#### **Niamh Thornton**

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

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 <

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

Atlamic 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

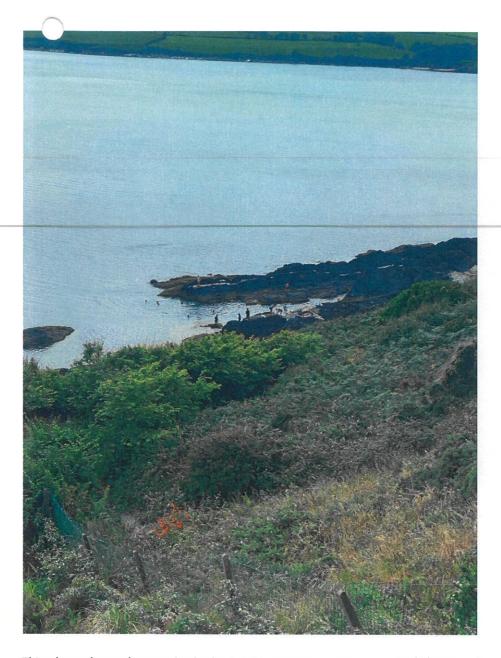
Dr. Owen O'Brien MBA DBA

# Appendix: Photographs and Letters from Residents

### 1. Bathing Area in Use

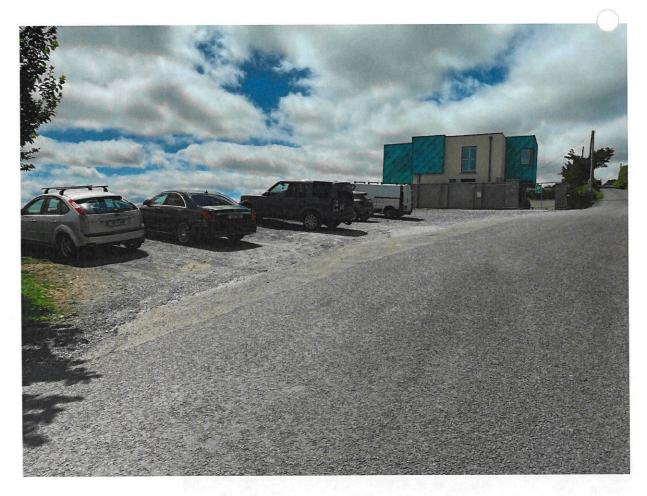


**Swimming Gala Pollgorm 1932** 



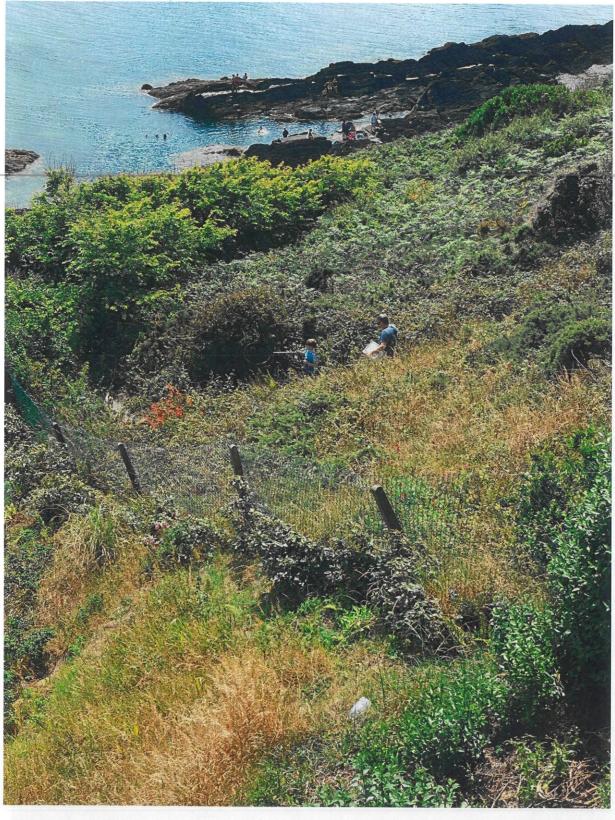
This photo shows the popular bathing area at Pollgorm in use on 15/7/2020 and one pathway, which is in constant use.

#### 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



#### Writes Jack White

Local residents gathered on Saturday, October 6th, to protest against what they deem to be excessive fencing at the clifftop in Poulgorm, Myrtleville as construction works on a private residence to the right hand-side of the clifftop take place. The area, which has served as an unofficial cur 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, nocky inlet at the bottom of the cliff and ran be accessed by pedestrians via three paths, (two directly from where pedestrians via three paths. (two directly from where

the fencing now is), and another nearby, (but that is sometimes overgrown). Depending on the fides, it can also be accessed along the rocks from Myrtleville, passing the area known locally as The Devil's Elbow (below Banny connellan). The residents say that while they have no objection to am building works, (once they are adhering to the correct planning approach), they are most concerned at the majority of the chiften being used for a builders compound the pathway is being blocked to access Poulgorin below.

The access pathways to Poulgorin, which is a bugch 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 oos, has been ning up and down the cliff on a daily basis all her for a couple of swims each day, keeping her fit as dle." They say that, "there must be a special may the water s below that keeps people young." The protesters went on to say. "Additionally cliffing has always been the perfect place for peopull in, park, and take in the speciacular view of Harbour. It is the only spot on the coast road of this is possible."

The residents protesting say they, "are extraorded that this may change tolkwing this new beamone whe would like to cortact the protest can do so via email. Poulgormfenced@gmail.





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

#### v. Letters from residents:

#### (a) J Regan

Jacqueline Regan

Poulgorm

Myrtleville

Co. Cork

P34 EW81

Tel:

Email:

To: County Copy Planning Dear Ser/Madam As a long Timo lesident of The Powgorm area 3 would like to assept that 9 have been using the earpark at Powgorn and the clift path for over 30 years. 3 have used The right of way continously, to acess the swimming area in Paulgorin & Dirore, including Recently when The carpark towas fenced of Temporarily to Jacilitate building. Ragede of would be a show been used by the public as a viewpoint out to see and access to the rocks and swimming

To whom it may concert ain writing to express blocking of the to poulgaring and Divore it to access D wore during or Scummer months, My exter man who resides at se bordering the Carpart does not own the land on who the Carparte Stands it is owned by Callins! So this this would make it ilegal to deny access to aright way which he does not It was bad enough that he arroxal the Carpork as a Compound during 11 building of his house but hes has (has) returned it to its former State less 7-8 ft, it must be let this way. My Grandfather built to house next to the new house

wired there since soon after this the family began to se the iff right of way for swiming SO I feel to The proposa blue in ge i)orging a swim or walk along the leisure ti rocks during thou is part of our ty her itage and it is the duty a the state to ensure it remains

#### 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.



Figure 1 The 'Lone Star' changing hut

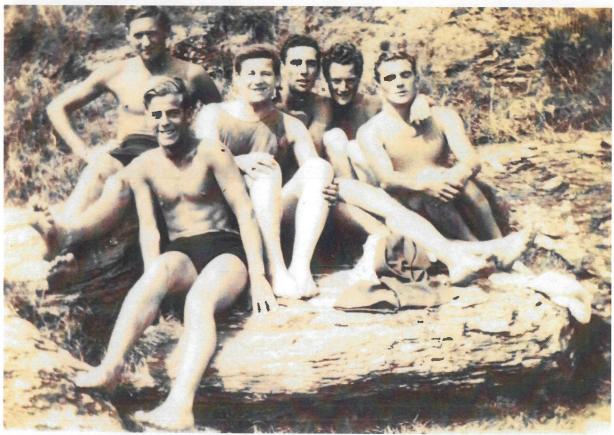


Figure 2 M. Dempsey & friends, Poulgorm



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/poulgorm-regatta-myrtleville-crosshaven

The Coughlan Family:

foolgoni Hijsterilk, G. C.k 19/7/2020

To chean it may com, have resided at the above Seasons, my family of issue in a regular laws M a

Seasons, my family of issue in a regular laws M a

Note called 'Onese', a large newly pool situated

Note called 'Onese', a large newly pool situated

beneath us on the shore line, a few hundred votes from

the popular betting spot of "Realizarin'.

'Onose' has been used as a

recreational spot by us and many others some the

early 1920' lt is accessed from the cliff pair

click trails down from the cliff top car part

which trails down from the cliff top space is used

as a car park by a wide general public, inclusive

of ourselves, to park a access surmany and fishing spots

ble or used suply to park or piene or

what the use. It is the only public parking spot along the coast road and his been whiled by a large populous for many many many decades, Jours Sucorely Coughlan

Poulgarm Ciiff, MyKleville, Cu. Cork 20.7-2020

To whom it may concern,

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

Over Long holiday poriords, particularly in summer time, I continually used the path from the car park down to the rocks. I went up and docum the path, walking and swimming ten times a day and I continue to do so now.

That pathway is a vital part of our cocal amenities.

sincerely,

Mona Bagousse.