



An
Bord
Pleanála

Board Order ABP-306192-19

Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2020

Planning Authority: Kerry County Council

Application received by An Bord Pleanála on the 13th day of December, 2019 from Kerry County Council 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 2020, for confirmation of a compulsory purchase order authorising compulsory acquisition of lands and entitled **N70 Sneem to Blackwater Bridge (Ankail to Doon) Road Project Compulsory Purchase Order of 2019**.

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, the report and recommendation 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, and having regard to the following:

- (i) the need to improve road safety and reduce the risk of collisions on this section of the N70.
- (ii) to facilitate the growth and economic development of the region,
- (iii) to facilitate the development and growth of tourism in the area,
- (iv) to provide an improved level of service on the N70,
- (v) to provide improved connectivity between Sneem and Kenmare,
- (vi) the reduced congestion on the road network,
- (vii) the community need, public interest served and overall benefits, including benefits to Sneem and Kenmare, and increased provisions for a range of road users including pedestrians and cycles to be achieved from use of the acquired lands,
- (viii) the national, regional and local policy provisions in support of the proposed upgrade and road improvements, and
- (ix) the proportionate design response to the identified need,

it is considered that, the acquisition by the local authority of the lands in question, and the extinguishment of public and private rights of way as set out in the Compulsory Purchase Order and on the deposited maps, are necessary for the purpose stated, and that the objections cannot be sustained having regard to the said necessity.

In not agreeing with the Inspector's recommendation to annul the Compulsory Purchase Order, the Board noted the Inspector's concerns regarding the absence of an overall strategy for improvements on the N70 including proposals for a more comprehensive segregated pedestrian/cycle path/s but was satisfied that the upgrade of this short section of the road would deliver benefits to all road users including cyclists and pedestrians in terms of safety and convenience. The Board also noted the Inspector's concerns in relation to pedestrian/cyclist safety arising from potential conflicting movements where the short section of segregated path begins and ends but was satisfied that the scheme would deliver overall benefits arising from the provision of the improved stretch of segregated path and that potential issues could be addressed through appropriate road safety measures.

The Board did not consider that the approval of the scheme (and the confirmation of the Compulsory Purchase Order) would represent a haphazard approach or a catalyst for the justification and advancement of future upgrade and improvements on the N70. The Board considered that the policy context, project need and project objectives for the proposed road development were satisfactorily addressed in Chapter 2 of the Environmental Impact Assessment Report and that the scheme was carefully designed to achieve the necessary upgrade of this section of the N70, whilst minimising the potential for impacts on this tourism route within a sensitive landscape and environment. Furthermore, any potential future upgrade or road improvement schemes on the N70 or elsewhere, would be required to be assessed on both their individual merits and their overall potential for cumulative impacts in accordance with proper planning and sustainable development.

The Board agreed with the Inspector that the proposed road scheme would not result in any unacceptable impacts on the environment and would not adversely affect the integrity of European Sites, in view of the sites' conservation objectives.

The Board was, therefore, satisfied that the stated purpose of the acquisition as set out in the Compulsory Purchase Order was justified by the exigencies of the common good, that the community need for the scheme had been satisfactorily established and that confirmation of the Compulsory Purchase Order was necessary

to support the Board's decision to approve the N70 Sneem to Blackwater Bridge (Ankail to Doon) Road Project under An Bord Pleanála file reference number ABP 309196-19.

DR Maria Fitzgerald

Maria Fitzgerald

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

Dated this *26th* day of *April* 2021