

## Niamh Thornton

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**From:** Appeals2  
**Sent:** Monday 27 July 2020 12:42  
**To:** Niamh Thornton  
**Subject:** FW: Appeal Submission Your Case Number ABP-307510-20  
**Attachments:** Pollgorm Car Park Final Submission 27720.docx

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**From:** Bord  
**Sent:** Monday 27 July 2020 11:44  
**To:** Appeals2 <appeals@pleanala.ie>  
**Subject:** FW: Appeal Submission Your Case Number ABP-307510-20

**From:** Owen O'Brien <[REDACTED]>  
**Sent:** Monday 27 July 2020 11:35  
**To:** Bord <bord@pleanala.ie>  
**Subject:** Appeal Submission Your Case Number ABP-307510-20

Dear Madam/Sir

Please find attached my observations and remarks with regard to this appeal in response to your letter to me of 13/7/2020. Please acknowledge receipt.

Owen O'Brien  
Atlantic House  
Coast Road  
Myrtleville  
Co Cork  
P43PP97

[REDACTED]  
[REDACTED] a/



Atlantic House  
Poulgorm  
Myrtleville  
Co Cork

25/7/2020

**Your Case Number ABP-307510-20**

**Re: Whether the proposed erection of a concrete post and rail fence at Coast Road, Kilmichael East, Myrtleville, Co Cork, is development and is or is not exempted development.**

**Planning Authority:** Cork County Council  
**Cork County Council Reference Number:** - D/232/20

Dear Sir/Madam,

The land owners, Collins/Mullins are proposing to erect a concrete fence on this scenic car park and pathway route to the seashore which has been in use, to my knowledge for at least 100 years if not more.

My family, the Lannins, O'Briens and Coughlans, for four generations, have been using the two pathways down beyond the car park, as well as the car park itself, for four generations and have had free and unencumbered access for all of that time.

Indeed many thousands of people have used this access to the seashore at Pollgorm and continue to do so today. It is disingenuous and simply false to say that this usage only began recently. Indeed, my 90 year old aunt, who used the pathways to access "Divore" last summer, pointed out to me that they referred to the two pathways as the "Strawberry Paths" throughout her long life using them. One pathway has been blocked off in the last 18 months by the builders who built a compound on the car park while constructing a dwelling on the west end and has not been re-instated, while the second one has remained open.

There is no evidence of there being a safety issue at the car park and the attempt to describe it as such is spurious. In 100 years, to the best of my knowledge, not a single car has gone over the edge there.

The declaration by Mr Mullins that I have misused the Section 5 process is incorrect. The drawing and pictures submitted by me to Cork County Council were kindly supplied to me by the developer of the dwelling to the west of the car park, exactly as he had received them from Mr Mullins, and I simply submitted those just as I had received them.

In **No.2** it is stated that the drawing submitted by me was erroneous (page 6, last paragraph), when Mr Mullins himself drew this up and these were the instructions that the builder was being expected to follow. I have documentary evidence of this if required. Those drawings showed the fence being constructed 3 metres from the road and not 6 metres as is being now suggested.

In **No. 3** the appellant states that the car park is completely covered in grass (Page 8, last paragraph). A simple look at any photograph or a visit to the site would show this to also be incorrect. It has been, and is a car park which is in constant use.

The contention in the appeal (**No.1**) that the pathways had been completely shut off between August 2018 and April 2020 is incorrect (page 4 last paragraph). Mr Mullins lives in the West of Ireland and clearly was not aware of this. One pathway remained open throughout that period. The fencing for the compound stopped 20 feet from my house and there was full and open access to the seashore throughout that period. I know that because that section of the car park was where I parked my car. It is also a place where my wife and I tended the little patch of grass and tree that is there. During the summer of 2019 and indeed this year 2020 we watched hundreds of people using the pathway to the shore, and it will be very easy to get proof of that. Indeed, many volunteers from the neighbourhood used that path to get to the shore to clean up after the people who go there. The open area is clearly visible on Item 7 in the Submission by the appellant.



The above photo shows locals protesting at the excessive use of the space by the builders (Oct 2018). There are two cars parked alongside my house where the fencing ends which clearly shows that the area was not completely fenced off at all during the development and that there is clear access to the shore where the cars are parked. The first pathway had been blocked off by the compound, but not the second.

The car park is clearly hard-surfaced and has been used for generations of locals and visitors to the area as a sightseeing spot and an important access path to the shore. People take photos there and it is regarded as a beauty spot in tourist guides.

To describe the pathway as a water track or animal path as the appellant does in **No.3** (page 9 last paragraph) is misleading and untrue. The pathway is neither of those things and is a well-worn pathway for people to go sunbathing, swimming and fishing on the shore.

The alternative pathway referred to, east of Atlantic House, (Page 9) has been overgrown, unused and inaccessible for approximately 8/10 years and the only access to the seashore has been through the two pathways through the car park and these have been in use constantly during that time, and long before. (See photograph in appendix under Dempsey family from 1932. People can be seen on the pathways).

To suggest, as the appellant does (page 11), that these pathways do not give access to the shore is false. In actual fact these pathways have been in constant use as the main access to "Pollgorm" and "Divore" for generations. The appellants have only recently decided that these pathways are dangerous, after a century of usage. To suggest (page 13, paragraph 1) that "public safety is at the heart of the matter" is dubious, to say the least. For 100 years it has not been a concern of the owners at all and there appears to be another agenda at play here.

### Summary

In answer to the appellant's basis of appeal, on Page 15 of his appeal:

- (a) The pathway and access to the shore was open and accessed by hundreds of people during the period from August 2018 for the 20 months in question. Access has been continuous for over 100 years.
- (b) The drawing and photograph I submitted to Cork County Council was the one sent to me by the developer of the house, as received by him from Mr Mullins and it was about to be constructed when I appealed.
- (c) The car park does not require a "safety fence". It never did.
- (d) The pathways in question are not "water tracks" or "animal paths" but pathways used by humans for decades.
- (e) The safety of the site has never been an issue and this is simply an attempt to fence off the land for development purposes.

I believe that any attempt to fence off this area would be a travesty and a clear attempt by the owners to deny access and a right of way that has existed for over a century. This is the principal public access to the seashore for the public and residents and is in particular heavy use during this time of travel restrictions.

Yours faithfully

Dr. Owen O'Brien MBA DBA

[REDACTED]

## Appendix: Photographs and Letters from Residents

### 1. Bathing Area in Use



Swimming Gala Pollgorm 1932



This photo shows the popular bathing area at Pollgorm in use on 15/7/2020 and one pathway, which is in constant use.

## 2. Car Park in Use



The Car Park in use on 15/7/2020, as it has been for a century or more.



#### 4. Pathway in Use by the Public



A father and child going fishing, accessing the seashore through one pathway, July 2020. As a child in the 1960's, I remember racing one another down the two pathways, one of which has now been blocked by the builders and remains that way.

5. Protest at car Park



Residents protesting against excessive fencing from the construction site of a private residence at Poulgorm, Myrtleville on Saturday, October 6th.  
Pic: Aidan Russell

# Residents Protest At Blockade Of Poulgorm, Myrtleville

Writes Jack White

Local residents gathered on Saturday, October 6th, to protest against what they deem to be excessive fencing at the cliff-top in Poulgorm, Myrtleville as construction works on a private residence to the right hand-side of the cliff-top take place. The area, which has served as an unofficial car park for decades, is used by residents, walkers and swimmers and has picturesque views over Poulgorm, Fountainstown, Ringabella and the outer section of Cork Harbour. Poulgorm itself is a beautiful, rocky inlet at the bottom of the cliff and can be accessed by pedestrians via three paths, (two directly from where

the fencing now is), and another nearby, (but that is sometimes overgrown). Depending on the tides, it can also be accessed along the rocks from Myrtleville, passing the area known locally as The Devil's Elbow (below Bunnyconnellan). The residents say that while they have no objection to any building works, (once they are adhering to the correct planning approval), they are most concerned at the majority of the cliff-top being used for a builders compound the pathway is being blocked to access Poulgorm below. The access pathways to Poulgorm, which is a huge popular bathing spot, have been in use for hundreds of years and some of those organising the protest said

that, "one local resident, now in her 80s, has been climbing up and down the cliff on a daily basis all her life for a couple of swims each day, keeping her fit as a fiddle". They say that, "there must be a special magic in the water below that keeps people young". The protesters went on to say, "Additionally cliff-top has always been the perfect place for people to pull in, park, and take in the spectacular view of Cork Harbour. It is the only spot on the coast road where this is possible". The residents protesting say they, "are extremely upset that this may change following this new building work". Anyone who would like to contact the protesters can do so via email: [Poulgormfenced@gmail.com](mailto:Poulgormfenced@gmail.com)



Residents protesting against excessive fencing from the construction site of a private residence at Poulgorm, Myrtleville on Saturday, October 6th.



The construction site for a private residence at Poulgorm, Myrtleville

Newspaper Article October 2018. The picture bottom left shows the protesters actually on the pathway which was clearly open and accessible.

o. Letters from residents:

(a) J Regan

Jacqueline Regan

Poulgorm

Myrtleville

Co. Cork

P34 EW81

Tel: [REDACTED]

[REDACTED]

Email: [REDACTED]

To: County Cork Planning

Dear Sir/Madam

As a long time  
resident of the Poulgorm area I  
would like to assert that I  
have been using the carpark  
at Poulgorm and the cliff path  
for over 30 years. I have  
used the right of way continuously,  
to access the swimming area in  
Poulgorm & Drove, including  
recently when the carpark was  
fenced off temporarily to  
facilitate building.

It would be a <sup>tragedy</sup> ~~shame~~  
to fence off an area that has  
been used by the public as  
a viewpoint out to sea and  
access to the rocks and swimming  
place below  
Yours sincerely  
Jacqueline Regan

(b) C. Lannin

Cathal Lannin  
Caradawn  
Fennels Bay  
Crosshaven  
Co Cork

To whom it may

Concerned Planning

dep). I am writing to express my objection to the proposed fencing off of the Carpark and blocking of the right of way to Poulgorm and D'Vore. As a swimmer I often use this path to access D'Vore during the summer months. My extended family the Lannins, Coughlans, O'Briens and Fields also regularly used the path.

As far as I know the gentleman who resides at " house bordering the Carpark does not own the land on which the Carpark stands it is owned by Collins. So this ~~thing~~ would make it illegal to deny access to a right of way which he does not own. It was bad enough that he annexed the Carpark as a Compound during building of his house but he has ~~now~~ returned it to its former state less 7-8 ft, it must be left this way. My Grandfather built the house next to the new house

in 1922 and my Cousins have  
hired there since. Soon after this  
the family began to use the  
Cliff right off way for swimming  
and leisure purposes.

So I feel to  
denie access to generations of a  
family who used this path for  
almost a hundred years would  
be not alone a travesty but  
also illegal. The proposal would  
be counter to the interests  
of the public in general who are  
entitled to access and parking while  
enjoying a swim or walk along the  
rocks during their leisure time.  
This amenity is part of our  
heritage and it is the duty of  
the state to ensure it remains  
so.

yours sincerely  
Kathal Lannin.

**The Dempsey Family:**

**'Lone Star',  
Poulgorm,  
Coast Road,  
Fountainstown,  
Co. Cork.**

**23<sup>rd</sup> July 2020**

**To whom it may concern**

Our father purchased the 'Lone Star', Poulgorm in 1932 as a summer cottage, in the mid 1960's he took up permanent residence. The car park on the top of Poulgorm was where he parked his car; the cliff paths were the only means of accessing the 'Lone Star' and the shore. All friends and family visiting us had to do the same. Subsequently he built a new house, negating the need for parking but we still use the car park to access the cliff paths to swim in Poulgorm, the Well or Divoure and to walk across the rocks.

The original use for the 'Lone Star' was as a changing hut (Fig. 1) for the ladies wishing to swim in the ladies section of Poulgorm using the cliff paths to access it. Our father often spoke of swimming in Poulgorm as a child (1915/1916) with his siblings and subsequently as a young man (Fig.2). As children we were all taught to swim in Poulgorm and participated in the galas from the mid 1940's – 1970's (Fig.3).

**Yours Sincerely,**

**Derval, Maolisa and Dána Dempsey.**

*Derval Dempsey  
Maolisa Dempsey  
Dána Dempsey*



Figure 1 The 'Lone Star' changing hut



Figure 2 M. Dempsey & friends, Poulgorm



Figure 3 Gala Poulgorm 1939, Lone Star top right.

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Figure 4 Gala Poulgorm, view of cliff paths in 1939.

<https://photos.examiner.ie/p/28982wfk/22349509004/pulgorm-regatta-myrtle-ville-crosshaven>



The Coughlan Family:

Polgrom  
Hytheville,  
Co Cork  
19/7/2020

To whom it may concern, I have resided at the above address for many years. Throughout the Summer & Autumn seasons, my family & I swim on a regular basis in a place called 'Droic', a large rocky pool situated beneath us on the shore line, a few hundred metres from the popular bathing spot of 'Polgrom'. 'Droic' has been used as a recreational spot by us and many others since the early 1920's. It is accessed from the cliff path which trails down from the cliff top car park. The cliff top space is used as a car park by a wide general public, inclusive of ourselves, to park & access swimming and fishing spots below or used simply to park or picnic or admire the view.

It is the only public parking spot along the coast road and has been utilised by a large population for many many decades.

Yours Sincerely,  
Ann Coughlan

Poulogran Cliff,  
Myrtle,  
Co. Cork.

20.7.2020

To whom it may concern,

I have shared a property with my family at the above address since the early 1960's.

Over long holiday periods, particularly in summer time, I continually used the path from the car park down to the rocks.

I went up and down the path, walking and swimming ten times a day and I continue to do so now.

That pathway is a vital part of our local amenities.

sincerely,

Mona Bagousse.