

# **BALLINA FLOOD RELIEF SCHEME**

## **Compulsory Purchase Order No.01 of 2025**

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

Plot Reference: **T75-03**

Submission by: **Marie Lavelle** (Foxford Road, Ballina, Co. Mayo)

### **Mayo County Council Submission Report**

Whilst Mayo County Council accepts that there will be an impact on the enjoyment of this existing residential property (*Foxford Road, Ballina, Co. Mayo*), arising from the potential creation of a permanent Right-of-Way on the adjoining lands, the local Authority has no further comment to make in relation to the proposals set out in the CPO for plot T75-03.

Mayo County Council is committed to further liaison with all impacted landowners during the design phase (Stage 3).

A handwritten signature in black ink, appearing to read 'M O'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



An  
Coimisiún  
Pleanála

Marie Lavelle  
Foxford Road  
Ballina  
Co. Mayo  
F26 E8Y0

Comhairle Contae Mhaigh Eo  
Environment, Climate Change  
& Agriculture

18 SEP 2025

RECEIVED

Date: 03 September 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- (ii) all objections made are subsequently withdrawn, or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](mailto:laps@pleanala.ie) Please quote the above-mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

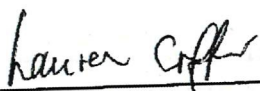
Teil  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Riomhphost

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64 Sráid Maoilbhríde  
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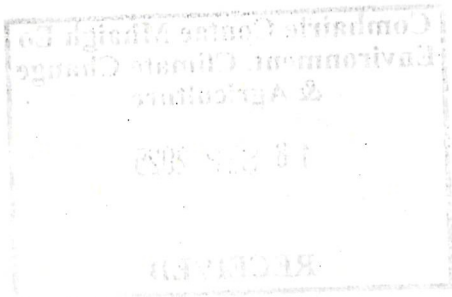
64 Marlborough Street  
Dublin 1  
D01 V902

Yours faithfully,



Lauren Griffin  
Executive Officer  
Direct Line: 01-8737244

CH02



Teil  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

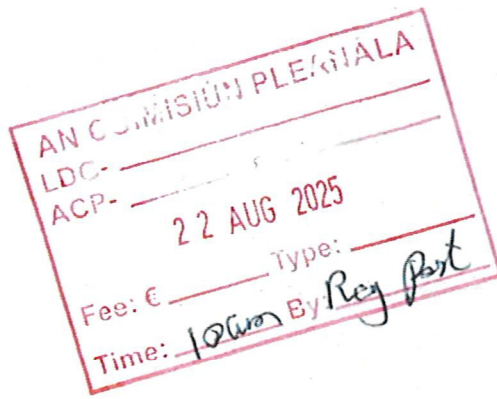
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Foxford Road  
Ballyma.

To Mayo  
F26 E840.

21. 08. 2025.

To Whom it concerns,

If there is a post in  
relation to the enclosed observation,  
please do not hesitate to contact me  
on the following :- 00353 81 230 4443.

Yours sincerely,

MARIE LAVELLE.

**Submission/Observation with regard to:**

**From a landowner and or occupier of plot T75 as shown on:**

**Drawing MGW0290-RPS-00-XX-DR-D-WL007-06**

**Mayo County Council / Ballina Flood Scheme**

**Compulsory Purchase Order No. 01 of 2025**

**Date – 21<sup>st</sup> August 2025**

I, Marie Lavelle, am a landowner and resident, adjacent to lands subject of a Compulsory Purchase Order. In that regard I wish to lodge an observation in relation to **Plot T75 and the Compulsory Purchase Order No. 01 of 2025**

**Phone number:** 0872304443

**Email :** marielavelle@hotmail.com

**Address.** Foxford road, Ballina, County Mayo, F26 E8Y0

**1.0 Background**

I, Marie Lavelle am the owner of the house adjacent to a site on the Foxford Road, Ballina, Co. Mayo which is subject to a CPO by Mayo County Council. I have lived in my house for over thirty-five years; I have maintained the house externally to a high standard and developed mature gardens around the property. I purchased the adjoining site thirty years ago to safeguard the security of my house and possibly provide an area that could be developed by myself or a member of my family.

It should be noted that I am being asked to make an observation on a simple site plan erected outside my property. I have not been contacted to consult on the matter, I have not been provided with a full set of drawings outlining proposals for the site in terms of infrastructure, fencing, access etc. I have not been provided with a proposed date for the works or phasing schedule. I am not aware of what exactly this proposed right of way beside my home is to be used for. No member of Mayo County Council staff has contacted me, despite erecting this site notice outside my home.

**2.0 Outline Reasons for Observation (Further detail found in Section 03)**

**01. Property ownership:** The CPO was issued without any notification or consultation with the landowner.

**02. Planning Issues:** We object to the CPO as it doesn't align with existing planning policies, and the chosen route is not the most suitable.

**03 Zoning and Future Development:** The choice of the site and poor location of the Right of way (T75-03), hugely restricts the future use of the site.

**04. Suitability:** 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.

**05. Alternative Routes –** Please see suggested alternative proposals.

### **3.0 - Basis of Observation**

#### **3.1 – Property Ownership & Outline of Objection**

- Inadequate detailed information has been provided on what exactly is to be provided at the site.
- No direct consultation has taken place with myself, Marie Lavelle, either as the owner of an area of land affected by the CPO or indeed as a long-time resident in the area.
- No alternative routes have been discussed with me, which could mitigate the effect on my home or avoid using the adjacent area of land also within the curtilage of my home.
- The provided access route is aligned along the boundary of my site and causes issues in terms of overlooking and the security of my home.
- No detail has been provided about the use of the lands after the CPO and how this future use will navigate the topography of the site.
- There is a lack of detail provided relating to the design of the proposed access, to the right of way, from the Foxford Rd. to the front of the site. Is this a vehicular or pedestrian route? and what effect will it have on the existing entrance to my house? which will be situated alongside.
- Inadequate detail has been provided on the type of boundary to be provided along the new CPO line.
- Poor consideration has been given to the subdivision of the area of land adjoining my residence. The right of way has been routed along the boundary of my residence. Therefore, this right of way bisects and disconnects the land from my house. This land was purchased to be an additional amenity to my long-term home. The location of this right of way will essentially deny me access to this area of land from my own home.

#### **3.2 - Planning Issues**

The CPO does not respect the character of existing mature residential development in the area. Its implementation does not provide a suitable level of amenity for any future occupants of the site. Such poor regard for future development, with the siting of the right of way, would depreciate the value of property in the vicinity. 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 my own home.

Has a road safety audit been completed to assess any influence accessing this right of way might have on the local road? at a location where the 80km/h speed limit applies. The development would generate additional vehicular movements at this location adjacent to the entrance to my home.

Has an appropriate environmental assessment been carried out to provide information required to establish whether the proposed development is likely to have a significant impact on Natura 2000 sites? Again, this information has not been provided

This proposed right of way, I believe is an abnormality in terms of the pattern of the existing residential neighbourhood. It fails to have regard for established national and regional policies in respect of the National Planning framework. Objective 12 of this framework states the following: *"Ensure the creation of attractive, liveable, well designed, high quality urban places"*. This key principle emphasizes the importance of creating vibrant, sustainable, and enjoyable urban environments that contribute to a high quality of life for residents.



The site in question is the only land owned by myself, Marie Lavelle. It was purchased to provide a site for one of my four children, who would provide a support network for me in later years. It is wasteful to select a site for this purpose of establishing a right of way, on land which is zoned residential and situated in an established residential area. This infill site would be suitable for development as housing, in a time of housing need. It is also situated on one of the most prominent routes into Ballina town. It is situated near public transport, being within walking distance of both the train and bus station. It seems a poor choice to make an area of land with such development potential, unusable, by establishing a permanent right of way, that could easily be accommodated elsewhere.

### **3.31 - Loss of viability of use and value**

This area of land adjoining my home is a significant residential site within the town boundary. In its current arrangement and its possible development potential, it holds significant value. The site is longer than it is wide and removing a strip of land along one side, along its length, affects its potential greatly. The narrowing of the area of land, restricts what can be accommodated upon it.

## **04. Suitability**

The area of land, essentially left over after the establishment of the right of way, and not subject of the CPO, stands to be landlocked and will be rendered unfit for development. It will be disconnected from the house for which it was purchased to be used as an amenity. It compromises access and future development of this land, in tandem with my home, which is contrary to the strategy of land-use consolidation.

### **4.1 - Excessive rerouting to gain access**

It is unnecessary that the right of way is situated on the side of the site that runs along my home, occupied by myself for thirty-five years. The right of way should be situated on the side of the site, where two houses have been vacant for several years and never occupied since their construction. These two houses will be referred to as D1 (adjacent to stream) & D2 (adjacent to D1 for remainder of document). The right of way could be routed through one of these derelict sites. Both houses have courtyards to the rear which could provide necessary accommodation for infrastructure.

### **4.2 - Creating a 'back water' laneway**

This right of way creates an undesirable long laneway along the length of my property and provides a gateway to a larger 'no man's land' at the rear of two derelict houses. This presents issues in terms of security and passive surveillance of my home. Laneways are discouraged in the county development plan, and no details have been provided as how access to this area will be managed.

### **4.3 Drainage**

No drainage details have been provided along the permanent right of way, and where this area will drain to. No details have been provided as to the type of paving etc. to be provided on the right of way.

### **4.4 Safety and Security**

This proposed right of way will discharge on to a public path and a busy road. Again, how will access be managed to this right of way? will it be pedestrian or vehicular access? As this right of way runs the length of my boundary, the rear of the house and the back garden will no longer enjoy the privacy and security that I am accustomed to. I have concerns that the security and the privacy to the rear of my home will be seriously compromised if this right of way is established.

#### 4.5 – Topography of the Site

No detail has been provided about the use of the lands after the CPO and how this future use will navigate the topography of the site. Will substantial earth works be required? how will this affect both my home, the surrounding drainage and the remaining area of land, left after the establishment of the right of way?

#### 05. Proposed Alternative Route / More Suitable Route:

The chosen route of the right of way is excessive and a poorly considered approach. My area of land is located a considerable distance from the stream in question. (Please see aerial pictures showing distances). 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 ground is level and flat with a sizeable entrance to the site. The distance would only be approx 25 metres to link to the permanent way leave in comparison with the lengthy and unnecessary proposal across our lands. Please see photo 009.

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.

#### Conclusion

I, Marie Lavelle, request that firstly the CPO be lifted from my site adjoining my long-term home and that the permanent right of way be accommodated elsewhere. Before any further discussions, or observations, I wish to be provided with a full set of drawings outlining proposals for the site in terms of infrastructure etc. Secondly, I would ask that a consultation process be instigated with me as the owner of the site and the adjoining residence. I should be allowed have input into the location of the right of way, to minimise the effect on both the amenity and future development of my site. If the right of way is to be accommodated on my site in the location proposed, I also request that I be compensated with full market value for the full site. If the right of way is in the position shown on the drawings recently provided, it affects the future use of the site and will influence the market value of my long-term home.

All of the lands subject to CPO as part of this flood relief scheme in this area are located in the immediate houses adjacent to the stream, using their driveways and rear gardens. Why has my site which is located at a considerable distance away been included? There is ample room taking the route through the gates of house D1 as indicated by the red arrow. It would avoid all the additional ground works and excessive rerouting. Please see Map 001.

Signed:- *Marie Lavelle*

Date:- 21-08-2025.



## APPENDIX 01

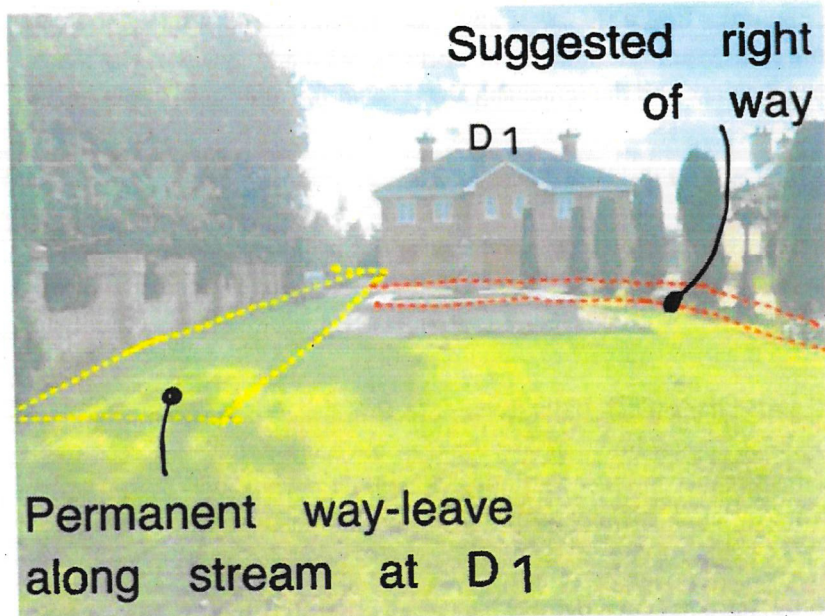


Photo 001 – Area to the front of Derelict House ( D1)

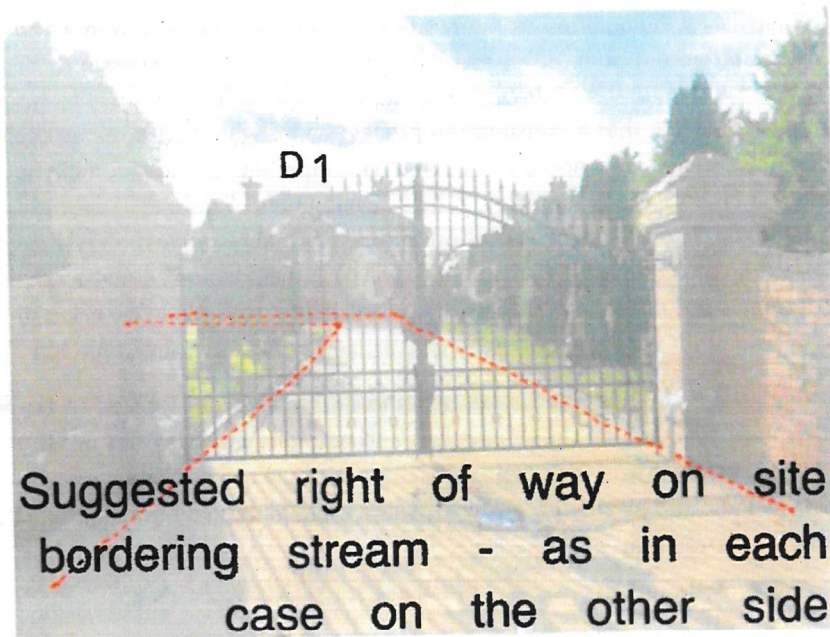
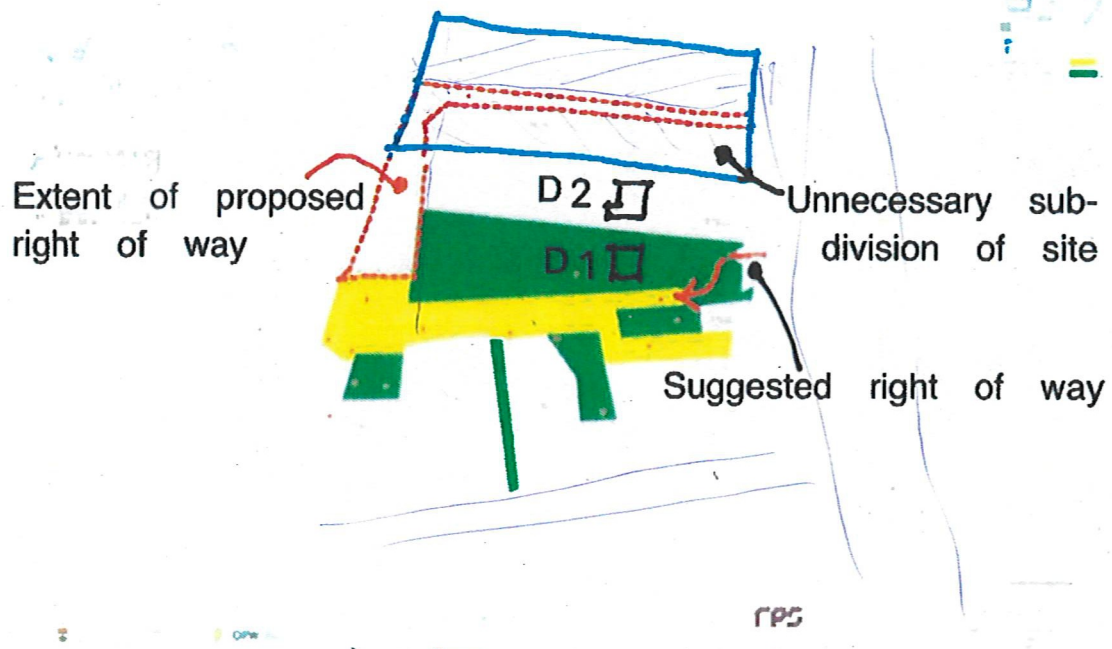


Photo 002 - Gate to the front of Derelict House ( D1)





Map 001 – Showing extent of subdivision of landowners land

**Note:**

While we see these flood works necessary to this piece of stream. The landowner could agree to arrangement where the lands are temporarily utilised to facilitate the works.

It is in our opinion the permanent occupation is overkill for monitoring a short length of stream, has lasting effects for us and our neighbours and the viability of the land. It impacts us in all the areas outlined above and affects the existing residents on an ongoing basis (security, traffic) not to mention the devaluing of lands purchased by the residents for their own family use.

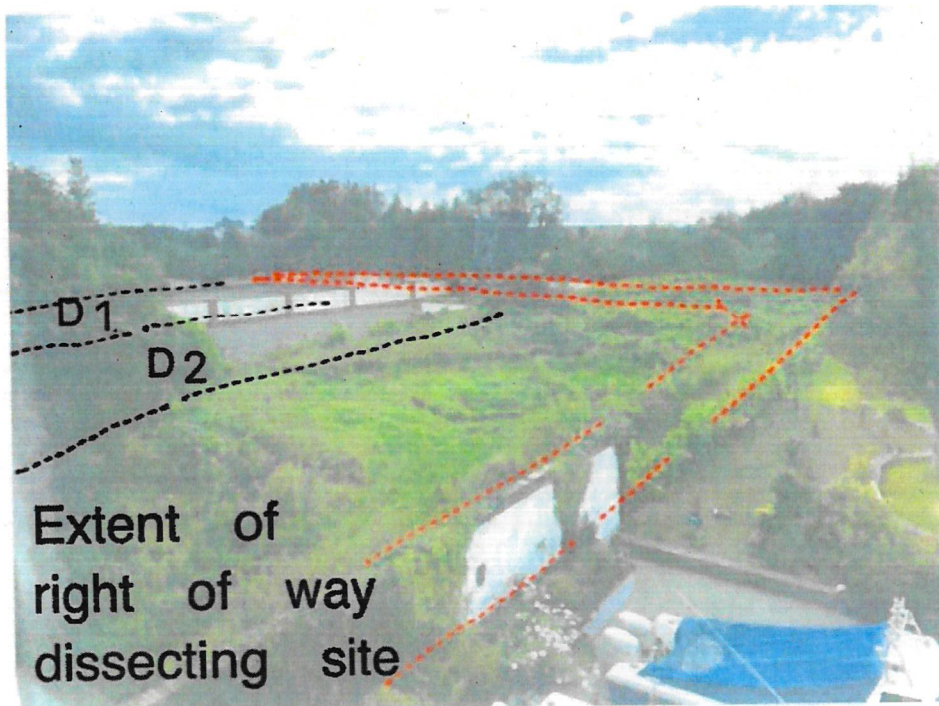


Photo 003 – Enxtent of site division

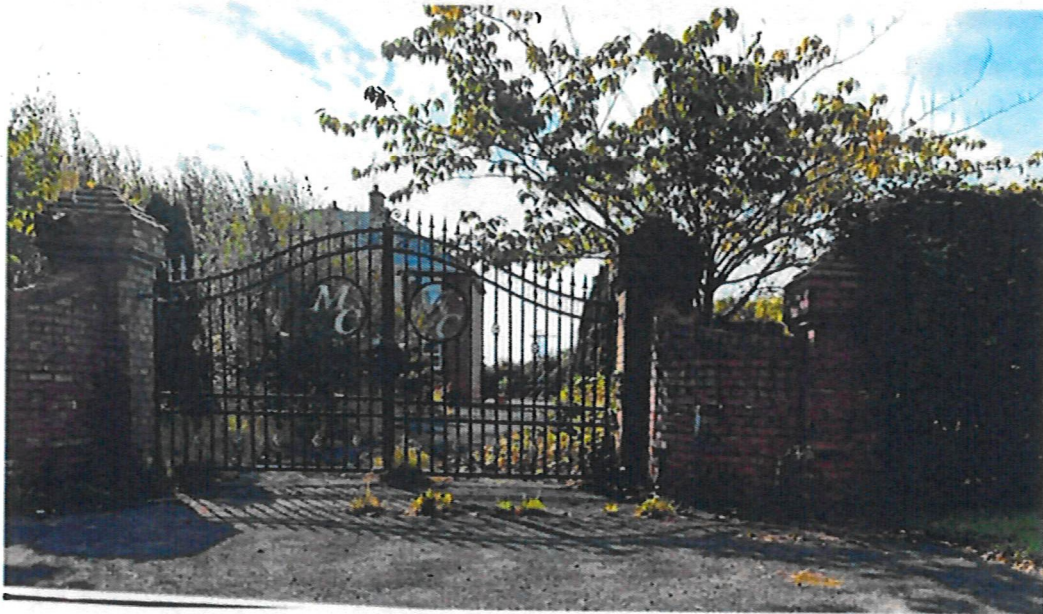


Photo 004 – Exposed boundary





**Photo 005 - Gate of D1 (located directly along side stream)**



**Photo 006 - Gate of D2 (located adjacent to D1 and another full hard landscaped site between stream and landowners property )**





**Photo 007 - Gate of land subject of CPO And located approx 68 metres away from the stream**



**Photo 008 - Approx distance of my gate from the stream- 68 metres**





**Photo 009 - Approx distance of gate of D1 to proposed wayleave alongside stream – 25 metres**



**Photo 010 - Approx distance of reroute to avoid using gate of D1 (adjacent to stream) through landowner lands – 288 metres**





**Photo 011 - Open boundary between landowners site and adjoining family home**



**Photo 012 - Open boundary between landowners site and adjoining family home**





**Photo 012 - Open boundary between landowners site and adjoining family home**



**Photo 013 - Adjoining site, subject of this CPO**





**Photo 014 - Adjoining site, subject of this CPO**



**Photo 015 - Adjoining site, subject of this CPO**





**Photo 016 - Front of D1**



**Photo 017 - Gate of D1**





**Photo 018 - Gate of D2**



**Photo 019 - Rear view of D1 & D2**





**Photo 020 - Hard landscaped courtyards at the rear of D1 & D2**



**Photo 021 - Hard landscaped courtyards at the rear of D1 & D2**



**Photo 022 - Hard landscaped courtyards at the rear of D1 & D2**