beach via Golf Links gate (21 & 22) or from Narin Beach (route 5).

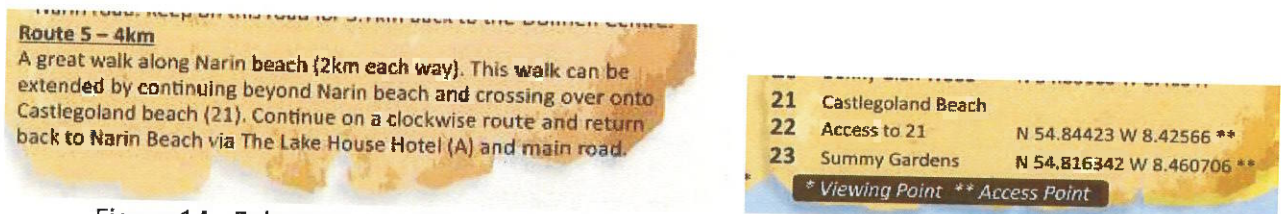


Figure 14 - Enlargement of Donegal activity map showing descriptions of route to Castlegoland Beach via Golf Links gate (21 & 22) or from Narin Beach (route 5).

The significance of the obligation of local authorities to comply with their statutory obligations under section 7 of the Planning and Development (Amendment) Act 2010 in relation to this preservation of public rights of way is reiterated in Circular Letter PL 09/2012, which reads as follows:



## Circular Letter: PL 09/2012

25 October 2012

To: All County/City Managers  
Directors of Planning  
Regional Authority Directors  
An Bord Pleanála.

### **Mandatory Objective on the Preservation of Public Rights of Way under the Planning and Development (Amendment) Act 2010**

A Chara,

I am directed by Ms. Jan O'Sullivan, T.D., Minister for Housing and Planning, to refer to the Planning and Development (Amendment) Act 2010 (No. 30 of 2010) which provided for the inclusion of a new mandatory objective in development plans for the preservation of public rights of way.

In this regard, planning authorities are reminded of their statutory obligations under Section 7 of the Planning and Development (Amendment) Act 2010 which was commenced on 5 October 2012, amending Section 10 (Content of Development Plans) of the Planning and Development Acts, requiring, *inter alia*, the inclusion of a mandatory objective in the development plan for:

"(o) the preservation of public rights of way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility, which public rights of way shall be identified both by marking them on at least one of the maps forming part of the development plan and by indicating their location on a list appended to the development plan,"

The inclusion of public rights of way in the mandatory objectives under Section 10 is recognition of the role the development plan in their preservation. The Department, therefore, welcomes the progressive adoption by planning authorities of this new mandatory objective and takes this opportunity to remind all planning authorities to fulfill their statutory obligations as part of the statutory review of the development plan thus ensuring the timely adoption of this new mandatory objective and the preservation of public rights of way in their development plans. Planning authorities will also be aware that they can avail of the development plan variation process, as appropriate, where such review is not imminent.

The Department remains available to assist planning authorities with the ongoing adoption of the foregoing mandatory objective for the preservation of public rights of way.

Is mise le meas,

---

Philip Nugent  
Principal Officer  
Planning and Housing (Finance and Policy Development)

**As such, the works constitute significant obstruction to several public rights of way which Donegal County Council have a statutory obligation to protect and cannot be an exempt development.**

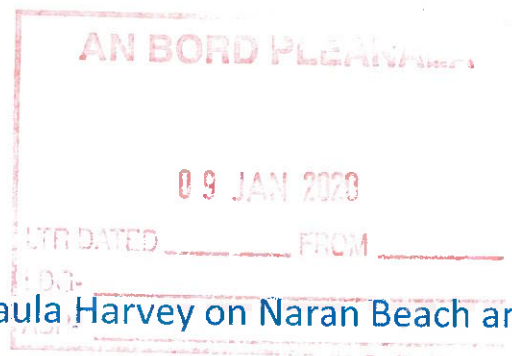




## **APPENDICES**

### **APPENDIX A**

Archaeological Report of Paula Harvey on Naran Beach and Cashelgolan Beach areas.



### **APPENDIX B**

Sample of correspondence filed with Donegal County Council confirming acknowledgement by the public of the rich ecological interest in these grounds.

### **APPENDIX C**

Sample letters proving habitual public user of the public rights of way obstructed by the works.

### **APPENDIX D**

Photographs proving the existence and extensive user (see clearly worn tracks) of the Public Pedestrian Right of Way through Narin Portnoo Links crossing directly through the point A as marked on map SK-01.

### **APPENDIX E**

Photographs proving the existence and extensive user (see clearly worn tracks) of the Public Pedestrian and vehicular Rights of Way through Narin Portnoo Links and public grounds crossing directly through the point B as marked on map SK-01.

### **APPENDIX F**

Table from Drawing SK-01, which provides a broad overview of the position vis-à-vis planning and the works - refer to Drawing SK-01 for location of references A and B.



## APPENDIX A

### Archaeological Report on Naran Beach and Cashelgolan Beach areas

LTR DATED 09 JAN 2020 FROM

The area that covers the immediate vicinity of Naran and Cashelgolan also has to take into account the rich archaeological, cultural and historical environment of the hinterland. That includes the two identified sites of middens (DG064-004--) and a mound (DG065-011002-) in the townlands of Clooney and Cashelgolan. These are the known archaeology of the area. As with any archaeological investigations, there is always the potential for future discoveries. The proximity of the 6th century St. Conall's monastic settlement on Inishkeel Island and the 'Chapel of Ease' at Kilkenny church site (DG065-014002-) and the various references to the turas to and from both indicate that a route along Naran Strand to Carrigfadda and over the headland to Cashelgolan was in existence for over 1,400 years. The fact that a standing stone was uncovered at Ballinreavy (DG073-053---) and the one now covered at (DG064-008----) at Naran beach are a significant part of the cultural, built and national and international significance of this area.

There are many archaeological artifacts collected over the years from this area, some of which are in private collections, others in the national collections.

From the 'Archaeological Survey of County Donegal (1983. A description of the field antiquities of the County from the Mesolithic Period to the 17th century.' Compiled by: Brian Lacey with Eamon Cody, Claire Cotter, Judy Cuppage, Noel Dunne, Vincent Hurley, Celie O'Rahilly, Paul Walsh and Seán Ó Nualláin (Lifford: Donegal County Council, 1983). In certain instances the entries have been revised and updated.

DG064-004--

Class: Midden

Townland: CLOONEY (Maas ED)

Scheduled for inclusion in the next revision of the RMP: Yes

Description: A number of finds of extensive areas of midden material have been made in the Naran sand-hills (Knowles, 1901, 343-45; Brunicardi 1914, 196; McGill 1947, 29) Graves or cists with extended corpses have also been reported in this area (Knowles 1901, 343-45; McNulty 1896, 382-3). Scatters of debris comprising of bones, slag, and fire-cracked stones were observed during the course of the survey.

Date of upload to archaeology.ie: 22 September 2008

DG065-011002-

Class: Mound

Townland: CASHELGOLAN

Scheduled for inclusion in the next revision of the RMP: Yes

Description: Kilmacanny Graveyard (DG065-011001-) consists of a subcircular mound (DG065-011002-) 17m in diameter and up to 2m in height. The mound undulates unevenly and its edge is difficult to determine in some places. There are a number of featureless grave-markers on the mound. One slab (DG065-011003-) on the W side of the mound has a small oval perforation (6.5cms x 4cms). In a ditch along a field boundary to the SE of the mound is a small cross-slab (DG065-011004-) 1.6m x 0.3m at the arms. On one face is a simple cross in relief at the centre of a broad cross-shaped groove. The site is located in a low-lying field with a wooded area to the S and W. To the E is pasture land and to the N the sea.

Date of upload to archaeology.ie: 22 September 2008

DG065-014002-

Class: Ecclesiastical enclosure

Townland: KILKENNY

Scheduled for inclusion in the next revision of the RMP: Yes

Description: A Chapel of Ease (DG065-014001-) to Inishkeel. Pococke (1752, 67) described it as 'an old church called Kilkenny'. Built of rubble, the surviving fragmentary ruins of this church, 9.6m by 4.6m



internally, are undateable. The E and W gables are represented by grass-covered footings and only the central sections of the N and S walls 2.2m high remain; at the W end of the latter is the splayed ingoing of a window. The church stands in the middle of a rectangular modern graveyard (DG065-014003-). To the N and W of this graveyard is the outline of a curving enclosure (DG065-014002-). Most of a semicircle can be seen. No sign of the enclosure could be found to the E and S but the modern graveyard and church would have stood roughly at the centre of such a circle had this been originally complete. The enclosure is formed by a grassed-over wall c. 0.25m high and up to 1.4m wide. Sections of the wall-footing are visible. In places, the wall was built along the edge of a slope to the sea. There is a 3.5m gap in the wall to the W where the S side is definitely inturned for 7.3m. The site is located on fair pasture land on the S side of the Gweebarra river inlet.

DG073-053---

Class: Standing stone

Townland: MAGHERAMORE

Scheduled for inclusion in the next revision of the RMP: Yes

Description: On Ballinreavy strand, a rectangular standing stone of pinkish granite. This first came to notice in January 2012 when it became exposed at the edge of the dunes. The stone measures 1.75m high above ground level, 0.55m wide at the base of N broad side and 0.28m on the S narrow side: it tapers to c. 0.5m X 0.2m towards the top. A horizontal crack on the seaward S side is not reflected on the other broad N side facing into dunes. There are a series of stones around the base some of which are very loose: these are of local schist. The stone was inspected again in May 2013; it had fallen over and split in two along the crack noted in the above report (pers. comm. P. Harvey).

Compiled by: Paul Walsh

Date of upload: 16 May 201

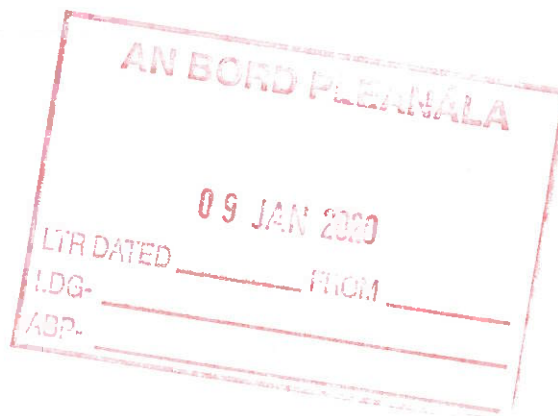
DG064-008---

Class: Standing stone

Townland: CLOONEY (Maas ED)

Scheduled for inclusion in the next revision of the RMP: Yes

Description: Marked 'Magheranakilla Standing Stone' on the 2nd and 3rd editions of the OS 6-inch map. It was located at the SW end of Tramore strand. No trace of this could be found, possibly as a result of shifting sand.







## APPENDIX B

Sample of correspondence filed with Donegal County Council confirming acknowledgement by the public of the rich ecological interest in these grounds.

**100 Malone Road**

**Belfast**

**N Ireland**

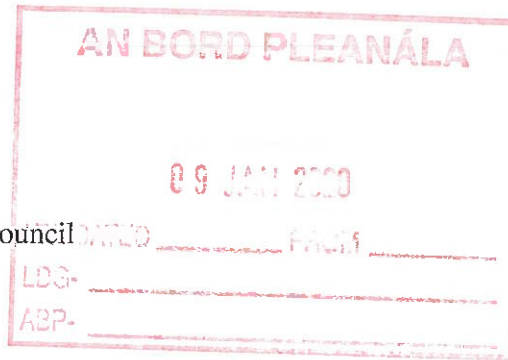
**BT9 5HP**

**Tel: 048 9096 3306**

**Email: a.evans@qub.ac.uk**

7th August 2019

Mr Seamus Neely  
Chief Executive  
Donegal County Council  
County House  
The Diamond  
Lifford  
County Donegal  
F93 Y622



**Re: Trespass and Obstruction of Public Rights of Way at Castlegoland, Clooney, Portnoo, County Donegal.**

Dear Mr Neely

We wish to register a complaint that an attempt is being made by the current owners of Narin and Portnoo Links to expunge a right of way across the Links to Castlegoland Beach, Clooney. This has seriously infringed our access to the Beach, both on foot and by car, to what is one of the most outstanding coastal gems of west Donegal. This is an access which one of us (KE) has enjoyed for 55 years, and, both of us, for 45 years. When we did *Locum Tenens* for Dr Malachy McCloskey in Glenties in the 1970s, he, a sometime Captain of the Golf Club, assured us that this right of way, stretching back many generations, was inviolate. On top of this the present Links owners have erected an electric fence along part of the Beach foreshore which looks as though it would be more at home gracing the perimeter of an internment camp.

Castlegoland Beach is outstanding in many ways: a curved bay, facing north, well over a mile long with rocky outcrops at each end, offering rock pools, rich in sea urchins and other crustaceans; there is even a large glacial erratic on the rocks at the western end. This is all backed by dunes which are predominately formed by the ground up remains of shell fish, in contrast to Ireland's east coast. The setting is stunning, looking east across at the Great Dune at Dooley, with Shot Hill, Crohy Head, and then Arranmore Island to the north, with Slieve Snacht and the majestic Errigal looming beyond, and precious little signs of human development in between.

There is much to enjoy on the Beach including the birdlife: skylarks (little wonder that their collective noun, exaltation, means 'extreme happiness'), Dunlin, Terns, Gulls, a Cormorant colony on Hog Island off the eastern rocks, Sand Martins nesting in the face of eroded dunes nearby, and Oystercatchers, but the Ringed Plover deserve special mention. These gorgeous little birds, with their distinctive dark collars, are beach-nesting with their chicks depending on running for their survival, with an ability to freeze in their tracks, lie doggo in a wisp of seaweed, and thanks to perfect camouflage, virtually disappear. Meanwhile the parents will be attempting to draw you, with wing dragging, away from their offspring. The joyful sight and haunting cries of flocks of Ringed Plovers, flying in tight formation along the strand, is one of the joys of Castlegoland Beach.



The Beach is a rich source of shells such as Wendle Traps, Sea Dollars, and two varieties of Cowrie shells: the European, with its three distinctive brownish-purple spots, and the slightly smaller, unspotted, Arctic. They feed on sea squirts under the rocks at extreme low water, and when they die, their buoyant shells are left in discrete lines along the Beach by the ebbing tide. It is because Castlegoland is so sheltered from the westerly winds that so many Cowries remain intact. Their fragility is possibly attested to by the fact that the word 'porcelain' is derived from the Italian for 'Cowrie.'

Plants particularly worth mentioning are Marram Grass which anchors the entire dunes system, "pignuts instead of daisies", which Robert Lloyd Praeger described in his classic, 'The Way That I Went', Meadowsweet, Purple Loosestrife, Orchids, the ubiquitous Sea Pinks and the edible, Fat Hen, which flourishes along the top of the Beach where occasional glimpses of the Irish Hare can be had. At the other extreme of the Beach an occasional Grey Seal can be seen spotted a little out to sea, and, exceptionally, a pod of Dolphins much further out.

Years ago, we encountered a Golf Club groundsman who told us that the track to the Beach was a recognised right of way, and not to listen to anyone who stated otherwise, adding that, "The golfers can be very awkward!" We have never found them to be awkward, but the golf club's current owners have not proved as amicable. There is an observation, usually attributed to Mark Twain, that "Golf is a good walk spoiled." In the present case, thanks to the actions of its owners, the Golf Club has spoiled a good walk for everyone else.

We have a place near Castlegoland and the Beach is inevitably our first choice for a walk in any weather, so we feel that our amenity has been seriously curtailed. Part of the loss in amenity relates to the mounting evidence of the beneficial effects which nature bestows on health and well-being. In support of this we enclose recent photos showing the best of Castlegoland in summer (looking east on a glorious day: July 2017) and autumn (looking west with *Laminaria* cast up by a northerly storm: November 2018).

There are rumours that the plans for the Golf Course include the construction of a helipad. If so, a helipad situated so close to bird breeding areas is totally unacceptable as it would represent an assault on the area's biological diversity, on top of the harm already inflicted on the flora of the dunes by the liberal use of herbicides on the Golf Course and the carving of new tracks for golf buggies.

We also learn that a golf course designer, who has worked for Donald Trump, may be involved in remodelling Narin and Portnoo links. This is far from reassuring, given that Scottish National Heritage has recently recommended that the dunes at the Trump golf course in Aberdeenshire should be stripped of their designation as a 'Site of Special Scientific Interest' because they have already been, "partially destroyed."

Some of the Golf Club land enclosed by the electric fence represents 'accretion' which was not mapped on the original folio. This, properly, belongs to the people, or at least, to Donegal County Council, and ultimately, to the State. Donegal County Council must act responsibly by ensuring that the right of the people to enjoy the invaluable amenity of Castlegoland Beach is supported.

We trust that this matter will be brought to the attention of Councillors most urgently and discussed at a full Council Meeting. What is going on is not only an attempt to expunge rights of way but also to banish local people from a beach that has been an asset for generations. We urge Donegal County Council to uphold the rights of the many local people, rather than to pursue the financial interests of the distant few.

Yours sincerely  
Professor Alun Evans

Mrs Kathleen Evans

09 JAN 2020

LETTER DATED



[Faint, illegible text covering the majority of the page, possibly bleed-through from the reverse side.]



## APPENDIX D

Photographs proving the existence and extensive user (see clearly worn tracks) of the Public Pedestrian Right of Way through Narin Portnoo Links crossing directly through the point A as marked on map SK-01.



Photograph 1 – 29th May 2019 –Sweeney's banks to Narin Beach



Photograph 2 – 29th May 2019 –Narin beach to Sweeney's Banks







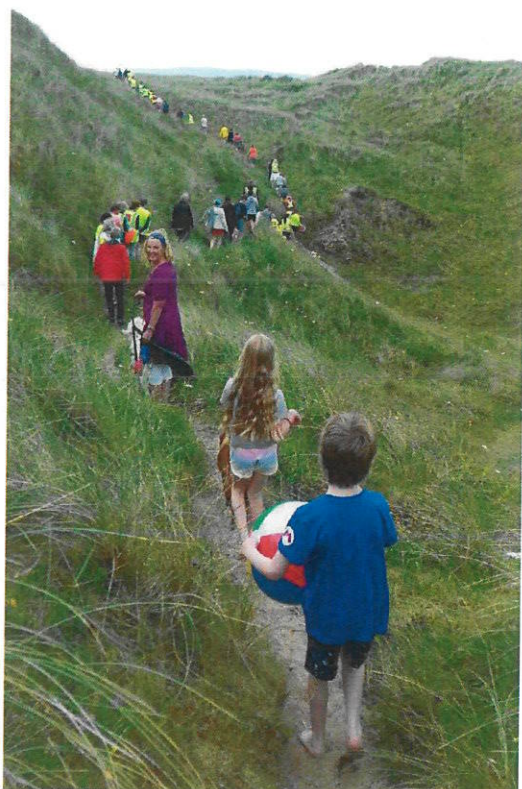
Photograph 3 – 29th May 2019 – from Narin Beach passing through Sweeney's Banks



Photograph 4 – 29th May 2019 – from Sweeney's Banks towards gate







Photograph 5 – 27<sup>th</sup> July 2019 – Part of Public Protest Walk against the Blocking of the Rights of Way through Sweeney's Banks.



Photograph 6 – 29<sup>th</sup> May 2019 – from Sweeney's Banks towards gate, with recent excavation works obstructing the right of way.







Photograph 7 – 29th May 2019 – Close up of recent excavation works obstructing of right of way.



Photograph 8 – 7th October 2019 – view from the golf course gate across to pedestrian path obstructed by the works.







## APPENDIX E

Photographs proving the existence and extensive user (see clearly worn tracks) of the Public Pedestrian and Vehicular Rights of Way through Narin Portnoo Links and public grounds crossing directly through the point B as marked on map SK-01.

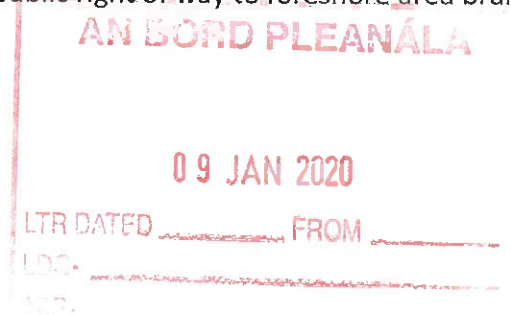
No other vehicular access is available to Castlegoland beach.



Photograph 10 – 29th May 2019 – vehicular public right of way to foreshore area.



Photograph 11 – 29th May 2019 – vehicular public right of way to foreshore area branching off from the road to the shed.









Photograph 12 – 29th May 2019 – vehicular public right of way at foreshore, with the remains of the old single strand fence (with gates) in the centre and the works (no gates) to the right.



Photograph 13 - Aug 2011 – Castlegoland beach – Car parked in background on foreshore area



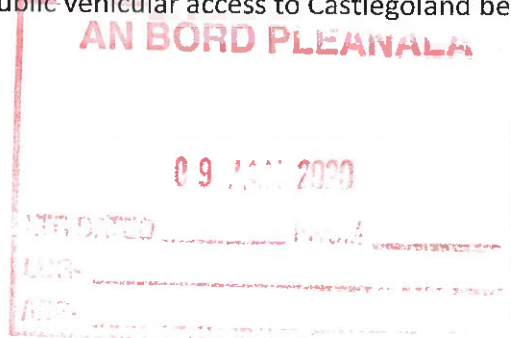




Photograph 14 - July 2017 – Castlegoland beach – Cars in background on foreshore.



Photograph 15 – 29th May 2019 – End of the public vehicular access to Castlegoland beach, which is clearly visible due to usage.









Photograph 16 – 29th May 2019 – Section of the foreshore, showing result of excavation and removal of vegetation in the months before May 2019.

AN BORD PLEANÁLA

09 JAN 2020

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG. \_\_\_\_\_

ABP. \_\_\_\_\_





## APPENDIX F

Table from Drawing SK-01 which provides a broad overview of the position vis-à-vis planning and the works - refer to Drawing SK-01 for location of references A and B.

APPLICANTS UNDERSTANDING OF THE STATUS OF EXCAVATIONS.										
Location	IN AREA OF ESPECIALLY HIGH SCENIC AMENITY	IN AREA OF HIGH SCENIC AMENITY	IN SPECIAL AREA OF CONSERVATION	ADJACENT TO SPECIAL AREA OF CONSERVATION	ON PUBLIC LAND	LAND HABITUALLY USED BY THE PUBLIC FOR RECREATION / MEANS OF ACCESS TO SEASHORE	STOCKING LISTED PUBLIC RIGHT OF WAY (RAILROADS)	IN OR PROPOSED NATURAL HERITAGE AREA	ADJACENT TO PROPOSED NATURAL HERITAGE AREA	IN BLUE FLAG AREA
Point A										
Point B	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

NOTE 1: CLARIFICATION REQUIRED ON EXTENT OF S.A.C. - EXCAVATION IS EITHER WITHIN S.A.C. OR ADJACENT TO S.A.C.  
 NOTE 2: EXACT LOCATION OF POINT A TO BE DETERMINED





AN BORD PLEANÁLA

09 JAN 2020

LTR DATED

LDG-

ABP-



Donegal County Council  
Cash Office  
Three Rivers Centre  
Lifford  
Co. Donegal  
074 9153900  
10/10/2019 10:14:39

Receipt No. : LA01/0/78194

TONY KITTERICK  
LOUGHFAD  
PORTNOO  
DONEGAL PO  
CO DONEGAL  
REF - SECTION 5

PLANNING FEE - PART V/SECT 5      8  
GOODS      80.00  
VAT Exempt/Non-vatable

Total :      80.00 EUR  
                 63.01 IEP

Tendered :  
Cash      100.00

Change :      20.00

Issued By : Rosemary Coyle  
From : Cash Office  
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