



An
Coimisiún
Pleanála

Inspector's Report ABP-323060-25

Development	Ballina Flood Relief Scheme - River Moy.
Location	Ballina, County Mayo.
Planning Authority	Mayo County Council
Applicant(s)	Mayo County Council
Observer(s)	See Appendix 1 & Appendix 2
Date of Site Inspection	26 th & 27 th August 2025
Inspector	Fiona Fair

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Appendix 1 – Summary of Third Party Objections

Appendix 2 – Summary of Third Party Objections (submitted in response to Applicants Response to CPO Objections)

1.0 Introduction

1.1. Overview

1.1.1. This is a CPO application by Mayo County Council to enable the Local Authority, A) to acquire compulsorily **permanent acquisition**, B) to acquire compulsorily the **permanent right of way**, C) to acquire compulsorily **temporary acquisition**, of lands, for the purposes of the construction and maintenance of the Ballina Flood Relief Scheme (FRS) together with all ancillary works associated therewith:

- I. To construct, lay, keep, operate, maintain, renew, repair and inspect flood relief works and all associated physical elements provided under section 76 of the Roads Act 1993 (as amended) for the prevention of flooding and such other works, services and facilities as are necessary or expedient in relation thereto or are ancillary thereto or form part of the flood relief works in or under the land specified together with the right.
- II. To enter with or without vehicles plant and machinery upon the said lands at all times for any of the said purpose.
- III. To enter with all necessary vehicles plant machinery upon the set plot of land and to use the land to pass and repass over same for the purpose of ingress and egress to and from the public road, at all times for all purposes and by all means and in connections with the use and occupation by the local authority, their servants or agents, workmen or contractors for the purposes of the Ballina Flood Relief Scheme.
- IV. Such rights including the right to do anything reasonably necessary for or ancillary or incidental to the works related to and incorporating the Ballina Flood Relief Scheme to be carried out, erected or constructed upon the lands

NOTE: The subject CPO application has been submitted to ACP in tandem with planning application ACP-322329-25, (lodged with ACP on the 16/04/2025). The CPO is considered in conjunction with planning application (322329-25) made by Mayo County Council pursuant to Section 175 (3) and Section 177AE of the Planning and Development Act, 2000 (as amended). Accordingly, an Environmental

Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared and assessed in respect of the proposed planning application.

The Compulsory Purchase Order ('CPO') relates to the compulsory acquisition of rights over, along and/or adjacent to and/or in the vicinity of the River Moy, and the following tributaries: Quignamanger Stream, Bunree Stream, Brusna River, and the Tullyegan Stream. All of the works are within the administrative area of Mayo County Council, and the Compulsory Purchase Order is made pursuant to Section 10 of the Local Government (No.2) Act 1960, as substituted by Section 86 of the Housing Act, 1966 as amended by Section 6 and the Second Schedule of the Roads Act, 1993 and Section 76 of the Housing Act 1966 and the Third Schedule thereto and the Planning and Development Acts 2000 to 2015, as amended.

Six submissions were received after the first consultation period and two additional submissions were received after the second round of consultation which related to the applicant's response to submissions to the CPO.

1.2. Purpose of CPO

- 1.2.1. The purpose of the CPO is to facilitate the undertaking of the development referred to as the 'Ballina Flood Relief Scheme'. Works proposed include the construction of new flood walls, repairs to quay wall, culverts, embankments, cutting, pruning and bankside maintenance and other works.
- 1.2.2. The overall need for the Proposed Scheme is to respond to Ballina's current susceptibility to flooding in conjunction with the expected increase in future flooding, there is a strong need to develop a FRS to protect Ballina residents from serious flooding events and to 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 highest observed water level recorded a height of 3.21 mOD-Malin in 2014. Within this flood plain, approximately 370 residential and 101 commercial receptors may potentially be affected by flooding within the River Moy catchment.

- 1.2.3. Mayo County Council has sent 71 notices to Landowners or reputed Owners and Lessees or reputed Lessees and Occupiers along the proposed route. Landowners include:

Irish Rail, ESB, IFI, Uisce Eireann, Irish Rail, The Trustees Of Ballina Boat Club, The Bishop Of Killala/ St Muredach's Diocesan Trust and private landowners. Some landowners are joint owners of a singular parcel of land, some are singular owners of multiple parcels of lands, and some are joint/ multiple owners of multiple parcels. All owners and associated parcels to be acquired are detailed in the document titled 'Ballina Flood Relief Scheme CPO No. 01 of 2025' which has been submitted with the CPO application.

1.3. **Accompanying documents**

- 1.3.1. The application was accompanied by the following:

- Compulsory Purchase Order and Schedule thereto, dated 15th July 2025.
- CPO Maps.
- Newspaper notice, published in the Western People dated the 15th July 2025.
- Copy of notice sent to landowners.

1.4. **Format of CPO and Schedule**

- 1.4.1. The CPO states that the lands are required for the purposes of the construction and maintenance of the Ballina Flood Relief Scheme, and together with all ancillary and consequential works associated therewith:

- The lands described in Part I of the Schedule is land being permanently acquired- 'Land Acquisitions',
- Lands described in Part II of the Schedule is land being acquired as 'Permanent Wayleaves',
 - The right for the 'Local Authority'. Its successors in title, assigns, tenants, servants or agents, contractors, or other licensees:
 - (i) To pass and repass at all times,

- (ii) To construct, lay, keep, operate, maintain, renew, repair and inspect the flood defence works on or under the land specified in subpart B below together with the right to enter with all necessary vehicles plant and machinery upon the said land always for any of the said purposes.
 - (iii) To enter with all necessary vehicles, plant, and machinery upon the said land always for any of the said purposes.
- Land described in Part III of the Schedule is land being acquired as ‘Permanent Rights of Way’,
 - The right for the ‘Local Authority’. Its successors in title, assigns, tenants, servants or agents, contractors, or other licensees:
 - (i) To pass and repass at all times,
 - (ii) To enter with all necessary vehicles, plant, and machinery upon the said land always for any of the said purposes.
- Part IV describes private rights to be temporarily restricted or otherwise interfered with – ‘Temporary Working Areas’.

1.4.2. Temporary land takes are required to facilitate construction of the Proposed Scheme and will be returned to the landowner on completion of the scheme.

- The right for the ‘Local Authority’. Its successors in title, assigns, tenants, servants or agents, contractors, or other licensees:
 - (iii) To pass and repass during construction of the works,
 - (iv) To enter with all necessary vehicles, plant, and machinery upon the said land during construction for any of the said purposes.

1.4.3. The lands described in the Schedule are stated to be lands other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense.

1.4.4. The Schedule and all relevant Parts as aforementioned assigns an identification number to each plot of land and describes the quantity, type, townland, owner or reputed owner, lessee or reputed lessee and occupier of each plot, as relevant.

2.0 Site Location and Description

The Proposed Scheme submitted under this application is seeking approval from An Coimisiún Pleanála to undertake flood relief works along and/or adjacent to and/or in the vicinity of the River Moy, and the following tributaries: Quignamanger Stream, Bunree Stream, Brusna River, and the Tullyegan Stream. Works proposed include the construction of new flood walls, repairs to quay wall, culverts, embankments, cutting, pruning and bankside maintenance and other works. The proposed works include:

River Moy

The proposed works on the right-bank of (looking downstream) the River Moy include flood walls of up to 1.25m height along the left and right banks of the river. This is an increase of up 0.5m on the existing walls. The new walls (replacing the existing walls) will start upstream of the Salmon Weir, at the pedestrian bridge and finish at Clare Street at Tom Ruane Park. Where required flood defence heights are lower along the section of Ridgpool Road opposite the Inland Fisheries Ireland (IFI) Building, a lower height (700mm approximately) wall will be constructed with a railing placed above the wall.

The existing Weir Building on Ridgpool Road will form part of the flood defence measures and will be waterproofed as necessary. Public access to the religious grotto on Clare Street will also be maintained by placing the wall behind the structure.

Flood defences on the left-bank of the river will begin at the existing flood defence at the Ballina Arts Centre and end at the old Ballina Dairies site north of Bachelors Walk. New walls will be constructed to replace existing walls where required. Glass walling in combination with flood walling will be used in front of the

Ballina Manor Hotel/ apartments and the IFI Building to maintain views from affected properties. At Emmet Street the existing railings will be replaced with a combination of new flood walls and glass walls. In the location of existing historic steps, 900mm glass walls will be installed. The existing walls on Emmet Street will be carefully dismantled and reconstructed due to their historical significance. The proposed works on the left-bank of the river (looking downstream) on the River Moy include

flood walls of up to 1.3 m height along the left banks of the river. This is an increase of up 0.6m on the existing walls.

Along the left bank of the River Moy adjacent to the Salmon Weir and the Ballina Arts Centre, realignment of the temporary groyne, as agreed with IFI, is proposed as a fisheries enhancement measure. Biodiversity enhancement will be provided along the River Moy in the form of bird boxes and bat boxes.

The pavement along these sections will be removed and replaced to accommodate the foundation of the new walls and drainage. The route of the flood walls will generally follow the line of existing walls and will tie into existing walls, bridges and/or high ground. The existing walls will therefore need to be removed to allow new flood walls to be constructed. This will be required along the banks of Ridgepool Road, Cathedral Road, Clare Street and Bachelors Walk.

Mayo County Council (MCC) is in the process of developing a Public Realm Scheme for the town of Ballina. The Proposed Scheme provides for a new public open space area on Cathedral Road which will be incorporated into the broader Ballina Public Realm in the future. Further details regarding the public open space area are provided in Chapter 19: Landscape & Visual. Existing angling access points along the right bank will be maintained post construction. An additional angling access point will be provided immediately downstream of the Weir Building. A wheelchair accessible angling access point will be provided on Clare Street.

Quignamanger Stream

The Quignamanger is a small watercourse with numerous culverted sections with a maximum diameter of 0.7m. It also has an existing diversion culvert operating in the lower reach before discharging into the Moy via a culvert under Quay Road. The proposed works involve the replacement of this existing 0.9 m piped diameter diversion culvert with a larger 1.5 m diameter piped culvert for part of the upstream section and a 2 m wide by 1 m deep box culvert along the downstream section to minimise the amount of regrading required in the stream. The existing flap valve at the point where the culvert discharges back into the river channel, just before intersection of Creggs and Quay Roads will also be removed.

Flood walls will be installed along the open reach of the channel upstream of Quay Road. The open reach has been planned to allow for the protection of sensitive

habitat located in this area. Where the lower reach of the Quignamanger channel upstream of the existing Quay Road culvert is to be regraded to meet the new enlarged Quay Road culvert, rather than leaving a uniformly sloping channel, the design shall include a series of fixed rock or concrete baffles or step-pools (ensuring a low- flow notch) using natural rock and cobble to create turbulent flow. The flood walls will have a maximum height of 1.1 m. The culvert under Quay Road which conveys water to the River Moy will also be upgraded to a 2 x 1 m box culvert. The existing culvert downstream of Quay road will be removed to allow for an open channel discharge to the River Moy.

Bunree / Behy Road Stream

The Bunree is a small watercourse with numerous culverts of various shapes and sizes. Many of these culverts are undersized and constrict the flow so that out of bank flooding occurs upstream of the inlets. Out of bank flooding therefore occurs in numerous locations along Behy Road.

The proposed works include the installation of a new culvert which would replace the existing culvert and the existing sections of open channel. The culvert will follow the existing stream channel. A 1.5 m diameter piped culvert will be installed at the upstream section of the works to upgrade an existing field culvert access. A new 1.5 m culvert will be installed from Behy Business Park to the Knocknalyre housing estate. Downstream of this, the culvert will increase to a 1.8 m diameter culvert. The culvert will further increase to a 2m x 1.25m culvert where it crosses the N59. Local road raising will be required at the crossing. A culverted section downstream of the N59 at Moyvale Park, which causes a constriction to flood flows, will be removed and the open channel reinstated. Localised regrading will be required to ensure stream invert levels are maintained. The banks of this open channel will be regraded to form a gentle/ stepped slope.

Brusna (Glenree) River

The Brusna (Glenree) is a medium sized river. A section of the river, in the Rathkip/Shanaghy area, shows a potential flood risk to properties and infrastructure. The road bridge, the only access to and from Rathkip/Shanaghy area, also constricts the flow creating higher than normal water levels upstream of the bridge.

The proposed works on the Brusna (Glenree) River include hard defences consisting of flood walls and embankments. Flood walls and embankments are required on both sides of the river upstream of the access bridge. Flood walls and embankments are required on the right hand bank of the river downstream of the bridge. The maximum height of flood walls and embankment is approximately 1.7 m. There are no existing walls in most of the locations where flood walls are proposed, with it consisting mostly of fences or hedgerows. Flood walls and embankments have been set back from the river to minimise the removal of trees and protect the riparian zone. Two otter holts are proposed to be constructed downstream of the bridge crossing on the left bank. Embankments will allow for access/habitat for wildlife. Bat and bird boxes are being provided to enhance biodiversity.

The design flood levels are higher than the deck level of the bridge to the Rathkip/Shanaghy area, therefore a reinforced concrete beam spanning the river on the upstream side of the bridge is required to prevent overtopping and remove any additional loading to the bridge. The beam will be connected to the upstream side of the bridge. The beam will be installed using a crane located on the southern left bank of the river. The beam will be supported on 2 proposed reinforced concrete piers. The piers will tie into the proposed flood walls on either side of the bridge. The existing railing will be reinstalled along the proposed beam to ensure fall protection height is provided. Construction of the beam will not block access across the bridge and access to the houses on the other side of the river will be maintained.

Tullyegan Stream

The Tullyegan is a small, mainly open watercourse located at the southern end of Ballina. Hydraulic modelling showed that during the 1 % AEP flood event out of bank flooding occurs. This is due to a downstream constriction at the N26 road bridge resulting in flows backing up increasing water levels upstream.

Flood walls on the north bank are to be constructed to the same height as the existing walls which range from 1.4 to 2.96m. The embankment on the north bank has a maximum height of 1.5m. Flood walls on the southern bank of the stream have a maximum height of 1m. Some of the right bank/southern wall will be set back from the riverbank in order to prevent the removal of trees which line the riverbank. An embankment will be installed on the left bank where the flood defence ties in with the

larnród Éireann/Irish Rail embankment. The embankment is proposed to facilitate the movement of otters, as suitable habitat was identified at this location.

New gated construction and emergency access points will be provided from the N26 and L1122 roads.

The majority of flood walls will consist of reinforced concrete with a suitable foundation, stone cladding along the face and of varying height.

Embankments are proposed on the River Brusna and on the Tullyegan Stream.

Embankments will be constructed of impermeable clay with a capping of topsoil of approximately 150 mm depth to allow for landscaping.

Public Open Space / Amenity

The plaza opposite Muredach's Cathedral along Cathedral Road will be modified for incorporation into the future planned Ballina Public Realm. This will involve the development of a raised platform to a height of approximately 0.8 m. Existing pedestrian access to the river will be maintained, including provision for accessible access.

Access to the River Moy for recreational activities and anglers along the Proposed Scheme is to be maintained. All existing access points are being maintained with access to be improved where practical. Such access points to the River Moy will be maintained through ramps, stiles or flood gates. Existing public lighting will be replaced where removed.

Construction Compounds

Temporary construction compounds will include site offices, welfare facilities, bundled fuel storage areas, designated storage area and construction parking. Wastewater will connect to foul sewer networks where available. Where not available, the contractor will have to provide welfare facilities in accordance with best practice.

The locations of potential temporary compounds are listed below:

- Ballina Dairies site and adjacent boat club site.
- MCC lands on Barrett Street.
- Sites located on private lands:

- Ridgepool Road.
- Behy Road.
- Bonniclon Road.

The CPO application is being made by Mayo County Council in tandem with planning application 322329-25 pursuant to Section 175 (3) and Section 177AE of the Planning and Development Act, 2000 (as amended). Accordingly, an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared in respect of the proposed development.

Construction activities are envisaged to take place during a single construction campaign lasting 36 months but could extend beyond this should unforeseen circumstances arise.

The Proposed Scheme shall protect lands zoned, inter alia, town centre, edge of town centre and existing residential and supports their use in accordance with the land use zoning. The Proposed Scheme directly addresses a need identified in the Ballina LAP 2024 – 2030.

3.0 Planning History

Table 2: Sets out Planning Applications of relevance within the Redline Boundary or within 10m of the Redline Boundary, dating over the past 10 years.

Application Ref.	Development Description	Decision (Final Grant)
2360176	Construct a rear and side single storey extension to an existing creche facility and to carry out all ancillary site works at Hunt Montessori School, Foxford Road, Behybaun Td, Ballina, Co. Mayo.	6/07/2023 Grant with Conditions

ABP Ref: 313724	"North Connacht Project' consisting of approximately 59km of underground cable between the existing Moy substation, near Ballina, Co. Mayo and the existing Tonroe substation, near Ballaghaderreen, Co. Roscommon.	15.09.2022 Grant with Conditions
MCC Reg. Ref: 2028 ABP-308100-20	Construct 2 storey dwellinghouse and single storey domestic garage, connect to all services and public utilities, carry out all ancillary site works on site located to the northeast of protected monument Reg. No.31303016	07.08.2020 Grant with Conditions 22.12.2020 Appealed and Granted with Conditions
MCC Reg. Ref. 15864	Change of use of existing commercial unit to restaurant and takeaway. Permission for minor alterations to existing building including all other ancillary site work and services.	11/04/2016 Grant with Conditions.

4.0 Overview of Submissions

- 4.1. 6 no. third party submissions have been received in relation to the CPO of lands. In relation to the content of the submissions, it is of note that three raise similar issues and three have requested that an Oral Hearing is held. The Coimisiún concluded on the 09/10/2025 that this case can be dealt with adequately through written procedure and invited the objectors to respond to the submission received from Mayo County Council on 7th October 2025 in relation to the CPO. A further two number submissions were received and these are summarised in detail in Appendix 2 attached to this report.

- 4.2. In relation to the content of the submissions, concerns are centred around sufficient justification, consideration of alternatives, loss of residential amenity / garden areas and privacy and disruption to access arrangements. Other issues arising include: the submission that alternative broader processes to address rural land reclamation, ground infilling and agricultural drainage have not been explored and that the extent of area required is excessive and exorbitant relative to the identified flood design levels. The submissions lodged are summarised in Appendix 1 attached to this report.
- 4.3. All planning and environmental matters have been examined in detail within the planning application report ref: ACP-322329-25 and I refer the Coimisiún to this report. I will examine the relevant concerns raised in relation to the assessment of the CPO in terms of community need, compliance with the development plan, proportionality and necessity of level of acquisition proposed, alternatives and suitability of lands.
- 4.4. I note that Mayo County Council has responded to the issues raised and such responses will be examined in the context of submissions within the assessment section of this report hereunder. However, it is important to note that this response was then recirculated to third parties and an additional two responses were received in this regard, both summarised in Appendix 2 to this report. Additional responses do not raise any new issues to those outlined in the submissions summarised within Appendix 1. Concern is again expressed with respect to engagement with property owners, final design of flood relief measures, quantity of land take, boundary replacement design, impact upon the rear garden of Whitestream House, impact upon residential amenity and enjoyment of property, construction impacts, safety issues and proposed wayleave for construction and future maintenance, and one third party (Padraig and Adrienne Jones) has expressed disquiet that the Board will not be holding an Oral Hearing in relation to the CPO.

5.0 Policy Context

- 5.1. The following policy and guidelines are considered relevant to the proposed development:

- National Planning Framework – Project Ireland 2040

- The NPF sets out a framework of policy objectives to help Ireland achieve its long-term sustainable goals. The NPF focuses on integrating Ireland's economic development, spatial planning, infrastructure planning and social considerations. It promotes environmentally focused planning at the local level to tackle climate change and the implementation of appropriate measures to mitigate existing issues.
- The NPF aims to align itself with the UN's Sustainable Development Goals (SDGs) by ensuring that the decision-making process safeguards the needs of future generations. These objectives are integrated as part of the National Strategic Outcomes (NSOs) in areas such as climate action and planning, sustainable cities, and innovation and infrastructure.
- The NPF notes the need to respond to climate change and its impacts "(...) such as sea level change, more frequent and sustained rainfall events and greater vulnerability of low-lying areas to flooding." Flooding is recognised as a cross-sectoral issue that can affect all aspects of life.
- NSO9 is relevant to flood management because it focuses on the need for investment in water services infrastructure. This strategic outcome particularly recognises the challenges posed by climate change, which is expected to alter water levels in waterbodies such as rivers and lakes. These changes may result in more severe and frequent flooding. Therefore, NSO9 stresses the importance of considering these potential impacts when planning water services and developing strategies to enhance flood resilience. This approach will ensure that future water infrastructure can cope with the increasing risk of flooding, aiding in effective flood relief measures.
- National Development Plan 2021-2030
 - Under NSO9, which relates to the sustainable management of water and other environmental resources, it sets out strategic investment priorities, including delivering commitments under the River Basin

Management Plan. Furthermore, NSO 8, which addresses the transition to a climate-neutral and climate-resilient society, notes the role of FRSs identified in the FRMPs. These FRSs provide protection to properties and economic benefits in damage and losses avoided but also help reduce the country's vulnerability to the adverse effects of climate change.

- In line with NSO9 of the NDP, the proposed flood relief measures will allow for the sustainable management of flood risks associated with the River Moy. Furthermore, consistent with NSO8 of the NDP, the proposed flood relief infrastructure will allow for climate change and adaptation, safeguarding Ballina from the impacts of increased rainfall events.
- The National Marine Planning Framework 2021 (NMPF)
 - The National Marine Planning Framework 2021 (NMPF) provides for a comprehensive marine spatial planning framework. It brings together all marine-based human activities and outlines the Government's vision, objectives and marine planning policies for each marine activity.
 - The NMPF recognises that, "Climate change is expected to alter patterns in storm surges, sea level rise, and floods that can all play a part in coastal change".
 - It provides for the co-ordination of appropriate measures to deal with coastal change resulting from climate change (incl. storm surges, sea level rise and floods) and requires that, "proposals should demonstrate that they have considered, and are resilient to, the effects of climate change for the lifetime proposed plans".
- Climate Action Plan 2015, as amended
 - The CAP24 notes that Ireland has experienced first-hand the consequences of climate change. These changes will cause direct and indirect harm to communities, including predicted impacts arising from coastal, groundwater, and river flooding, which will require action.

- The CAP 2023 sets out actions in order to reduce the risk of flooding within Ireland, inter alia:
 - AD/24/2: “Complete a review of the national Preliminary Flood Risk Assessment to assess the potential impacts of climate change on flooding and flood risk across Ireland.”
 - AD/24/5: “Improve the resilience of Ireland’s water infrastructure through implementation of a Nature Based Solutions (NBS) Programme”
 - AD/24/14: “Develop Ireland’s first National Climate Change Risk Assessment setting out the priority impacts of climate change for Ireland.”

Note: The EIAR refers to CAP2024 and I note that this has now been updated with CAP2025. The Climate Action Plan 2025 (CAP25) is the third annual statutory update to Ireland’s Climate Action Plan 2015 under the Climate Action and Low Carbon Development (Amendment) Act 2021. CAP25 builds on previous Climate Action Plans by refining and updating the measures required to deliver carbon budgets and sectorial emission ceilings. It provides a roadmap for taking action to reduce greenhouse gas emissions by 51% by 2030 and achieve climate neutrality by no later than 2050. The CAP has six vital high impact sectors where the biggest savings can be made: renewable energy, energy efficiency of buildings, transport, sustainable farming, sustainable business and change of land-use.

- National Biodiversity Action Plan 2023–2030
 - The NBAP sets the national biodiversity agenda for 2023-2030 and aims to deliver the transformative changes required in the ways in which we value and protect nature. Thus, it takes account of the wide range of policies, strategies, conventions, laws, and targets at the global, EU, and national levels that influence our shared environment to scale up biodiversity action.
 - The NBAP has five overarching objectives:
 - Objective 1: “Adopt a Whole-of- Government, Whole- of-Society Approach to Biodiversity”
 - Objective 2: “Meet Urgent Conservation and Restoration Needs”

- Objective 3: “Secure Nature’s Contribution to People”
- Objective 4: “Enhance the Evidence Base for Action on Biodiversity”
- Objective 5: “Strengthen Ireland’s Contribution to International Biodiversity Initiatives”
- Biodiversity Action Strategy 2022-2026
 - The BAS sets out OPW’s approach to protecting, promoting and enhancing biodiversity across its operations. The BAS identifies strategic actions to help deliver Government policy through contribution to the delivery of the NBAP.
 - It is noted that the OPW is an Irish government office whose primary function is to support the implementation of government policy. The OPW advises the Minister for Public Expenditure and Reform and the Minister of State in that department, principally in the disciplines of property (including heritage properties) and flood risk management.
- The Planning System & Flood Risk Management (2009)
 - The Flood Risk Guidelines were prepared by the OPW and DEHLG in response to the recommendations set out in the 2004 Report of the Flood Policy Review Group (refer to section above). Its publication is also linked to the mandate set out in the FDW, which requires EU Member States to prepare flood risk management plans.
 - The Flood Risk Guidelines advocate a proactive approach to preventing flooding. This includes, for example, adopting general policies for protection, improving or restoring floodplains, and upgrading flood barriers.
 - Regarding flood zones and flood risk management, the Flood Risk Guidelines note that “the provision of flood protection measures in appropriate locations, such as in or adjacent to town centres, can significantly reduce flood risk” (OPW and DEHLG, 2009) and that “Minimising risk can be achieved through structural measures that block or restrict the pathways of floodwater” (OPW and DEHLG, 2009).

- The Water Framework Directive (WFD) Directive 2000/60/EC
 - The WFD focuses on ensuring good qualitative and quantitative health, i.e. on reducing and removing pollution and on ensuring that there is enough water to support wildlife at the same time as human needs.
 - Ireland is required to comply with four main obligations under the environmental objectives of Article 4 of WFD, namely to:
 - Prevent deterioration of the status of all bodies of surface water and groundwater.
 - Protect, enhance and restore all bodies of surface water and groundwater with the aim of achieving at least good status by the end of 2027 at the latest.
 - Protect and enhance all artificial and heavily modified bodies of water, with the aim of achieving at least good ecological potential and good surface water chemical status.
 - Achieve compliance with the standards and requirements for designated protected areas.
- Water Action Plan 2024 A River Basin Management Plan for Ireland
 - The Water Action Plan 2024 A River Basin Management Plan for Ireland (hereafter, the Water Action Plan 2024) prepared by the Government of Ireland sets out Ireland's approach to protect and restore its rivers, lakes, estuaries and coastal waters over the third cycle of the EU Water Framework Directive (WFD). The Plan builds upon the previous two cycles of River Basin Management Plans and signals to the international community, Ireland's commitment to implementing the United Nations Sustainable Development Goal 6 to improve water quality, protect and restore water-related ecosystems.
 - The Plan sets out the environmental improvements to be delivered during a river basin planning cycle. The plans contain water quality objectives and a programme of measures to achieve those objectives.

- Flooding, flood relief works and the need for protection against flooding are referenced within the RBMP. The increasing prevalence of flooding, due in part to climate change is acknowledged.
- Flood Risk Management: Climate Change Sectoral Adaptation Plan
 - The Ballina FRS, is identified as one of the schemes to be progressed in the first phase of the future capital programme's delivery.
 - The Climate Change SAP sets out 21 no. actions which shall ensure effective and sustainable management of flood risk in the future.
- The National Adaptation Framework 2024: Planning for a Climate Resilient Ireland
 - While providing limited guidance on flood relief schemes, the NAF acknowledges the increasing frequency and intensity of extreme weather events, including projected precipitation that may increase pluvial and fluvial flooding due to climate change and supports capital investment in flood adaptation measures. In this regard, investments in critical infrastructure, such as water management systems, are highlighted to ensure they can withstand severe flooding events. Furthermore, it notes the role of local authorities in developing and implementing local climate adaptation measures, focusing on flood-prone areas and strengthening infrastructure to better cope with increased rainfall. These actions aim to reduce vulnerabilities in terms of flood risk and align with broader national objectives for climate resilience.
- Guidelines on Protection of Fisheries During Construction works in and adjacent to Waters (Inland Fisheries Ireland, 2016)
 - These guidelines set out the main issues of concern in terms of construction impacts and their prevention. The set out inter alia requirements in relation to bridges and culverts and the need for such structures to allow for unhindered upstream and downstream movement of fish and aquatic life.

- Guidelines on the management of noxious weeds and non-native invasive plant species on national roads (National Roads Authority, Dec 2010)
 - Best practise guidance on precautionary measures to limit the spread of nonnative invasive plant species.

National Planning Framework Project Ireland 2040

The National Policy Position establishes the fundamental national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050. Flood relief measures are highlighted in Section 9 of the NPF. NPF Objective 57 emphasises the importance of flood relief works as part of the national agenda for climate adaption.

The Regional Spatial and Economic Strategy (RSES) for the Southern Region

Sets out a number of objectives for infrastructural investment in order to achieve the overall development objectives of the RSES, which are stated to be in line with the NPR and other national and EI objectives. RPO 9 sets out as an objective to ensure the delivery of infrastructure prioritises compact growth and sustainable mobility, and RPO 89 sets an objective to support measures to build resilience to climate change. RPO 113; 114; 115; 116, 117, and 118 set out specific policies on flood risk management and other planning/environmental objectives.

Climate and Low Carbon Development Act: the Climate and Low Carbon Development Act 2015 as amended (the Climate Act).

Section 15(1) of the 2015 Act (as substituted by section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021 (the “2021 Act”)) provides that:

“A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

- (a) the most recent approved climate action plan,*
- (b) the most recent approved national long term climate action strategy,*
- (c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- (d) the furtherance of the national climate objective, and*

(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.”

National Biodiversity Action Plan (NBAP) 2023-2030:

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss.

Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

The Mayo County Development Plan (CCDP) 2022-2028

The Mayo County Development Plan 2022 – 2028 (CDP) is the primary articulation of local statutory planning policy in the county. As such it provides guidance inter alia on the development of Ballina and the provision of flood relief defences.

Development of Ballina Town - The policies and objectives of the CDP support the growth and development of Ballina town, particularly the existing town centre, proximate to the River Moy. The CDP contains Settlement Strategy Policies (SSP), Settlement Strategy Objectives (SSO) and Economic Development Policies (EDP).

The Ballina Local Area Plan 2024-2030 (Ballina LAP) is now in effect and land use zonings are considered in the planning report submitted with the application. The proposed works cross lands with a variety of zoning designations in the CDP, inter alia, town centre, edge of town centre and existing residential. As the works do not substantively impact on the proposed uses of these sites, I do not consider that the specific zoning designations are relevant in assessing the proposed development.

A flood relief scheme is identified as part of the “medium / longer term vision” for the Town Core, Moy Quarter and Cathedral Quarter.

Flood Risk Management

The CDP outlines that flooding is the most common source of climate related impacts and loss around the country, with Ballina being a town at a high risk for flooding. The CDP aims to promote efficient flood risk practices in planning and development management and to deliver infrastructural provision which will reduce flood risk:

Policy INP 15

“To support the implementation of the recommendations in the Flood Risk Management Plans (FRMP’s), including planned investment measures for managing and reducing flood risk”.

Policy INP 16

“To support the implementation of recommendations in the CFRAM Programme to ensure that flood risk management policies and infrastructure are progressively implemented.”

Objective INO 21

“To assist the OPW in developing catchment-based Flood Risk Management Plans for rivers in County Mayo and have regard to their provisions/recommendations”.

Objective INO 23

“To ensure that where flood risk management works take place that natural heritage, cultural heritage, rivers, streams and watercourses are appropriately protected.”

Paragraph 7.4.6 ‘Draft Ballina Strategic Flood Risk Assessment’, paragraph 7.4.7 ‘Draft Ballina Local Transport Plan 2023’, paragraph 7.4.8 ‘Ballina Draft Public Realm Strategy’, paragraph 7.4.9 ‘Local Biodiversity Action Plan’ of the Planning Report submitted in support of the FRS indicates that the proposed scheme is in accordance with and in no way prejudicial to the implementation of these plans.

The Flood Risk Management Plan Moy and Killala Bay (2018), prepared by the OPW, sets out the strategy, including a set of proposed measures, for the cost-effective and sustainable, long-term management of flood risk in the River Basin,

including the areas where the flood risk has been determined as being potentially significant.

“For Ballina & Environs, it is proposed in the Plan that a flood relief scheme is progressed to project-level development and assessment, including environmental assessment as necessary and further public consultation, for refinement and preparation for planning / exhibition and, if and as appropriate, implementation.”

The subject FRS accords with this recommendation and an EIAR and Flood Risk Assessment have been prepared and are submitted as part of the planning consent documentation.

5.2. Legislative & Policy Context

Planning and Development Acts 2000 (as amended)

- 5.2.1. The process of acquisition of is set out within the Planning and Development Act 2000, as amended, whereby the functions of such acquisitions are a matter for the Board. As follows:
- 5.2.2. Under Section 213(2)(a) of Part XIV of the Planning and Development Act, 2000 (as amended), a local authority may, for the purposes of performing any of its functions (whether conferred by or under this Act, or any other enactment passed before or after the passing of this Act), including giving effect to or facilitating the implementation of its development plan, or housing strategy under section 94, do all or any of the following:
- (i) acquire land, permanently or temporarily, by agreement or compulsorily,
 - (ii) acquire, permanently or temporarily, by agreement or compulsorily, any easement, way-leave, water-right or other right over or in respect of any land or water or any substratum of land
 - (iii) restrict or otherwise interfere with, permanently or temporarily, by agreement or compulsorily, any easement, way-leave, water-right or other right over or in respect of any land or water or any substratum of land,
- and the performance of all or any of the functions referred to in *subparagraphs (i), (ii) and (iii)* are referred to in this Act as an “acquisition of land.”

- 5.2.3. Compulsory Purchase Orders are made pursuant to the powers conferred on the local authority by section 76 of the Housing Act, 1966, and the Third Schedule thereto, as extended by section 10 of the Local Government (No. 2) Act, 1960, (as substituted by section 86 of the Housing Act 1966), as amended by section 6 and the Second Schedule to the Roads Act, 1993, and as amended by the Planning and Development Act, 2000 (as amended). Orders are served on owners, lessees and occupiers in accordance with Article 4(b) of the Third Schedule to the Housing Act, 1966.
- 5.2.4. Section 214(1) of the Planning and Development Act 2000, as amended: relates to transfer of Minister's functions in relation to compulsory acquisition of land to the Board.

6.0 Assessment

6.1. Overview

- 6.1.1. For the Coimisiún to confirm the subject CPO, it must be satisfied that Mayo County Council has demonstrated that the CPO "is clearly justified by the common good". This requires the following minimum criteria to be satisfied:
- There is a community need that is to be met by the acquisition of the site in question,
 - The particular site is suitable to meet that community need,
 - Any alternative methods of meeting the community needs have been considered but are not demonstrably preferable,
 - The works to be carried out should accord with or at least not be in material contravention of the provisions of the statutory development plan, and
 - The extent of land-take should have due regard to the issue of proportionality.
- 6.1.2. I will therefore address each of the five criteria outlined above in turn below, together with the issue of proportionality and other issues arising from the submissions.

6.2. Community Need

- 6.2.1. The proposed flood relief scheme is being developed in response to the need for protection against flooding as referenced within the River Basin Management Plan (RBMP). The increasing prevalence of flooding, due in part to climate change is wholly acknowledged.
- 6.2.2. The main sources of flooding in Ballina are caused by the high fluvial (river) and tidal water levels in the River Moy and the inadequate conveyance capacities of the smaller stream channels including the associated culverts, combined with their limited discharge capacities into the River Moy during high water levels.
- 6.2.3. I note that there are five areas which are identified as susceptible to flooding in the town centre. The five areas are as follows:
- The right bank of the River Moy between the Salmon Weir and the Upper Bridge.
 - On the right bank between the Upper and Lower Bridges, with the cathedral and tourist information office.
 - Downstream of the Lower Bridge on the right bank, there is flooding of Clare Street.
 - On the left bank around Bachelors Walk, Arbuckle Row, Rope Walk, Moy Court and Ashpool.
 - On the left bank adjacent to the Salmon weir.
- 6.2.4. In addition to flood risk from the Moy a number of areas are at risk of flooding from tributaries of the River Moy including;
- Quignamanger Stream.
 - Bunree/Behy Road Stream.
 - Brusna River.
 - Tullyegan Stream.
- 6.2.5. The Office of Public Works (OPW), working in partnership with MCC and other local authorities completed the Western Catchment Flood Risk Assessment and Management (CFRAM) Study in 2018. The CFRAM Programme mapped the existing

and potential future flood hazards and flood risk in the areas at potentially significant risk from flooding. It focussed on 300 communities. The study included Ballina and its environs (ID no. 340534) as an Area for Further Assessment (AFA) and it identifies that a Flood Relief Scheme (FRS) would be viable and effective for the community. The CFRAM Programme led to the development of Flood Risk Management Plans (FRMP), including the Moy and Killala Bay FRMP (2018).

- 6.2.6. The property types within the scheme area were identified through the An Post Geodirectory database. Residential developments are concentrated throughout all sections of the scheme area, with clusters of commercial properties mainly concentrated in the town. There are a total of 6,865 properties within the population study area. 5,787 no. of these properties are residential, 516 no. are commercial, 373 no. properties are listed as both commercial and residential, and 189 no. property uses are unknown. The EIAR identifies 228 residential buildings are at risk of flooding during the design flood event (1% Fluvial and 0.5% Tidal), and 69 commercial properties are at risk. This, it is stated, is an increase of the number of affected properties identified in the National Catchment-based Flood Risk Assessment and Management (CFRAM) Programme due to the completion of updated Hydrological and Hydraulic Modelling for the scheme. Future climate change scenarios will also increase the number of properties at risk.
- 6.2.7. Overall I consider that it has been satisfactorily demonstrated that there is a community need, this I highlight has not been disputed by the objectors. The proposed scheme is strategic and will deliver flood protection to address an identified need in the CFRAMS Study.
- 6.2.8. The proposed scheme supports the growth of the town, making it a more attractive place for residents, workers and visitors and enhances the climate resilience of the town.
- 6.2.9. In conclusion, it is clear that there is an obvious community need and justification for the Proposed Scheme which has been clearly demonstrated from a population growth and climate resilient perspective and in the interests of land use and flood risk management perspective.

6.3. Suitability of Lands

6.3.1. The study area for the Proposed Scheme is located within the town where there is a mix of land uses and activities typical of a town of this size including residential, retail, commercial, social, community and recreation. Outside of the urban area agriculture is the predominant land use.

6.3.2. There are approximately 50 no. private landholdings directly affected by the Proposed Scheme. Lands affected include residential properties, commercial properties and lands owned by Irish Rail, the ESB, Uisce Éireann, Mayo County Council, the Western Health Board, the Northwestern Regional Fisheries Board. In addition, works will take place within the public domain on and within the riverbed and riverbanks across various landholdings. The CPO includes:

- Temporary Land take
 - Temporary acquisition of those lands required for construction compounds for the duration of construction only.
 - Temporary working areas along the project scheme where additional space is required for the duration of construction only to facilitate the construction of permanent infrastructure.
- Permanent Land take
 - Permanent acquisition associated with new FRS infrastructure, and which include land take and / or severance which is permanent.
 - Permanent wayleave over the footprint of the new FRS infrastructure to ensure access can be facilitated during operation and maintenance period.
 - Permanent right of way through lands to access permanent wayleaves during operation and maintenance period.
- No Land take.
 - Where works fall within private ownership but are confined to the public road, there is no requirement to acquire the lands. Works are undertaken; in accordance with Section 66(4) of the Local Government Act 2001.

6.3.3. For lands temporarily required for construction, the principal construction impacts will be interruptions to residential amenity while works are underway.

- 6.3.4. The temporary land take for the Proposed Scheme consists of the temporary working area of 5.3ha from 20no. landholdings. The Proposed Scheme will involve the permanent acquisition of land of approximately 0.85ha from 11 no. landholdings and the procurement of permanent wayleaves of approximately 2ha from 37 no. landholdings and rights of way of approximately 0.3ha from six no. landholdings.
- 6.3.5. RPS Consulting Engineers were engaged by Mayo County Council to identify landowners that would be impacted by the works area for this Scheme. As set out above there are five areas which are identified as susceptible to flooding in the town centre and 4 streams which are at risk of flooding.
- 6.3.6. The works proposed along the River Moy, Tullyegan Stream, Brusna River, Bunree/Behy Road Stream and Quignamanger Stream include hard defences consisting of flood walls and embankments. A detailed description of the proposed scheme is set out in section 2.0 of this report above and the planning assessment report 322329-25, on foot of which permission was granted on the 17/10/2025 by An Coimisiún Pleanála for the Flood Relief Scheme. The works are clearly being carried out in order to protect property identified as at risk of flooding.
- 6.3.7. The objection by Marie Lavelle, Foxford Road, Ballina is noted in relation to CPO Plot T75-03, all objections are summarised in Appendix 1 of this report. With respect to suitability of the lands, I note that her submission raises the following concerns, inter-alia:
- Submission states that there is a lack of clarity, in terms of infrastructure, fencing, access etc. No date has been provided for the proposed works or phasing schedule.
 - Lack of clarity of what exactly the proposed right of way (RoW) is to be used for.
 - The choice of the site and poor location of the Right of way (T75-03), hugely restricts the future use of the site.
 - The Right of way is not actually needed, it is excessive, and a less intrusive route could be used. The land is not suitable for the intended purpose. The ground is uneven with a considerable variation in its topography and levels from the front to the rear of the site.

- The hap hazard location of the proposed permanent right of way, running the length of the site, leaves it unsuitable in terms of future development and permanently disconnects the site from the host dwelling.
- Concern entrance would create a traffic hazard.

6.3.8. I accept that there will be an impact on the enjoyment of existing residential property from the acquisition of wayleaves, permanent Rights of Way and temporary working areas, required to facilitate construction of the Ballina Flood Relief Scheme. I note it is indicated that every effort will be made to ensure this is minimised, including but not limited to; proportionality, location, existing use, restriction of working hours, control of noise levels permitted, machinery type used and overall construction techniques to be employed. Mayo County Council is committed to further liaison with all impacted landowners during the design phase (Stage 3).

6.3.9. I am of the opinion it has been demonstrated that the Flood Relief Scheme will bring long – term benefits to the wider community and to all the property impacted and subject to CPO. The inclusion of proposed flood relief works on the Tullyegan Watercourse is designed exclusively to protect four residential properties. I note and have no concern with respect to new gated construction and emergency access points proposed to be provided from the N26 and L1122 roads. Cognisance is had to the distance of the permanent wayleave proposed via Plot T75-03. I note Mayo County Council are open to further discussion and liaison with the property owner.

6.3.10. Post construction inspection and maintenance will require access from both sides (banks) of the Tullyegan watercourse. Mayo County Council undertakes to liaise with the property owners to agree the finish details, ensuring that all final design details and treatments are sympathetic to the existing character of their property. Access and wayleaves for maintenance purposes are a necessary consequence and on balance I find no significant or material reason to deny the CPO application as proposed.

6.3.11. The deposit map booklet identifies all lands that are being acquired on both a permanent and temporary basis and identifies lands on which public and private rights of ways will be altered or interfered with. Submissions received in relation to

rights of way generally relate to concern of impact upon residential amenity, security issues, accessibility and hazard. I note that planning issues have been addressed in the planning application 322329-25 which accompanies the CPO application, which was granted planning permission by An Coimisiún Pleanála on the 17th October 2025. It is my opinion that the CPO test of suitability of the lands for the purpose of the Scheme is acceptable.

- 6.3.12. Overall given the location, current use of lands and the minimal additional lands to be acquired, some on a right of way or wayleave basis I am satisfied that the lands to be acquired are suitable for such use.

6.4. Compliance with Development Plans

- 6.4.1. I highlight the legislation and policy context set out above in section 5.0 of this report. It is noteworthy that CAP 2015, as amended and the NPF notes the need to respond to climate change and its impacts. In particular, I note that the NPF sets out “(...) such as sea level change, more frequent and sustained rainfall events and greater vulnerability of low-lying areas to flooding.” Flooding is recognised as a cross-sectoral issue that can affect all aspects of life.
- 6.4.2. NSO9 of the NPF is relevant to flood management because it focuses on the need for investment in water services infrastructure. This strategic outcome particularly recognises the challenges posed by climate change, which is expected to alter water levels in waterbodies such as rivers and lakes. These changes may result in more severe and frequent flooding. Therefore, NSO9 stresses the importance of considering these potential impacts when planning water services and developing strategies to enhance flood resilience. It is highlighted that this approach will ensure that future water infrastructure can cope with the increasing risk of flooding, aiding in effective flood relief measures.
- 6.4.3. The CAP25 notes that Ireland has experienced first-hand the consequences of climate change. Noting that these changes will cause direct and indirect harm to communities, including predicted impacts arising from coastal, groundwater, and river flooding, which will require action.
- 6.4.4. The Western Catchment Flood Risk Assessment and Management (CFRAM) Study 2018 led to the development of Flood Risk Management Plans (FRMP), including the

Moy and Killala Bay FRMP (2018). The Flood Risk Management Plan Moy & Killala Bay sets out potentially viable flood relief methods, from which a potentially viable flood risk management measure for the AFA as a whole can be developed.

- 6.4.5. The Flood Risk Management: Climate Change Sectoral Adaptation Plan, identifies the Ballina FRS, as one of the schemes to be progressed in the first phase of the future capital programme's delivery.
- 6.4.6. The policies and objectives of the MCCC DP support the growth and development of Ballina town, particularly the existing town centre, proximate to the River Moy. Policy SSP2 of the settlement strategy states: "Support the continued growth and sustainable development of Ballina, Castlebar and Westport, as designated Tier I towns (Key Towns and Strategic Growth Town) in the Settlement Strategy, capitalising on Ballina's designation as a Key Town in the context of the Sligo Regional Growth Centre and Castlebar/Westport as a linked growth driver in the region."
- 6.4.7. A flood relief scheme is identified as part of the "medium / longer term vision" for the Town Core, Moy Quarter and Cathedral Quarter in the Ballina LAP 2024 – 2030. The Proposed Scheme directly addresses the stated vision for the town core and reduces flood risk. The proposed scheme supports the growth of the town, making it a more attractive place for residents, workers and visitors and enhances the climate resilience of the town.
- 6.4.8. I consider that the Ballina LAP notes the background to the subject FRS and that the FRS is now being progressed. Chapter 10 Infrastructure and Environmental Services, Section 10.4 Flood Risk Management outlines specific planning development management standards for development where there is an identified or potential flood risk and outlines the progress being made in the bringing forward of the Ballina Flood Relief Scheme. This Chapter also includes Objectives IESO 3, which states:
- 6.4.9. "It is an objective of the Council to:
 - a) Manage flood risk in accordance with the requirements of "The Planning System and Flood Risk Management Guidelines for Planning Authorities", DECLG and OPW (2009) and any revisions thereof and consider the potential impacts of climate change in the application of these guidelines.

c) Minimise flood risk arising from pluvial (surface water) flooding in Ballina by promoting the use of natural flood risk management measures including sustainable drainage systems (SuDS), minimising extent of hard surface/paving, and smart solutions such as innovative green infrastructure.

f) The LAP supports the on-going design, planning and implementation of the Ballina Flood Relief Scheme”.

6.4.10. The Proposed Scheme will implement flood relief measures that address current and anticipated flooding events in Ballina, derived from the River Moy and its’ tributaries. Thus, the Proposed Scheme will protect Ballina and its communities from flood risks and deliver flood risk infrastructure to adapt to climate change and manage increased flooding risks due to increased rainfall events caused by changing climate patterns, thus aligning with the provisions and vision in NSO9 of the NPF, the Flood Risk Management Guidelines, the Mayo County Development Plan and the Ballina LAP 2024 – 2030.

6.4.11. I am satisfied that the proposal is justified and in accordance with environmental policy and the Ballina LAP 2024 – 2030 and is plan led. It aims to protect vulnerable urban areas from flooding, subject to the works being undertaken with full regard to other policy and statutory requirements, in particular with regard to the Water Framework Directive and the Habitats Directive.

6.5. Use of Alternative Methods

6.5.1. It is contended in the objections submitted that alternative broader processes to address rural land reclamation, ground infilling and agricultural drainage have not been explored.

6.5.2. The Assessment of Alternatives was analysed in Chapter 4 of the EIAR. The EIAR describes those reasonable alternatives that have been studied. The Alternatives considered related to The Do-Nothing Alternative, Do Minimum, Alternative Design, Alternative Locations, and Alternative Layouts. I note that alternative broader processes to address rural land reclamation was not considered and I believe that, as stated above, reasonable alternatives have been considered. The purpose of this CPO assessment is to assess the scheme as proposed. An assessment of an

alternative scheme as proposed by the objector is outside the remit of this assessment.

- 6.5.3. It concluded that the Do-Nothing Alternative was considered but discounted on the basis that the 'Do Nothing' scenario is an inappropriate alternative as it could mean the failure of the existing levels of protection and thus does not meet current or future acceptable levels of flood protection and is thus not a sustainable alternative.
- 6.5.4. Options were selected based on achieving the Target SoP for protecting the areas at flood risk within the community of Ballina i.e., 1% of the AEP for fluvial areas and 0.5% of the AEP for coastal areas option development. Potential options for inclusion in the Proposed Scheme are provided in Table 4-2 of the EIAR – Potential Design Options. Five Options were considered. A Multi-Criteria Analysis (MCA) and Cost-Benefit Analysis (CBA), which considers technical, social, economic and environmental criteria was used to compare the options.
- 6.5.5. The Knockanelo Stream is to be progressed separately following consideration of assessment of alternatives. Nature-based Catchment Management solutions (NbCM) were considered.
- 6.5.6. The adaptability of the Proposed Scheme to predicted climate change scenarios has been assessed as part of the hydrology report, options report and Climate Change Action Plan (CCAP).
- 6.5.7. Construction compound locations were strategically identified across the Proposed Scheme based on proximity to the proposed works. Priority was given to disturbed areas owned by MCC. Private lands on which access is likely to be granted were also considered. The locations (Figure 5-2 in Chapter 5: Project Description) are as follows:
- Ballina Diaries site and adjacent boat club site.
 - MCC lands on Barrett Street.
 - Sites owned by Bourke Builders located on:
 - Ridgepool Road.
 - Behy Road.
 - Bonniconlon Road
- 6.5.8. Alternative layouts for each of the scheme's sections evolved over a design process that included input from environmental experts, as well as contributions from

stakeholders and feedback from public consultations. Options were considered for the undertaking of the works on both sides of the river including the use of cofferdams (sheet piling, sandbags) as well as the installation of causeways or ramp to allow access to the construction areas. Based on initial noise and vibration assessments undertaken as part of the EIAR, it was concluded that sheet piling will result in unacceptable noise and vibration impacts on residents. Piling was also rejected due to the likely presence of shallow bedrock. In light of the removal of sheet piling from the design, the requirement for a hydroacoustic assessment for the Proposed Scheme was removed.

6.5.9. A ramp is to be constructed along the banks of the river from the IFI building in order to gain access to the area in front of the warehouse and apartments located immediately upstream of the IFI building. This will allow for flood walls to be constructed in this area and connect to the existing defences at the Ballina Arts Centre.

6.5.10. I consider that the EIAR contains a description of reasonable alternatives, which is thorough, and which includes decisions being made on a strategic and specific site selection process. I consider that the legislative requirement to provide information relating to the reasonable alternatives which were considered, has been met.

6.6. Proportionality

6.6.1. Three objectors (Bernie Cumiskey, Padraig and Adrienne Jones and Stephen and Mary Hunt) contend that the extent of area required (adjacent to the Tullyegan watercourse) is excessive and exorbitant relative to the identified flood design levels, including freeboard, the existing flood prevention measures and the associated works intended as part of the flood relief scheme in the Behybaun and Foxford Road area, including a flood wall measuring 0.86m in depth along the northern boundary of the property - subsurface works are noted but, it is contended, that these do not necessitate the permanent loss of property.

6.6.2. I am satisfied that the process and procedures undertaken by the MCC have been fair and reasonable, that the MCC has carried out hydraulic modelling and analysis and has demonstrated the need for the lands and that all the lands being acquired

are both necessary and suitable to facilitate the construction and maintenance of the Ballina Flood Relief Scheme. I note that the flood scheme design is based on best practice and the best available information for an ungauged catchment at the point of design. As with all flood relief schemes, provision of freeboard is mandatory to allow for the inherent inaccuracy in some of the information collated. The scheme design must (and has in this case), take into consideration the likely impacts of Climate Change and in this regard, Ballina Flood Relief Scheme has included for year 1 Climate adaptation. The scheme design is such that maintenance checks will have a low frequency and the probability of necessitated remediation works is very low if not unlikely. I highlight that the Planning Authority is of the opinion that the existing boundary wall at the northern end of the property (adjacent to the Tullyegan watercourse) does not constitute a flood defence. Out of bank flooding from the Tullyegan occurs during the 20% AEP fluvial event. Therefore, the proposed new flood wall is necessary to protect property at risk from flooding at this location from the Tullyegan River.

- 6.6.3. Having regard to the constitutional and convention protection afforded to property rights, I consider that the permanent acquisition of lands, the temporary acquisition of lands, the acquisition of private rights, the permanent restriction of/ interference with private rights, and the temporary restriction of/ interference with private rights as set out in the compulsory purchase order and on the deposited maps pursues, and is rationally connected to, a legitimate objective in the public interest, namely Flood Relief. In the absence of the Proposed Scheme, the current hydrological regime within the study area would not be expected to change significantly. Flooding would continue to occur at present day locations and would likely extend to other locations due to climate change and increased catchment urbanisation.
- 6.6.4. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective, impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in submissions to the Board, and I am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.

6.6.5. The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed permanent acquisition of lands, the temporary acquisition of lands, the permanent acquisition of private rights, and the temporary restriction of/ interference with private rights as set out in the compulsory purchase order and on the deposited maps would be consistent with the policies and objectives of the Ballina Local Area Plan (LAP) 2024-2030 and the Mayo County Development Plan (CCDP) 2022-2028. Accordingly, I am satisfied that the confirmation of the CPO is clearly justified by the exigencies of the common good.

6.7. CPO Issues common to three Objectors

Marie Lavelle, submission lodged in relation to CPO Plot T75-03. Pdraig & Adrienne Jones, submission in relation to CPO of plot ref No.'s T72-01, T72-02, T72-03 and Stephen & Mary Hunt, submission made in relation to CPO Plot references T71-01, T71-02, T71-03.

6.7.1. Concerns were raised in relation to a number of common issues which I will group together and examine hereunder. It is important for the Coimisiún to note, as mentioned above, concerns relating to planning matters are dealt with within the EIAR and have been examined within the planning application report for this scheme ref: ABP-322329-25, and as such this report should be read in conjunction with the aforementioned planning application report for the Proposed Scheme.

Concern that the flood relief scheme (FRS) and the CPO application were not submitted simultaneously.

With regard to the staggering of the Planning consent application and the CPO application, I note the confirmation by MCC that:

- There was no intent on the part of Mayo County Council to cause any confusion. The staggering of these applications was not done by design but rather it arose from a resourcing matter on the part of the Local Authority. Both the CPO and Planning Consent application public notices are clearly placed, are very informative in their detail and conform to all statutory requirements.

I consider this response by MCC acceptable and reasonable. I can confirm that both the planning application and the CPO application have been considered and reported upon by myself, therefore having the same Inspector. There are many practical reasons including the practicalities of delivering the scheme and the efficient use of the decision maker's resources, as to why it is appropriate to deal with the planning application made under Section 175 and Section 177(AE) of the Planning and Development Act, 2000, as amended, and the related application for confirmation of the CPO at the same time or closely following one another, case in point, as they are codependent.

Impact upon residential Amenity

With respect to issues raised in respect of impact upon residential amenity. I note engagement between the applicant and affected property owners. I note that the works are finite and will be completed within a 36 month timeframe. I also note that the Local authority undertakes to:

- Fence and screen off the site working area to minimise negative impacts during the works.
- The Local Authority will ensure the works are programmed to efficiently execute the construction stage, thus minimising the duration of impact to the residents.
- Temporary Works areas are only applicable during construction works and will be integrated back into the overall residential property site post construction.
- The Permanent Wayleave areas are necessary for construction and maintenance and are designed to minimise land area impacted. This is directly applicable to Whitestream House and concerns raised by Padraig and Adrienne Jones.
- The scheme design is such that maintenance checks will have a low frequency and the probability of necessitated remediation works is very low if not unlikely.
- Mayo County Council undertakes to liaise with the property owner to agree the finish details, ensuring that all final design details and treatments are sympathetic to the existing character of the property.

I consider the response acceptable and reasonable and I consider on balance the objections raised are not of such significant that the CPO should be amended or refused. It is clear that the LA has engaged with the landowners at Bahybaun, Foxford Road, Ballina and has amended the initial proposal to reflect concerns raised, in particular the owners of Whitestream House. It is acknowledged that there will be some impact on the residential amenity but, every effort will be made to ensure this is minimised, including but not limited to; restriction of working hours, control of noise levels permitted, machinery type used and overall construction techniques to be employed.

That the planting of trees/shrubs at Rehins Fort is intended to obstruct the potential to utilise this area as a location for temporary or permanent works areas.

I note that MCC rejects the assertion that:

- The planting of trees/shrubs at Rehins Fort is intended to obstruct the potential to utilise this area as a location for temporary or permanent works areas. To propose Rehins Fort as a suitable location for temporary or permanent works areas is to ignore the non-practicality of having the temporary works area remote from the construction siteworks. It also overlooks the safety issues that would be generated in traversing the very busy N26 (National Primary) route multiple times per day.

I consider this response justifiable, acceptable and reasonable.

- 6.7.2. Many of the issues raised, see Appendices, have been addressed above, under Development Plan policy, land suitability, use of alternative methods and proportionality.
- 6.7.3. I have reviewed and examined the submitted folio maps, drawings, and information in relation to temporary loss of some garden/private amenity space area during construction works and traffic hazard concern raised. I have carried out a site visit. I note the second objection submitted by Padraig and Adrienne Jones, see Appendix 2, of this report. Issues are raised with respect to security, concern of impact upon residential amenity, lack of clarity of drawings, lack of communication to date with the Local Authority, querying compensation and valuation and environmental impact assessments carried out.

6.7.4. As stated throughout this report concern with respect to drainage issues, environmental impacts, impact upon Natura Sites and devaluation of property, have been assessed in the planning assessment, ACP-322329-25, on foot of which permission was granted on the 17/10/2025 by An Coimisiún Pleanála for the Flood Relief Scheme. The concern of devaluation and compensation will be dealt with by way of arbitration. I am satisfied that the information submitted is clear and satisfactory for the purpose of the CPO. That impact of construction is finite and construction and operational phases will not have a material or significant negative effect on residential amenity, create a security or traffic hazard and will not adversely affect (either directly or indirectly) the integrity of any Natura 2000 sites during the construction or operational phases, (see planning report ACP-322329-25). This flood relief scheme will bring long term benefits to the properties at Bahybaun, Foxford Road, Ballina and the Local Authority is committed to working with affected property owners to ensure works are completed in an optimal manner.

Individual Submissions

Bernie Cumiskey, The Rocks Behybawn, Ballina, F26 VE22

- 6.7.5. The objection by Bernie Cumiskey states that the CPO references related to plot list's T74-01, T74-02 and T74-03 addressed to 'an unknown landowner / reputed landowner / plot occupier, form part of my residence'. It goes on to state 'the LA is seeking permanent wayleaves (ref. T70-03 & T74-01) temporary working areas (refs T74-03 & T70-01) and a permanent right of way (ref. T74-02) amounting to a total of 1,253 sq. m of my residential property.'
- 6.7.6. MCC has responded to the objection identified as 'Submission by Bernard Cumiskey (The Rocks, Behybaun, Ballina, Co. Mayo)'. 'Plot References: T70-01, T70-03, T74-01, T74-02, T74-03.'
- 6.7.7. I note that MCC sent a copy of the CPO Order including schedule and map, relating to Plot Ref.'s T70-03 and T70-01 to 'Bernard Cumiskey and Margaret Cumiskey, The Rocks, Behybaun, Ballina F26 VE22. A copy of the CPO Order, including schedule and Maps relating to Plot references T74-01, T74-02 and T74-03 were sent to 'Landowner/ Reputed Landowner and / or Occupier'. A copy of the CPO order and

Maps relating to Plot reference No.'s T71-01, T71-02 and T71-03 were sent to Mary Hunt and Stephen Hunt.

- 6.7.8. I note that Plot T74 'Landowner/ Reputed Landowner and / or Occupier' runs along the railway line next to Plot T70 identified as the property of Bernard and Margaret Cumiskey, The Rocks, Behybaun, Ballina, County Mayo. And from my assessment Bernie Cumiskey, the objector, is aka, Bernard Cumiskey having the same Eircode F26 VE22.
- 6.7.9. Concern that the CPO references (refs.) plot list's T74-01, T74-02 and T74-03 form part of Bernie Cumiskey's residence, are addressed to an unknown landowner / reputed landowner / plot occupier is noted. It is noted that the lands run along the railway line next to lands identified in the name of Bernard Cumiskey. I consider that issues of ownership and arbitration are civil matters, there is no dispute from MCC to the submission by Bernie Cumiskey. I consider the schedule and maps submitted to be accurate, informative and sufficient for a reasoned decision to be made in the subject CPO case.
- 6.7.10. MCC submits that the objective of discussion and pre CPO process is to open a discussion with the impacted landowner(s), with a view to reaching an agreement on the acquisition of Wayleaves, Right-of-Way and Temporary Working areas, required to facilitate construction of the Ballina Flood Relief Scheme.
- 6.7.11. It is submitted in the response to the objection that:
- The original proposed Right-of-Way over the existing driveway will not form part of any land agreement for Bernard Cumiskey's site. As per MCC discussions and a revised map that was issued to the landowner (copy attached to the response), an alternative Right-of-Way at the western side of the site is now proposed, adjacent to the Irish Rail property.
 - In order to minimise the loss of residential garden space during the construction works, MCC are proposing to remove the Temporary Working area previously shown within the rear garden area and instead to re-designate a Temporary Working area within the vacant site/plot adjoining/to the west of your residential property.

- There will be some impact on the residential amenity currently enjoyed but, every effort will be made to ensure this is minimised, including but not limited to; restriction of working hours, control of noise levels permitted, machinery type used and overall construction techniques to be employed. The construction site (including temporary working areas, wayleaves and the right-of-way) will be securely fenced off from residential property for the entirety of the construction period. This will provide for safety and security.

It is clear that discussion and meetings have taken place with Bernard / Bernie Cumiskey. MCC accepts that there will be an impact on the enjoyment of the residential property at this location, including temporary loss of some garden / private amenity space during construction works but this impact will be finite and on balance I consider the short-term impact, acceptable and reasonable. I note that the existing wall is not a flood wall and that the final design of the flood defence wall will be delivered during stage 3 phase, as is normal practice. The Local Authority has indicated every effort will be made to ensure liaison and consultation with affected landowners will be carried out and that impact upon residential amenity will be minimised. There will be no visual or landscape impact from the flood wall.

Ultimately, this flood relief scheme will bring long-term benefits to the property and the Local Authority has given assurance that they will work with affected property owners to ensure that the works are completed in an optimal and agreeable manner.

John Raferty & Nicola Moylett, in relation to CPO plot references BU35a & BU35b.

Two submissions noted. In response to the submission with respect to query the necessity to acquire lands. Concern that there is insufficient detail on how boundary wall, services and access will be affected to the property during and after construction. Concern of impact upon future development potential of the site. And that there are no details of how property owners will be indemnified against any claims arising from the works.

6.7.12. MCC's response, in-alia, states:

- The proposed new culvert replaces the existing substandard culvert along its alignment, which is also the alignment of the original open stream. Due to the conveyance capacity requirements of the proposed new culvert, it would be both impractical and spatially challenging to construct this new culvert along the existing public road (Behy Road). It would also be in conflict with existing utilities (water, sewer, telecoms) in Behy road.
- All boundary treatment details will be addressed in Stage 3 (design stage), post planning consent. The Local Authority will liaise with the landowners during this stage (process).
- Details on any temporary service alterations during the construction stage will be addressed and agreed with all impacted parties pre-construction. It is not intended to permanently alter services to the property at Behy Road post construction. The Local Authority will liaise with the landowners during this stage (process).
- Details on any temporary alterations to the property access at Behy Road during the construction stage will be addressed and agreed with all impacted parties pre-construction. It is not intended to permanently alter access to the property at Behy Road post construction. The Local Authority will liaise with the landowners during this stage (process).
- The extent of wayleave shown in plots BU35a and BU35b is the minimum necessary to facilitate construction and maintenance of the flood defence infrastructure over the lifetime of the scheme. Any loss in property value arising will be addressed by way of compensation, agreed through the valuation process.
- The flood scheme constitutes public infrastructure which will fall under the remit of Mayo County Council and will therefore attain all the normal public bodies insurance cover and indemnity.

6.7.13. I note the objectors second submission considers that albeit some of their concerns have been resolved, concerns remain with respect to finalised drawings, of how boundary wall and entrance will be affected and what precisely is proposed.

- 6.7.14. The Local Authority, being a competent authority, and has given assurance that cooperation and liaison with John Rafferty and Nicola Moylett will be carried out at the construction phase. There will be some impact on the residential amenity currently enjoyed during the construction phase but this is finite. The flood relief scheme will bring long term benefits to this property and the wider area. The property owners will be compensated and the boundary and entrance will be replaced to the satisfaction of the property owners. The existing access arrangements will not be permanently altered. I note the accompanying documents to the CPO. Mayo County Council has sent notice to John Rafferty and Nicola Moylett has furnished CPO maps, CPO and schedule thereto dated 15th July 2025, newspaper notices and a copy of the notice sent to the landowner is on file. I consider that sufficient information is contained on file for a decision to be made. The purpose of the CPO is to facilitate the undertaking of the Ballina Flood Relief Scheme which includes at this location, the construction of new flood walls, cutting, pruning, bankside maintenance and other works.
- 6.7.15. There will be no visual or landscape impact from the flood works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Assessment (NIS) has been carried out for the scheme, and regard is had to the planning and environmental assessment carried out for ACP-322329-25, on foot of which permission was granted on the 17/10/2025 by An Coimisiún Pleanála for the Flood Relief Scheme.
- 6.7.16. Given the foregoing, I consider the proposed CPO works at this location are acceptable and reasonable.

Michael Doherty, submission lodged in relation to CPO plots URM1-01, URM1-02 @ The Boatyard / Boat Club, Bachelors Walk, see Appendix 1 for summary of Objection.

- 6.7.17. MCC's response states that:

- Mayo County Council accepts that there will be an impact on the property comprising Ballina Boat Club, including temporary loss of use of the area by members of the boat club, during construction works.

- Consultation meetings have taken place with members of Ballina Boat Club and MCC on site.
- Subject to confirmation of the CPO, Mayo County Council will serve Notice of Entry and Notice to Treat. The Local Authority will liaise with Ballina Boat Club to agree the relocation of their operations including boats and all ancillary equipment to a new temporary site. Once relocation of the Boat Club operations to a new temporary site is complete, the current site will be utilised to construct the new flood defence wall, including all associated infrastructure and it will be utilised as part of a larger compound for the flood scheme works.
- A new slipway access from Ballina Boat Club to the River Moy estuary will be constructed as part of the Ballina Flood Relief Scheme work, to be located at the same point of the current Slipway. (I note it is submitted that this information was provided as part of a briefing to Ballina Boat Club members, during the on-site presentation of 24th July 2025)
- In relation to the provision of information to Michael Doherty, following his visit to Ballina Civic Offices, he was referred to Michael O'Grady at the Flood Risk Management Section of Mayo County Council and given information on the proposed FRS.
- Access to lands comprising plots URM1-01 and URM1-02 during construction works will be limited to personnel directly involved in the construction and delivery of Ballina Flood Relief Scheme.

6.7.18. I consider the response adequately responds to concerns raised by Michael Doherty and is acceptable and reasonable. The Local Authority, being a competent authority, aims to ensure that the works are completed in an optimal manner. I believe that sufficient consultation was afforded to the objector Michael Doherty. Again, I reiterate this flood relief scheme will bring long-term benefits to property incl. the Boat Club property and wider area. The works are plan-led, necessary and proportionate. Use of all temporary works areas will be finite and returned to their original use upon completion of construction works.

7.0 Conclusion

- 7.1. I have examined all of the issues raised within the submissions received and those received in response to MCC's response. I am satisfied that the proposed extent of land acquisition is reasonable and proportional to the stated purpose of the Proposed Scheme. I am also satisfied that the process and procedures undertaken by the applicant have been fair and reasonable and it has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable. I consider that the proposed acquisition of the lands would be justified by the exigencies of the common good and would be consistent with national, regional and county level planning policies and objectives.
- 7.2. I am satisfied that:
- the process and procedures undertaken by the Mayo County Council have been fair and reasonable,
 - that Mayo County Council has demonstrated the need for the lands, and
 - all the lands being acquired are both necessary and suitable to facilitate the provision of the Flood Relief Scheme.
- 7.3. Having regard to the constitutional and convention protection afforded to property rights, I consider that the acquisition of lands as set out in the compulsory purchase order and on the deposited maps as follows, pursues and is rationally connected to, a legitimate objective in the public interest, namely the provision of a Flood Relief Scheme to protect Ballina residents from serious flooding events and to preserve Ballina and its hinterland as an attractive location for development.
- 7.4. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in submissions to the Board, and I am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.
- 7.5. The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. This flood relief scheme will bring long term benefits to the

properties affected and to the wider area. I am further satisfied that the proposed acquisition of these lands on a permanent and temporary basis, restriction, acquisition, and interference of rights of way would be consistent with the policies and objectives of the Ballina Local Area Plan 2024 – 2030 and to the Mayo County Development Plan 2022 – 2028 in which the delivery of the proposed Flood Relief is an objective. Accordingly, I am satisfied that that the confirmation of the CPO is clearly justified by the exigencies of the common good.

8.0 Recommendation

I recommend that the Board confirm the Compulsory Purchase Order submitted to the Board on the 16th day of July 2025, based on the reasons and considerations set out below.

9.0 Reasons and Considerations

Having considered the objections made to the Compulsory Purchase Order, and not withdrawn, the report and recommendation of the Inspector, the purpose for which the lands are to be acquired as set out in the Compulsory Purchase Order, and having regard to the following:

- (a) the constitutional and convention protection afforded to property rights,
- (b) the need for a FRS to protect Ballina residents from serious flooding events and to preserve Ballina as an attractive town for development,
- (c) the community need, and public interest served and overall benefits, including benefits to approximately 370 residential and 101 commercial receptors who may potentially be affected by flooding within the River Moy catchment,
- (d) the design response, which has been appropriately tailored to the identified need,
- (e) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the Ballina Flood relief Scheme,
- (f) The policies and objectives of the Mayo County Development Plan 2022 – 2028 and the Ballina Local Area Plan 2024 – 2030,

(g) The submissions made to the Board,

it is considered that, the acquisition by Mayo County Council of the lands in question, and acquisition of wayleaves, private Rights-of-Way on a temporary and permanent basis and temporary working areas, as set out in the compulsory purchase order and on the deposited maps, is necessary for the purpose stated, which is a legitimate objective being pursued in the public interest, and that the CPO and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

In reaching this conclusion, the Board agrees with and adopts the analysis contained in the Inspector's report.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fiona Fair
Senior Planning Inspector

12th November 2025

Appendix 1 – Third Party Objections

1. Bernie Cumiskey

- Submission in relation to plot list T74-01, T74-02 and T74-03
- Concern that the CPO references (refs.) which form part of her residence, are addressed to an unknown landowner / reputed landowner / plot occupier.
- Impact upon 1,253 sq. m of residential property.
- Concern of loss of private amenity space, loss of privacy and change to appearance of property.
- There is an existing flood wall running along the northern boundary of the property, the proposal to duplicate this is unnecessary.
- Unclear on how property would be treated in respect of landscaping, boundaries and services and why property is to be acquired.
- Concern that the flood relief scheme (FRS) and the CPO application were not submitted simultaneously.
- Recognise the wider societal benefit of the FRS.
- Sufficient justification of acquiring property temporarily and permanently is not provided.
- The extent of area required is excessive and alternatives are not adequately considered.
- The extent of area required is excessive and exorbitant relative to the identified flood design levels, including freeboard, the existing flood prevention measures and the associated works intended as part of the flood relief scheme in this area, including a flood wall measuring 0.86m in depth along the northern boundary of the property - subsurface works are noted but these do not necessitate the permanent loss of property.
- There is more convenient maintenance access to the river channel along the north of the property that are either vacant or undeveloped.
- Alternative broader processes to address rural land reclamation, ground infilling and agricultural drainage have not been explored.

- Request that an Oral Hearing is held.

2. John Rafferty & Nicola Moylett

- Submission relates to CPO plot references BU35a & BU35b.
- Query the necessity to acquire lands.
- No detail on how boundary wall will be affected.
- No detail on how services and access will be maintained to the property during and after construction.
- No regard for future development of the site.
- No details of how property owners will be indemnified against any claims arising from the works.

3. Marie Lavelle

- Submission lodged in relation to CPO Plot T75-03.
- Submission states that there is a lack of clarity, in terms of infrastructure, fencing, access etc. No date has been provided for the proposed works or phasing schedule.
- Lack of clarity of what exactly the proposed right of way (RoW) is to be used for.
- Lack of alternatives to proposed ROW considered. There are two derelict houses which present a great opportunity for the local authority to also CPO, develop in tandem with the works subject of this current CPO. The house directly beside the stream (indicted as D1), it is proposed it will have permanent wayleave along the side of the house, right at the stream boundary. It makes more sense to have access here. The two derelict houses (D1 & D2) have not been occupied in decades. House D1 has had its gardens cleared in light of this application which should aid the viability of access now across the site.
- The CPO was issued without any notification or consultation with the landowner.

- Object to the CPO as it doesn't align with existing planning policies, and the chosen route is not the most suitable.
- The choice of the site and poor location of the Right of way (T75-03), hugely restricts the future use of the site.
- The Right of way is not actually needed, it is excessive, and a less intrusive route could be used. The land is not suitable for the intended purpose. The ground is uneven with a considerable variation in its topography and levels from the front to the rear of the site.
- The hap hazard location of the proposed permanent right of way, running the length of the site, leaves it unsuitable in terms of future development and permanently disconnects the site from the host dwelling.
- Concern entrance would create a traffic hazard. Unclear whether the entrance would be a pedestrian entrance or a vehicular entrance.
- Query the necessity for a RSA
- Concern of issues of security over the creation of a laneway to the rear of the property.
- Concern of devaluation of property.
- Concern of drainage and Impact Upon Natura Sites.
- The submission concludes with a request that the CPO be lifted from the Plot T75-03 site and that the permanent right of way be accommodated elsewhere. That the owner, Marie Lavelle, be provided with a full set of drawings outlining proposals for the site in terms of infrastructure etc.
- While it is acknowledged that the flood works are necessary to this piece of stream. The landowner could agree to an arrangement where the lands are temporarily utilised to facilitate the works. Permanent occupation is unnecessary.

4. Michael Doherty

- Submission lodged in relation to CPO plots URM1-01, URM1-02 @ The Boatyard / Boat Club, Bachelors Walk.

- Concern of impact upon use of a shed at the Boatyard and access thereto during construction and subsequently upon operation of the project.
- Concern of impact upon access and egress to the objectors shed and access for his boat to the river while works are being carried out.
- Concern of impact upon slipway within the property and continued use of same.
- The objector has been using the shed in the Boatyard for some 22 years and believes he is entitled to use the shed as of right and may make an application to become the owner of it by way of long possession.

5. Padraig & Adrienne Jones

- Object to CPO of plot ref No.'s 172-01, 172-02, 172-03
- The Local Authority is seeking permanent wayleaves (refs. T72-03) and temporary working areas (refs. T72-01 & T72-02) amounting to a total of 1,457sq.m of the residential property.
- Concern of negative impacts on residential amenity and privacy during construction works.
- Concern of loss of usable rear garden area and removal of trees.
- Concern future landscaping, boundaries and services are unclear.
- Concern its unjustified and no rationale for stepping the flood relief wall 17m south of the river channel.
- Concern alternatives have not been considered, vacant property to the north.
- Concern that the flood relief scheme (FRS) and the CPO application were not submitted simultaneously.
- Recognise the wider societal benefit of the FRS.
- Sufficient justification of acquiring property temporarily and permanently is not provided.
- The extent of area required is excessive and alternatives are not adequately considered.

- The extent of area required is excessive and exorbitant relative to the identified flood design levels, including freeboard, the existing flood prevention measures and the associated works intended as part of the flood relief scheme in this area, including a flood wall measuring 0.86m in depth along the northern boundary of the property - subsurface works are noted but these do not necessitate the permanent loss of property.
- There is more convenient maintenance access to the river channel along the north of the property that are either vacant or undeveloped.
- Alternative broader processes to address rural land reclamation, ground infilling and agricultural drainage have not been explored.
- Object to the CPO as it represents a gross infringement of property rights.
- Request that an oral hearing is held.

6. Stephen & Mary Hunt

- Submission is made in relation to CPO Plot references T71-01, T71-02, T71-03.
- The Local Authority is seeking permanent wayleaves (refs. T71-02) and temporary working areas (refs. T71-01 & T71-03) amounting to a total of 481sq.m of the residential property.
- Concern of impact upon residential amenity and privacy and enjoyment of family home.
- Concern proposals for CPO lands are not justified.
- Unclear how the property will be treated in terms of landscaping, boundaries and services and why the property is to be acquired.
- Concern that the flood relief scheme (FRS) and the CPO application were not submitted simultaneously.
- Recognise the wider societal benefit of the FRS.
- Sufficient justification of acquiring property temporarily and permanently is not provided.

- The extent of area required is excessive and alternatives are not adequately considered.
- There is more convenient maintenance access to the river channel along the north of the property that are either vacant or undeveloped.
- Alternative broader processes to address rural land reclamation, ground infilling and agricultural drainage have not been explored.
- The extent of area required is excessive and exorbitant relative to the identified flood design levels, including freeboard, the existing flood prevention measures and the associated works intended as part of the flood relief scheme in this area, including a flood wall measuring 0.86m in depth along the northern boundary of the property - subsurface works are noted but these do not necessitate the permanent loss of property.
- Object to the CPO as it represents a gross infringement of property rights.
- Request that an oral hearing is held.

Appendix 2 – Third Party Objections (Submitted in Response to the Applicants Response).

1. John Rafferty & Nicola Moylett (relates to CPO plot references BU35a & BU35b)

- No new issues raised.
- Concern centers upon how their boundary wall and entrance will be affected.
- Query the necessity to acquire lands
- Request basic drawings on how boundary wall and entrance will be affected and what is proposed.

2. Padraig & Adrienne Jones

- No new Issues
- Concern of impact to property Whitestream House, Foxford Road, Ballina.
- Request final CPO documentation, including final proposed maps and schedules.
- Queries whether the CPO has been conformed to date.
- Requests clarity on the most up to date CPO Map provided.
- Query whether the CPO Map is provisional and subject to change based upon liaison.
- Query why an Oral Hearing has not been held.
- Query consultation carried out with landowner(s)
- Queries environmental impact assessments carried out.
- Unhappy with level of communication with residents and how this will be managed going forward.
- Query issues around compensation and valuation.
- Queries the LA's responsibility to provide legal rights and representation.
- Concern with respect to impact to property, impact upon residential amenity, incl. issues of trespass, noise, disturbance, health, privacy and safety.
- Objection appended with summaries of discussion with and email correspondence with the LA, the original objection dated 25/08/2025 and the PA's response to the objection.