

An  
Bord  
Pleanála

## Board Order ABP-313894-22

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

**Housing Act, 1966**

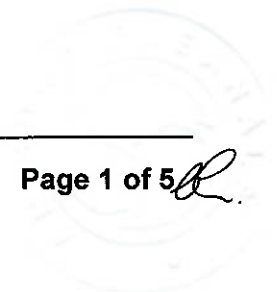
**Planning and Development Acts, 2000 to 2022**

**Planning Authority: Monaghan County Council**

**Application** received by An Bord Pleanála on the 24<sup>th</sup> day of June, 2022 from Monaghan 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), as amended by section 6 and the Second Schedule to the Roads Act, 1993, and as amended by the Planning and Development Act, 2000, as amended, for confirmation of a Compulsory Purchase Order authorising compulsory acquisition of lands and entitled **Monaghan County Council Compulsory Purchase Order No. 1 of 2022 – N54 Tullygrimes to Annaghervy Road Realignment.**

### 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 Inspector who conducted the oral hearing into the objections, the written submissions and observations made at the Oral Hearing held on the 21<sup>st</sup> day of November, 2023, the documents and submissions on file generally, the purpose for which the lands are to be acquired as set out in the Compulsory Purchase Order, to provide for the N54 Tullygrimes to Annaghervy Road Realignment and also having regard to the following:

- (i) the constitutional and European Human Rights Convention protection afforded to property rights,
- (ii) existing road conditions which are characterised by a restricted width, limited visibility making it dangerous for vulnerable road users such as pedestrians and cyclists and resulting in high collision rates,
- (iii) the approval of the N54 Tullygrimes to Annaghervy Road Realignment under the Part 8 process (Planning Authority Reference: 18/8015),
- (iv) the community need, public interest served and overall benefits, especially in terms of traffic road safety, to be achieved from the proposed road improvement works,
- (v) the design response, which has been appropriately tailored to the identified need,
- (vi) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the N54 Tullygrimes to Annaghervy Road Realignment,
- (vii) policy Objective 6.8 of the Regional Spatial and Economic Strategy 2020-2032 for the Northern and Western Regional Assembly specifically identifies the upgrade of the N54/A3 Cavan to Monaghan Town as a priority project and identifies the route as one of several key strategic Cross Border Transport Corridors within the border region that require further investment,

(viii) the policies and objectives of the Monaghan County Development Plan 2019-2025 including Objective S0 8 which seeks: *“To maintain the strategic capacity and safety of the national roads network and to safeguard the investment in national roads”* and Table 7.1 which specifically identifies N54 Tullygrimes to Annaghervy (Tullybryan) realignment as a Remaining Un-realigned Sections of National Routes,

(ix) the modifications submitted to the Board on the 21<sup>st</sup> day of November, 2023,

it is considered that subject to modifications, the permanent and temporary acquisition of the land in question and the extinguishment of public rights of way, as set out in the Order, Schedule (Parts I, II and III) and on the deposited map by Monaghan County Council, 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.

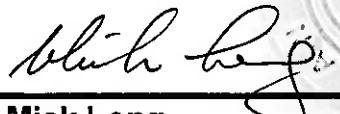
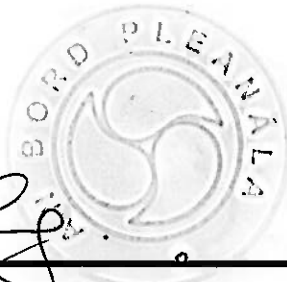
In reaching this conclusion, the Board agrees with and adopts the analysis contained in the report of the person who conducted the oral hearing into the objections.

## Schedule

The Compulsory Purchase Order shall be modified in accordance with details submitted to the Board at the Oral Hearing on the 21<sup>st</sup> day of November 2023 as follows:

<b>Ownership set out within the CPO Schedule</b>	
	<b>Owner (s) or Reputed Owner(s)</b>
Schedule Part II.a Plots 12.1,12.2	James Treanor
Schedule Part II.a Plots 16.7, 16.8	Monaghan County Council
Schedule Part II.a Plot 16.12	Monaghan County Council
Schedule Part II.b. Plot 12.3	James Treanor
<b>Proposed Modifications</b>	
	<b>Owner (s) or Reputed Owner(s)</b>
Schedule Part II.a Plots 12.1,12.2	James Treanor Junior
Schedule Part II.a Plots 16.7, 16.8	Reps. of Christina McCarron and Reps. of Edward McCarron, Tullybryan, Monaghan, Co. Monaghan.

Schedule Part II.a Plot 16.12	James Treanor Senior
Schedule Part II.b. Plot 12.3	James Treanor Senior

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

Dated this 16<sup>th</sup> day of April 2024