

Laura Crawford

From: Nodlaig Ní Bh
Sent: 20 November 2025 14:10
To: Planning
Subject: Benbradagh: Public rights of way (Urgent)**
Attachments: LR Planning 20 Nov.docx; Benbradagh WALK NI .pdf; Google Map walkways over Benbradagh.png

Dear Elaine,
please find attached correspondence for your urgent attention.

Kindly acknowledge receipt.

Le dea-ghuí | Kind regards,
Nodlaig

20 November 2025

Re: Application Reference: LA01/2023/0008/F Brishey

Dear Elaine,

I note with grave concern that the planning committee intend to make a determination in respect of the above without awaiting the outcome of the investigation commenced by the Council in respect of the status of the long-established walkways over Benbradagh mountain.

The Council is patently aware of these walkways which are a part of the fabric of the mountain and critical to the tourist architecture of this part of the AONB (North Sperrins). Indeed CC&G has been involved in the funding and active promotion of the walkways, particularly as part of the Appalachian Way/ Ulster Way/ North Sperrins Way. The routes are promoted by state agencies including CC&G. There is signage on the routes and photographic evidence can be furnished on request.

The planning office will also be aware of criterion (e) of Policy RE1 requires that there is not an unacceptable adverse impact on public access to the countryside. Policy OSR1 of the NAP states, "*Permission will not be granted for development proposals that would have an adverse impact on the route, character, function or recreational value of ... public rights of way OR permissive paths.*"

In terms of the 'Ad Quem' and as indicated on the map, there are three destinations from Dungiven (Curragh Road/ Boviel Road):

- **The crown of Benbradagh (Public viewing point)**
- **American base (site of historic interest)**
- **Gelvin Road**

Please find attached **Walking NI map** demarcating the routes and an additional google map to show the US base which is a destination in and of itself as a site of historic interest. Further info: <https://walkni.com/walks/benbradagh/>

Benbradagh mountain is a gateway to the Sperrins. *Enhancing* access to the mountain and building upon this architecture is our committed aim and one we intend to further in conjunction with the Sperrins Management Partnership.

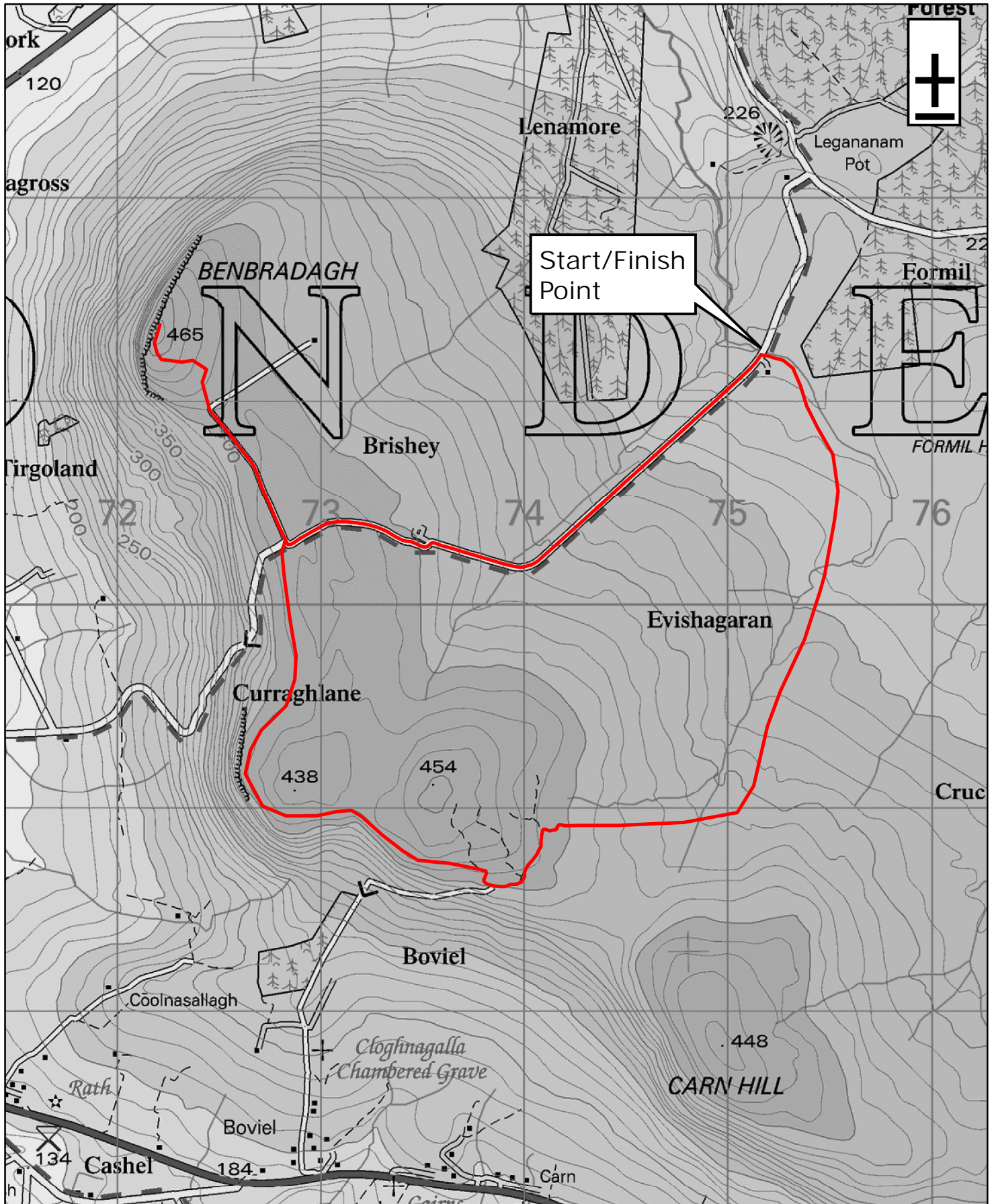
The status of the walkways should have been ascertained and formal assertions made long before now given the significance of these routes to the local community, visitors and the

AONB and in line with relevant statutory obligations and Departmental guidance. The status should most certainly have been ascertained at the start of the planning process to ensure that the appropriate assessments were made.

The rights over these public rights of way have been invoked by the Save Benbradagh group and Ms. Pat Mulvenna, Director of Leisure and Development has commenced an investigation in which our group is actively engaged. It is imperative that this investigation is completed, and the public rights of way recorded **before** a determination is made by the planning committee in respect of the development at Brishey.

Is mise le meas,
Nodlaig Ní Bhrollaigh

Benbradagh



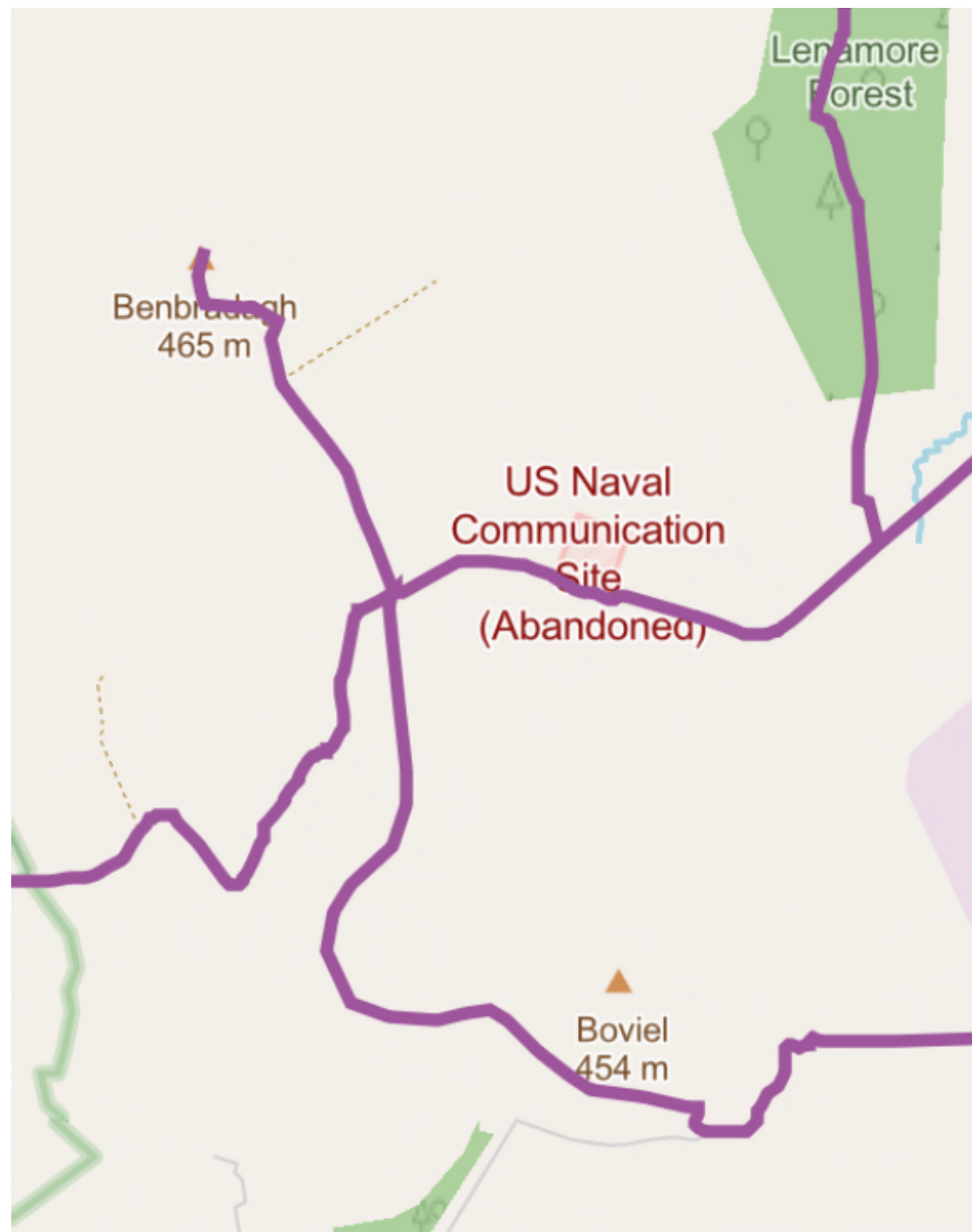
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in Northern Ireland

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Laura Crawford

From: Nodlaig Ní Bh
Sent: 24 November 2025 11:56
To: David Jackson
Cc: Planning; Save Benbradagh
Subject: Suspension of Brishey planning meeting (26th Nov)** Urgent**

Dear David,

As indicated in previous correspondence, the council has a specific duty to assert, protect and keep open any public right of way - and to make and preserve maps and other records of the rights of way in its area.

The council must enforce the ***public's common law rights of passage*** and investigate and record where those rights exist. Indeed, the duty to assert public rights of way is one of the council's most important duties.

Whilst the pathways over Benbradagh have not yet been formally asserted by the Council, CC & G has promoted the walkways and infrastructure such as signposting and stiles are in situ. The Council is fully aware of the walkways and their use over many decades and the legal maxim '*once a highway, always a highway*' applies.

It should be noted that most public rights of way have not been asserted and recorded by Councils and the process is in its infancy in this jurisdiction. This does not mean that these rights of way do not exist and can be omitted from consideration in respect of important planning decisions. Save Benbradagh has formally invoked rights over these walkways which have been openly used by the public for as long as anyone can remember and are therefore permanent legal entities as recognised by common law.

The proposed wind turbines at Brishey are in close proximity to the public rights of way and the American base (a terminus and site of historic interest). Given this proximity, there are very serious public health and safety considerations. The existence of these walkways and their use by the public must not be deliberately or wilfully ignored by the competent authority in the decision making process.

The Council must comply with their statutory duty to assert the public rights of way over Benbradagh mountain and a decision in respect of the Brishey wind farm must not be made until the investigation has been completed by the Coast and Countryside team.

Kindly confirm that the planning meeting re Brishey wind farm, scheduled for 26th November, will be postponed until such times as the status of the walkways is ascertained failing which we will have to consider further legal recourse.

Please acknowledge receipt of this correspondence.

Is mise le meas,

Nodlaig Ní Bhrollaigh

On behalf of Save Benbradagh