

MINUTES OF SPECIAL MEETING OF ROSCOMMON COUNTY COUNCIL HELD IN THE THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, ON THURSDAY, 14TH OCTOBER, 2021 AT 2.30PM.

PRESENT:	Councillor Joe Murphy, Cathaoirleach 2021/2022	PRESIDED
MEMBERS:	Cllr E. Kelly, Cllr T. Crosby, Cllr D. Kilduff, Cllr A. Waldron, Cllr V. Byrne, Cllr L. Callaghan, Cllr J. Cummins, Cllr N. Dineen, Cllr L. Fallon, Cllr P. Fitzmaurice, Cllr J. Keogh, Cllr O. Leyden, Cllr M. Mulligan, Cllr J. Naughten and Cllr T. Ward.	
OFFICIALS:	Eugene Cummins, Chief Executive Shane Tieman, Director of Services Patricia Bohan, Meetings Administrator	
Apologies:	Cllr M. McDermott and Cllr K. Shanagher.	

105.21 UPDATE FROM CHIEF EXECUTIVE ON LOUGH FUNSHINAGH

The Cathaoirleach welcomed the Members to this Special Meeting of the Council to receive an update on the situation at Lough Funshinagh.

The Chief Executive confirmed the Council remains committed to finding a solution to alleviate the flooding since the High Court challenge to the works that commenced this summer.

Director of Services, Mr. Shane Tiernan outlined the details of the Chief Executive Order R/178/21 signed this afternoon for Proposed Interim Emergency Flood Relief Works at Lough Funshinagh:

Having read and considered the following, the Chief Executive agrees with the conclusions and recommendations of the reports:

- High Court Order made on 25th August 2021, Report and recommendation of Director of Services dated 14th October 2021, report and recommendation of A/Senior Engineer dated 14th October 2021, Screening for Appropriate Assessment Report of Malachy Walsh and Partners (MWP) Oct 2021 and Screening for Environmental Impact Assessment Report of MWP October 2021.
- The Order details the characteristics of the lake, the water levels of the lake and in particular the recent water levels as a result of flooding since 2015.
- Mitigation works carried out to prevent flooding of properties including raising road levels and emergency pumping.
- In 2020 one of the properties was lost to flooding.
- Details of an Ecological Review of Flood Protection Options report carried out by MPW in May 2020 and subsequent confirmation from OPW in August 2020 that proposed schemes had not met cost or sustainability requirements necessary for funding.
- Details of flooding in winter of 2020-2021 and record levels reached by the lake
- Following a report from Director of Services in May 2021, an Order was signed by the Chief Executive under the Local Government Works Act 1949 authorising the Council to commence urgent relief works by diverting water in excess of 66mOD into a watercourse flowing to the River Shannon and works commenced on 6th June by OPW.
- On 13th August the High Court granted leave to Friends of the Irish Environment to review the validity of the Order and on 25th August the Council consented to a final court order and submitted

- a remediation plan to reinstate the earthworks.
- Since the proceedings, the risk has not reduced and current water levels indicate the lake will breach the road levels and a minimum of 3 houses will be lost, with a further 3 at risk. The roads cannot be raised any more.
- Roscommon County Council retained MWP to prepare a scheme without any significant impact on any Natura 2000 site or the environment. They prepared a significantly scaled back scheme with screening for environmental impact assessment and screening for appropriate assessment.
- In signing the Order, The Chief Executive is satisfied that the Emergency Works are in full compliance with the High Court Order of 25th August and all relevant planning and environmental legislation.

The Chief Executive added that:

- The emergency works are classified as exempted development under Section 4 of the Planning Act and planning permission is not required, an EIS or application to An Bord Pleanála is not necessary. He has also determined that an Appropriate Assessment is not required as it will not have a significant effect.
- A register of abstractions will be completed and the project will be in compliance with the WFD and meet the obligations of Climate Action/low carbon objective.

The Cathaoirleach welcomed the update and the initiation of the flood relief works with the hope that this will help the people living beside Lough Funshinagh. He asked the members of the Athlone MD only speak on the issue and this was agreed by the members.

Cllr. Fallon welcomed the announcement of the Chief Executive. He noted that the flooding is substantially worse than ever before and the level of the lake is at its highest point that will lead to a crisis if nothing is done. The roads are in danger of collapsing and it is imperative that the citizens are protected. The situation is causing intolerable stress for the people involved. The works approved by the Chief Executive will only remove a small quantity of water and it is disappointing that not more can be removed but in light of the constraints of the project, this is a welcome development.

Cllr. Ward also welcomed the news and thanked the Chief Executive, Director of Services and all staff involved in working on the solution. He thanked all councillors who supported local councillors in this matter and is delighted to see the Order signed today. He also thanked the people from Lough Funshinagh for their patience and trust and would like to see work commence immediately. He posed a question for the Friends of the Irish Environment – would they take full responsibility for the health and safety of the people of the area and will they be held to account if flooding occurs.

Cllr. Naughten welcomed the update. He stated that the Council had got independent advice and all necessary requirements have been fulfilled including screening of the project that should allay and concerns of the Friends of the Irish Environment and be assured that this proposal has been done properly. There is no doubt that this is an emergency situation and flooding will occur after heavy periods of rain if nothing is done.

Cllr. Kilduff also thanked the Chief Executive and staff that clearly demonstrates that Roscommon County Council are determined to protect its citizens. He has concerns that the removal of 2million cubic meters of water is enough and while it will help, at best it will hold it at bay. He expressed his grave disappointment that the original scheme is not continuing and would like to see it completed in the future but hopefully

there will be a reasonable winter and this will work in the interim and give the community hope.

Cllr. Kelly welcomed the news too and thanked everyone involved in bringing this to today's announcement. Lough Funshinagh will not independently resolve the flooding itself. There has been considerable costs expended to date on this work and this will continue to be a costly project.

Cllr. Keogh thanked the Chief Executive and everyone associated with the project to date and is pleased to see progress following the High Court Case in August. He stated that Roscommon County Council has learned from the FIE court application and all works will be carried out as per the legal notice. However, the emergency situation continues and will FIE take responsibility if the road collapses. He noted the small amount of water being extracted – equivalent to what would be extracted from Ardnacrusha in 90 minutes. He also stated that this is not the final solution but will help the situation getting worse.

Cllr. Crosby asked to speak on the matter. He welcomed the work and proposed but stated that the situation opens a wider debate that the public are aware of the sensitivities involved. He stated that people representing environmental and other groups have too much power in relation to such matters and can cause untold delay in projects by objecting to developments and infrastructure projects.

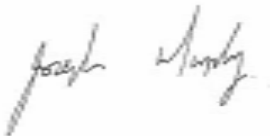
The Chief Executive thanked the members for their support. He said that it was unfortunate that the original scheme could not go ahead as had been planned. The FIE brought the scheme to the attention of the Council and we listened to them. He also reiterated that this was a very small amount of water that would be decanted from the lake and will only keep the situation at bay and it is regrettable that not more can be done at this present time but this work should bring some comfort for the locals affected. He informed the members that he will make a presentation on the costs involved at a future date – costs that have been borne by the Council and taxpayer. This special meeting today was warranted and we have responded to the findings of the Court in August. Hopefully the OPW can commence works immediately but if the works are stopped it will be a tragic development.

This concluded the business of the Special Meeting.

The foregoing Minutes are Confirmed and Signed:



Meetings Administrator



Cathaoirleach



Countersigned