

An  
Bord  
Pleanála

## Board Order ABP-310377-21

**Local Government (No. 2) Act, 1960**

**Housing Act, 1966**

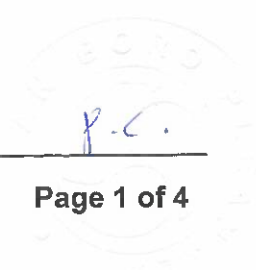
**Planning and Development Acts, 2000 to 2021**

**Planning Authority: Wicklow County Council**

**Application** received by An Bord Pleanála on the 31<sup>st</sup> day of May, 2021 from Wicklow 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 **Wicklow County Council Compulsory Purchase (Arklow Flood Relief Scheme) Number 2 Order 2021**.

### DECISION

**CONFIRM** the above Compulsory Purchase Order with the modifications as submitted by Wicklow County Council on 20<sup>th</sup> day of January, 2022, based on the reasons and considerations set out below.



## REASONS AND CONSIDERATIONS

Having considered the written objections made to the Compulsory Purchase Order, the report and recommendation of the Inspector who conducted the oral hearing into the objections, the purpose of the Compulsory Purchase Order, and also having regard to:

- (a) the need to provide a flood relief scheme at the Avoca River,
- (b) the community need, public interest served and overall benefits, including benefits to the wider area to be achieved from use of the acquired lands,
- (c) the provisions of the current Wicklow County Development Plan and the Arklow Town and Environs Local Area Plan and the policies and objectives stated therein, which specifically identified the need for the proposed flood relief scheme, and
- (d) the proportionate design response to the identified need,

it is considered that, subject to the modifications to the Order as set out in the Schedule below, the acquisition by the local authority of the lands in question, 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 regards to the said necessity.

## SCHEDULE

The compulsory purchase order shall be modified in accordance with the modifications submitted to the Board at the oral hearing on the 20<sup>th</sup> January, 2022 as follows:

**Plot 101:** Part of the lands in Plot number 101 on the marsh side of the proposed Embankment (in the ownership or reputed ownership of Patrick & Patricia Ivory) to be acquired on a temporary basis only, identified as Plot number 101T comprising 0.1789 hectares (0.4423 acres).

**Plot 103:** Part of the lands in Plot number 103 on the marsh side of the proposed Embankment (in the ownership or reputed ownership of Proinseas O Broinn) to be acquired on a temporary basis only, identified as Plot number 103T comprising 0.5595 hectares (0.1.3825 acres).

**Plot 109:** Part of the lands in Plot number 109 located on the east side of the proposed Embankment which can be accessed off Bridgewater Roundabout (in the ownership or reputed ownership of the Estate of Malachy McDaniel Stone) to be acquired on a temporary basis only.

**Plot 124d:** The area of Plot number 124d (which lands are owned by Wicklow County Council and leased to Arklow Slipway Limited) to be permanently acquired is to be decreased from 0.2385 hectares (0.589 acres) to 0.0233 hectares (0.0576 acres).

**Plot 124d:** The remainder of Plot number 124d to be acquired on a temporary basis only, identified as Plot number 124dT comprising 0.2152 hectares (0.5318 acres).

**Plot 125:** Plot number 125 (in the ownership or reputed ownership of Roadstone Limited) to be acquired on a temporary basis only, identified as Plot number 125T.

**Reason:** To take account of updated information in respect of land ownership and other matters as agreed at the oral hearing.

*Patricia Calleary*

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**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *19<sup>th</sup>* day of *July* 2022

