



An
Bord
Pleanála

Board Direction
BD-009404-21
ABP-302885-18

The submissions on this file and the Inspectors' report were considered at Board meetings held on 16/09/2021, 11/10/21 and 08/11/21.

The Board decided by a majority of 4:1 to confirm the compulsory purchase order generally in accordance with the Inspectors' recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having considered the objections made to the Motorway Scheme, the report of the person who conducted the oral hearing into the objections, the purpose of the Motorway Scheme and also having regard to:

- (a) The need to provide a road that is designed and constructed in accordance with current design standards with a consistent cross section with full stopping sight distances along its length and appropriate junctions and accesses with visibility in accordance with current design standards,
- (b) the community need, and public interest served and overall benefits, including benefits to a range of road users to be achieved from use of the acquired lands,
- (c) the provisions of the National Planning Framework – Project Ireland 2040, the Galway County Development Plan 2015-2021 and the Galway City Development Plan 2017-2023 and the policies and objectives stated therein, which specifically identify the proposed road development,

- (d) the proportionate design response to the identified need,
- (e) the submissions and observations made to the Scheme at the oral hearing, and
- (f) the report and recommendation of the Inspectors,

it is considered that, subject to the modifications as set out in the Schedule below, the acquisition by the local authority of the lands in question, and the extinguishment of public rights of way, as set out in the Motorway Scheme and on the deposited maps, are necessary for the purpose stated, and that the objections cannot be sustained having regard to the said necessity.

SCHEDULE

The Motorway Scheme shall be modified in accordance with the revised schedules and associated deposit maps submitted by the Road Authority to An Bord Pleanála at the Oral Hearing on the 4th day of November 2020, except as follows:

- (i) Plot Numbers 123a.202 and 123b.201 shall be removed.
- (ii) Plot Number 195a.202 shall be subject to permanent acquisition save for the portion accommodating the final regraded entrance to the existing dwelling which shall be subject to temporary acquisition.
- (iii) Plot Number 246a.203 shall be subject to permanent acquisition save for the portion accommodating the piped outfall which shall be subject to temporary acquisition with an associated wayleave agreement in favour of the Road Authority.
- (iv) Plot Number 651a.202 shall be reduced in area, so as to include only those lands required for the construction of the northern portion of Access Road 13/02 along the alignment of the existing bóithrín.
- (v) Plot Number 713a.203 shall be subject to temporary acquisition.
- (vi) Plot Numbers 713a.204, 713a.101 and 713b.101 shall be subject to temporary acquisition to a depth of 1.5 metres below ground level and

subject to permanent acquisition to a depth beyond 1.5 metres below ground level.

Reason: To take account of updated information in respect of land ownership and commitments made in the course of the oral hearing, and to reduce the extent of acquisition or change the nature of acquisition from permanent to temporary in respect of landholdings, where it is considered that lands surplus to the identified purpose were sought to be acquired.

Note: The Board agreed with the Inspector that the lands at Plot 713 are required for the purposes of constructing the road project. However, the Board determined that the modifications set out at items (v) and (vi) of the Schedule above, were appropriate by reference to the lands at Plot 713 which are required for the operation of the road project. Furthermore, the Board determined that the use of lands within Plot 713 for the development of permanent stables is not a requirement of the road project.

Board Member:


Chris McGarry

Date: 09/11/2021

DECISION QUASHEET