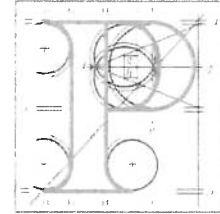


Our Case Number: ABP-322329-25



An
Bord
Pleanála

An Taisce
5 Foster Place
Dublin 2
D02 V0P9

Date: 11 June 2025

Re: Ballina Flood Relief Scheme - River Moy
River Moy, County Mayo

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Board has approved it or approved it with conditions.

If you have any queries in relation to the matter please do not hesitate to contact the undersigned officer of the Board at laps@pleanala.ie

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Lauren Griffin
Executive Officer
Direct Line: 01-8737244

JA03

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Lauren Griffin

From: Lauren Griffin
Sent: Wednesday, 11 June 2025 09:50
To: socallaghan@antaisce.org
Subject: RE: Ref: 322329

A Chara,

The Board acknowledges receipt of your email, official correspondence will issue in due course.

Kind regards,

Lauren

From: Sean O'Callaghan <socallaghan@antaisce.org>
Sent: Monday, June 9, 2025 4:43 PM
To: Bord <bord@pleanala.ie>
Subject: Ref: 322329

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A Chara,

Please find enclosed An Taisce's submission on ref: 322329.

Is mise le meas,

Seán O'Callaghan
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland
Email: socallaghan@antaisce.org
www.antaisce.org



An Taisce

The National Trust for Ireland

5 Foster Place

Dublin 2, Ireland

D02 V0P9

20250609-ABP-322329

64 Marlborough Street,
Rotunda,
Dublin 1,
D01 V902.

Sent by email to: bord@pleanala.ie

9th June 2025

Ref: 322329

App: Mayo County Council

For: Ballina Flood Relief Scheme – River Moy

Site: Ballina

A Chara,

An Taisce would like to make the following observation on the above proposed Flood Relief Scheme.

While An Taisce acknowledges the flood risk of this area, and the serious threat posed to homes and lives, we submit that flood relief schemes can, and should, be carried out in a way which is as ecologically sensitive as possible. Climate change is leading to increased flood events which necessitate such flood relief schemes, but we are in the midst of a climate and biodiversity emergency, and the consequences and mitigation for the former should not undermine the protection of the latter.

We note that the proposed development site area provides foraging and potential nursery ground, as well as being a migration route, for salmonid, sea lamprey, river lamprey, brook lamprey, as well as other species whose conservation is important during the construction and operational phases of the proposal.

According to the EPA ArcGIS map, the River Moy is designated as a salmonid river under the European Communities (Quality of Salmonid Waters) Regulations 1988 (S.I. No. 293/1988). This means that the river contained within the application area require the retention of water quality favourable towards salmon and trout populations residing in the area. As per the applicant's NIS, we note that juvenile salmon were observed foraging in the Quignamanger stream and that "*salmon...appear to be accessing the area from the River Moy and foraging, possibly as supplementary nursery habitat during*

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Directors: Stuart McCaul (Chair), Trish O'Connell (Vice Chair), Laura Segura Gutierrez (Hon Secretary), John Conroy (Treasurer)

Olivia Rogers, Rónán O'Brien, Finbarr Murray, Helen Shaw, Terri Morrissey, Tony Holohan, Phil Doyle

the outward migration" (p. 96). Given that salmon is a Qualifying Interest for the River Moy SAC (site code: 002298), which traverses the subject site area, it requires strict protection during the course of flood protection development works under the Habitats Directive. Consequently, the robustness of mitigation measures in this respect should be closely considered by the Board when assessing the application.

It is also noted that otter are likely to utilise the riparian stretches along the river for habitat and foraging activity, given that evidence of otter marks were visible during a walkover survey. Otters are an Annex II and IV species under the Habitats Directive, and are protected under the Wildlife Acts 1976-2000. Therefore, the mitigation of adverse otter impacts and sensitive construction works are required. We would have concerns over the stated removal of otter habitat to facilitate the proposal, *"Two otter couches will be removed along the River Moy to facilitate the proposed works while the use of a natal holt along the River Brusna by otter will also be affected."* (EIAR NTS, p. 31). We recommend that the granted NPWS derogation licence (DWR-Otter-2025-09) is consulted by the Board to ensure the adequacy of proposed remediation conditions, if any, which reinstate otter habitat upon conclusion of works, whether on site or somewhere close to the lost habitat. We would emphasise that retention of otter habitat in the first instance, in the form of riparian embankments, would be preferable and that the necessity of habitat removal is considered carefully.

We also note the surveyed occurrence of river, sea and brook lamprey populations utilising the subject site as a migration route and potential nursery habitat, particularly within the transitional Moy river and the Tullyegan stream. Similar to the otter, these species are afforded strict protection under Annex II and IV of the Habitats Directive, as well as the Wildlife Acts 1976-2000. Furthermore, they are listed alongside salmon in the Fourth Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011. We would highlight that the sea lamprey is classified as "near-threatened", with instream works in river channels being one of the main pressures on the species, and its Article 17 Habitats Directive conservation status was reported as "bad" during the 2019 reporting period.¹ This requires close consideration by the Board when assessing the subject application given that instream works are proposed by the applicant.

As a general note, and as recognised within the application particulars, further hydromorphological changes and siltation effects are likely to impede the attainment of good quality status for all relevant water bodies in the subject site area, particularly those currently at moderate status. This would lead to undesirable adverse impacts upon the aforementioned species as well as eel, stickleback and trout populations which are recognised as potentially residing in the area.

We would highlight that both the Moy Estuary transitional water body and the Tullyegan stream are designated as moderate water quality status by the EPA, with the Moy Estuary considered to be at risk of not achieving good status by 2027, a key requirement of the Water Framework Directive (WFD). Consequently, the proposal should be assessed against **Article 4** of the WFD to determine whether the project may cause a deterioration of the status of a surface or ground water body or if

¹ <https://www.fisheriesireland.ie/fish-species/sea-lamprey-petromyzon-marinus#:~:text=The%20conservation%20status%20of%20sea,channels%20and%20barriers%20to%20migration.>

it may jeopardise the attainment of good surface or ground water status or of good ecological potential and good surface or ground water chemical status.

We welcome the reconfiguration of the original flood wall layout to ensure retention of the riparian zone and mature trees along the Tullyegan stream. Riparian embankments and trees can help to mitigate flooding and can complement hard engineering solutions. However, we note that p. 28 of the EIAR NTS seeks to remove *"a small number of trees..on the LHS bank, plus some riparian tree removal upstream of Rathkip/Shanaghy Bridge"*. In light of the ecosystem services and flood alleviation benefits offered by riparian embankments and trees, we submit that the necessity of this is considered fully and the adequacy of the provided rationale is assessed with regard to nature-based solutions. We recommend that nature-based solutions and sustainable urban drainage systems are always given full consideration as a flood alleviation measure which can be utilised in conjunction with hard engineering.

With regard to riparian corridors, we highlight that these protect watercourses and their natural processes such as ecological, biogeochemical, hydromorphological and flood resilience in the face of climate change. These zones act as an interface between rivers and adjoining lands and are an important tool in managing flood risk within vulnerable catchments. Further to our point above, riparian zone retention and enhancement should be considered alongside hard engineering solutions in the suite of measures proposed for flood relief schemes of this nature. Maintaining and enhancing such riparian corridors should be fully considered when assessing the subject application, and its role in providing the co-benefit of reducing flooding risk to people and property while protecting biodiversity. The sustainable management of riparian zones is crucial to meeting our objectives under the Water Framework and Floods Directives. Riparian vegetation is a key source of beneficial in-stream nutrients and carbon, provides shade aiding thermally sensitive species (e.g. salmonids) and directly influences channel morphology (bank stabilisation, source of large woody debris).

Finally, we draw the Board's attention to a series of Mayo County Development Plan objectives relevant to the subject proposal:

- *"INO 23: To ensure that where flood risk management works take place that natural heritage, cultural heritage, rivers, streams and watercourses are appropriately protected."*
- *INO 24: To consult, where necessary, with Inland Fisheries Ireland, the National Parks and Wildlife Service and other relevant agencies in the provision of flood alleviation measures in the County.* – This is particularly important given that instream works are considered unavoidable for certain stretches of the project footprint.

We note Section 5.2.8 Lighting Design in the EIAR NTS which states that *"Existing lighting will be replaced where disturbed along the River Moy and all other areas of work...Further lighting will require input from a qualified ecologist to ensure there is no further impact to the surrounding habitat."* Given the lack of further details on this, we would recommend adherence to Dark Sky Ireland guidance on environmentally friendly lighting design which should be integrated fully to avoid more costly retrofitting at a later stage, such as limiting lighting colour temperature to less than 2,700 Kelvins.² This will benefit human and nocturnal wildlife and floral receptors who would be adversely impacted

² <https://www.darksky.ie/wp-content/uploads/2024/05/DSI-Environmentally-Friendly-Lighting-Guide-4.pdf>

by excessive artificial light due to disruptions to circadian rhythms and melatonin production. We recommend that lighting design specifications should be requested by the Board as further information to ascertain the proposed lighting regime in full.

Finally, we would emphasise the importance of conducting a rigorous hydromorphological assessment of downstream effects in terms of velocity, flow, depth etc, particularly the changes to baseline conditions upon installation of flood walls which could adversely impact the preferred habitat of salmonids and lamprey.

Please acknowledge our submission and advise us of any decision made.

Is mise le meas,

Seán O'Callaghan
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland