

*Alvin John Tobin*

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*Env 2*

24 OCT 2008

John,

Herewith is copy of **Objection to GAA sale of Bay-side site** at 110 times the price sold-off by the Council!

Open Web Doc   
Initials: *JS*

No apologies for 13 pages, it marks culmination of decades of 'split project planning' as DAM / NEWTOWN SEWAGE as utilities for MEALAGH VALLEY REZONING..

County Manager + Ted O'Leary are also copied.

So will be An Bord Pleanala / Minister of Environment\*

*the way sanctions have no validity*

Environmental Protection Agency  
20 OCT 2008

Have faxed summary to EU - DG Environment / WFD / Liam Cashman - added evidence to why taken must be ENFORCEMENT ACTION.

+ against Bantry Bay to be used as SEWER DISCHARGE outlet

In synopsis:

- Impetus to the GAA Application is replacement of illicit SEPTIC SEWAGE TAN KS of industrial premises, on river bank opposite at MoS
- Planned inter-link utility is DAM, based on Mealagh River abstractions.

*\** Because blocked by Court proceedings + Complaints to EU; \* Minister of Environment has irresponsibly sanctioned, 4.7 mio for DROMBROW contaminated seepages at base of valley - per local knowledge, not even fit for cattle consumption - we are demanding supply from pollution-free lakes at crest of valley - they are also natural dams!

Stress: despite en- charged with WFD implementation, the Council continues to act in total contradiction, also to elementary sanitation safety standards + contempt of Court of Justice Judgements / EU legislation!

We now having to categorically refuse W.Cork Authorities.  
Leave the facts to speak for themselves.

Latest evidence is 'Emergency' Waste Discharge licence in the Bay, for REENROUR sewage pump station - see *Examiner* 12 Sept.

Emplaced since 30+ years; purpose will be for add-on developments / *INDUSTRIAL STORAGE*

It must not be permitted, also because it will set precedent for other schemes as *CAPACITY* NEWTOWN. We further stressing: *Emergency discharges will be into river!*

Cork County Council must first invest in INFRASTRUCTURE BEFORE Any further developments can be considered!

Bantry is fast degrading into slum sewage dispersal / UNDRINKABLE water, the BAY an ever worsening SEWER - Secondary treatment is not the answer for DESIGNATED SHELL FISH WATERS!

Regards, *David*

PS grateful you pass on copy to License, have mislaid contact name, not sure when am back at sewage / water contaminated, disease hazards Bantry.

*Thanks for Drombrow water test info. We still await water analysis results (since requested June)*

2-13 GAA  
GAA - R00A - D05 LAND / 00 - R 1

08/16/12

**OBJECTION** submitted by David J. Bollins, at Donemark to:  
**File Number 081454 - Bantry Blues GAA Club -**  
**NOT sustainable development - NOT proper planning!**  
**A PUBLIC funded amenity, must be consulted with the Community and as threatens:**  
**Destruction of Bantry Bay foreshore / Heritage Area Donemark, salmon river & waterfall.**  
In synoptic:  
- Mandatory is environment / health / floods / property devaluation impact study! -  
Application should not have been considered prior to that!  
- Evidence is: GAA development a 'split project' consolidation of Mealagh Valley re-zoning plans, based on , and in escalating disputes since 2003:  
Newtown Group Sewage disposal - 'Murderous' DAM - Donemark Bridge demolition :  
Facts to preclude any such Application:  
- 19<sup>th</sup> century infrastructure - NO drinkable WATER, nor adequate supply - SEWAGE percolation on river bank is illicit; Bantry Bay & shell fish waters, cannot be SEWER discharge outlet.  
- Site is most FLOODS vulnerable of Mealagh Valley at base of valley, bends of river, atop a waterfall; 7km below proposed DAM - 'Huge risk of failure' is warned against!  
- Traffic volumes & pollution, will transform a rural, tranquil, residential Newtown + Donemark!

GAA Application has to be related to escalating environment destruction, pollution disputes at DONEMARK, since 1974-76, when overridden were residents petitions, An Taisce, 3 planning refusals of Murnane & O'Shea / MoS Application to construct Joinery workshops, since added to by fish processing / timber treatment / a phone company / pvc's / chemicals & sewage tanks storage. - RIVER MEALAGH USED AS A WASTES DISCHARGE CONDUIT!  
GAA Application is fuelling disputes, to summarise: †

- Illicit septic sewage tanks having to be replaced, is an impetus to outstanding complaint to the European Union / EU Commission / Water Framework Directive - EPA:  
Newtown Sewage disposal scheme, "planned" above river & waterfall, residences as mine!  
GAA sewage treatment on river bank opposite MoS industrial estate, also illicit by EU legislation, compounds the complaint.  
Pipes laid on the bank signify that sewage will be pumped over the river to the GAA premises
- Also on complaint to European Union, Court proceedings are outstanding is:  
'Murderous' DAM - since 2005, in guise of Bantry Regional Water Supply Scheme / Abstractions of River Mealagh + as now threatens, is on complaint to EPA:  
Drombrow Lake at base of valley, centuries of seepages from hills farms, industry, housing.  
Demanded is: pollution-free lakes, natural dams at crest of Mealagh Valley be utilised.  
Floods Impact Study is mandatory, Cork County Council refuses to undertake it; has even appealed a Circuit Court decision requesting all information be submitted, as to the An Bord Pleanála Hearings, but ignored!  
Because of these proceedings, WATER SHORTAGE problems at Bantry are not being addressed; there can be NO developments as GAA, there is NO WATER SUPPLY! Evidence is recently constructed hotel & onset of marina plans that has to rely on water tankers supply!
- 2002-07, my property was rendered un-saleable by illicit "permission" granted to Murnane & O'Shea, to demolish Donemark Bridge - W/02/3966; non-revocation despite Land Registry proof, the bridge belongs to adjoining land-owners, I am one i.e., 1/2 of downside.  
Notice of Injunction prevented illicit attempt at demolition, August 2003.

**Now** Alarming hearsay: re-application may be attempted as secondary access to the GAA premises!  
Any interference with Donemark Bridge will destroy character of property alongside; cause inevitable flooding at downside, again render my property un-saleable! Road system is: Hairpin turn; 4m width! Junction with N71 is a traffic accidents 'black spot' by commercial traffic to MoS industrial estate; it is after a horse-shoe bend & narrowing of N71 road across Mealagh River waterfall bridge. Confirmed by C.C.C to Office of the Ombudsman  
"Issuance of planning permission does not automatically entitle a developer to carry out works. Consideration must be given to rights of other landowners."

In further dispute against the Council, and that the **GAA development** must massively exacerbate:

- **Donemark** is increasingly pollution / health-wise untenable by Mealagh River & waterfall, used as unmonitored, industrial wastes conduit. Area will be completely untenable if ever proceeded with, **Newtown Sewage disposal scheme** for Mealagh Valley re-zoning developments., above river & residences as mine. Riverside will a 'toilet overflow' outlet for system failures & reliant on rising mains to & from the pump station – noted is:  
Nearby **Reenrou pump Station** applied for as 'emergency discharge licence into Bantry Bay!

GAA sewage treatment on river bank will seriously compound health hazards by as warns **World Health Organisation / WHO**, facts as Galway crisis, Cork City polio outbreak :

**'Human faeces / sewage, are prime causes of water-borne diseases'**

To be stressed, the Council County Manager, by Order 839, overrode Planning DEFER recommendations against Newtown!

- Threat of FLOODS sudden overrun, by proposed '**murderous**' DAM, will render Donemark unliveable. At base of valley, bends of river, GAA is the most floods vulnerable of sites! Donemark is 7km below, by as warn geology / floods risks privately undertaken: 'Huge risk of sudden infrastructure failure' dam terrain is bog land, water ridden bedrock, excavated will be huge tract of CLAY drainage land. There is also huge risk of landslide risks by proposed dam site will be below lakes, natural dams! – see p 8  
The GAA premises + roads link & car parks, will massively compound downstream floods risks by removal of 20+ acres of vital FLOODS DRAINAGE LAND, inevitable ancillary developments. To be stressed: site is opposite floods plain, paved over as MoS industrial estate!

Against these facts, and with NO resolution in sight, how can be considered, any Application as **File Number 081454 - Bantry Blues GAA Club ?**

To be emphasised: these are also consequences of permissions

- NOT in compliance with **EU legislation Article 174** i.e., there be PUBLIC participation (5 weeks Objection time is totally inadequate) – Undertaken be FLOODS / HEALTH & ENVIRONMENT IMPACT STUDIES - none have been; a hydrology study by GAA appointed engineers, does not address facts as: '**Murderous**' DAM - Previous flooding!
- In contradiction to **European Union / EU Water Framework Direction / WFD**: Contempt of **EU Court of Justice Judgement on Directive 79/923**: i.e., by sewage treatment on river bank of business premises + despite 'Designated shell fish waters', discharges into Bantry Bay - it will have to piped 2+ kms alongside the bay, if / when a sewage treatment plant is constructed, directly above the bay !

Referred to is voluminous correspondence to the Council. Complaints are outstanding with **Ministry of Environment + Health & Safety - EPA – S.W Fisheries Board - Ombudsman - EU Commission: DG Environment / WFD**. Court proceedings are outstanding against the DAM. Formally rejected have been **An Bord Pleanála** sanctions of DAM + NEWTOWN SEWAGE, also because irresponsibly, REMIT did not include FLOODS / HEALTH & ENVIRONMENT Impact Studies; **Aarhus / UN Convention** i.e., 'Rights to CLEAN environment – thus health. Pollution is crime' !

081454 Application has no validity, is nullified by facts as:

- **Bantry Bay foreshore**, is local & national Heritage, a most needed park amenity. The Community of Bantry has to be consulted with!
- **GAA sports ground** was funded by PUBLIC subscription. Land held in public trust by the Council, cannot be privately traded and per hearsay: insider €25+ mio development deal;
- Land exchange will be for high risk FLOODS site on a river bank & at bends of river. It will also be on direct floods path, of proposed '**murderous**' DAM, as warns geology / floods risk study: :



**'Huge risk of sudden infrastructural DAM failure'!**

This is history repeating itself, warned against 1974-76, by residents petitions, An Taisce, 3 planning refusals of Murnane & O'Shea / MoS Application to transfer Joinery workshops from Bantry town to Donemark, and now on verge of complete destruction, pollution untenable, a SEWAGE dispersal THREATENS BY NENTOWN SEWAGE DISPOSAL / GAA PERCOLATION

'Industrial intrusion' will destroy of character of the Heritage area, cause serious pollution of River Mealagh, & fish as salmon.

Degrade of the GAA bay site to a retail complex, threatens massive negative impact on the town centre, further compromise tourism & related businesses as golf, hotels, ~~just another super market industrial estate bay side TOWN~~ ~~Donemark~~!

- Response of 'NO' to question on Application form:  
"Has the site in question ever, to your knowledge, been flooded?"

This is flagrant contradiction of fact! 1986, the applied for GAA site was flooded out, so was MoS industrial estate on opposite bank + most of Donemark – blamed by MoS on the bridge! Demolition of Donemark Bridge was applied for 2002, by claim, and by this claim again made, to nullify O'Shea Leader Hydrology / Hydraulic Analysis, -source non-disclosed, p.19 is written:

'Local knowledge (source(s) not disclosed, I was never consulted): in relation to flows within the river would suggest, the stream does not typically flood unless there is a blockage of the controlling structure bridge downstream of the development; a blockage occurred in one eye of the bridge circa 1985-1986 resulting in localised flooding'. FACTS are:

Blockages did indeed occur at the bridge, 1986. CAUSE was floods debris from MoS site as concrete mixers, timber stock, washed away in the W. Cork floods catastrophe – 'Bantry one of the worst hit towns! MoS site was floods overrun, it is why per C.C.C memos, site is without floods insurance cover, claim made that, demolition would help restore it! Critically, also flooded-out was the GAA site - cattle washed away also caught at the bridge arches.! Engineer report is available on FLOODS THREAT to land on downside of the bridge.

The report further omits previous flooding + engineer reports, vital data as: 'Murderous' DAM, its 'Huge risk of sudden infrastructure failure of Bantry DAM' – see p.4

Inexplicably & to further expose falsified claims to Donemark Bridge demolition: MoS has not submitted any objection / submission against the dam, and despite 1986, flood overrun of the estate & € millions inventory. Vitality the report further omits:

REPORTED DAMAGES OF £200,000:

- Floods vulnerability of planned GAA site at sharp bends of river at base of steep hills - Impact of disturbance to the river & banks by construction works + loss of 20+ acres vital natural drainage land - The evidence of downstream flooding + bank erosion at my property, consequences of river diversions by MoS, massive raising of river bank as floods protection. River bank also raised at GAA site, did not prevent 1986 floods overrun! . DOWNSTREAM

This is prime evidence to non-compliance with planning guidelines as now advocates: Ministry of the Environment / Office of Public Works, under Section 28 of the 2000 Planning Act: 'Planning System and Flood Risk Management to ensure more consistent, rigorous and systematic, PREVENTIVE approach to fully incorporated flood risks assessment and management into the planning system: prevent building on flood plains; paving over natural drainage land; compliance with sustainable drainage principles; avert run-off from flash flooding'.

Of paramount importance:

CLIMATIC CHANGE is also vital to incorporate into planning – headlined by Irish Times, 8.8.07:

- **Global weather extremes set to worsen !**

e Aug were offered Copps time to respond to!

- There is NO reference to a sports complex, nor house to be demolished for access, in the C.C.C 2003 Development Plan; nor 2007 Variations - referred to is my March '07 Submission. Since 1970s, development plans have re-zoned the area as 'open space amenity' - a private members sports complex edifices + car parks, cannot qualify !

Except for 12 acres opposite MoS industrial estate, 2003 clandestinely re-zoned 'industrial', most of the 40+ acre site + link road & dwelling to be demolished, will be taken over by the GAA development. There will be MAJOR 'material change of use of the land'. There will be major disturbance, noise & pollution of what is, a tranquil, rural Newtown area, its lane & walkway, transformed into a commercial / sports traffic route; Donemark threatened by 2ry traffic access - see p.7, W/02/3966 Donemark Bridge ! This will inevitably occur at the GAA site towards end & at a right-angle of River Mealagh!

- There is NO Public Mains WATER supply at the location; nor can there be any supply until the Regional Scheme is completed with DRINKABLE water. A 1992 council memo advises: no further developments should be permitted until adequate infrastructure is in place.

In contention at the An Bord Pleanala Hearings:

Not fit for human consumption is Drombrow Lake at base of valley, centuries of seepages from surrounding hills, farms, industry, housing drainage; per widespread hearsay, dumpings !

Demands for WATER ANALYSIS reports are outstanding + on WELL 07-030-PP-01

These matters are on complaint to:

C.C.C - EPA - EU Water Framework Directive Authorities - S.W. Fisheries Board:

SEE WATER PRIORITIES

1992 council memos warn, but totally ignored:

There can be NO further development at Bantry until renovated is 19th century infrastructure i.e., Replacement of lead & asbestos pipes - Remedy of a 47+9% water loss - Drinkable water supply from pollution-free lakes at crest of the valley, sources as Barley Lake, Glengarriff. !

There will be NO such supply in the foreseeable future !

Because of these proceedings, WATER SHORTAGE problems at Bantry are not being addressed; the recently constructed hotel & onset of marina plans, has to rely on water tankers supply. Works underway with serious pollution, signify that abstractions of Mealagh River, alongside the GAA site, opposite MoS industrial estate, is a planned water supply source. As prevails at Donemark - photo attached - there will also be huge risk of dry-outs; threat of Love Canal toxicity by river used as wastes conduit.

- 'Wastewater i.e., SEWAGE, Management Treatment' - Comhairle Chontae Chorcaí Referred to HEALTH risks warning by World Health Organisation / WHO, facts as Galway water crisis, e.coli / cryptosporidium:

'Human faeces / sewage, are prime causes of water-borne diseases' - as TB, polio, cholera! Follow-up to sewage escapes as warns EPA documentation -

'Stagnant pools of sewage, foul odours, sludging of effluent' is dangerously inadequate; non existent at weekends / holidays!

Site map shows a SEWAGE pump station + treatment plant on the river bank!

Note 3 refers to 'WATER table trial / percolation test hole'

This is illicit by EU legislation as Water Framework Directive; will be by evolving Irish legislation; by elementary sanitation safety standards, it has to be!

There is no indication of method, nor critically, DISPOSAL direction of 'liquids, effluents & solid wastes, gradients, 'very steep, of drains'!

GAA Application has NO validity until such facts are disclosed:

To be feared: resorted to will be slum level, sewage "management", by on record:

The concealed impetus of replacement of illicit septic sewage tanks / percolation on a river bank - Newtown Sewage Scheme for pump station disposal to Bantry Bay sewer!

AND OVER THE RIVER...

On record, so is slum / 3<sup>rd</sup> world system Newtown sewage pump station:

Sewage disposal of Meagher Valley developments, via a station to be centred above river & waterfall + residences as mine, by a "management" system of:

Rising mains to & from the station town system, then via town 19<sup>th</sup> century system, in escalating dispute; sewage disposal in contempt of **EU Court of Justice Judgement on Directive 79/923**:

Sewage discharges will be into Bantry Bay - 'Designated shell fish waters'!

Total deterrent fact: at the most floods prone site, at bend of river & highest floods risk area of Donemark: AQUA-max Treatment Unit warning is:

No surface / storm water is to enter the treatment plant !

- How on a 'Commercial / Industrial Application Form for a 20+ acre site & not officially re-zoned, can be noted N/A & when 'Derivative criminal liability may have to be notified:

Name of company, Director(s) - Registered address - Company Registration No. -  
Phone / Fax Email Address ?

Major Accident Regulation must further be complied with because of site at 7km below 'murderous' Bantry DAM; GAA most floods vulnerable site at Donemark - base of valley / bends of river / 200m upstream of waterfall to Bantry Bay! Construction, damage to river banks, paving over of vital floods drainage land, will massively compound FLOODS RISKS to downstream properties; SEWAGE diseases as outlined above by as threatens:

Sewage to be pumped over river from industrial estate; percolated on GAA site; back-up disposal by rising mains to antiquated town system or, unacceptably:

A Newtown pump station above river, waterfall, residences as mine!

'Pollution prevention' licence will be mandatory against in contention:

Slum standard, 3<sup>rd</sup> world sewage treatment method! To be stressed:

On-going is: Rejection of An Bord Pleanála sanction / Complaint to EU Commission + EPA

It is quantified by in further contention: non-qualified, dis-informed, irresponsible Council County Manager, override of Planning DEFER recommendations against the Newtown Scheme, now evident, impetus being: GAA developments -

Replacement of illicit septic sewage tanks at industrial premises on a river bank OPPOSITE

- Proposed developments must require Environment Impact Statement + massive DEVALUATION impact on affected properties, above all at **Donemark**, downstream of the GAA site! The 40 acre site was advertised for sale, as 'Strategic Development Site'! It WILL be 'mixed development! Conservation Area is Donemark waterfalls & 'Natural Heritage Area!'
- 'Demolition of habitable house' is NOT on the 40 acres site, nor is there any record of Application Related to these facts, it cannot be permitted! Selling owner was an instigator of NEWTOWN SEWAGE SCHEME, as are signatories to the 'To whom it may concern' statement in the file. Re-emphasised: **We are NOT in favour of the GAA development going ahead !**
- PRE-APPLICATION CONSULTATION has been confined to council officials, as recorded: : Niall O'Mahony, Senior Executive Engineer & Town Manager - Ted Murphy, Senior Executive Engineer - Kevin Irwin, Senior Planner - Unknown source, Ruth O'Keefe; to be ascertained, an incorrectly named source, a Ruth O'Brian confirms having participated in consultations. In contention: mandatory was reference to the evidence for which the council officials are held directly responsible, consultation with me on escalating disputes:  
**'Murderous' DAM - Newtown Group SEWAGE dispersal Scheme - Donemark Bridge .**

Not relating these issues to the GAA Application, thereby in contention is:

Contempt of the PUBLIC; abdication of State authorities mandate to uphold democratic participation, PROTECTION of the environment & health of citizens; subservience to "business" 'Applicant pre-eminence'; exposure of a planning system, complicit with SPLIT projects, contradiction to EU practice, GLOBAL expertise, concealing clandestine projects as:

**Mealagh Valley rezoning, business utilities of a dam as hydro-electricity -  
Newtown sewage utility disposal by €8000+ links fees !**

- Notification has been grossly deceptive, systematic exclusion of public awareness, such as *Cork Evening Echo* instead of prime LOCAL media, Skibbereen *Southern Star*; A4 site notice placed at knee level in front of 'habitable house' to be demolished; only 1 month later, was an A4 notice erected at the GAA Wolfe Tone park gates!
- Traffic estimates / Impact Assessment, road access plans, are simply devoid of reality; ignore crucial local knowledge. Mandatory is estimates of pollution, noise, dust, and proposals for control! There will be inevitable chaos; inevitable destruction of Donemark & property, will be consequence secondary traffic access to avert **THE REDA COMPLEX WILL COMPOUND!**

I highlight the key facts of these issues that must preclude outright, the GAA Application; warn how it is first specific evidence to covert "planning" of: **FULLING**

Split projects of: **DAM hydro-electricity, in guise of Bantry Regional Water Scheme**  
 - **Newtown SEWAGE disposal**

- **Bantry Bay a 2ry chemicals treatment SEWER outlet**

- **Donemark BRIDGE DEMOLITION for secondary traffic access -**

for developments as Mealagh Valley industrial, housing re-zoning, GAA development the onset!

These developments summarise outstanding complaints, Court proceedings against the DAM; expose how highly inaccurate is the Application, cannot be 'fully compliant with the Planning and Development Act 2000, if so, it is worth no more than the paper written on, is not proper planning, nor sustainable development, now refused is the Water & Sanitation Authority responsible !

**SINCE 2002, PUBLIC PERMISSION TO DEMOLISH DONEMARK BRIDGE**

2003 Development Plan + 2007 Amendments do not remotely refer to these developments. In escalating dispute, contention: this is insider trading, the PUBLIC / COMMUNITY be damned! It is also flagrant contravention of EU legislation as Article 174; contempt of Directives & EU Court of Justice Judgements as 79/923; Cork County Council defiance of GLOBAL expertise as WHO, UN Water Resources, elementary sanitation & safety standards.

NO development Application can have any validity that will destroy foreshore as BANTRY BAY, a Heritage Area as DONEMARK salmon River & waterfall – will **Kenmare Sheen Falls** so be ransacked? Only the COUNTY MANAGER can be answerable for FACTS as follows when ALL officials responsible are since retired – as County Manager + Deputy who overrode DEFER recommendation against Newtown Sewage, elementary health & safety, sanitation protection; issued CPO of the DAM site; re-assigned, as to Town Manager of Bantry.



**SEWAGE disease risks at Donemark, by slum level / 3<sup>rd</sup> world sewage disposal into Bantry Bay SEWER: Newtown Group Sewage Scheme – compounded by illicit GAA sewage percolation on river bank !**

In escalating dispute, referral to EU Commission – EPA – Ministries of Health / Environment, Safety Health & Welfare: placed on notice is **‘Derivative Criminal Liability’** for exposure to as warn facts as Galway e.coli water crisis; diseases as typhoid, polio, TB, sources as **World Health Organisation: ‘Human faeces / sewage, are prime causes of water-borne diseases’!**

Newtown Sewage / GAA ‘percolation’ on river bank, is culmination of DONEMARK Heritage Area degrade into industrial pollution, River Mealagh a wastes conduit, on verge of completely pollution untenable, origin 1976 when overridden were 3 planning refusals against ‘industrial intrusion’ by **Murnane & O’Shea** Joinery workshops, they since randomly added to & without record of wastes discharge licences for operations as fish processing / timber treatment & furnishings, until 2003, a pre-Eircom phone company malfunctions of chemicals & premises sewage tanks – now illicit by EU legislation, and key impetus to the **Newtown scheme** as replacement.

Extensions are again applied for to operations now listed as 8 at Lahadane Industrial Estate !

Evidence as:

- Newtown Pipes laid on river bank opposite MoS estate;
- Application for submersible pump stations on GAA site
- 06/2861 Application at €8000+ connection fees:

exposes Newtown as not what applied for, nor EU / CLAR funding but, landestine planning for **Mealagh Valley to be re-zoned** industrial / housing; replacement of septic sewage tanks, now illicit on a river bank. To be stressed:

Planning DEFER recommendation, was overridden by County Manager & Deputy, both since retired ! In escalating dispute:

No EU Member State emanation can have the right to expose citizens in the immediate vicinity, to as further warns EPA documentation, system failures of nearby Reenrou pump station, it is now applied for as emergency ‘Waste Discharge into Bantry Bay: disease risks at riverside by:

**‘Stagnant pools of sewage, foul odours, sludging of effluent’ - overflow into river!**

**GAA complex** will be a prime cause of sewage disease risks by as to be gauged: :

Sewage to be pumped over river from MoS estate; treated / percolated at the GAA site; any disposal will be by by rising main, either directly to the town sewer pipes or, in dispute:

Newtown pump station, “planned” as central sewage dispersal point, at 80m above river, waterfall, riverside dwellings as mine! Sewage will again, be pumped up a steep hill, to 3<sup>rd</sup> station alongside N71.

In contempt of **EU Court of Justice Judgement on Directive 79/923**,

Bantry Bay & ‘Designated shell fish waters’, will be SEWER discharge outlet!

In further contention: Bantry Bay cannot be used simultaneously as

Town + hospital sewer - Oil terminal -

Developments as Newtown Sewage / GAA complex / Marina & onset by hotel / apartments. .

Facts to warn against are:

EU April Alert against the bay sea foods - 2000 closure of Atlantic Shell Fish Foods, Arachon, France,

Exposure to sewage disease risks are compounded by in further dispute:

At 10m from river, road, my downhill entry: **W/00/5167** felling of trees in contravention of permission conditions, not enforced against; thereby emplaced, is a **BIOCHEMICAL SEWAGE UNIT**.

Now evident: it is part of an agreement for widening of the road from Donemark Bridge!.



**'Murderous' Bantry DAM - in guise of Regional Water Supply Scheme - proposed at 7km above town of thousands, warned against as 'Huge risk of sudden infrastructural dam collapse / failure' !**  
**FLOODS / ENV**  
**DONEMARK will be most floods vulnerable area of Bantry, GAA site, the most at risk!**  
**'Of all works constructed by hand of man, dams are the most murderous'**  
 – sic. constructor of collapsed dam, 1960, MALPASSET France - hundreds killed,  
**huge environment destruction - see also VAIONT, Italy \***

The prime facts to WHY outstanding are:

Court proceedings - Complaint to EU Commission / DG Environment + Petition to Parliament – Ministry of the Environment on mis-application of Water Scheme funding. - Rejected is An Bord Pleanala sanction!

**FLOODS VULNERABILITY of the GAA site is to be further appraised as follows:**

Consequences of dam failure will be catastrophic; in minutes, floods inundation of the town & Mealagh Valley - Donemark + GAA site, are the most floods vulnerable of areas in contention, will be unliveable, by at base of valley, end of river, atop waterfall to Bantry Bay.

The **GAA site** is at bends & flanked on both sides, by River Mealagh.

:1986, the field was floods overrun, cattle washed away; flooding occurs regularly.

Bantry was then reported as one of the worst floods hit towns !

Other GAA sites that warn against flooding are Cappoquin, Sligo

100% deterrent evidence, facts to quantify the 1986 floods catastrophes:

- 2004 + 2008 floods - landslides as Mayo / Tralee
- 1960s dam catastrophes at similar sites, Malpasset France / \* Vaiont Italy - landslides into the dam & overflow, caused thousands of deaths, massive destruction of the valley & town!  
The proposed Bantry Dam is also below crest of Mealagh Valley + lakes & natural dams – there are major LANDSLIDES risks!
- Reported 15 August:  
**'GRAND CANYON rescue as DAM bursts during heavy rains; village at base flooded out!**
- C.C.C correspondence to Solicitors on issue of W/02/3966 Application to demolish **Donemark Bridge** :  
'Murnane & O'Shea / MoS industrial premises has been flooded on a number of occasions, with the result that the company cannot get insurance cover for flooding events.

**Derivative Criminal Liability** is on notice for claim by Cork County Council / C.C.C:

- **'Major flood in highly unlikely event of DAM failing is NIL**

**We do not propose to carry out floods impact assessment'**

Thereby irresponsibly ignored, is complaints to EU at contravention of **legislation Article 174 i.e.,**

**'Precautionary principle** that be done beforehand, **Environment / Floods Impact Study,**

none have been! – There be PUBLIC participation' – there's been none!

To further avert this procedure, the DAM, was re-specified 2005 to:

**Bantry Regional Water Scheme** - Abstractions of River Mealagh; highly polluted Drombrow Lake

is also now "planned"; ancillary development a DAM !

To compound irresponsibility,

The Council has even appealed to the High Court: a Circuit Court decision that ALL evidence submitted to the **An Bord Pleanala Hearings**, be presented to the Court for Judgement - **critically**, : FLOODS / ENVIRONMENT IMPACT. - CLIMATE CHANGE is also vital factor!

**Derivative Criminal Liability** is to be quantified as prime evidence to Ministry of the Environment, Section 28 of the 2000 Planning Act i.e not complied with:

**'Planning System and Flood Risk Management'**,

Disclaimed as 'NIL, facts in outright contradiction, WHY there is:

**'Huge risk of sudden infrastructural dam collapse / failure' !**

quantify why rejected is **An Bord Pleanála** sanction - REMIT excluded floods / environment impact ;  
outstanding are complaints to the EU Commission + Petition to Parliament::

Geology / Floods Risk reports warn against:

- Peat & bog land - Bedrock with high water content, groundwater levels
- Hydraulic pressure under site, ring-forts tunnelling.
- Critically, excavated will be huge tract of CLAY natural drainage land!
- Ignored are warnings on flaws in testing / interpretation of soils state & strength !
- Hydrological insanity, is a DAM to be sited ~~below~~ below pollution-free LAKES, natural dams; water having to be pumped 2km uphill to the dam! MEALAGH RIVER ABOVE HIGHLY POLLUTED DROMBROO!
- Clandestine purpose is increasingly exposed as a hydro-electricity utility. In contention: not suitable water abstraction source is Mealagh River & at 2km below dam.
- To be stressed: outstanding complaint is against FLOODS RISKS IGNORED W/00/51 felling of trees at 10m from river, lane & my property entrance, a field paved over as driveway + car park alongside river ! BY OWNER
- Inniscarra Dam warns: cause attributed to Cork City flooding, is excess water levels having to be released! Below a dam, always of anxiety, will be prolonged heavy rainfalls.
- VAIONT dam catastrophe that caused deaths of thousands, permanent environment / ecological damage, was caused by landslides into the dam & overflow!

Critical related evidence is CLIMATE CHANGE, recent headline is:

**'Global weather extremes set to worsen'!**- related facts & to be related to the 1986 W. Cork floods: 2003, Rivers Danube / Rhine - 2004 Cork City & County - 2007 floods catastrophes in England; afflicted towns in Ireland as Fermoy, Clonmel, Cork City - August 2008, floods from Bantry to Belfast! Sources as Munich Reinsurance warn on multiplying environment catastrophes, properties uninsurable - such as Donemark industrial estate, threatens the GAA site. ALL land owners will be obliged to inform insurers, on the DAM FLOODS RISKS - preliminary warning is given on Donemark.

It cannot be expected that we await floods consequences of dilatory planning, engineer appraisal, to prove the point i.e., IF surviving floods overrun in minutes & at night when most dam failures occur!

**"Of all works constructed by hand of man, DAMS are the most murderous"!**

Evidence that is mandatory to refer to:

**GLOBAL expertise** as World Commission on Dams - UN Water Resources: how residents of LE PUY, Loire Valley, successfully prevented a dam, likewise at DOS RIOS, California.

To be placed on notice is **Derivative Criminal Liability for FLOODS RISKS compounded** + on opposite side of river, a vital floods plain that has been paved over, are rendering Donemark downstream properties, FLOODS DEFENCELESS !

- GAA complex will take away 20+ acres + road link, of vital drainage land; to be anticipated, the entire 40 acres + ancillary developments in Mealagh Valley.
- Construction works, hearsay on plans to raise river banks, will massively interfere with river bank; cause added loss of vital natural drainage land. There is downstream flooding, serious bank erosion caused by previous river & banks adjustments.
- ~~These compound downstream floods vulnerability by the GAA industrial estate.~~

**W/02/3966 illicit permission to demolish Old Donemark Bridge –  
also an EU protected species BATS habitat.**

Purpose of demolition is explained per a council letter, to be stressed, the premises were constructed on a floods plain / marshland and advised against by residents petitions, An Taisce, 3 Council planning refusals:

‘Murnane & O’Shea / MoS industrial premises has been flooded on a number of occasions, with the result that the company cannot get insurance cover for flooding events.

Flow of water is impacted by the two wide piers at the bridge, the company hopes to resolve the problem by removing the piers, replacing with a clear span structure’ – concrete! !

This foundless claim is repeated in similar manner, by the O’Shea Leader Hydrology report, to a hydrology report, previously commissioned by MoS - assumed to be “*local knowledge*” referred to: “Flows within the river would suggest, the stream does not typically flood, unless there is a blockage of the controlling structure bridge downstream of the development, resulting in localised flooding” Engineer report confirms FLOODS THREAT to land on downside of the bridge by demolition.

Re-confirmed: explains why per C.C.C letter, the site is without floods insurance cover: 1986, major blockages did indeed occur at the bridge.. CAUSE was debris from floods overrun MoS site, as concrete mixers, timber stock, washed away in the W. Cork floods catastrophe – reported was ‘Bantry one of the worst hit towns! Critically, also flooded-out was the proposed GAA site - cattle washed away also caught at the bridge arches.!

Now clearly evident, are the purposes of bridge demolition:  
Secondary traffic access to the company’s industrial estate + planned in secrecy, Mealagh Valley rezoning.

**Now** ~~is~~ alarming hearsay, re-application is planned as secondary traffic access to the GAA complex! L471 link road from N71 is totally inadequate for access to a sports complex + as will inevitably arise, spin-off housing & commercial developments. FACTS to further preclude outright:

- As warned the 1974-76 planning refusals, this will completely destroy this Heritage Area, inevitably cause final extinction of fast declining river life as salmon, also lush vegetation.
- Land Registry proof: the bridge is owned by adjoining landowners, permission of all is required for demolition. Notice of injunction was issued August 2003, to prevent attempt at demolition. It still applies.
- MoS industrial estate blocks access - it was land offered 1974 to the GAA !
- Donemark is residential established; road width is barely 4m!  
Road to the bridge is a hairpin turn, and from a commercial traffic highway!  
Junction with N71 is a traffic accidents ‘black spot’ by commercial traffic to industrial estate after a horse-shoe bend & narrowing of N71 road across Mealagh River waterfall bridge  
August, there were 2 accidents on same day, a car ended up in my garden !
- Power cables laid down April on N71, is specific warning to traffic chaos, ‘rat-run’ use
- Environment Impact Study is mandatory; any interference with the bridge arches & abutments, will cause flooding at downside. Demolition would cause destruction of landscape & character of the property + of the Heritage Area !

**Threat of demolition, again renders property as mine, un-saleable !.**



**Vital facts to be related to File 081454 - Bantry Blues GAA Club**, further explain how the GAA complex is onset of 'split projects' Mealagh Valley re-zoning based on:

'**Murderous**' DAM - Newtown SEWAGE – **Illicit Donemark Bridge demolition** !  
are 1974-76 objections, residents petitions, advice by An Taisce, 3 planning refusals against MoS Application to transfer Joinery workshops from town to Donemark.

+ COMMENT

I highlight key extracts, GAA Application is history repeating itself:

- 'Rural, scenic & unspoilt, any intrusion into the Donemark scene by industrial operations, will completely destroy character of the area'; it is zoned as 'OPEN SPACE AMENITY'.
- 'Contrary to best interests of desirable development'.
- 'Character of the area is residential and amenity orientated; a tourist / visitor focal point' - it is now to be linked to close-by, world-class golf course; in character of the area, could have been a hotel as Kenmare Sheen Falls, NOT builders yards + add-ons; now a sports complex.
- 'Pollution to River Mealagh & waterfall that flow into Bantry Bay: to be stressed, the 'Designated Shell Fish Waters' are at serious risk of as warn WFD maps: 'High risk pollution'!
- 'Suitable land nearer to town' – perfect is present bay-side location & park, part of the town.
- 'Site is low lying, liable to FLOODING' – it will be in direct path of any dam floods!
- 'Discharges of effluent into river cannot be prevented' – nor from Newtown links!
- 'Proposed development will cause noise, fumes & dust + from commercial traffic / **GAA MATCHES** in a valuable & exclusively residential & amenity area'.
- 'Road hazard from increased traffic on a narrow access road'
- 'Value of property will be considerably adversely affected' - it has been !
- 'Residents not prepared to accept assurances as regards pollution of the river / Ouvane River; is preceding evidence' – Mealagh is now massively polluted, threatened by extinction of fish life, as salmon, yet still applied for are MoS extensions; the remises is now listed as Lahadane Industrial Estate with 8 operations; doubling of office premises is applied for - reliant on septic sewage tanks; planned to be replaced by a Newtown sewage pump station for dispersal over river to a GAA treatment plant, re-pumped to disputed pump station above river + residences as mine!  
**Donemark will be rendered sewage pollution untenable -**  
**'Human faeces / SEWAGE, are prime causes of water-borne diseases !**

To be re-emphasised, these circumstances prevail by County Manager & deputies,

ALL since retired, or re-assigned, as Water Services Director, to Bantry Town Manager.

- By Order 839, overriding Planning DEFER recommendation against **NEWTOWN Sewage**; its disease risks. Now evident by GAA Application + 06/2861: Newtown is NOT what applied for, nor EU / CLAR funding but, an €8000+ pump stations disposal utility + by impetus of having to be replaced, illicit septic sewage tanks at industrial premises on opposite river bank.
- Issuing CPO of DAM site, of NO validity; re-specified 2005 to avert mandatory FLOODS RISK STUDY as 'ancillary development' of **Bantry Regional Water Supply Scheme**, the onset via highly polluted DROMBROW LAKE; ultimately RIVER Mealagh abstractions!
- Refusing REVOCATION on proof of ownership by adjoining landowners, of "permission" to demolish Donemark Bridge; not preventing attempted demolition by MoS August 2003. Now evident, Application had objective of secondary traffic access to the industrial site + as threatens, the GAA complex & ancillary developments.

To be stressed, these are consequences of: EU Member State emanation, Cork County Council:

- Despite responsibility for **Water Framework Directive SW River Basin**, acting in total contradiction to WFD objectives & contempt of EU Court of Justice Judgements as **Directive 79/923**; by not restricting sewage discharges into Bantry Bay 'Designated shell fish waters'! Warnings on record to EU Commission – Ministry of Environment – EPA – C.C.C: quantified by facts as closure of Atlantic Shell Fish Ltd., Cork Bay + Arachon, France, shell fish waters; EU ALERT issued April, against Bantry Bay sea foods poisonings; related evidence as

Galway sewage contaminated water crisis; expertise as WHO: '**Human faeces / sewage, are prime causes of water-borne diseases**: - as TB / polio / cholera!

Bantry Bay cannot be used simultaneously as:

- Shell fish waters & 'farming' - OIL terminal & with Trade effluent discharge licences
- Town & hospital sewer + wastes discharges as from Donemarek, ultimately Mealagh Valley developments as GAA complex / MARINA + toxins as Tributyltin / red lead paints, excavations that release centuries of toxic sediments as mercury:

- Continuously issuing permissions in contravention of EU Legislation as Article 174: 'PUBLIC participation – there's NO pre-Application consultation! - Precautionary principle that be done beforehand, Environment / Health / Floods Impact Study' – none has been, not even WATER ANALYSIS of at end of river, highly polluted Mealagh River, water abstraction for GAA premises - requested June, results are still awaited – it is on complaint to EPA Mealagh Valley seepages into river + Drombrow Lake!
- Defiance of GLOBAL expertise as: UN Water Resources - World Health Organisation - World Commission on Dams; international protocol as Aarhus Convention - 'Human rights to CLEAN environment - Pollution is CRIME', Office of the Ombudsman i.e., C.C.C not abiding by claim, permissions in total contradiction to:
 

*"Issuance of planning permission does not automatically entitle a developer to carry out works. Consideration must be given to rights of other landowners. No works can be carried out without express permission of all interested parties"*

Relative to add:

Ireland is now sole EU Member not to ratify Aarhus Convention. Critically: it is a State acting in breach of Constitution - Article 29.5 by not debating Aarhus convention in parliament!

*IN CONCLUSION: Bantry Bay F/S to DE-INTEGRATED PLANNING PROB NOT PRESENT AS GAA*

I trust these facts fully explain the magnitude of improper, unsustainable development / planning, flagrant discrimination; contempt for the PUBLIC by exclusion, EU environment legislation + Court of Justice Judgements, global expertise as WHQ, UN Water Resources; takes no account of the value, destruction of ecosystems, biodiversity, the impact on future generations.

May these facts further warn how ferocious, escalating disputes at DONEMARK, identical to Kenmare Sheen Falls, must ultimately extend to **Bantry Bay foreshore**, a PUBLIC funded amenity that's effectively, now privatised & on verge of €25+mio private development plan; degrade to a 'consumer' retail complex, car parks; traffic pollution; waste waters / sewage to be dispersed into the Bay open sewer! **Donemarek Heritage Area** is under threat of environment destruction, river life extinction by facts as:

- Illicit sewage treatment on river bank by Newtown sewage dispersal; GAA percolation !
- Threat of floods overrun by proposed DAM, 7km upstream; its HUGE risk of sudden infrastructural failure - compounded by GAA will pave over vital FLOODS DRAINAGE LAND: and opposite Murnane & O'Shea industrial estate paved over floods drainage plain !
- **"Of all works constructed by hand of man, DAMS are the most murderou"**
- Donemarek Heritage Area, destruction inevitable by secondary traffic access to GAA site, my property again, will be rendered un-saleable!

I refer to submission to the 2003 development Plan; 2007 adaptations; my March submission:

In contention: when now under threat, is a huge tract of Bantry Bay foreshore + Donemarek Heritage Area + inevitably, swathe into Mealagh Valley:

How can there have not been any reference to such developments?

How can there have been NO PRE-CONSULTATION, even announcement to the PUBLIC **EXCEPT**

To be stressed: areas as DONEMARK / BAY FORESHORE are of local community, and for such unique, world renowned beauty, GLOBAL heritage

NOT sustainable, nor proper planning can be, developments as **081454 GAA Club Application**.

It will compound massive pollution impact on marine life resources of **Bantry Bay**; warning evidence is DONEMARK where fish life as salmon is now threatened with extinction; vegetation dieing off,

WFD maps confirm 'HIGH RISK POLLUTION' of Bantry Bay; evidence as Atlantic Shell Fish Ltd., Donemark river life all but extinct, warn against eutrophication of the Bay, thereby, potentially, marine life its €20+ mio industry!

Vital issues in Bantry region & of immediate priority; per a 1992 council memo, further developments should be held in abeyance until resolved:

- Pollution-free. DRINKABLE water, as lakes at crest of valley, Barley Lake Glengarriff – not so is Drombrow at valley base, nor abstractions of polluted River Mealagh !
- Renovation of 19<sup>th</sup> century infrastructure by:
  - Replacement of cancer agents, LEAD, ASBESTOS pipes - Prevention of 47%+ water loss!
  - For 'Designated shell fish waters': Tertiary SEWAGE treatment, NEVER, secondary chemicals treated for discharge into the bay ! Those knowledgeable, do not consume, also by evidence as EU April Alert against the bay sea foods - 2000 closure of Atlantic Shell Fish Foods – Arachon, France - Restaurant critic, Michael Winner, hospitalised by food poisoning, stating that in-shore marine produce should be taken off menus! I as fellow victim, would totally agree!
- Now alarming 2<sup>nd</sup> hand information on Bantry developer driven "planning": Ignoring risks of toxic, atmospheric spread, as 'zero risk' mercury, to the designated shell fish waters areas; warnings as closures of Atlantic Shell Fish Ltd Cork Bay, Arachon, France, the Maritime Hotel problems; WFD maps confirm 'High Risk Pollution'; eutrophication is serious threat to Bantry Bay: excavations of the Bay for an ill-judged marina, are to start!

Evidence points to bay-side retail complex take-over of GAA site, as competition' tactics between Super-Value / Dunnes / Tesco. Street-talk of Rowa close-down, should be impetus to a COMMUNITY planning programme for Bantry Bay foreshore development. Referred to in my March 2007 submission: foreshore should evolve as a GAA park, leisure amenity complex with retail facilities, and in tandem with a world class, GOLF course. A €25+ mio 'out of town' supermarket is way beyond need, and to be stressed, in a town without water / sewage infrastructure, and by current plans, indefinitely! This development spells doom for the town centre, squander of Bantry's nature resources & scenic magnificence; PRIVATE mass profiteering at PUBLIC gross loss, per outside comment: 'GAA sold down the river at Donemark, base of Mealagh valley!'

May these facts further signify how the entire planning at Bantry needs to be fully investigated, the PUBLIC be involved, not solely, per solicitors letter, 'Pre-eminent Applicants'.

These facts are left to speak for themselves!

I remain available for further information that may be required.



David J. Bollins, Rose Cottage, Donemark Heritage Area, Bantry, County Cork

cc County Manager – Environment Minister – EPA – EU: DG Environment / Water Framework Directive – An Taisce – Ombudsman - In response to submission by Newtown Sewage origin sources, owner of cottage scheduled for access, has sold out: 'To Whom It May Concern' i.e., At wanton destruction of heritage & wild life as salmon - Rivers used as waste conduits, bays as Bantry / Galway, AS SEWERS FORESHORE development Mealagh valley / Degrade of Bantry, to a retail / housing / industrial complex! - Council authorities not abiding by mandate for health & environment protection; in defiance of EU legislation as Article 174; Court of Justice Judgements as 79/923.

October 8 2008

€20 paid in cash