



An
Bord
Pleanála

Board Order ABP-311782-21

Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2022

Planning Authority: Limerick City and County Council

Application received by An Bord Pleanála on the 27th day of October, 2021 from Limerick City and 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 2021, for confirmation of a Compulsory Purchase Order authorising compulsory acquisition of lands and entitled **Dock Road Improvement Scheme - Upgrade of Atlas Avenue and Courtbrack Avenue Junctions Compulsory Purchase Order 2021**.

DECISION

CONFIRM the above Compulsory Purchase Order with modifications based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

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

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the purpose of the compulsory acquisition for the Dock Road Improvement Scheme – Upgrade of Atlas Avenue and Courtbrack Avenue Junctions which has been subject to the provisions of Part XI of the Planning and Development Act 2000, as amended, and approved under Part 8 of the Planning and Development Regulations 2001, as amended,
- (c) the community need, public interest served and overall benefits, especially in terms of traffic management and road safety, to be achieved from the proposed road improvement works,
- (d) the design of the proposed Dock Road Improvement Scheme including the upgrade of Atlas Avenue and Courtbrack Avenue Junctions which constitutes a design response that is proportionate to the identified need,
- (e) the provisions of the National Planning Framework, the Climate Action Plan 2023, the Southern Regional Assembly - Regional Spatial and Economic Strategy (RSES) for the Southern Region, the Limerick Shannon Metropolitan Area Transport Strategy 2040 and the policies and objectives of the Limerick Development Plan 2022 – 2028, which are not materially contravened,
- (f) the submissions and observations made at the oral hearing, and
- (g) the report and recommendation of the Inspector,

it is considered that, the acquisition by Limerick City and County Council of the lands in question, and the acquisition of wayleaves and extinguishment of rights of way, as set out in the Compulsory Purchase Order and on the deposited maps, is necessary for the purpose stated, which is a legitimate objective being pursued in the public interest, and that the Compulsory Purchase Order and its effects on the property

rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

SCHEDULE

The Compulsory Purchase Order shall be modified with the ownership of the subject to lands stated as Patrick Gleeson Limited and it shall be as otherwise in accordance with the documentation submitted by Limerick City and County Council on the 27th day of October 2021.



Peter Mullan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 20th day of May, 2024