

Board Order ABP-303394-19

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 7th day of January, 2019 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 (Clarecastle Sewerage Scheme) Order, 2018.**

Decision

CONFIRM the above compulsory purchase order for the reasons and considerations set out below.

Reasons and Considerations

Having considered the objections made to the Compulsory Purchase Order, and not withdrawn, the report and recommendation of the Inspector who conducted the oral hearing into the objections, and the documents and submissions on file generally, and having regard to the following:

ABP-303394-19 Board Order Page 1 of 2

- (a) The deficiencies of the existing discharge point at Quay Road, Clarecastle in discharging untreated water directly into the River Fergus;
- (b) The strategic nature of the scheme in the context of providing increased capacity to cater for existing and future development in the Clarecastle Agglomeration;
- (c) The improvements of water quality within the River Fergus resulting from the scheme:
- (d) The community need, public interest served and overall benefits to be achieved from the proposed development;
- (e) The chosen route alignment for the Clarecastle rising main which constitutes a design response that is proportionate to the identified need;
- (f) The policies and objectives of the Clare County Development Plan 2017-2023 and the Ennis Municipal District Written Statement 2017-2023;
- (g) The submissions and observations made at the Oral Hearing held on the 9th day of April 2019,

the Board considered that the acquisition by Irish Water of permanent wayleaves, permanent rights-of-way and temporary working areas 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 and the Board decided to confirm the Order with modification.

Dave Walsh

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

Dated this day of 2019

ABP-303394-19 Board Order Page 2 of 2