

**An
Bord
Pleanála**

**Board Direction
BD-014697-23
ABP-314665-22**

At a meeting held on 22/11/2023, 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 Compulsory Purchase Order, with the modifications proposed by the acquiring authority, based on the reasons and considerations set out below.

Reasons and Considerations

Having considered the written objections made to the Compulsory Purchase Order, the report and recommendation of the Inspector who conducted the oral hearing into the objections, and having regard to the following:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) The purpose for which the lands are to be acquired as set out in the Compulsory Purchase Order,
- (c) The deficiencies in the existing educational facilities in Ballincollig,
- (d) The community need, public interest served and overall benefits to be achieved from the proposed school campus,

- (e) The provisions of the National Planning Framework and the Section 28 guidelines on 'The Provision of Schools and the Planning System (2008)',
- (f) The Climate Act 2021 and Climate Action Plan 2023,
- (g) The policies and objectives of the Cork City Council Development Plan 2022-2028, which are not materially contravened, and
- (h) The submissions and observations made at the oral hearing,

In reaching this conclusion, It is considered that, the acquisition permanently of the lands in question, as set out in the CPO and on the deposited map, are necessary for the purposes 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 and the objections cannot be sustained having regard to the said necessity.

In coming to this conclusion the Board agrees with and adopts the analysis contained in the report of the person who conducted the oral hearing into the objections. Board was satisfied that: the process and procedures undertaken by the local authority have been fair and reasonable, that the local authority has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to facilitate the provision of educational facilities in Ballincollig.

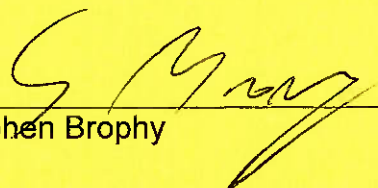
Having regard to the constitutional and Convention protection afforded to property rights, the Board consider that the acquisition of land as set out in the CPO pursues, and is rationally connected to, a legitimate objective in the public interest, namely the provision of educational facilities.

The Board was also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible; in this respect, the Board considered alternative means of achieving the objective referred to in submissions to the Board, and was satisfied that the acquiring authority has established that none of the

alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.

The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. The Board was further satisfied that the proposed acquisition of these lands would be consistent with the policies and objectives of the Cork City Development Plan 2022-2028. Accordingly, the Board was satisfied that that the confirmation of the CPO is clearly justified by the exigencies of the common good.

Board Member:



Stephen Brophy

Date: 28/11/2023