

BALLINA FLOOD RELIEF SCHEME

Compulsory Purchase Order No.01 of 2025

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

Plot References: **BU35a, BU35b**

Submission by: **John Rafferty & Nicola Moylett** (Quay Road, Ballina, Co. Mayo)

Mayo County Council Submission Report

Mayo County Council hereby submits the following comments in response to the specific points raised in the submission made by Gaynor Miller, acting on behalf of John Rafferty & Nicola Moylett to An Coimisiún Pleanála.

Points 1 - 7

1. 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.
2. 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).
3. 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).

4. 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).
5. 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.
6. 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.
7. Content noted.

A handwritten signature in black ink, appearing to read 'MO'Grady', written over a horizontal dashed line.

Michael O'Grady

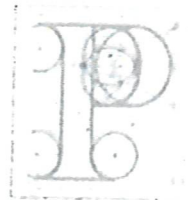
Project Engineer.

Ballina Flood Relief Scheme.

Date: 6th October 2025

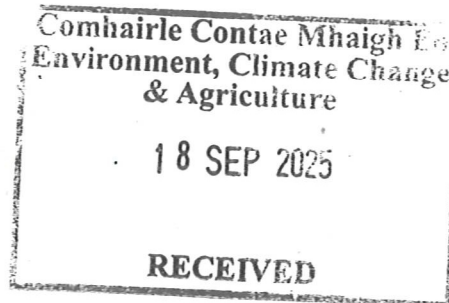
Our Case Number: ACP-323060-25

Your Reference: John Rafferty & Nicola Moylett



An
Coimisiún
Pleanála

Gaynor Miller Ltd
Unit 1B
Kilminchy Court
Dublin Road
Portlaoise
Co. Laois



Date: 26 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

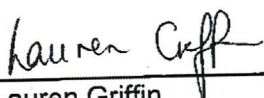
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communications@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

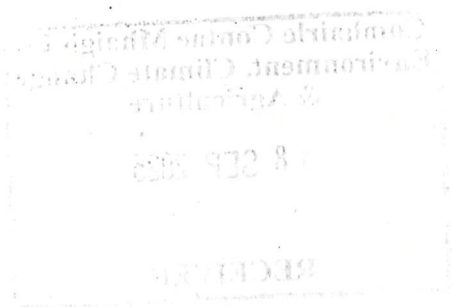
64 Marlborough Street
Dublin 1
D01 V902

Yours faithfully,



Lauren Griffin
Executive Officer
Direct Line: 01-8737244

CH02



Teil
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D01 V902

64 Marlborough Street
Dublin 1
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Lauren Griffin

From: Lauren Griffin
Sent: Tuesday, 26 August 2025 12:06
To: kevinmiller@gaynormiller.ie
Subject: RE: Mayo Co Co Ballina Flood Relief Scheme Compulsory Purchase Order No. 01 of 2025 Your Ref: 323060-25

A Chara,

The Commission acknowledges receipt of your email; official correspondence will issue in due course.

Kind regards,

Lauren

From: Kevin Miller <kevinmiller@gaynormiller.ie>
Sent: Tuesday, 26 August 2025 09:46
To: LAPS <laps@pleanala.ie>
Subject: Mayo Co Co Ballina Flood Relief Scheme Compulsory Purchase Order No. 01 of 2025 Your Ref: 323060-25

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.

Dear Sir/Madam,

We would appreciate confirmation that you received this submission.

FOR GAYNOR MILLER

Kevin Miller BAgSc BScProp MSCSI MRICS

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Any particulars that are given are on the understanding that they will not be construed as part of a contract, conveyance or lease and that all negotiations will take place through this company. Whilst every care is taken in compiling the information, we give no guarantee as to the accuracy thereof and enquirers must satisfy themselves regarding the description and measurement.

The information contained in this email is *without prejudice/subject to contract/contract denied*.

Gaynor Miller Ltd., Registered Office: Unit 1B, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois, Ireland R32 YP1D

Directors: J.J. Gaynor MAgr Sc MIPAV K.T. Miller BAgrSc BScProp MSCSI MRICS

P.G. Gaynor BScFt BScProp MSCSI MRICS

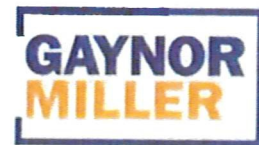
Registered No.: 423859 VAT No.: IE9643840M

PSR License No. 001178

Chartered Surveyors • Auctioneers & Valuers • Agronomists
25th August 2025

Your Ref: 323060-25
Our Ref: KM

An Bord Pleanála,
64 Marlborough Street,
Dublin 1
D01 V902



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Co. Laois, Ireland
+353 (0)57 867 8080
info@gaynomiller.ie
www.gaynomiller.ie

**RE: Mayo County Council Ballina Flood Relief Scheme
Compulsory Purchase Order No.1 of 2025**

Submission

Landowner: John Rafferty & Nicola Moylett
Address: Quay Road, Ballina, Co. Mayo.
CPO Ref: BU35a & BU35b

Dear Sirs,

We act on behalf of the above property owner(s) who have been served with notice of the making of the above compulsory purchase order. Having reviewed the drawings, correspondence and documentation, our client(s) have instructed us to object to the confirmation by you of the order.

1. There is no need to acquire an easement on these lands as the infrastructure could be constructed in the public road.
2. No details have been provided on how the boundary wall will be affected.
3. No details have been provided on how services will be maintained to the property during and after construction.
4. No details have been provided on how the entrance will be affected and how access will be maintained during and after the works.
5. No regard has been had for the future development of the site by placing the wayleave inside the boundary wall.
6. No details have been provided on how the property owners will be indemnified against any claims arising from the works.
7. We reserve the right to raise further matters that may arise as further information is received on the acquisition.

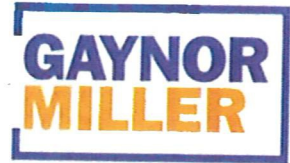
Gaynor Miller Ltd.. **Registered Office:** Unit 1B, Kilminchy Court, Dublin Road, Portlaoise, Co Laois
Directors: Kevin Miller, Paul G. Gaynor, James J. Gaynor
Registered No.: 423859 **VAT No.:** IE9643840M **PSR No.:** 001178 **Regulated by RICS**

Yours Sincerely,

FOR GAYNOR MILLER LTD

Kevin Miller

Kevin Miller BAgSc BSc(Prop) MSCSI MRICS

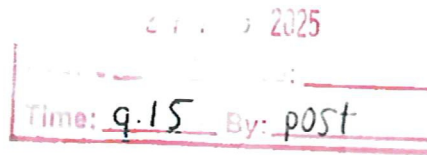


25th August 2025

Your Ref: 323060-25

Our Ref: KM

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64 Marlborough Street,
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Yours Sincerely,

FOR GAYNOR MILLER LTD

A handwritten signature in dark ink, appearing to read 'Kevin Miller', is positioned above the printed name.

Kevin Miller BAgrSc BSc(Prop) MSCSI MRICS