

An
Bord
Pleanála

Board Order ABP-314650-22

Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2022

Applicant: Cork City Council

Application received by An Bord Pleanála on the 19th day of September, 2022 from Cork City 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 2022, for confirmation of a Compulsory Purchase Order authorising compulsory acquisition of lands and entitled Cork City Council - Lehenaghmore Roads Improvement Scheme Acquisition Order No. 2 of 2022.

DECISION

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

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REASONS AND CONSIDERATIONS

Having considered the objections made to the Compulsory Purchase Order, the written submissions and observations made at the oral hearing held on the 22nd day of May, 2024, the report of the Inspector who conducted the oral hearing into the objection, the purpose for which the lands are to be acquired as set out in the Compulsory Purchase Order, to provide a new road improvement scheme 'Lehenaghmore Road Improvement Scheme' and also having regard to the following:

- (a) the constitutional and European Human Rights Convention protection afforded to property rights,
- (b) the community need for the road improvement scheme, which will include for public transport, enhanced pedestrian and cycling facilities,
- (c) the location of the road in proximity to new residential development, which would facilitate compact growth and would facilitate connectivity consistent with the National Strategic Objectives of the National Planning Framework,
- (d) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the Lehenaghmore Road Improvement Scheme,
- (e) the design of the approved Lehenaghmore Road Improvement Scheme which is consistent with the policies of the Climate Action Plan 2024 and the National Sustainable Mobility Policy 2022 by providing pedestrian, cycle and bus transport facilities to enable the shift to sustainable modes of transport,
- (f) the approval of the Lehenaghmore Road Improvement Scheme under the Part 8 process,
- (g) the policies and objectives of the Cork City Development Plan 2022-2028, specifically Table 4.3 which refers to the Lehanaghmore Road Improvement Scheme,
- (h) the community need, public interest served and overall benefits to be achieved from the proposed road development works,
- (i) the extent of the lands sought, constituting a design response that is proportionate to the identified need,
- (j) the suitability of the particular properties sought and the absence of suitable alternatives,
- (k) the submissions and observations made at the oral hearing held on the 22nd day of May, 2024 via Microsoft Teams, and,


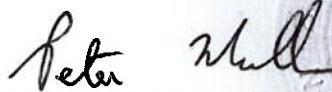
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(l) the report and recommendation of the Inspector,
it is considered that, subject to the following modifications, the permanent and temporary acquisition of the land in question and the extinguishment of rights of way, as set out in the Order, Schedule (Parts I, II and III) and on the deposited map, by Cork City Council, are necessary for the purposes 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 are justified by the exigencies of the common good.

SCHEDULE

The Compulsory Purchase Order shall be modified in accordance with details provided in the documents submitted to the Board at the oral hearing on the 22nd day of May, 2024 as follows:

1. Amend schedule Part I to omit Plot number 94.
2. Amend schedule Part II Plot number 32(B), for inclusion of new Plot 32(C).
3. Amend schedule Part I to include in Owners or Reputed Owners; John Dempsey, Springhill, Minane Bridge, Co. Cork in Plot 67(A) and 67(B) in schedule II.



Peter Mullan

Member of An Bord Pleanála

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

Dated this *6th* day of *August*, 2024