



An
Bord
Pleanála

Board Direction
BD-007901-21
ABP-306192-19

At a meeting held on 9th April 2021, the Board considered:

- the objections made to the Compulsory Purchase Order,
- the report of the Inspector who held the oral hearing held on 17th November 2020. and
- the documents and submissions on file generally.

The Board decided to confirm the Order without modification for the following reasons and considerations.

- (i) The need to improve road safety and reduce the risk of collisions on this section of the N70.
- (ii) To facilitate the growth and economic development of the region,
- (iii) To facilitate the development and growth of tourism in the area,
- (iv) To provide an improved level of service on the N70,
- (v) To provide improved connectivity between Sneem and Kenmare
- (vi) The reduced congestion on the road network;
- (vii) The community need, public interest served and overall benefits, including benefits to Sneem and Kenmare, and increased provisions for a range of road users including pedestrians and cycles to be achieved from use of the acquired lands,

- (viii) The national, regional and local policy provisions in support of the proposed upgrade and road improvements, and
- (ix) The proportionate design response to the identified need,

It is considered that, the acquisition by the local authority of the lands in question, and the extinguishment of public and private rights of way, as set out in the compulsory purchase order and on the deposited maps, are necessary for the purpose stated, and that the objections cannot be sustained having regard to the said necessity.

In not agreeing with the Inspector's recommendation to annual the CPO, the Board noted the Inspector's concerns regarding the absence of an overall strategy for improvements on the N70 including proposals for a more comprehensive segregated pedestrian/cycle path/s but was satisfied that the upgrade of this short section of the road would deliver benefits to all road users including cyclists and pedestrians in terms of safety and convenience. The Board also noted the Inspector's concerns in relation to pedestrian/cyclist safety arising from potential conflicting movements where the short section of segregated path begins and ends but was satisfied that the scheme would deliver overall benefits arising from the provision of the improved stretch of segregated path and that potential issues could be addressed through appropriate road safety measures.

The Board did not consider that the approval of the scheme (and the confirmation of the CPO) would represent a haphazard approach or a catalyst for the justification and advancement of future upgrade and improvements on the N70. The Board considered that the policy context, project need and project objectives for the proposed road development were satisfactorily addressed in Chapter 2 of the EIAR and that the scheme was carefully designed to achieve the necessary upgrade of this section of the N70, whilst minimising the potential for impacts on this tourism route within a sensitive landscape and environment. Furthermore, any potential future upgrade or road improvement schemes on the N70 or elsewhere, would be required to be assessed on both their individual merits and their overall potential for

cumulative impacts in accordance with proper planning and sustainable development.

The Board agreed with the Inspector that the proposed road scheme would not result in any unacceptable impacts on the environment and would not adversely affect the integrity of European Sites, in view of the sites' conservation objectives.

The Board was therefore satisfied that the stated purpose of the acquisition as set out in the Compulsory Purchase Order was justified by the exigencies of the common good, that the community need for the scheme had been satisfactorily established and that confirmation of the CPO was necessary to support the Board's decision to approve the N70 Sneem to Blackwater Bridge (Ankail to Doon) Road Project under file reference number ABP 309196-19.

Board Member

Date: 15/04/2021

Maria FitzGerald