



An  
Bord  
Pleanála

**Board Direction**

**BD-016282-24**

**ABP-311782-21**

At a meeting held on 13/05/2024, the Board considered:

- (a) the objections made to the Compulsory Purchase Order,
- (b) the report of the Inspector who held the oral hearing and
- (c) the documents and submissions on file generally.

The Board decided to confirm the Order with modification based on the reasons and considerations set out below.

## **Reasons and Considerations**

Having considered the objections made to the compulsory purchase orders, the report of the person who conducted the oral hearing into the objections, the purpose of the compulsory purchase order and also having regard to:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the purpose of the compulsory acquisition for the Dock Road Improvement Scheme – Upgrade of Atlas Avenue & Courtbrack Avenue Junctions which has been subject to the provisions of Part XI of the Planning and Development Act 2000, as amended, and approved under Part 8 of the Planning and Development Regulations 2001, as amended,

- (c) the community need, public interest served and overall benefits, especially in terms of traffic management and road safety, to be achieved from the proposed road improvement works,
- (d) the design of the proposed Dock Road Improvement Scheme including the upgrade of Atlas Avenue & Courtbrack Avenue Junctions which constitutes a design response that is proportionate to the identified need,
- (e) the provisions of the National Planning Framework, the Climate Action Plan 2023, the Southern Regional Assembly Regional Spatial and Economic Strategy, the Limerick-Shannon Metropolitan Area Transport Strategy 2040 and the policies and objectives of the Limerick Development Plan 2022 – 2028, which are not materially contravened, and
- (f) the submissions and observations made at the oral hearing, and
- (g) the report and recommendation of the Inspector,

It is considered that, the acquisition by Limerick City and County Council of the lands in question, and the acquisition of wayleaves and extinguishment of rights of way, as set out in the compulsory purchase order and on the deposited maps, is necessary for the purpose stated, which is a legitimate objective being pursued in the public interest, and that the CPO and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

**Board Member:**



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Peter Mullan

**Date:** 13/05/2024