



Barbed wire erected by Gerard Burke at Ugool beach in an attempt to keep walkers of his land

Why this beach is Ireland's Galaghy Road

Access to Ugool beach has become a battlefield between farmer Gerard Burke and walkers who demand the right to cross his land

BRENDA POWER

"I REMEMBER coming home from a dance one night when I was about 18 years old. It was around three o'clock, the night was black as pitch, and I got a lift as far as the end of the road. The tide was in, so I had to find my way home around the back of the mountain, through the rocks and bushes, on my hands and knees, feeling my way in the dark. That's what it was like to grow up on this remote headland, and I often think of that night when those high-handed walkers came down from Dublin on a sunny day and demanded the right to walk across my land, and we might've seen them again for another two years. I know I'm not explaining it very well, but that's what gets my back up."

The walkers, the determined lobby groups claiming a public right of way across Gerard Burke's farmland onto a majestic and unspoilt beach landlocked by his Westport property, probably won't have a clue what he means. And farmers around the country, particularly those whose families have struggled to eke a living from inhospitable terrain across several generations, will understand all too well.

Long before urban dwellers with new affluence and leisure time discovered beautiful places

like Burke's holding above Ugool beach, at the foot of the Mweelrea Mountain near Killary Harbour, families such as his lived and worked there in all weathers. The Burkes were among many local smallholders driven out by Lord Lucan's forebears, the Binghames, in the 1840s, but they returned to labour and tend sheep for the landowners and, by and by, acquired farmland and commonage rights of their own. Gerard Burke was one of seven children reared on the

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wild, rocky headland above Ugool beach, where he is now rearing six children of his own.

His simple story of feeling his way home through the rocks and heathers in the dark, of one unremarkable night from a lifetime lived at the mercy of the sea's caprices, captures the depth of resentment and the gulf of incomprehension that exists between families like the Burkes and their sworn enemies, the walkers' lobby groups. They don't understand the strength of his sense of ownership of this

place, he doesn't understand how they can claim its glories on beautiful days, and leave him nothing but the fierce cruelty of the rocks and the sea in more treacherous times.

As Burke sees it, nobody took much interest in the Burkes or their land when times were harsh - when his father offered the local council the now-contentious right of way if it would only build him a road so that his children could get to and from school at high tide. The council turned him down and said his headland had no tourism potential.

And now that it does, now that there's a chance that the land might yield a return beyond its poor agricultural value, they - the council, the walkers, the tourists who expect to walk the land unimpeded - want to seize it from them, again. The Burkes know these interlopers will vanish, like the Binghames, when the sky darkens and the climate turns cold once more. But when the weather is fair they expect him to step aside and let them pass. And that's what gets his back up.

The controversy over Ugool beach is more than 13 years old and has come close to bringing Ireland's Galaghy Road, a defining stand-off between two sides insisting on ancient rights. It is a war whose battles regularly turn up in the courts - at present, the Supreme Court is considering the matter of public access to the

Old Head of Kinsale, now the site of a private golf club. The developer, John O'Connor, insists that the area was overgrown and inaccessible before he spent fortunes creating a world-class golf course, and the walkers argue that the headland was always accessible to the public, and should remain so, if only in a limited capacity. And, recently too, Burke found himself in court, this time embroiled in a criminal matter after a complaint by two walkers whom he confronted on his land. It was a case that hardly did much to soften his mood towards ramblers across his property, but if the walkers' group had hoped to charge the farmer a lesson this time, they couldn't have been more wrong.

Nobody denies that there was some sort of physical confrontation between Burke and Tom Conroy, one of two walkers who entered the farmer's land through a gate to take a shortcut back from Ugool beach one afternoon in early April. The only access to Burke's land is the route way to and from Ugool at high tide, and he has fenced it off. Last week, that he felt free to enter the land because there were no signs warning against trespassing. When he encountered Burke, he said, the farmer became aggressive, pushed him and tried to strangle him. Burke, in his own evidence, claimed that

it was Conroy who tried to push him aside when he barred the walker's path. Both the evidence of Conroy and his partner Charlotte Kelly, as well as of the local gartie, presented them as innocent abroad who had simply wandered, unsuspecting, onto Burke's land, but Judge Mary Devins was having none of that. She had no doubt, she said in her judgement, that they were there by design, and because they felt entitled to traverse the land regardless of Burke's wishes. She accepted that the ongoing controversy over access to Ugool fuelled Burke's attitude, but she felt further fuel was added to the fire by Conroy's air of "assured superiority", which, she said, was in evidence in court and most likely in his dealings with the farmer on the day, and which had proved extremely provocative, just because the Burkes lived in a beautiful and scenic area didn't mean they had to incur every voyager who wished to walk across their land, although they would facilitate anyone who asked politely for permission to enter their property.

It seemed to her, said Devins, that Conroy and Kelly appeared to feel "that property rights did not extend beyond the Pale", that outside the strictly defined environs of urban existence they suspended respect for others and their property rights, and they seemed to regard rural dwellers like the Burkes as "little more

than quaint objects of interest". She dismissed the charges against Burke. Her words delighted Burke, who says he welcomes her confirmation that he does, after all, have property rights of his own, and dismayed Roger Garland, the former Green TD and chairman of Keep Ireland Open, the walking group that has long been set on a collision course with Gerard Burke. "I'm amazed at the judge's tone," said Garland. "Most people from Dublin have the greatest respect for property rights, and anyway Tom Conroy is from Galway not from Dublin, though he lives here now. It's simply the dirt in people's heads, with his attitude in court, but we have in many cases where walkers have been subject to verbal attacks from Gerard Burke."

Burke, who believes that members of Keep Ireland Open regularly set out to bait him, maintains he is the one who has been abused by trespassers in the past, and confirms that he will always facilitate walkers who "ask politely for permission to explore my land". But the business of asking permission "just isn't on", says Garland. "Sometimes it's impractical, you might have to enter the land to get to the farmhouse to ask permission, though if we're walking past a house we will usually ask as a matter of courtesy, but I suppose, yes, it is a point of principle with us. We'd rather be walking as

right, that's why we are lobbying to change the law and we are calling on the local authorities to register rights of way as has happened in Britain and all over Europe, so that we are free to roam the uplands without having to ask anyone's permission."

The Burkes' enmity towards Garland's organisation is further deepened by the fact that he was linked to three Dublin-based organisations - An Taisce, Keep Ireland Open and Friends of the Irish Environment - that blocked

'We probably shouldn't walk across without permission, but we do it'

Roger Garland

Gerard Burke's plans to build holiday cottages under the cliff at Ugool some years back. "I'm trying to rear a family of six children on a remote headland. Roger Garland ought to know that farming is going through a difficult patch," he says, "and these cottages would have brought in a rent to supplement my income. And they weren't visible from anywhere only the Atlantic Ocean, still the planning office was flooded with objections, and I was refused permission. These people don't want me to benefit

from my property, but they want the use of it - they want to ride roughshod over me and my family's property rights," - a view clearly shared by Judge Mary Devins.

Some years ago, the Ombudsman - in response to a complaint by Keep Ireland Open - directed Mayo County Council to establish a right of way across Burke's farm, even though none traditionally existed there - the beach is at the end of a long chain of beautiful strands, and would never have been of much interest to generations past beyond the Burkes themselves.

Garland accepts that "technically speaking" there is no right of way across the headland at present and so, "we probably shouldn't do it [walk across without permission] but we do it, and we will continue to do it. The fact we will have the power to create a right of way and what the farmer has to give, to resolve this situation, is so little".

And what the walkers have to do, Burke says, is so little - concede his rights, ask his permission, and acknowledge the privileges his family has earned over several generations of clinging to their headland through years of hardship, of drawing an existence from its rocky soil and stumbling around the mountains on school days and dark nights when the tide was high, in the days before beautiful views lured city dwellers from their comfort-