

An  
Bord  
Pleanála

**Board Direction**  
**BD-017813-24**  
**ABP-317544-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/10/2024.

The Board considered:

- (a) the objection made to the compulsory acquisition,
- (b) the report of the Inspector who and
- (c) the documents and submissions on file generally.

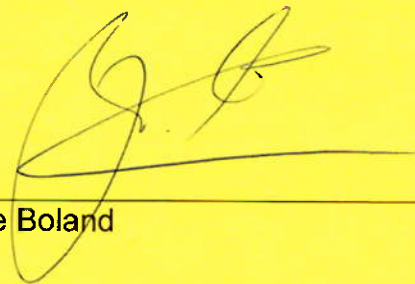
The Board decided to confirm the Compulsory Purchase Order without modifications, based on the reasons and considerations set out below.

### **Reasons and Considerations**

Having considered the objection made to the compulsory purchase order, the purposes for which the lands are to be acquired as set out in the compulsory purchase order, 'Fingal County Council Compulsory Purchase Order (R126 Portrane Road Footpath Project), 2023', and having regard to the following:

- i. the constitutional and European Human Rights Convention protection afforded to property rights,
  - ii. the approval of a proposed development for improvement works which also form part of the overall lands under the Part 8 Process (Reg. Ref. PARTXI/005/19),
  - iii. the community need, public interest served and overall benefits to be achieved through the delivery of the Project,
  - iv. the policies and objectives of the Fingal Development Plan 2023-2029, which are not materially contravened, and
  - v. the observation made, and
  - vi. the report and recommendation of the Inspector,
- it is considered that the permanent acquisition of the lands in question, as set out in the Order, Schedule, and deposited map by Fingal County Council, is necessary for the stated purpose, 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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Joe Boland

**Date:** 09/10/2024

Note: While generally accepting the Inspector's recommendation to confirm the Compulsory Purchase Order, the Board did not share the Inspector's view that the wider proposed public realm improvements and related works could still be delivered independent of acquiring the objector's site. On the contrary, the Board considered that this site represented an integral part of the overall scheme and to exclude it would seriously undermine the benefits of the totality of the scheme particularly in terms of pedestrian safety given its proximity to the school.