



Comhairle Contae Mhaigh Eo
Mayo County Council

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

T: 094 9064000 **F:** 094 9023937

W: www.mayo.ie

NORMAL POST

Ár dTag./ Our Ref.

11th July 2025

Do Thag./ Your Ref.

**BERNARD CUMISKEY AND MARGARET CUMISKEY
THE ROCKS,
BEHYBAUN,
BALLINA,
COUNTY MAYO,
F26 VE22**

**MAYO COUNTY COUNCIL
BALLINA FLOOD RELIEF SCHEME
COMPULSORY PURCHASE ORDER**

No. 01 of 2025

1. **Mayo County Council** (hereinafter referred to as “the Local Authority”) in exercise of the powers conferred upon them under section 76 of and the third schedule to the Housing Act 1966, 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, and the powers conferred upon them by section 213 of the Planning and Development Act 2000 (as amended), have made an order titled as above which is about to be submitted to An Bord Pleanála (hereinafter referred to as “the Board”)for confirmation.
2. If confirmed, the Order will authorise the Local Authority to compulsorily acquire the land described in the Schedule to this notice for the purposes of the Housing Act 1966.
3. A copy of the Order including schedule and of the drawings referred to in same are enclosed and it may be seen from 17th July 2025 until 28th of August 2025 inclusive, at the following locations:
 - (a) Mayo County Council, Áras an Chontae, The Mall, Castlebar, County Mayo between the hours of 9:30am to 1:00pm and 2:00pm to 4:30pm from Monday to Friday (bank holidays excluded).
 - (b) Ballina Civic Offices, Arran Place, Ballina, Co Mayo F26 E5D7, between the hours of 9.30am to 1:00pm and 2:00pm to 4.30pm, Monday to Friday (bank holidays excluded).
 - (c) The offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1 between the hours 9:15am and 5:30pm Monday to Friday (Excluding Public Holidays).
 - (d) www.mayo.ie
4. The Housing Act, 1966, as amended, provides that if an objection is made with respect to the proposed compulsory acquisition of land, the land in respect of which an objection is duly made by any of the persons upon whom notices of the making of the Order are required to be served, shall not be acquired compulsorily unless the Board makes an order to confirm the Compulsory Purchase Order, unless: -
 - (a) the objection is withdrawn, or
 - (b) the Board is satisfied that the objection relates exclusively to matters which can be dealt with by the Arbitrator by whom the compensation may have to be assessed.

Prior to a decision on confirmation or otherwise of a Compulsory Purchase Order, the Board may at its absolute discretion, hold an oral hearing in relation to the matter.

5. Any objection to the Order must state in writing the grounds of objection and be sent addressed to An Bord Pleanála at 64 Marlborough Street, Dublin 1 so as to reach the said Board **on or before the 28TH of August 2025.**
6. The Board, if it thinks fit, may in one or more stages annul the Compulsory Purchase Order or confirm the Order, with or without modification.
7. If no objection is received to the proposed compulsory acquisition of land or right over land, the objection is withdrawn or the Board is satisfied that the objection relates exclusively to matters which can be dealt with by the Arbitrator by whom the compensation may have to be assessed, the Board shall inform the Local Authority, which may then confirm the Order with or without modification, or refuse to so confirm it.
8. If the land or right over land to which the Order, as confirmed by either the Board or the Local Authority, relates is acquired by the Local Authority, compensation for the land will be assessed in respect of the acquisition as the value of the land at the date that the relevant Notice to Treat is served.
9. In the opinion of the Local Authority, no part of the land in which you have an interest consists of a house or houses which are unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense. If the land or right over land to which the Order relates is acquired by the Local Authority, compensation will be assessed in accordance with Part 11 of the Fourth Schedule to the Housing Act, 1966, and the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919 as amended by the Acquisition of Land (Reference Committee) Act, 1925, the Property Values (Arbitrations and Appeals) Act, 1960, and the Local Government (Planning and Development) Act, 1963 (as applied by section 265 (3) of the Planning and Development Act, 2000), subject to the modifications contained in the Third Schedule to the Housing Act, 1966.
10. Any dispute in relation to compensation shall be referred to and determined by a Property Arbitrator appointed under the Property Values (Arbitrations and appeals) Act, 1960.
11. A claimant for compensation may at any time after the expiration of fourteen days from the date on which the relevant Notice to Treat is served, send to the Secretary, the Land Values Reference Committee, C/o High Court, Four Courts, Dublin 7 an application in writing for the nomination of a property arbitrator for the purpose of determining the compensation to be paid. The application should be made in accordance with the Property Values (Arbitrations and Appeals) Rules, 1961 (S.I. No. 91 of 1961).



**John Condon,
Director of Services,
Mayo County Council
Áras an Chontae,
The Mall,
Castlebar,
Co. Mayo,
F23 WF90**

SCHEDULE
PART 1 – LAND ACQUISITION
“Not Applicable”

PART 2 – PERMANENT WAYLEAVE

Sub-Part A – Description of Wayleave

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 Sub-Part B below, together with the right,
- (iii) To enter with all necessary vehicles, plant, and machinery upon the said land at all times for any of the said purposes.

Sub-Part A – Description of Wayleave

Plot Number coloured yellow on the drawings deposited at Áras an Chontae, The Mall, Castlebar, Co. Mayo, F23 WF90 And Ballina Civic Offices, Arran Place, Ballina, Co. Mayo, F26 E5D7 And The offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1 And www.mayo.ie	DRAWING No.	Quantity, Situation and Description of the Land		Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Description of Property			
T70-03	MGW0290-RPS-00-XX-DR-D-WL007-01	0.0350	Behybaun	Residential	Bernard Cumiskey and Margaret Cumiskey, The Rocks, Behybaun, Ballina, County Mayo, F26 VE22	None

PART 3 – PERMANENT RIGHT OF WAY
“Not Applicable”

PART 4 – TEMPORARY WORKING AREA

Sub-Part A – Description of Temporary Working Area

The right for the “the Local Authority”, its successors in title, assigns, tenants, servants or agents, contractors, or other licensees:

- (i) to pass and repass during construction of the works.
- (ii) to enter with all necessary vehicles, plant, and machinery upon the said land during construction of the works for any of the said purposes.

Sub-Part B – Description of Land

Plot Number coloured green on the drawings deposited at:	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
<p>Áras an Chontae, The Mall, Castlebar, Co. Mayo, F23 WF90</p> <p>And</p> <p>Ballina Civic Offices, Arran Place, Ballina, Co. Mayo, F26 E5D7</p> <p>And</p> <p>The offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1</p> <p>And</p> <p>www.mayo.ie</p>							
T70-01	MGW0290-RPS-00-XX-DR-D-WL007-01	0.0191	Behybaun	Residential	Bernard Cumiskey and Margaret Cumiskey, The Rocks, Behybaun, Ballina, County Mayo, F26 VE22	None	None

