

MANAHAN PLANNERS

Town Planning Consultants

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6th 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

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 20th and early 21st 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 or 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 - 25th 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.

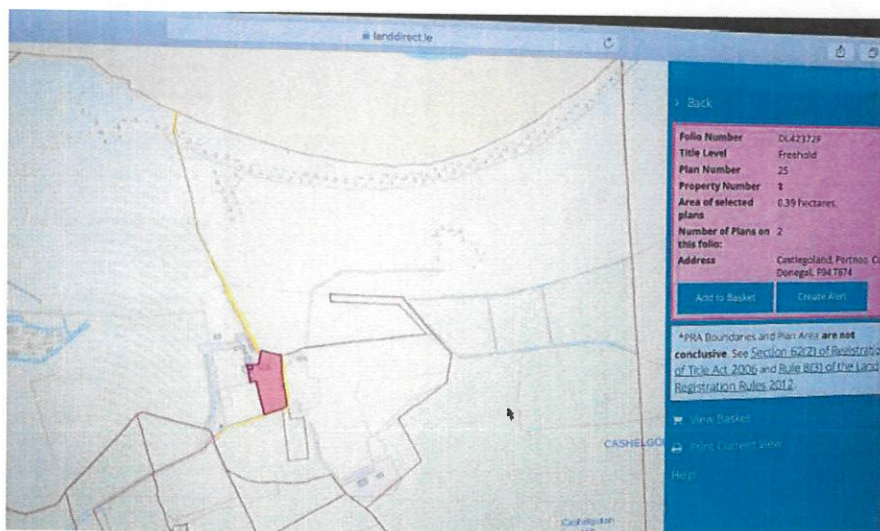


The Issue of the Right of Way

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 Ballyviriston along the passage coloured brown and marked 1D2 on the said Map.~~

~~Description revised D2004WS007826J~~

Cancelled

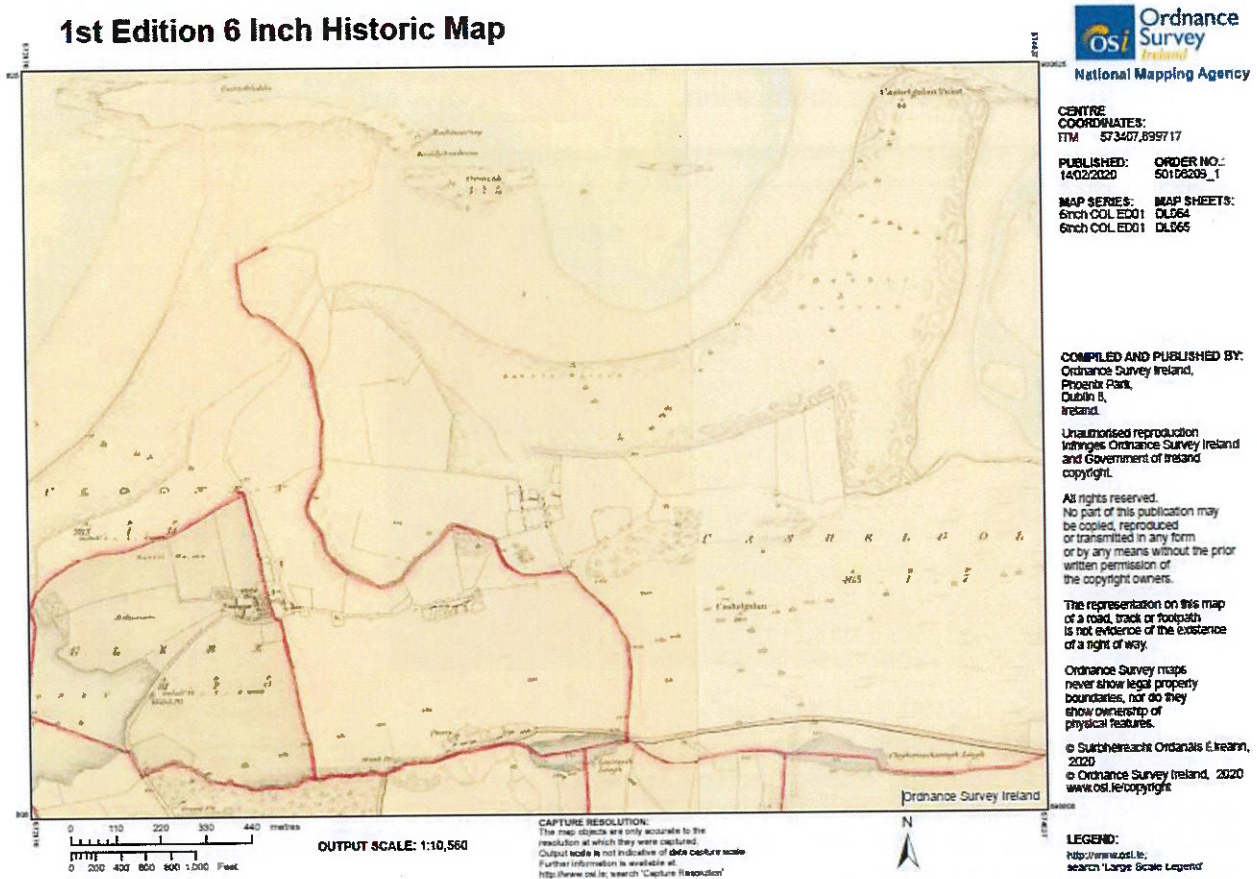
D2004WS007826J

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 7th 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.

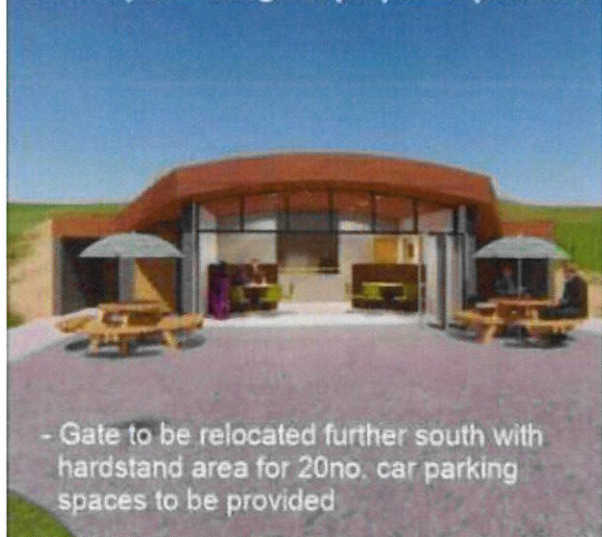
Finally it is claimed that there is a walkway from the end of Narin beach onto Castlegoland beach across the 8th fairway, which would be extremely dangerous, given there are “blind” holes in this location. There is no such public right of way.

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.

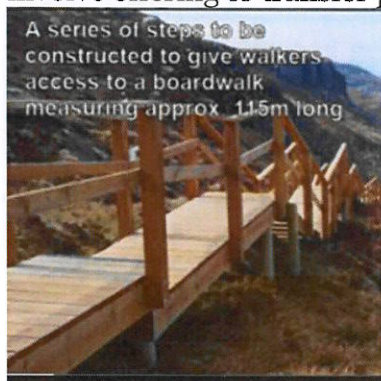


Conceptual design of proposed pavillion



- 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 12th 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"

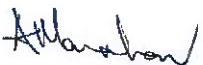
Comment: Golf course is not in a SAC but is adjacent to one. See attached screenshot from NWPS website which clearly shows that no areas of the Golf Course are in a SAC. Again, its clear that the applicants are conflicted because their concerns outlined in their appeal are not compatible with their desires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



Ordnance
Survey
Ireland

National Mapping Agency

**CENTRE
COORDINATES:**
UTM 573407,899717

PUBLISHED:
14/02/2020

ORDER NO.:
50108209_1

MAP SERIES:
6inch COL ED01
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MAP SHEETS:
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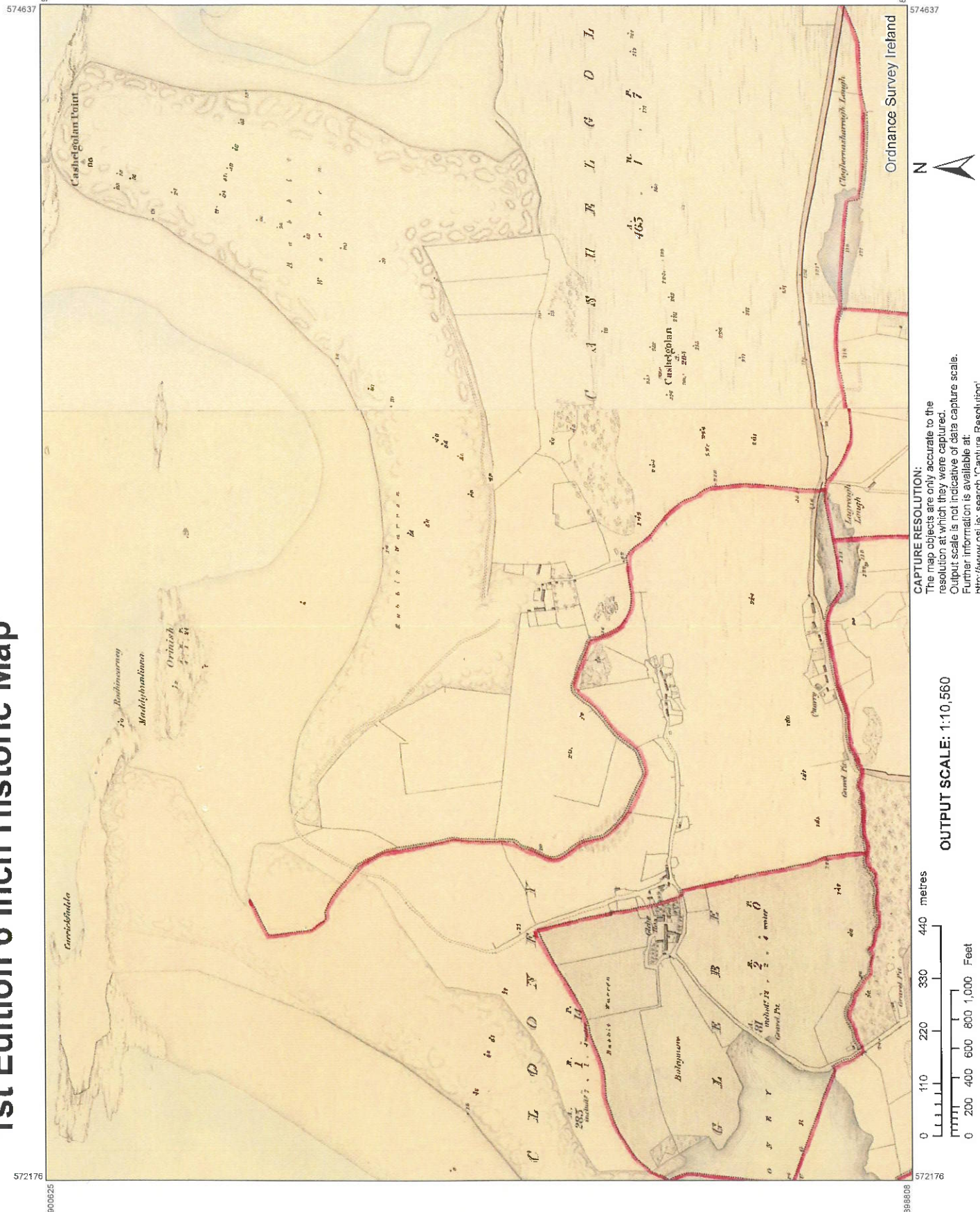
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Aerial Imagery Map - 2005

CENTRE
COORDINATES:
TMW 872445, 869893

PUBLISHED:
23/02/2020

ORDER NO.:
S0100634_2

MAP SERIES:
2005 Ortho
2008 Ortho

MAP SHEETS:
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OSI2900

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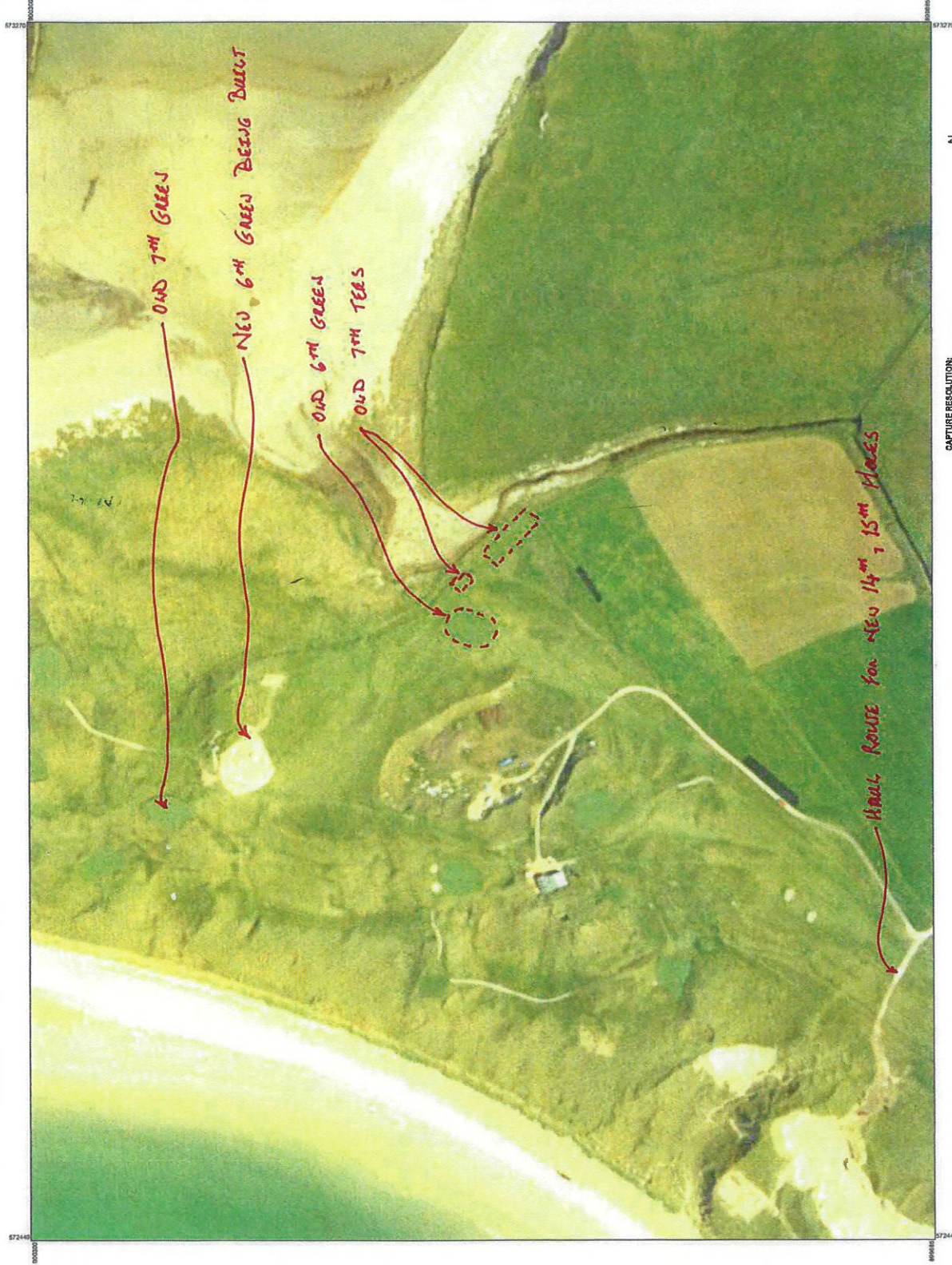
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OUTPUT SCALE: 1:2,500



Aerial Imagery Map - 2000

CENTER COORDINATES:
ITM: 672888.889598

PUBLISHED:
23/02/2020

ORDER NO.:
80108634_1

MAP SERIES:
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2000 CRTS

MAP SHEETS:
OSI 2000
OSI 2000

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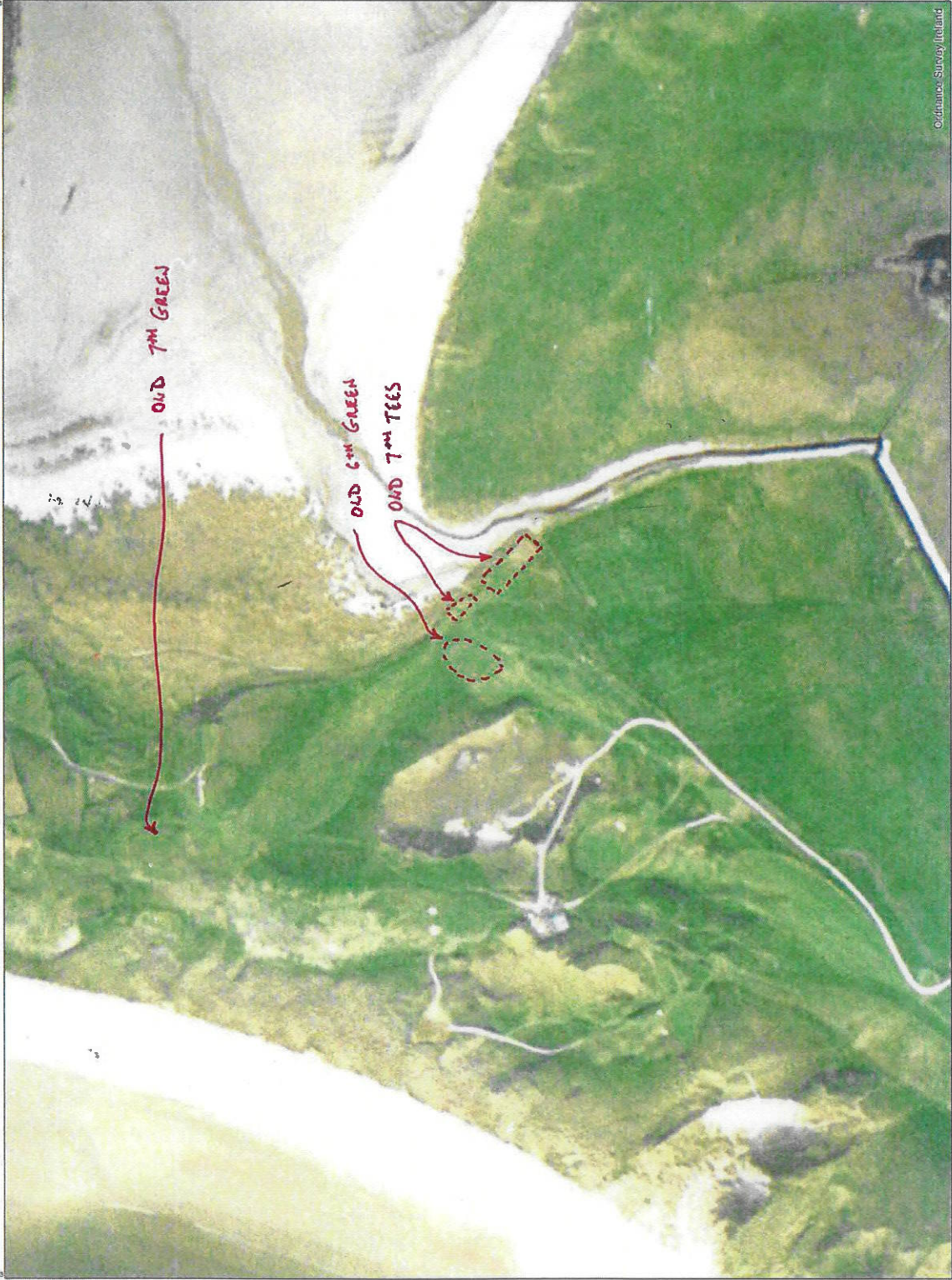
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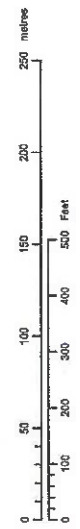
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Further information is available at:
<http://www.osi.ie>, search "Capture Resolution"

OUTPUT SCALE: 1:2,500



Aerial Imagery Map - 1995

CENTRE COORDINATES:
ITN 572850.580903

PUBLISHED:
23/02/2020

ORDER NO.:
50108625_1

MAP SERIES:
1995 Ortho
1995 Ortho
1995 Ortho
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1995 Ortho

MAP SHEETS:
00411-C
00884-A
00414-C
00884-A

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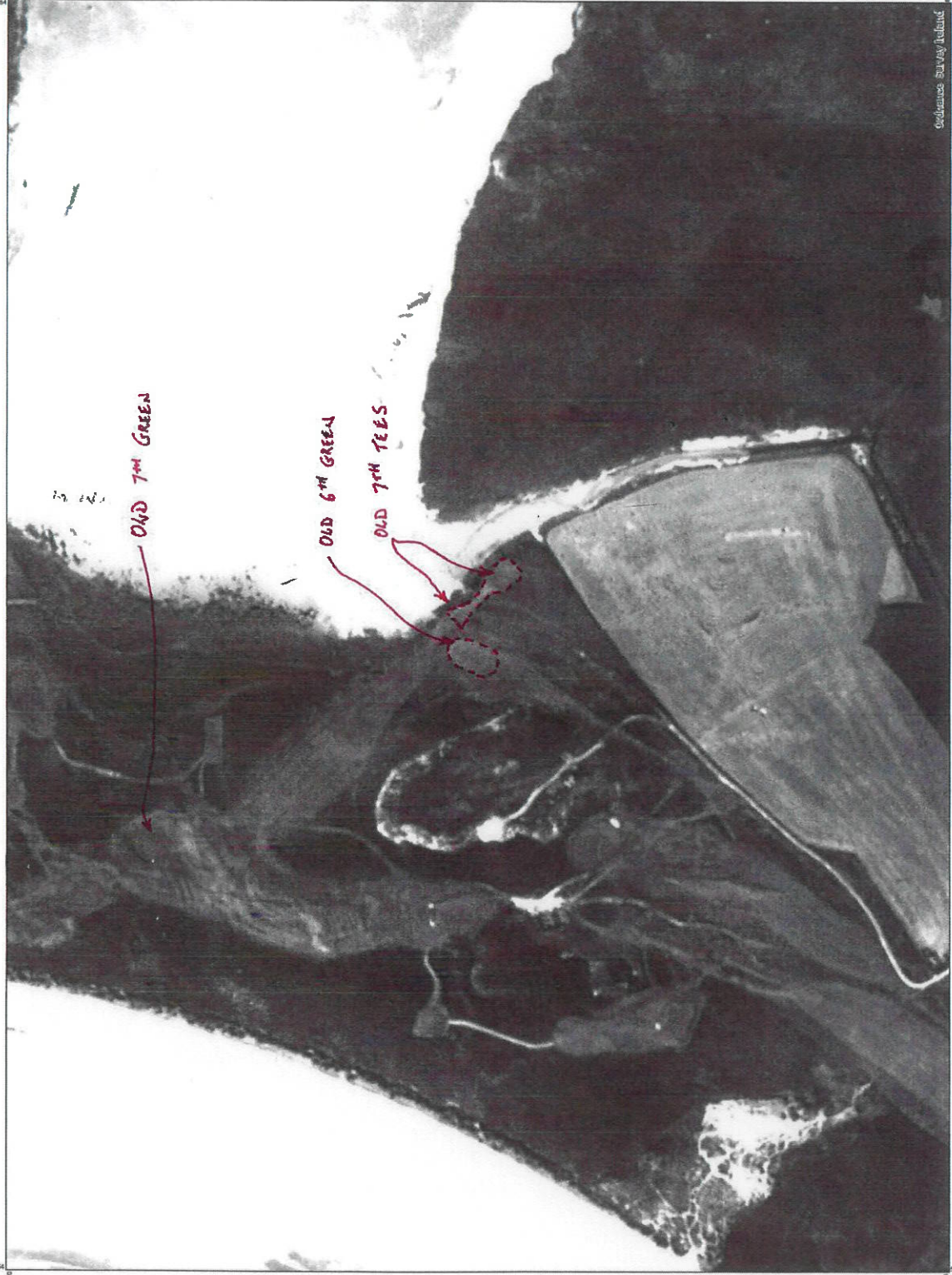
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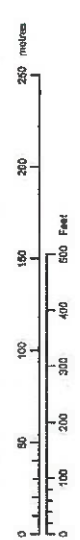
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OUTPUT SCALE: 1:2,500



> Back

Property Details

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, Portmoo, Co. Donegal, F94 T674

Add to Basket

Create Alert

***PPA 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



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

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- 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.

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County Donegal

Folio 42372F

Part 1(B) - Property Parts Transferred

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

Land Registry

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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>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> <p>D2000WS001119U</p>

Land Registry

County Donegal

Folio 42372F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	<p>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.</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>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.</p> <p>Description revised D2005WS007826J</p> <p>Cancelled D2004WS007826J 05-JUL-2004</p>
4	<p>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.</p> <p>Description revised D2004WS007826J</p> <p>Cancelled D2004WS007826J 05-JUL-2004</p>
5	<p>The property No 2 is subject to the right to cut and remove seaweed on and from those parts of the foreshore of Cachelgelan and adjacent island coloured brown on the said Map.</p> <p>Description revised D2004WS007826J</p> <p>Cancelled D2004WS007826J 05-JUL-2004</p>

Land Registry

County Donegal

Folio 42372F

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

AN BORD PLEANÁLA

09 MAR 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

10-11-1954

AMERICAN BUREAU OF INVESTIGATION

WASHINGTON, D. C.

REPORT OF SPECIAL AGENT IN CHARGE

DATE OF REPORT: 10-11-1954

REPORT MADE AT: WASHINGTON, D. C.

REPORT MADE BY: [Signature]

REPORT MADE FOR: [Signature]

REPORT MADE ON: [Signature]