



An
Bord
Pleanála

Board Direction
BD-019581-25
ABP-319545-24

At a meeting held on 02/05/2025, 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 based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having considered the objections made to the Compulsory Purchase Order, the written submissions and observations made at the Oral Hearing held on the 24th day of September 2024, the report of the Inspector who conducted the oral hearing into the objections, the purpose for which the lands are to be acquired as set out in the Compulsory Purchase Order, to provide for the O'Rourke's Cross Road Improvement Scheme and also having regard to the following:

- (i) the constitutional and European Human Rights Convention protection afforded to property rights,
- (ii) existing road conditions at the staggered crossroads of the heavily trafficked national primary road N20 and its intersection with regional road R518, the

complexity of the traffic turning movements at this staggered crossroads, the existence of a number of access/egress points to the service station at O'Rourke's Cross, and the lack of adequate bus infrastructure and pedestrian facilities to access existing bus stops on the N20, and the resulting high collision rates,

- (iii) the approval of the O'Rourke's Cross Road Improvement Scheme under the Part 8 process (Planning Authority Reference 17/8005),
- (iv) the community need, the public interest served and overall benefits, especially in terms of road traffic safety to be achieved from the proposed road improvement scheme,
- (v) the design response, which has been appropriately tailored to the identified need,
- (vi) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the O'Rourke's Cross Road Improvement Scheme,
- (vii) National Strategic Outcome (NSO) 2 Enhanced Regional Accessibility of the National Planning Framework (NPF) includes that Inter-Urban Roads to maintain the strategic capacity and safety of the national roads network,
- (viii) the policies and objectives of Limerick Development Plan 2022-2028, including Objective TR O43 Upgrade Works/New Road Schemes, whereby it is an objective to provide for and carry out sustainable improvements to sections of the national, regional, and local road network, to address deficiencies in respect of safety, alignment, structural condition, or capacity where resources permit, and which specifically identifies N20 O'Rourke's Cross Improvements as one such scheme,
- (ix) the submissions made at the oral hearing held on the 24th day of September 2024, and,
- (x) the report and recommendation of the Inspector,

it is considered that the permanent acquisition of the land in question and the extinguishment of public and private rights of way, as set out in the Compulsory Purchase Order, First Schedule, Second Schedule (Parts I and II) and on the deposited map by Limerick City and County Council, is necessary for the purpose stated, which is a legitimate objective being pursued in the public interest, and that the

Compulsory Purchase Order 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 person who conducted the oral hearing into the objections.

Board Member: Eamonn James Kelly **Date:** 02/05/2025
Eamonn James Kelly