

An
Bord
Pleanála

Board Order ABP-314668-22

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 22nd day of September, 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 - Ulster Canal Greenway Phase 2 – Monaghan Town to Northern Ireland Border.**

DECISION

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

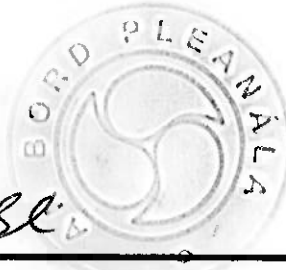
REASONS AND CONSIDERATIONS

Having considered the objections made to the Compulsory Purchase Order, the written submissions and observations made to the oral hearing held on the 12th day of December, 2023, the report of the Inspector who conducted the oral hearing into the objections, the purpose of the Compulsory Purchase Order to facilitate the delivery of the Ulster Canal Greenway Phase 2 from Monaghan Town to the Northern Ireland Border and also having regard to the following:

- (i) the proportionality and necessity for the level of acquisition proposed having regard to protection afforded to property rights as set out in the Irish Constitutional and European Convention on Human Rights and
- (ii) the community need to acquire lands to provide for a greenway, the public interest served and overall benefits, including social cohesion between the Republic and Northern Ireland, provision of walking and cycling infrastructure to be achieved from the delivery of the Ulster Canal Greenway,
- (iii) the overall design response, which has been appropriately tailored to the identified need,
- (iv) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the greenway in close proximity to the Ulster Canal,
- (v) the provisions of the National Planning Framework - Project Ireland 2040, the Regional Spatial and Economic Strategy 2020-2032 for the Northern and Western Regional Assembly and in particular the Monaghan County Development Plan 2019-2025 – where the County Development Plan clearly supports the delivery of the scheme for which the Compulsory Purchase Order is proposed as per policy TMP5 and objective MPO9, and
- (vi) the appropriate consideration of alternatives to deliver the project,

it is considered that the acquisition of lands by Monaghan County Council, as set out in the Compulsory Purchase Order, schedule and on the deposited maps, is necessary for the purpose stated, which are legitimate objectives 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 those objectives 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.



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

Dated this ^{1st} day of *May* 2024