

An
Bord
Pleanála

Board Direction
BD-015535-24
ABP-314642-22

At meetings held on 13/02/2024 and 19/02/2024, the Board considered:

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

The Board decided to confirm the Order without modification based on the reasons and considerations set out below.

Reasons and Considerations

Having considered the objections made to the compulsory purchase order, the report of the Inspector, the purpose of the compulsory purchase order to facilitate the delivery of Bus Connects; sustainable public transport and active travel infrastructure, and also having regard to:

- (i) the constitutional and Convention protection afforded to property rights,
- (ii) the substandard infrastructure provided for along the existing route,

- (iii) the strategic nature of the scheme in the context of reducing carbon emission and climate change,
- (iv) 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,
- (v) the proportionate design response to the identified need,
- (vi) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the Bus Connects Sustainable Public Transport and Active travel Scheme,
- (vii) the policies and objectives of the Dublin City Development Plan 2022-2028 and the Fingal County Development Plan 2023-2029,
- (viii) the submissions made to the Board, and
- (ix) the report and recommendation of the Inspector,

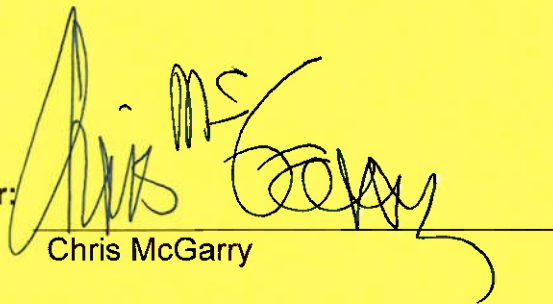
the Board considered that the acquisition of these lands on a permanent and temporary basis, restriction, acquisition and interference of rights of way, by the National Transport Authority, as set out in the compulsory purchase order and on the deposited maps, is necessary for the purpose stated, which 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.

In reaching this conclusion, the Board agrees with and adopts the analysis contained in the report of the Inspector who conducted the assessment of the objections.

Note:

Since the lodgement of the application to An Bord Pleanála, Dublin City Development Plan 2022-2028 and the Fingal County Development Plan 2023-2029 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 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:



Chris McGarry

Date: 23/02/2024