

AGM

Friends of the Murrough AGM 5th October 2011 Chairman's Report

Since the last public meeting the group has worked on projects as follows:

1. Four Coastcare clean ups along Murrough and Broadlough including removal of boat loads of rubbish as well as Ragwort. Two clean ups along the harbour on national volunteer day with the Autism Initiative based on the Quays, and a Forensic Beach Clean after a child got stuck with needle.
 2. Organised four heritage walks to coincide with Heritage Week.
 3. Met with other Coastcare groups around the county to share advice and experience.
 4. Prepared pre-draft submissions to the County Development Plan and the Wicklow Town and Environs Plan
 5. Worked to speed up the reopening of the Heart Foundation circular walk along the riverbank by writing, talking and visiting town engineers.
 6. Successfully negotiated reinstatement of fencing in accordance with regulations after the new bridge was finished to ensure future pedestrian access but so far we have failed to get the path on north side of bridge open.
 7. Worked with some members of the town council to get more appropriate soil and reseeded when part of this walk was reinstated after pipe laying near the town.
 8. Continued with our campaign to achieve a Special Amenity Area Order for the Murrough and cliff walk, meeting county council officials and dealing with Department of the Environment civil servants. This ultimately failed due to lack of political support
 9. Extensive preparations for an application for a grant to fix the cliff walk from The Black Castle to Wicklow Head: paid for and commissioned a survey from the National Trails Office, walked with archeologist, got advice and quotes from engineers, ecologists and foreshore officials in the Marine Department.
 10. Made a number of submissions through the planning process including winning our appeal to An Bord Pleanala to establish that Multimetals did require planning permission to establish a metal recycling yard at the entrance to the Murrough despite the local authority deciding that this was not necessary. This decision has not been enforced. Friends of the Murrough also made a submission regarding the permit for this business and have reported a failure of this company to adhere to the conditions of that permit however the nuisance continues.
 11. We also won our point that the GAA pitch proposed for Wicklow Head also requires planning permission. No planning application has been submitted to date.
 12. Unauthorised development of fence on Murrough has been reported to the Council who have sent a warning letter to the developers. No news on this so far.
 13. Maintained a website www.friendsofthemurrough.org and the group now has 1400 face book friends.
-

The following committee members were present:

Malcolm Spenser, Judy Osborne, Pat Kavanagh, Fintan Clarke, Ned Cussens, Margaret Coen.

Election of Officers:

Chairperson: Ned Cussen

Secretary: Margaret Coen

Treasurer: Fintan Clarke

Talk by Albert Smith – Keep Ireland Open

Notes of talk and discussion at Friends of the Murrough AGM 5.10.11

Rights of Way

Access in Ireland is based on case law from the 17th, 18th and 19th centuries. The situation is thus muddled, unclear and unsuitable to a modern democracy. New legislation is needed.

There are two paths we can take:

1 Assertion of rights – each individual right of way must be mapped, this is time consuming and expensive.

2 Reasonable access for all – the Scandinavian path. In 2003 Scotland introduced this type of law. Access is an entitlement unless land is military or otherwise unsuitable for access, but the onus is on landowner to prove unsuitable.

REPS scheme is responsible for increasing difficulties with access in Ireland. In 1980's REPS money was tied to the idea of access. EU funds were given to farmers who allowed people on their land. Scheme was for duration of 5 years. In rest of Europe no such tying in of funds existed. Objections from European farmers, who received no nominal payment for access, meant this aspect of the scheme was

discontinued. Farmers in Ireland thus felt at a loss of income and therefore began to hinder access. This explains short sighted attitude of farming community to walkers.

According to **2010 Planning Act** County Councils must now register rights of way. But there is no clarity as to what constitutes a right of way.

Reference to council sign at Glen Beach turn warning about danger of beach/walk.

Pat Kavanagh: What is the position re public liability?

Albert: If public deviate from a path from necessity there is no issue – the courts say this is reasonable. **1995 Occupiers Liability Act** makes clear there is **no question of liability** unless owner has done something deliberate to put public in peril. In 16 years since introduction of the Act no successful suing of owner, although there have been attempts. If the council adopt a right of way then they have a liability to make it safe, but a sign warning of danger is sufficient, no obligation to fence etc.

94% of farm income is from subsidies.

Reference to dogs running loose, worrying sheep, farmer having right to control access.

Albert: Toll roads used to be private, in historic times opening up of toll roads was resisted with argument that murderers and rapists could use them to run rampage throughout the countryside. Argument re dogs is similar, should minority who behave badly restrict the rights of the vast majority? Scotland prosecutes those who do not adhere to the legislation, eg dog owners who abuse the access by letting dogs off leads.

Reference to fence at Broadlough. Should person tear coat on fence and go to court as way of getting it removed?

Albert: Easier to just remove fence.

Bird Ireland member spoke of difficulties over many years with issues of access and this landowner.

Mizen Head (south of Brittas Bay) referred to – lack of enforcement by Co. Co., although court has ruled fence is illegal. If a fence is in situ for 12 years then planning permission is no longer required.

Judy: **Which county council is best for mapping out rights of way?** Should we be looking at trying to network with this council as a way of moving things forward in Wicklow?

Albert: Dun Laoghaire Rathdown is most walk friendly council. Also most urban one.

Q: Can council compulsory purchase disputed rights of way?

Albert: Yes, but there is no political will for this.

Margaret: To return to **Broadlough**, what are the implications of demolishing an illegal fence? Would someone being seen doing this be liable for arrest?

Albert: Criminal damages could ensue if someone were proven to have knocked down a fence. The issue then would be to prove to the judge during a trial that the fence was illegal.

Fintan reminded listeners that Wicklow County Council had sought the removal of a fence in the 1970s that closed off the Murrough to walkers and was successful. The judge declared that there was **freedom to roam on the Murrough**.

Q: Is there any other avenue to pursue to remove an illegal fence?

Albert: The Ombudsman can be contacted about the inaction of the county council, specifically in failing to enforce the law.

Judy reminded listeners this was not yet an avenue re Broadlough fence.

Mizen Head fence could be complained about to Ombudsman. Councils do not like the negative publicity that ensues.

Access by seaside seems more problematic than hill walking. Historic difficulties in Wicklow Town re access.

Distinction between Public vs Common right of way. Former means all have access, latter that select members of public have access.

Irish Lights had to re-open lighthouse road many years ago after landowner closed off access and locals marched on road.

Update and general background to the current situation regarding the Murrough and Cliff Walk

New Planning Act:

The new Planning Act 2010 makes it compulsory for local authorities to register all public rights-of-way. However, the new law does not in any way help to identify rights-of-way, giving councils the perfect ‘out’ when it comes to deciding what to register. As the law stands, it is a mammoth and expensive legal task to establish a right of access and this will only change if there is clear and persistent demand from members of the public. In the case of Wicklow County Council, identification and registration simply is not happening.

Wicklow Town and Environs Development Plan:

Commitments in the Council’s current Development Plans support, in theory, the conservation and protection of our environment and natural heritage. They also have as their stated aim “the preservation and extension of recreational amenities”. The Wicklow Town and Environs Development Plan recognises that Wicklow is well placed to “utilise hill, coastal and river amenities for recreational purposes”. It also correctly states that “Wicklow and its County Town are recognised for their recreational facilities, strategic location, infrastructure and natural setting.” The Heritage Council for Wicklow recognises that our coastline is a very important part of our heritage with its natural habitats and local history. Fine words. But so far the Council has been conspicuously unable or unwilling to put them into effect.

History of Wicklow Town’s Coastal Areas:

The recent history and current realities of these recreational amenities tell a very different story. In these uniquely beautiful areas the traditional right-of-way from the Black Castle to Wicklow Head as enjoyed by generations of Wicklow people has suffered from severe neglect and an

attempt was made by our local authorities back in 2001 to close off two sections of this walk, (from the Black Castle to Bride's Glen and from Bride's Glen on towards Bride's Head) with warning notices and wire barriers. In August '11, members of the public were obstructed by a local landowner from accessing the last few yards of this Cliff Walk near Wicklow Head.

Iarnrod Eireann has choked off a long section of the Murrough Walk near Newcastle and also had recent plans to deny pedestrian access across the bridge at the Breeches.

Broadlough Estuary:

Readers of our local papers will be familiar with photographs of a recently erected obstruction across the path beside Broadlough estuary. This estuary has also suffered from the introduction of noisy and unsightly enterprises, which by any standards constitute a monumental eyesore at the entrance to our town and all of this is happening either within or beside an area that is designated as a Special Area of Conservation.

No take-up on grants:

Nothing has been done in recent years to address those continuing problems of public access to these unique and very beautiful regions. In 2002 the Department of the Environment was reported as having offered extensive funding for the construction of a cycle/pedestrian track from Greystones to Wicklow but no action was ever taken on the project. There are still many grants available from different agencies for these enterprises. If we in Wicklow do not capitalise on them, there are many others that will. 'Friends of the Murrough' have commissioned a number of surveys on these areas north and south of our town and also had estimates prepared on repairs to the Cliff Walk.

Support for this campaign:

Friends of the Murrough are appealing to all of the people who value our heritage to support the cause and to campaign both individually and collectively for the proper mapping, maintenance and signage of all of these walks.

Out of line with other EU countries:

All coastal regions in the UK are currently accessible to the public while the Continental mainland provides a whole network of pedestrian and cycle pathways throughout the countryside for the health and enjoyment of their citizens and tourists alike. County Wicklow has 30 miles of coastline but access is severely limited by the refusal of landowners to

acknowledge ancient rights of way and Wicklow County Council's refusal to assert public rights.

Preserve our Heritage:

The Murrough and the Cliff Walk are the only natural parklands adjacent to Wicklow Town. We cannot afford to let these well-used walks be taken from us.

Anyone interested in joining the local footpaths campaign can do so by accessing our website www.friendsofthemurrough.org or on Facebook.

Almost four thousand supporters:

Two and a half thousand signatures were collected in 2009 in support of the campaign and now almost one and a half thousand people have signed on electronically.

Car Stickers:

Any of our supporters who wish to purchase a sticker for the back window of their car can do so. They are available from any member of our committee for a cost of € 2 each.

-