



An
Coimisiún
Pleanála

Commission Order ABP-322329-25

Planning and Development Act, 2000, as amended

Planning Authority: Mayo County Council

Application by Mayo County Council for approval under section 175 and 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Coimisiún Pleanála on the 16th day of April, 2025.

Proposed Development: The proposed development consists of flood relief works which will comprise:

- (a) Along the River Moy, the proposed flood walls will generally follow the alignment of existing walls and will tie into existing walls, bridges and/or high ground along the banks of Ridgepool Road, Cathedral Road, Clare Street, Emmet Street and Bachelors Walk. The proposed works on the east bank of the River Moy include flood walls of up to 1.3 metre height, an increase of up to 0.5 metre on the existing walls. The existing Weir Building on Ridgepool Road will form part of the flood defence measures and will be waterproofed as necessary. A new pedestrian access point to the river will be provided adjacent to the Weir Building. The proposed floodwall will route behind the religious grotto on Clare Street. The plaza opposite St. Muredach's Cathedral along Cathedral Road will be modified, including the provision of a raised platform to a height of approximately 0.8 metre. The existing pedestrian and boat accesses to the river will be maintained and an upgraded accessible access and boat

access will be provided. The proposed works on the west bank of the River Moy include flood walls of up to 1.3 metre height, an increase of up to 0.6 metre on the existing walls. Glass walls will be installed in front of the Ballina Manor Hotel/apartments and the Inland Fisheries Ireland Building. At Emmet Street, the existing railings will be replaced with a combination of new flood walls and glass walls. At the existing historic steps, 900-millimetre glass walls will be installed. The remaining walls on Emmet Street will be removed and reconstructed using existing stone. Adjacent to the Salmon Weir and the Ballina Arts Centre, realignment of the temporary groyne is proposed. New surface water sewers will be installed along all road sections adjacent to new flood walls on the River Moy. This includes Ridgepool Road, Barrett Street, Cathedral Road, Emmet Street, Bachelors Walk and Clare Street. New outfalls to the River Moy will be installed with petrol interceptors and flap valves. Underground surface water pumping stations with a kiosk at ground level will be installed at strategic points to manage excess water during flood events.

- (b) Along the Quignamanger Stream, the proposed works include the replacement of the existing 0.9 metre piped diameter diversion culvert with a larger 1.5 metre diameter piped culvert for part of the upstream section and a 2 metre wide by 1-metre-deep box culvert along the downstream section. Flood walls will be installed along the open reach of the channel upstream of Quay Road. The flood walls will have a maximum height of 1.1 metre. The culvert under Quay Road which conveys water to the River Moy will be upgraded to a 2 x 1 metre box culvert. The existing culvert downstream of Quay Road will be removed to allow provision for an open channel discharge to the River Moy.
- (c) Along the Bunree (Behy Road) Stream, the proposed works include the installation of a new culvert to replace the existing culverted and open channel sections. A new 1.5 metre culvert will be installed upstream and will increase to a 1.8 metre diameter culvert downstream. Existing property boundaries will be removed and new boundaries provided further within the property. The culvert will further increase to a 2-metre x 1.25-metre square culvert at the N59 crossing. Local road raising will be undertaken at this location. A culverted section downstream of the N59 at Moyvale Park, will be removed and the open

channel reinstated. The banks of this open channel will be regraded to form a gentle/ stepped slope.

- (d) Along the Brusna River, the proposed works include hard defences consisting of flood walls and embankments. Flood walls and embankments are to be provided on both sides of the river upstream of the access bridge to Rathkip/Shanaghy. Flood walls and embankments are to be provided on the north bank of the river downstream of the bridge. The maximum height of flood walls and embankment is approximately 1.7 metre. A reinforced concrete beam spanning the river on the upstream side of the bridge is to be provided. Scour protection is proposed along the riverbed in the vicinity of the bridge. Replacement bank retaining walls are also to be provided in the vicinity of the bridge. Two otter holts are to be constructed downstream of the bridge crossing on the left bank.
- (e) Along the Tullyegan Stream, proposed flood walls on the north bank are to be constructed to the same height as the existing walls which range from 1.4 metres to 2.96 metres. The proposed embankment on the north bank has a maximum height of 1.5 metre. Proposed flood walls on the southern bank of the stream have a maximum height of 1 metre. New gated construction and emergency access points will be provided from the N26 and L1122 roads.
- (f) Temporary construction compounds shall be located at: Ballina Dairies site and adjacent boat club site, Mayo County Council lands on Barrett Street, sites located on Ridgepool Road, Behy Road and Bonniconlon Road, and,
- (g) Provision of landscaping works as required throughout the development and all associated fencing, site development, advance works, accommodation works and all associated works.

All located in the vicinity of the River Moy and the following tributaries:

Quignamanger Stream, Bunree (Behy Road) Stream, Brusna River and the Tullyegan Stream in the townlands of Ballina, Quignamanger, Quignalecka, Quignashee, Knocknalyre or Downhill, Ballyholan, Abbeyhalfquarter, Rathkip, Ardnaree or Shanaghy, Carrowcushlaun West, Mullauns, Commons, Behybaun and Rahans, County Mayo.

Decision

APPROVE the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to:

- (a) Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State,
- (b) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive,
- (c) the relevant provisions of the European Union Directive 2011/92/EU as amended by Directive 2014/52/EU (Environmental Impact Assessment Directive) on the assessment of the effects of certain public and private projects on the environment,
- (d) the European Union Habitats Directive (92/43/EEC),
- (e) the European Communities (Birds and Natural Habitats) Regulations 2011,
- (f) the provisions of the National Planning Framework First Revision, April 2025,
- (g) the provisions of the National Development Plan Review 2025,
- (h) Ireland's 4th National Biodiversity Action Plan 2023-2030,

- (i) the Northern and Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032,
- (j) the policies and objectives of the Mayo County Development Plan 2022-2028,
- (k) the policies and objectives of the Ballina Local Area Plan 2024-2030,
- (l) the nature and extent of the proposed works as set out in the application for approval,
- (m) the information submitted with the planning application including the Environmental Impact Assessment Report, appropriate assessment screening and Natura Impact Statement,
- (n) the conservation objectives, qualifying interests and special conservation interests for the River Moy Special Area of Conservation (Site Code: 002298) and Killala Bay/Moy Estuary Special Area of Conservation (Site Code: 000458), and Killala Bay/Moy Estuary Special Protection Area (Site Code: 004036) and Lough Conn and Lough Cullin Special Protection Area (Site Code: 004228),
- (o) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (p) the submissions and observations received in relation to the proposed development, and,
- (q) the report of the Planning Inspector and the attached specialist report from the Commission's Ecologist.

Appropriate Assessment Stage 1:

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Moy Special Area of Conservation (Site Code: 002298) and Killala Bay/Moy Estuary Special Area of Conservation (Site Code: 000458), and Killala Bay/Moy Estuary Special Protection Area (Site Code: 004036) and Lough Conn and Lough Cullin Special Protection Area (Site Code: 004228), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the River Moy Special Area of Conservation (Site Code: 002298) and Killala Bay/Moy Estuary Special Area of Conservation (Site Code: 000458), and Killala Bay/Moy Estuary Special Protection Area (Site Code: 004036) and Lough Conn and Lough Cullin Special Protection Area (Site Code: 004228), in view of the Sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and,
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives.

Environmental Impact Assessment:

The Commission completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation

submitted in support of the application,

- (c) the Screening for Appropriate Assessment and Natura Impact Statement and associated documentation submitted in support of the application,
- (d) the submissions received from the observers and prescribed bodies, and,
- (e) the Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, residual and cumulative effects of the proposed development on the environment.

The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

Reasoned Conclusion on Significant Effects:

The Commission considered, and agreed with the Inspector's reasoned conclusions, that the main direct and indirect effects of the proposed development on the environment are and would be mitigated as follows:

- **Biodiversity:** The construction phase of the development at this location has the potential to impact upon biodiversity. Mitigation measures proposed include the use of the Construction and Environmental Management Plan, the appointment of a project Ecologist/Ecological Clerk of Works, protection of water quality, phasing of works, management of construction waste, management of noise and dust, storage of materials, bio-security, management of alien invasive plant species, the protection of habitats and fauna, birds, bats, otters and badgers. During the operational phase of the proposed development, significant effects on habitats are not anticipated.
- **Water:** There is potential for sediment run off and accidental hydrocarbon spillage to surface water and groundwater arising from the construction phase of the proposed development. With the implementation of mitigation measures

for water quality, as proposed, the proposed development will not cause deterioration of good water body status and does not jeopardise attainment of good status in any of the waterbodies in the study area. Extensive hydraulic modelling indicates the proposed development will result in a major beneficial impact on the receiving environment by reducing flooding during the operational phase. It will also reduce the likelihood of pollution events occurring due to flooding of urban areas. There is potential for positive, long-term impact on water quality through and downstream of Ballina because of reduction in risk and frequency of flood waters overtopping walls and being contaminated within the urban drainage area.

- **Traffic:** The proposed development will give rise to additional traffic movements, specifically heavy goods vehicles on the local road network creating a short-term inconvenience for local road users, residents, commercial properties, and traffic flow. Local short-term diversions and lane closures are also required to facilitate the construction works. There is a requirement for temporary and permanent access wayleaves for construction and maintenance machinery in some areas of the development for both the construction and operational phases. Access agreements will be in place with all relevant landowners prior to any construction and operation works. Traffic impacts will be short-term and temporary and will be adequately mitigated during construction by the implementation of measures set out in the Environmental Impact Assessment Report, including the final Construction and Environmental Management Plan. Negative impacts are not anticipated to arise during the construction or operational phases of the development.
- **Landscape and Visual Effects:** Adverse effects on the landscape surrounding the River Moy will arise as a result of the presence of the temporary compounds at Ballina Dairies site and adjacent boat club site, on Ridgpool Road and the Mayo County Council lands on Barrett Street. Adverse effects on the landscape will arise as a result of the excavation and construction of flood defence walls along the River Moy. Taking into account the adverse effects associated with the construction activities along with implementation of mitigation measures and the short-term duration of the works overall (up to 36 months), a small magnitude of impact is considered to arise to this landscape of

high sensitivity resulting in a minor to moderate and not significant adverse effect. During the operational phase, the proposed development will improve the open space, leisure and play facilities, particularly along the River Moy. The new flood defence wall will be introduced into the urban landscape of Ridgepool Road replacing an existing low concrete block wall and alternating sections of stone-clad wall and railings. The wall will be faced in stone to match that locally present in the surrounding area, representing a beneficial direct change. Taking into account the beneficial effects of public realm enhancements, new planting, new flood defence walls balanced with the adverse effects overall, a medium magnitude of impact is considered to arise to this landscape of high sensitivity resulting in a moderate to major and significant beneficial landscape effect.

- **Population and Human Health:** Potential significant positive impacts on the socio-economic profile of the area. This proposed development will protect homes and businesses in Ballina from flooding events. As a result of the proposed development, the Ballina area will become more attractive for residential and business purposes. The proposed development will also protect existing amenities, recreation facilities and tourism destinations within Ballina, promoting economic activity and economic growth in the town.

The Environmental Impact Assessment Report has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. Notwithstanding the foregoing, the Ballina flood relief scheme, will protect Ballina residents from serious flooding events and will preserve Ballina as an attractive town for development. Ballina has a long history of flooding events because of the River Moy's high-water levels, in conjunction with inadequate conveyance capacities of the smaller stream/channels and associated culverts. The flood relief scheme is in line with policy; it is considered that these effects are not sufficient to warrant refusing permission for the development and are acceptable.

Proper Planning and Sustainable Development/Likely Significant Effects on the Environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would advance Flood Risk Management Objective IESO 3 of the Ballina Local Area Plan 2024-2030, which supports the on-going design, planning and implementation of the Ballina flood relief scheme in the interest of minimisation and management of flood risk throughout the town, would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to or adversely impact upon aquatic or terrestrial biodiversity, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with the existing land uses in the area and would not interfere with traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the submitted Environmental Impact Assessment Report, shall be implemented.

Reason: To protect the environment.

3. The mitigation measures contained in the submitted Natura Impact Statement, shall be implemented.

Reason: To protect the integrity of European Sites.

4. A pedestrian access from the open space area, south of the Moyvale estate/Moyvale Park to the N59, shall be delivered as part of the proposed development, at or in proximity to the existing pedestrian access location. Detailed design indicating the pedestrian access and stream crossing, including the design of a mix of gradients, shrub/tree planting and discreet temporary fencing shall be prepared, following engagement with local residents by or on behalf of the local authority, and these details shall be placed on the file and retained as part of the public record.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

5. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and the CEMP submitted with the application and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
 - (a) Location of the site and material compounds including areas identified for the storage of construction waste;
 - (b) location of areas for construction site offices and staff facilities;

- (c) intended construction practice for the development, including hours of working and the season of works (to avoid any impacts on spawning salmon or trout);
- (d) means to ensure that surface water run-off is controlled in line with a sediment control plan, such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses;
- (e) containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained;
- (f) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (g) specific measures as to how the measures outlined in the CEMP will be measured and monitored for effectiveness;
- (h) information regarding the appointment/designation of a project public liaison officer who would be contactable by third parties in relation to details nature and schedule of the proposed works and who would be responsible for establishing and maintaining a public information/project updates portal, and,
- (i) a record of daily checks that the works are being undertaken in accordance with the CEMP shall be maintained on file as part of the public record.

Reason: In the interest of protecting the environment, and in the interest of public health.

6. Prior to the commencement of development, the local authority or any agent acting on its behalf, shall prepare a Resource Waste Management Plan as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The Resource Waste Management Plan shall include specific proposals as to how the Resource Waste Management Plan will be measured and monitored for effectiveness; these details shall be placed

on the file and retained as part of the public record. The Resource Waste Management Plan shall be placed on the file and retained as part of the public record.

Reason: In the interest of proper planning and sustainable development.

7. A detailed construction traffic management plan, including details of all proposed road closures and traffic diversions, shall be prepared by the local authority, or any agent acting on its behalf, prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. The construction traffic management plan shall be placed on the file and retained as part of the public record.

Reason: In the interests of traffic safety and convenience

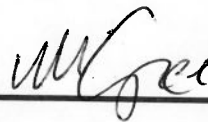
8.
 - (a) The local authority shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the local authority shall employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
 - i. the nature and location of archaeological material on the site, and
 - ii. the impact of the proposed development on such archaeological material.
 - (b) The project archaeologist shall complete a detailed archaeological excavation informed by additional test excavation across the whole phase of works to be completed prior to any construction starting on site. In addition, an updated Archaeological Impact Assessment shall be completed.
 - (c) The project archaeologist shall complete a report, containing the results of the above assessments, regarding any further archaeological requirements

(including, if necessary, archaeological excavation). This report shall then be submitted to the Department of Housing, Local Government and Heritage within any proposals agreed prior to commencement of construction works. Following this the local authority will provide suitable arrangements acceptable to the Department of Housing, Local Government and Heritage for the recording and removal of any archaeological material which it is considered appropriate to move,

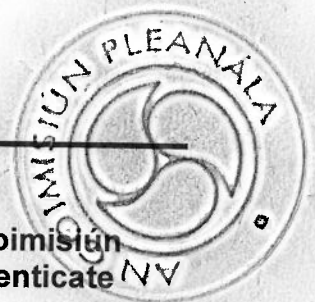
Reason: In order to conserve the archaeological heritage of the site and secure the preservation (in situ or by record) and protection of any archaeological remains that may exist within the site.

9. A suitably qualified Ecological Clerk of Works shall be retained by the local authority to oversee pre-commencement surveys, site clearance, in-stream works, and construction of the proposed development. The ecologist shall have full access to the site as required and shall oversee the implementation of mitigation measures. Upon completion of works, an ecological report of the site works shall be prepared by the appointed Ecological Clerk of Works to be kept on file as part of the public record.

Reason: In the interest of biodiversity and the protection of European Sites.



Liam McGree
Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 17th day of October 2025