

An
Bord
Pleanála

Board Direction
BD-014874-23
ABP-314091-22

The submissions on this file and the inspector's report were considered at a Board meeting on 15/12/2023.

The Board decided to confirm the compulsory purchase order based on the reasons and considerations set out below.

Reasons and Considerations

Having considered the objections made to the compulsory purchase order, and not withdrawn in respect of the proposed road scheme, the report and recommendation of the Inspector who considered the written objections, the purpose for acquisition of lands, restriction of public rights of way, and acquisition of private rights of way, on a temporary and permanent basis as set out in the compulsory purchase order and on the deposited maps and also having regard to the following:

- (a) the demonstrated need to acquire compulsorily the land and/or rights described in Part I, Part II and Part IV (Section A) of the schedule furnished with the application for the purposes of the construction of the Liffey Valley to City Centre Core Bus Corridor scheme for the purposes of facilitating public transport, and together with all ancillary and consequential works associated with the scheme,
- (b) the proposed road development would provide improved road infrastructure for walking, cycling and public transport to encourage these modes as attractive alternatives to car-based journeys,

- (c) the demonstrated community need, and the public interest that would be served and the overall benefits, including benefits to a range of road users to be achieved from use of the acquired lands,
- (d) the substandard infrastructure provided for along the existing route,
- (e) the strategic nature of the scheme in the context of the need to deliver an efficient, low carbon and climate resilient public transport service, in support of the achievement of Ireland's emission reduction targets,
- (f) the national, regional and local planning policy of relevance including the policies and objectives of the Dublin City Development Plan 2022-2028 and the South Dublin County Development Plan 2022-2028,
- (g) the proportionate design response to the identified need,
- (h) the constitutional and Convention protection afforded to property rights,
- (i) the submissions and objections received by the Board and the responses by the applicant, and
- (j) the report and recommendation of the Inspector.

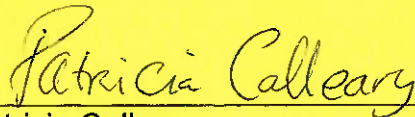
it is considered that, the acquisition by the National Transport Authority of the lands in question, and the restriction of public rights of way, and acquisition of private rights of way, on a temporary and permanent basis as set out in the compulsory purchase order and on the deposited maps, are necessary for the purpose stated, and that the objections cannot be sustained having regard to the said necessity.

The effects of the compulsory purchase order on the rights of affected landowners are proportionate to the objective being pursued. The Board was satisfied that the proposed acquisition of lands and restriction/ interference with public rights of way, and the acquisition/ restriction of private rights of way would be consistent with the policies and objectives of the South Dublin County Development Plan 2022-2028 and the Dublin City Development Plan 2022-2028. Accordingly, the Board was satisfied that that the confirmation of the compulsory purchase order is clearly justified by the exigencies of the common good.

Note:

Since the lodgement of the application to An Bord Pleanála, Dublin City Development Plan 2022-2028 and South Dublin Development Plan 2022-2028 came into effect. In considering the application and arriving at its decision, the Board was satisfied that no material policy changes arose in the new statutory plans and the proposed road development (Liffey Valley to City Centre Core Bus Corridor Scheme) continues to be strongly supported in specified policy in both adopted statutory plans. Accordingly, and taking into account all of the matters raised in the objections to the compulsory purchase order, the Board was satisfied that no further consultation was necessary as a result of the coming into effect of the new statutory plans.

Board Member:



Patricia Calleary.

Date: 15/12/2023