

BALLINA FLOOD RELIEF SCHEME

Compulsory Purchase Order No.01 of 2025

Case reference: **ACP-323060-25**

Plot References: **T70-01, T70-03, T74-01, T74-02, T74-03**

Submission by: **Bernard Cumiskey** (The Rocks, Behybaun, Ballina, Co. Mayo)

Mayo County Council Submission Report

Mayo County Council hereby submits the following comments in response to the general and specific points raised in the submission by Bernard Cumiskey to An Coimisiún Pleanála.

General

Mayo County Council accepts that there will be an impact on the enjoyment of this residential property (*The Rocks, Behybaun, Ballina, Co. Mayo*), including temporary loss of some garden/private amenity space area during construction works.

- 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.
- 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.

The final design of the flood wall defence will be addressed during the Stage 3 phase (post planning consent), as is normal sequential practice.

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.

Please note: The boundary wall at the northern end of the property (adjacent to the Tullyegan watercourse) does not constitute a flood defence.

With regard to the staggering of the Planning consent application and the CPO application, I can confirm 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.

Extent of ground (site) area subject to CPO

- Post construction inspection and maintenance will require access from both sides (banks) of the Tullyegan watercourse. There is no specific requirement to access the river channel either during or post construction and traversing the Tullyegan watercourse would constitute an unnecessary Health & Safety risk to inspection & maintenance personnel.
- The area subject to CPO comprising of plots T73-01 and T73-02 exceeds the area comprising of plots T70 and T74. All areas set out in the CPO are deemed as the minimum necessary to facilitate construction and maintenance of the Balina Flood Relief Scheme.
- As part of the hydrological and hydraulics assessment process for (Stage 1) flood modelling, the Tullyegan river sub-catchments have been assessed in detail and the design solution proposed (via the Options Report) and submitted for planning consent takes into account all catchment characteristics including land use and increased rainfall due to Climate change.
- 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.
- Response is as per previous response paragraph.
Also, the Local Authority 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.

Conclusion

The inclusion of proposed flood relief works on the Tullyegan Watercourse is designed exclusively to protect **four** residential properties, of which **The Rocks, Behybaun, Ballina, Co. Mayo**, is one of those properties.

As such and in contrast to the proposed flood relief works on other watercourses within Ballina Flood Relief Scheme, there is no specific wider societal benefit accruing from the flood relief works on the Tullyegan component of Ballina Flood Relief Scheme.

Mayo County Council can confirm that landowner liaison was undertaken with Mr Bernard Cumiskey (*The Rocks, Behybaun, Ballina, Co. Mayo*) prior to the submission of the CPO application by Mayo County Council to An Coimisiún Pleanála (17th July 2025).

- Letter issued by Mayo County Council in July 2024 to all registered landowners impacted by the Ballina Flood Relief Scheme, including *The Rocks, Behybaun, Ballina, Co. Mayo*. (Copy attached to this report).
- Meeting on site between Michael O'Grady of Mayo County Council and Mr Bernard Cumiskey (*The Rocks, Behybaun, Ballina, Co. Mayo*) on 16th September 2024. (A copy of follow-up letter issued by Mayo County Council dated 27th November 2024 is attached to this report).

As per our letter of 27th November 2024 to Mr Cumiskey, Mayo County Council is committed to further liaison with all impacted landowners during the design phase (Stage 3).



Michael O'Grady

Project Engineer.

Ballina Flood Relief Scheme.

Date: 2nd October 2025



27th November 2024

Bernard Cumiskey

The Rocks,
Behybaun
Ballina,
Co. Mayo.

Re: Ballina Flood Relief Scheme – Landowner Liaison

Dear **Bernard**,

I refer to the above matter.

I would like to thank you for taking the time to meet with me at your property on Monday 16th September 2024. I had intended to get back to you sooner, so my apologies.

During our discussion, you raised the following issues with me:

1. Proposed Right-of-Way over the existing driveway access to your property.
2. The potential temporary loss of existing rear garden area during construction works.
3. Potential negative impacts on residential amenity during construction works.

In addressing the above issues, the first thing I would like to clarify is that the objective of this 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. Subject to confirmation of a Compulsory Purchase Order (CPO) by An Bord Pleanála, at a later date, the value of compensation and the extent of accommodation works will be formally agreed between Mayo County Council and the impacted landowner(s).

In addressing your specific concerns listed (1 – 3) above, I would confirm the following:

1. The original proposed Right-of-Way over your existing driveway will not form part of any land agreement for your site. As per our discussions and a revised map that I issued to you (copy attached to this letter), we will propose an alternative Right-of-Way at the western side of your site, adjacent to the Irish Rail property.
2. In order to minimise the loss of residential garden space during the construction works, we are proposing to remove the Temporary Working area previously shown within your 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. See maps attached to this letter.
3. There will certainly be some impact on the residential amenity that you currently enjoy 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 your residential property for the entirety of the construction period. This will provide for your safety and security.

Please Note: A topographical survey of your site will be carried out in the coming months. This will detail the extent of existing infrastructure on site and it will help to inform our later discussions on accommodation works for your property, as well as the design approach to be used.

I hope the above provides some clarity on this process.

This flood relief scheme will bring long-term benefits to your property and we will work with you throughout to ensure that the works are completed in an optimal manner.

In the meantime, if you have any further questions or require clarification, please feel free to contact me.

Thanks Again.

Yours Sincerely,

A handwritten signature in black ink, reading "M O'Grady". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Michael O'Grady,
Project Engineer.

Ballina Flood Relief Scheme.



Comhairle Contae Mhaigh Eo
Mayo County Council



A: Áras an Chontae, Caisleán an Bharraigh
Chontae Mhaigh Eo, F23 WF90

T: 094 906 4000 F: 094 902 3937

W: www.mayo.ie

Re: Notice of the development of a Flood Relief Scheme for Ballina Town and Urban Environs

Dear Landowner,

RPS Consulting Engineers Ltd has been engaged by Mayo County Council to undertake a Flood Relief Scheme in Ballina Town and its Urban Environs. As part of this work, we have been asked to identify landowners that will be impacted by the works area for this Scheme.

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.

The works proposed along the Tullyegan Stream include hard defences consisting of flood walls and embankments. Flood walls on the north bank are to be constructed to the same height as the existing walls which range from 1.5m to 3.0m. 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. Refer Figure 1 attached.

An initial search of the Property Registration Authority of Ireland website has indicated that you are the registered owner of lands which have been identified as impacted by the proposed works along the Tullyegan Stream. Refer to Figure 2 for envisaged impact to your lands.

This letter constitutes our initial engagement with you and we will be in further contact with you to discuss this matter in greater detail.

In the meantime, should you have queries on the matters outlined above, or can provide updated contact details, then please do not hesitate to contact myself, Michael O' Grady at Mayo County Council.

Kind Regards,

Michael O Grady

Michael O'Grady,
Project Engineer.



Comhairle Contae Mhaigh Eo
Mayo County Council



A: Áras an Chontae, Caisleán an Bharraigh
Chontae Mhaigh Eo, F23 WF90

T: 094 906 4000 **F:** 094 902 3937

W: www.mayo.ie

Contact number: 094 9064216

Email: mjogrady@mayococo.ie

Address: Environment, Climate Change & Agriculture,
Mayo Co. Co.
Áras an Chontae,
The Mall,
Castlebar,
Co. Mayo,
F23 WF90



Comhairle Contae Mhaigh Eo
Mayo County Council

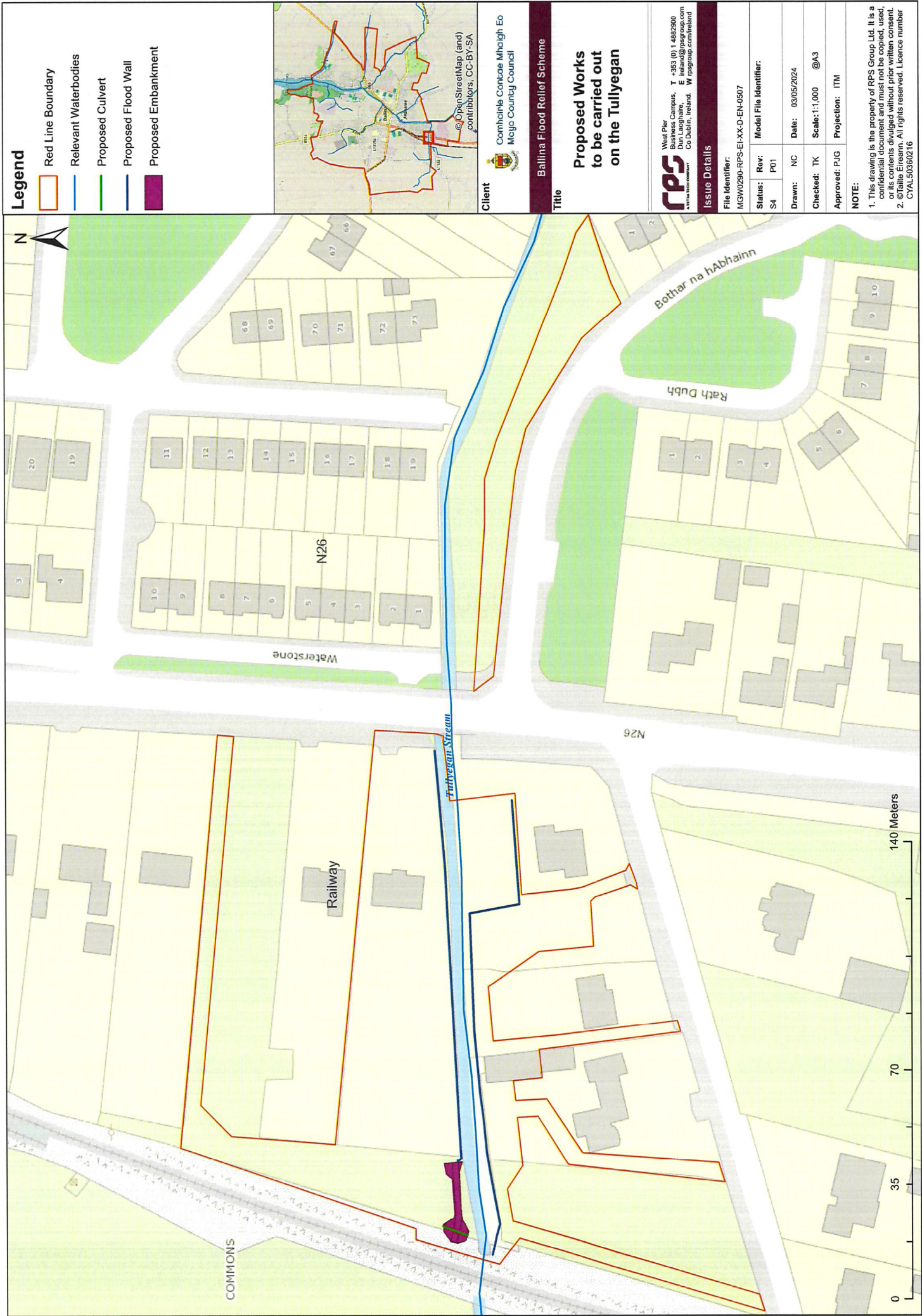


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Figure 1





Comhairle Contae Mhaigh Eo
Mayo County Council



A: Áras an Chontae, Caisleán an Bharraigh
Chontae Mhaigh Eo, F23 WF90

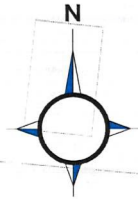
T: 094 906 4000 **F:** 094 902 3937

W: www.mayo.ie

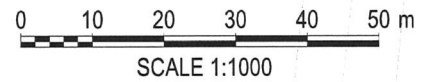
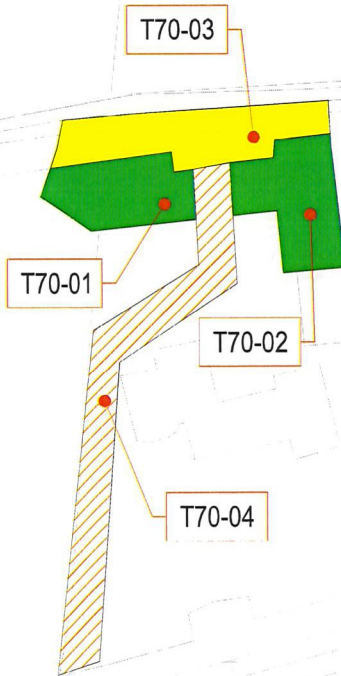
Figure 2

LEGEND

	PERMANENT ACQUISITION
	PERMANENT RIGHT OF WAY
	PERMANENT WAYLEAVE
	PERMANENT WAYLEAVE & PERMANENT RIGHT OF WAY
	TEMPORARY WORKING AREA
	TEMPORARY WORKING AREA & PERMANENT RIGHT OF WAY
	TEMPORARY WAYLEAVE



X 523861.88
Y 817743.15



X 523675.12
Y 817499.43

ACQUISITION TYPE	AREA (ha)	PLOT No.
TEMPORARY WORKING AREA	0.0179	T70-01
TEMPORARY WORKING AREA	0.0200	T70-02
PERMANENT WAYLEAVE	0.0247	T70-03
PERMANENT RIGHT OF WAY	0.0400	T70-04



Lyr 7 IDA Business & Technology Park, Mallow, Co. Cork
T: +353 21 406200
W: www.rpsgroup.com/ireland
E: ireland@rpsgroup.com



Comhairle Contae Mhaigh Eo
Mayo County Council



OPW
Office of Public Works

WAYLEAVE DETAILS

Pipe Dia/Details: Flood Embankment

Width of Wayleave (Yellow): n/a
Length of Wayleave (Yellow): n/a
Temporary Working Strip (Green)

BALLINA FLOOD RELIEF SCHEME

LAND OWNER OR REPUTED LAND OWNER

BERNARD CUMISKEY
BEHYBAUN, BALLINA,
COUNTY MAYO.

DRAWING No.

MGW0290-RPS-00-XX-DR-D-WL007-01

REV

0

O.S. REF CYAL50319610

SCALE 1:1000@A4

DATE 21/05/2024

DRG. BY

NJ

CHK. BY

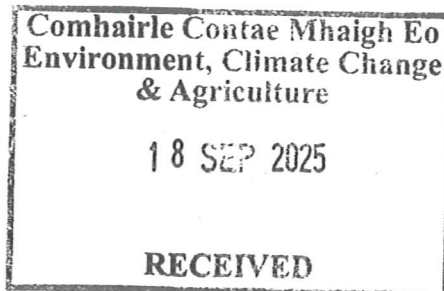
JF

Our Case Number: ACP-323060-25



An
Coimisiún
Pleanála

Bernie Cumiskey
The Rocks
Behybaun
Ballina
County Mayo
F26 VE22



Date: 28 August 2025

Re: Mayo County Council Ballina Flood Relief Scheme Compulsory Purchase Order No 1 of 2025
River Moy, County Mayo

Dear Sir / Madam,

An Coimisiún Pleanála has received your letter of objection in relation to the above mentioned compulsory purchase order.

In respect of same, please note that in circumstances where:

- (i) no objections are received by the Commission within the period provided for making objections, or
- (ii) all objections made are subsequently withdrawn, or
- (iii) all objections made relate exclusively to matters which can be dealt with by a property arbitrator the Commission will inform the local authority as appropriate and, in such circumstances, the local authority can itself confirm the order with or without modification or refuse to confirm the order in accordance with the provisions of section 216 of the Planning and Development Act, 2000, as amended.

The Commission has absolute discretion to hold an oral hearing in respect of any application before it, in accordance with section 218 of the Planning and Development Act 2000, as amended. Accordingly, the Commission will inform you on this matter in due course.

If you have any queries in the meantime please contact the undersigned officer of the Commission at laps@pleanala.ie Please quote the above-mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

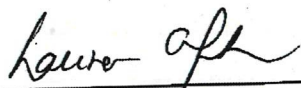
Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1800 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email communications@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

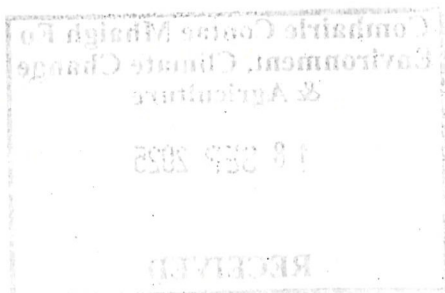
64 Marlborough Street
Dublin 1
D01 V902

Yours faithfully,



Lauren Griffin
Executive Officer
Direct Line: 01-8737244

CH02



Teil
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Facs
Láithreán Gréasáin
Ríomhphost

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64 Marlborough Street
Dublin 1
D01 V902

An Coimisiún Pleanála
64 Marlborough street
Dublin 1
D01 V902

25/08/2025

AN COIMISIÚN PLEANÁLA	
LDL -	
ACP -	
27 AUG 2025	
Fee: €	0
Type:	
Time:	9.15
By:	Neg. Post.

Ballina Flood Relief Scheme
Case reference: CH16. 323060

Address: The Rocks, Behybaun, Ballina, County Mayo, F26 VE22

Dear sir/madam

As the owner and resident of the above property, I, Bernie Cumiskey wish to object to the Compulsory Acquisition of Land as part of the Ballina Flood Relief Scheme.

From the outset I wish to highlight that the CPO references (refs.) T74-01, T74-02 and T74-03) addressed to an unknown landowner / reputed landowner / plot occupier, form part of my residence.

The Local Authority is seeking permanent wayleaves (refs. 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 1,253sq.m of my residential property. This would have inexplicable impact on the enjoyment of this property by myself and my family, including loss of private amenity space, loss of privacy and extensive change to the appearance of the area.

The property comprises an occupied two-storey residence, with mature gardens and outbuildings. The Tullyegan river channel is situated along the northern boundary of the property. Within the side garden to the west of the property permission was granted for a house under Mayo County Council ref. P20/28 on the 7th day of August, 2020, with conditions removed under An Bord Pleanála ref. 308100-20. As yet, this development has not proceeded.

There is an existing flood wall running along the northern boundary of my property, and the subject proposals would merely duplicate this in an unnecessary, unsustainable manner. Proposals that had been submitted with the flood risk assessment do not clearly set out the intention for the entire area of my property subject of the CPO notice. In short, I am unclear as to how my property would be treated, including landscaping, boundaries and services, and why my property is to be acquired.

From the outset I wish to flag that I am bemused that the Local Authority did not submit the application for the Flood Relief Scheme and the associated CPO

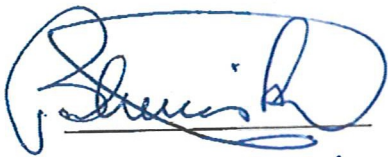
simultaneously. The site notices erected for the CPO used the same locations and notice boards that had been used previously for the Flood Relief Scheme planning application, making it difficult for the general public to identify that the CPO had subsequently been lodged.

While I recognise the wider societal benefits in undertaking the associated flood risk scheme, the extent of ground required from my property is grossly excessive, particularly when considering the following:

- more convenient maintenance access to the river channel along the north of my property would be available from the properties to the north that are either vacant or undeveloped. These unoccupied properties, including their extensive rear hardstandings, also provide greater scope to be incorporated into the flood relief measures, with substantively less impacts on property owners;
- when considering the extent of the 4 hectare property containing a vacant house (Eircode F26 NTF6) to the north, which is to be used as a temporary works area and the permanent wayleave (refs. T73-01 and T73-02), the area of my property and residence being sought under the CPO appears grossly excessive and unnecessary and the Local Authority has not provided sufficient justification for seeking to acquire parts of my property, temporarily or permanently;
- the flood relief scheme does not explore the fact that other broader processes on this relatively small river subcatchment, such as rural land reclamation, ground infilling and agricultural drainage, as opposed to climate change, have primarily increased flooding in the area, and it is these measures that should be addressed in order to avoid the necessity to affect urban properties consisting of family homes by CPO;
- 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 my property – subsurface works are noted but these do not necessitate the permanent loss of property;
- other neighbouring lands with less efficient land uses, such as residual green areas along the river channel in Rehins Fort or agricultural lands west of the railway line, would provide alternative options to resolve the flood risks identified, however the Local Authority has not pursued these options in any reasonable manner. For example within Rehins Fort compensatory native woodland is only proposed, which is most likely intended to obstruct the potential to use this area as a temporary or permanent works area.

I object to the subject CPO as it represents a gross infringement of my property rights and I would appreciate the holding of an oral hearing to express these concerns further.

Sincerely

 25/08/2025.

Bernie Cumiskey

