



An
Bord
Pleanála

Board Order ABP-302903-18

Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2018

Applicant: Irish Water

Application received by An Bord Pleanála on the 17th day of October, 2018 from Irish Water pursuant to section 76 of, and the Third Schedule to, the Housing Act, 1966 as extended by section 10 of the Local Government (No. 2) Act, 1960 (as substituted by section 86 of the Housing Act, 1966) and the Planning and Development Acts, 2000 to 2018, for confirmation of a compulsory purchase order authorising compulsory acquisition of lands and entitled **Irish Water Compulsory Purchase (Ballycoolen to Kingstown/Forrest Little Trunk Main Scheme) Order, 2018.**

Decision

CONFIRM the above compulsory purchase order subject to the modifications set out in the Schedule hereto and for the reasons and considerations set out below.

Reasons and Considerations

Having considered the objections made to the Compulsory Purchase Order, the report of the Inspector who conducted the oral hearing and the documents and submissions on file generally, the Board decided to confirm the Order, subject to the modifications set out in the Schedule hereto and for the reasons and considerations set out below. Having regard to the following:

- (a) The deficiencies of the existing water supply trunk main and the need for greater security of supply in the Fingal area;
- (b) The strategic nature of the scheme in the context of providing increased water supply to meet existing and future demand in the Fingal area;
- (c) The community need, public interest served and overall benefits to be achieved from the proposed development;
- (d) The chosen route alignment for the Ballycoolen to Kingstown/Forrest Little Trunk Main Scheme which constitutes a design response that is proportionate to the identified need;
- (e) The policies and objectives of the Fingal Development Plan 2017-2023; and
- (f) The submissions and observations made at the Oral Hearing held on the 13th day of February 2019,

it is considered that, subject to the modifications to the Schedule set out below, the acquisition of permanent wayleaves, permanent rights-of-way and temporary working areas by Irish Water on the lands in question, as set out in the Order and on the deposited maps, are necessary for the purposes stated and the objections cannot be sustained, having regard to the said necessity.

SCHEDULE

The Compulsory Purchase Order schedule shall be modified as follows, in accordance with the proposed modifications, submitted by Irish Water to the Board at the oral hearing held on the 13th day of February 2019:

Part 2, Sub-Part B: The permanent wayleaves in respect of the following plot numbers shall be modified:

- (a) Plot number 007 shall be reduced in width such that its area is reduced to 0.5465 ha.
- (b) Plot number 014 shall be reduced in width to 8m such that its area is reduced to 0.0731 ha.
- (c) Plot numbers 018, 021 and 023 shall be omitted.
- (d) Plot number 075 shall be reduced in width such that its area is reduced to 0.6799 ha.

Part 3, Sub-Part B: The permanent right-of-way at plot number 051-A shall be omitted.

Part 4, Sub-Part B: The temporary workings areas in respect of the following plot numbers shall be modified:

- (a) Plot numbers 009, 010, 019, 020, 022 and 024 shall be omitted.
- (b) Plot number 076 shall be reduced in area to 0.1395 ha.
- (c) Plot number 077 shall be reduced in area to 0.1095 ha.

Reason: To take account of submissions made by Irish Water at the oral hearing, proposing modifications to reduce the extent of acquisition, which is considered reasonable in the context of the scheme.

Dave Walsh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019