



An  
Bord  
Pleanála

## Board Order ABP-315195-22

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

**Housing Act, 1966**

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

**Applicant: Kilkenny County Council**

**Application** received by An Bord Pleanála on the 24<sup>th</sup> day of November, 2022 from Kilkenny 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 the **Kilkenny County Council Compulsory Purchase Order No.5 of 2022 N24 Carrick Road Improvement Scheme (Clonmore to Mooncoin)**.

### DECISION

**CONFIRM** the above compulsory purchase order without modifications, based on the reasons and considerations set out below.

## REASONS AND CONSIDERATIONS

Having considered the objections made to the Compulsory Purchase Order, and not withdrawn, the report and recommendation of the Inspector, the purpose for which the lands are to be acquired, wayleaves are to be acquired and rights of way extinguished as set out in the Compulsory Purchase Order, and having regard to the following;

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the substandard infrastructure provided for along the existing route,
- (c) the community need, and public interest served and overall benefits, including benefits to a range of road users to be achieved from use of the acquired lands,
- (d) the design response, which has been appropriately tailored to the identified need,
- (e) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the N24 Carrick Road Improvement Scheme,
- (f) the policies and objectives of the Kilkenny City and County Development Plan 2021-2027,

it is considered that, the acquisition by Kilkenny 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.

In reaching this conclusion, the Board agrees with and adopts the analysis contained in the Inspector's report.

*Patricia Calleary*



**Patricia Calleary**

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

**Dated this *20* day of *March* 2024**