



An  
Bord  
Pleanála

**Board Direction**

**BD-016132-24**

**ABP-314668-22**

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At a meeting held on 19/04/2024, 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 without modification

### **Reasons and Considerations**

Having considered the objections made to the compulsory purchase order, the written submissions and observations made to the Oral Hearing held on the 12<sup>th</sup> of December 2023, the report of the Inspector who conducted the Oral Hearing into the objections, the purpose of the compulsory purchase order to facilitate the delivery of the Ulster Canal Greenway Phase 2 from Monaghan Town to the Northern Ireland Border and also having regard to the following-

- (i) the proportionality and necessity for the level of acquisition proposed having regard to protection afforded to property rights as set out in the Irish Constitutional and European Convention on Human Rights and
- (ii) the community need to acquire lands to provide for a Greenway, the public interest served and overall benefits, including social cohesion between the Republic and Northern Ireland, provision of walking and cycling infrastructure to be achieved from the delivery of the Ulster Canal Greenway,

- (iii) the overall design response, which has been appropriately tailored to the identified need,
- (iv) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the greenway in close proximity to the Ulster Canal
- (v) the provisions of National Planning Framework- Project Ireland 2018-2040, the Regional and Economic Spatial Strategy 2020-2032 for the Northern and Western Regional Assembly and in particular the Monaghan County Development Plan 2019-2025 – where the Development Plan clearly supports the delivery of the scheme for which the CPO is proposed as per policy TMP5 and objective MPO9,
- (vi) the appropriate consideration of alternatives to deliver the project,

it is considered that the acquisition of lands by Monaghan County Council, as set out in the Compulsory Purchase Order, Schedule and on the deposited maps, is necessary for the purpose stated, which are legitimate objectives being pursued in the public interest, and that the CPO and its effects on the property rights of affected landowners are proportionate to those objectives 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 person who conducted the oral hearing into the objections.

### **Costs**

Following the Board's determination of the case, the Board considered the application received by the Board for costs dated 30<sup>th</sup> January 2023 and the response to same from Monaghan County Council on 14<sup>th</sup> February 2024.

Pursuant to the provisions of section 219 of the Planning and Development Act 2000, as amended, the Board determined that, having regard to the specific merits and the outcome of the substantive case where the CPO was confirmed without modifications and to the fact that the objections made were not sustained, the

payment of a contribution to the costs by the Local Authority to the objector who, submitted a total claim for costs which are not clearly defined as being incurred by them or their representatives in respect of their appearance at the oral hearing, was not warranted in this instance. The Board, therefore, decided not to award costs to the claimant in this case.

**Board Member:**



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Una Crosse

**Date:** 23/04/2024