



Board Direction

Ref: 07.CH3302

At a meeting of the Board held on 18th May 2017, the Board considered:

- (a) the objections made to the compulsory purchase order and not withdrawn,
- (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 without modification.

REASONS AND CONSIDERATIONS

Reasons and Considerations generally in accordance with the Inspector's recommendation, subject to the manuscript amendments on the attached copy of the draft order, and as follows.

In deciding not to accept the Inspector's recommendation to modify the CPO so as to remove the ventilation areas and keg room identified by the objector in the documents submitted at the oral hearing, the Board considered that the entirety of the area proposed by Irish Water for a wayleave was justified. The Board was concerned that the exclusion of certain areas could potentially lead to restrictions or unintended consequences for Irish Water in respect of their long term requirement for necessary access to this important piece of utility infrastructure.

In relation to the claim submitted for recovery of costs by the objectors (letter from Stephen Dowds planning consultant received by ABP on 24th March 2017) under section 219 of the Planning & Development Act (as amended), the Board decided not to award any costs to the objectors. Taking into account the Board's adopted policy in this regard, and the failure of the Board to uphold the grounds of objection, it was considered that there was no particular circumstance arising that would merit an award of costs in this case.

Board Member: _____ Date: 18th May 2017
Conall Boland