

# Lough Funshinagh: the *(not)* Vanishing Lake

*Funshinagh is a 'turlough'. The book, 'Karst of Ireland', explains: "Turlough and smaller 'swallow holes' develop on carboniferous rock types that are easily dissolved by water. Rain, which is naturally slightly acidic, is swallowed up by fissures and conduits in the rock and then forms small streams which join and further excavate underground streams, some of which become enlarged enough to be termed caves, with large voids and strong deformation possible. Eventually, the water returns to the land surface, often as large springs, seasonal turloughs or swallow holes at some distance from the source. Turloughs fill and empty, often from unpredictable openings on their margins".*

by Tony Lowes

**O**NE MORNING in 1996 the residents near Lake Funshinagh, twelve kilometres north-west of Athlone, heard an all-mighty roar – and then a wailing – and crying – that went on for two days. Funshinagh, at four hectares one of the largest turloughs in Ireland, was drained dry, fish left flapping in rock pools. The locals filled their freezers and the National Parks and Wildlife Service relocated what they could.

Now known as the “disappearing lake”, Funshinagh filled again. First identified as at risk of flooding in Ireland’s first Flood Plan of 2004, Funshinagh flooded badly in 2009 and was one of 133 different areas throughout Roscommon that flooded again in 2016.

Insidiously, the groundwater continued to emerge, setting record highs this year and inundating farmland and farm buildings, flooding one home permanently and threatening five more homes, farm buildings and roads.

While the Geological Service of Ireland [GSI] installed a real-time monitoring level gauge in 2016 and initiated research with Carlow Institute of Technology, the 2017 Flood Risk Management County Summary for Roscommon failed to list Funshinagh for any flood-relief measures. The GSI was satisfied then and still is satisfied today that the levels were within the normal parameters for the turlough.

Under pressure the Office of Public Works [OPW] provided €85,000 in 2018 to Roscommon County Council for a study to look into the possible solutions, including a 2.9 km “overflow” pipe to

Lough Ree that it was favouring.

The study by Malachy Walsh & Partners concluded that “in order to satisfy the criteria for funding, a cost benefit analysis must reach a certain threshold and none of the solutions come close to this as laid down by the Office of Public Works”.

That was damning. Definitely and unusually damning.

The elected members are recorded as being dissatisfied with the conclusion of the study. Not only was the scheme not viable for cost-benefit reasons – which the politicians claimed was unfair to Roscommon with its characteristically dispersed settlement - but the assessments and planning permission required would take up to two years. The discontent continued.

In January 2021, the *Farmers Journal* upped the ante by reporting that the Department of Agriculture had written to farmers around Lough Funshinagh telling those whose land was now flooded that the areas affected were ineligible for the Basic Payments Scheme as the flooded land was not available for foraging or agriculture.

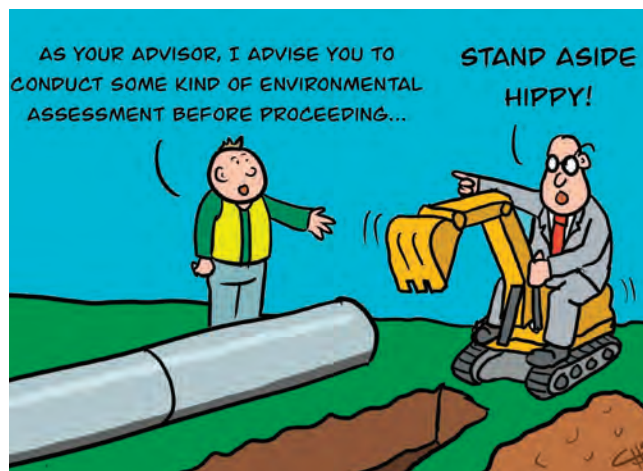
Led by Councillor Laurence Fallon, local suckler and sheep farmer, the IFA – “a massive threat to animal and human life” - and Macra na Feirme - with its ‘Flood Farm Walk’ - became vocal supporters of the proposed pipe.

In February the Director of Services reported back on discussions held with Roscommon



“One of the worst environmental breaches ever undertaken by a Local Authority”

- Will O'Connor, Ecofact



County Council, the OPW, the National Parks and Wildlife Service [NPWS], the Department of Agriculture, and the GSI. (There are said to be 18 agencies involved in flood control in Ireland). Director of Services Shane Tiernan told the Councillors in March: “We need to follow absolutely to the letter the correct process to give us the greatest chance of success for a long-term solution for the people and the communities around Lough Funshinagh”.

A 47-page Tender Specifications document to address the necessary EU law requirements was prepared, dated March 2021. As late as its April meeting the Council was reaffirming its intention to expedite the assessments and begin an application to An Bord Pleanála.

However, on 19 May the Minister for State at the OPW Patrick O’Donovan pledged his €1.5m support for the pipe to Lough Ree to commence without delay. No planning permission was sought, no screening for Habitats or Environmental Impact were undertaken. The works were designated “emergency” and authorised by the Roscommon CEO under the Local Authority (Works) Act 1949. The Cathaoirleach thanked all for supporting a “final solution”.

On 6 June three machines arrived and began to cut a trench up to eight metres deep across the karst limestone. Senator Aisling Dolan told the Oireachtas locals “welcomed the noise of the diggers just like the sounds of birds singing in the morning at 6 am”.

It was “one of the worst environmental breaches ever undertaken by a Local Authority”, according to ecologist Will O’Connor, a Fellow of the Royal Society of Biology, who first raised the case on his twitter feed and who provided Friends of the Irish Environment (FIE) with an affidavit detailing the “real and significant risk” to the environment through a “major breach of EU law”.

## The Gates of Hell

FIE applied to the High Court on 13 August and an injunction brought the works to an immediate halt, with a hearing scheduled for the following week. As the news broke online in the Roscommon media residents, many of whom were old and infirm, were devastated. They had believed the works, well underway by then, would solve the problem by Christmas.

Described as “a whack to the back of their heads with this legal challenge” the “community around this lake is now in a state of complete shock and despair”, residents wrote to FIE. Those known to be “strong and resilient in the face of life’s many adversities” were “not coping with this setback”.

RTE’s Prime Time found the victims essential to its story. Broadcast on 23 September and backed by photographs of flooded yards and old men, RTE’s flagship investigators paraded a line



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of understandably desperate residents. One told Prime Time “We have had our share of tragedies in life, as everybody who loves life has. We have had sudden death, accidents in the family, tragedies, but I can genuinely hand on heart say I have never encountered anything like that news”.

Emails to FIE said it was no better than “the robber gangs that go around the countryside, beating up old people and robbing them of their belongings. The only difference between their reign of terror and yours is that yours is mental terror”. FIE was “evicting five families”.

As the assault on FIE mounted in the Roscommon media, it was not just the extended families that besieged FIE to withdraw its case. Environmentalists who normally supported FIE’s initiatives (against Shannon LNG or the Government’s Climate Plan) were silent. Green News “wasn’t able” to cover the case.

Most extraordinary for a community that claims to value EU law, Roscommon’s senior NGO environmentalist, who knew the Council well, wrote to FIE representatives that while “100% supportive of the action taken by FIE regarding the Lough”, the Council were willing to concede the case, “in return for which they would seek help from FIE in solving the problem of protecting the people”. No mention was made of EU law.

## The Mountbatten bomber

The assault against FIE peaked on the day before the Hearing. Paddy Kilduff, the ex-Mayor of Roscommon and ex-FF Councillor who left the party in 2018, called to “warn” FIE that it was facing a serious long-term danger from a named family if they continued to block the proposed outlet pipe. He told FIE that the father of the family was the man who had made the bomb that killed Mountbatten, and that the family were closely associated with the “Continuity IRA” – “who had never agreed to put down their arms”. He just wanted to warn FIE. “For your own good”.

In law, the Council had no defence and to its credit did not mount one, instead conceding the case and joining in the



condemnation of the IRA threat. “Appalled at the threat”, Roscommon County Council’s Senior Counsel Peter Bland told the High Court “a threat against a litigant was an attack against the rule of law”. Judge Garrett Simons gave FIE permission to “bring proceedings should there be any interference, or contempt, by any party with the orders made by the court”.

Aodhan O’Faolain, the Court reporter who detailed the case in the *Irish Times*, teamed up with Patrick O’Connor of the *Sunday World* to expose the threat, doorstepping Kilduff, who told them he “would not be talking”.

## Kicking the Can down the road

In fact, the 2.9 km “pipe to Lough Ree” was to stop almost 2 km short of Lough Ree. It was to exit into a field with a small watercourse incapable of containing such volumes of flood water. At the end of the pipeline were a railway line, the N61, and another community – at Carrowmurragh - before the flood waters would finally exit into the boggy fringes of the Lough at Carnagh Bay. The problem was merely being shifted.

FIE urged Prime Time to investigate these residents of Carrowmurragh and surroundings



who had printed off flyers warning of the threat to their homes and properties and met Councillor Laurence Fallon and TD Michael Fitzmaurice. They accused the politicians of “kicking the can down the road” and pleaded that they wanted alternatives considered that would stop the flooding at Funshinagh but not risk flooding their own homes. One property owner who had already claimed for flooding in 2019 showed the politicians a letter from his insurance company refusing flood cover into the future.

Both politicians then used the same phrase to downplay the danger of the project: “It would only raise the Lough [Ree] by two fingers”.

Prime Time told viewers that they could not investigate these residents because “FIE was unable to put us in contact with any of them”. The residents had asked FIE to keep their identities from the media for fear of the ongoing intimidation. RTE (and all the Roscommon media) never mentioned these residents’ fears, even though they were expressed vocally at meetings with Fallon and Fitzmaurice – which demonstrated exactly why Environmental Impact Assessments are necessary. And it would have undermined RTE’s title: “Six families wait in fear around a Co Roscommon lake”.

## Minister: “you can’t just relocate a community”

Instead, the “investigative” programme featured the Minister of State, Patrick O’Donovan who “lies awake in dread” at what the weather will bring. “I can’t get their faces out of my head”, he emoted to Prime Time.

Nor, of course, could FIE’s all-voluntary network, which bore its share of sleepless nights and genuine distress. But if the case collapsed it would be a charter for Councils across the country to ignore the research and studies that underpin flood planning in Ireland and make the priority “he who shouts loudest”. It would make real the exhortation under privilege in the Dáil in November 2020 of TD Michael Fitzmaurice to Irish People: “Forget about environmentalists, laws and everything else; just drive in and get it sorted”.

Cave-fish eyes bulging, Minister for State O’Donovan, a Ministerial champion of everything from one-off housing to drivers in Dublin’s Phoenix Park, told a slightly mystified Prime Time that he had “One Billion” to spend but “was powerless because we’re in a space at the moment where there’s just people waiting to catch us out” with delays blocking the



building of flood defences countrywide. “Bear in mind”, he ruminated, “it might be six houses in Roscommon today but it could be 600 houses in Dublin tomorrow. You can’t just relocate a community. That’s just not possible, urban or rural. You can’t just uproot people, and say tough luck now make room for the river - your houses are flooding”.

There was more, from the junior Ministerial heart, to the gallery and the nation: “I want to be really honest with people. We are in serious trouble in terms of delivering that level of defences to that volume of people over that period of time. It is just not a sustainable process”.

The Minister cited the use of the EU Habitats and Birds Directives by environmental activists in Court. Yet the €60m Limerick Flood Relief Scheme does not even include an Otter Survey and an Aquatic Survey – in a Special Area of Conservation designated for Otters and Aquatic Interests, an easily avoidable but legally fatal breach of EU law.

Will O’Connor points out that the “OPW consistently fails to do robust assessments and provide sustainable designs. If the schemes were compliant with EU and national environmental laws, then it would not be possible to object on environmental grounds”.

## A sustainable process?

Ireland’s flood-risk communities are identified by the Office of Public Works’, Catchment Flood Risk Assessment and Management Programme (CFRAM), as AFAs – Areas for Further Assessment - and include 300 communities, 90 coastal areas and 7,000 km of rivers.

An Organisation for Economic Co-operation and Development (OECD) Study on sea-level rise in 2019 found that there is no legislative precedent or funding in Ireland for the “decommissioning” of a whole community. It noted that “Local Governments can also face conflicting advice and capacity constraints in implementing land-use regulations. For example, during post 2013-2014 storm recovery

in the UK, central and local funding sources as well as misaligned land use policies resulted in coastal infrastructure being rebuilt in the same original location, rather than further inland, as was suggested by both local communities and Shoreline Management Plans”. This is called “policy lock in”.

To counter the failure there – as here - of development plans and zoning to control building on flood plains, the UK ruled in 2012 that those building on flood-prone areas would be ineligible for any further flood protection schemes. Unfortunately, there are recent houses and farm buildings at Lough Funshinagh that should never have been given planning permission.


One of the OECD’s Case Studies is a village on Cardigan Bay in Wales comprising of 400 homes. Villagers have been told that the cost of maintaining the current coastal defences are too high and the area will be “decommissioned” in 2042 to make way for a salt marsh.

Partly because the sea is reclaiming marshes and land once drained for agriculture, retreat – especially across Northern Europe - has the added bonus of the return of these natural coastal defences. Infrastructural protection, on the other hand, can have the knock-on effect of increasing vulnerability in the longer term as the perception of increased safety can lead to further development, with catastrophic consequences when defences fail.

Reflecting the problem and dangers, two-thirds of the houses on Drogheda’s historic Ship Street, an Architectural Conservation Area constantly ravaged by flooding, are now uninhabited. CFRAM estimates Ship Street needs €16.83m in spending on hard defences. It got €81,000 in 2020. In the capital, the CFRAM Map for Dublin’s Tolka (English: “flood”) River shows 13 Flood Relief Schemes “Under Review”.

Disaster-relief shifts the burden from a small number of homeowners (coastal and riverside properties, for example, can have 100% higher values than an average location) to the State. It has been shown to discourage homeowners from their own flood risk preparations. And in most OECD countries (including Ireland) central Governments require at least 10% of the costs of flood relief schemes from the local authority, creating a significant barrier for many communities.

If there is a lesson from Funshinagh – aside from the value of following the EU Directives to protect people and habitats from unintended consequences – it is encapsulated in the conclusion of the OECD Study: “When individuals receive information that is not in line with their underlying values they generally have trouble updating their beliefs”

*Tony Lowes is one of the Directors of Friends of the Irish Environment. The views expressed here are his own.* 

“ “ ‘When individuals receive information that is not in line with their underlying values they generally have trouble updating their beliefs’ - OECD: Sea Level Rise, 2019