

An
Bord
Pleanála

Board Order ABP-315313-22

Local Government (No. 2) Act, 1960

Housing Act, 1966

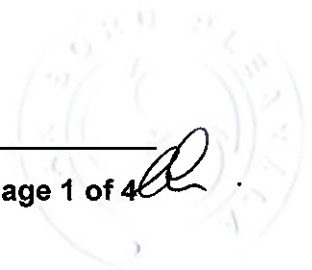
Planning and Development Acts, 2000 to 2022

Applicant: Kildare County Council

Application received by An Bord Pleanála on the 9th day of December, 2022 from Kildare 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 **Kildare County Council Maynooth Eastern Ring Road Compulsory Purchase Order 2022**.

DECISION

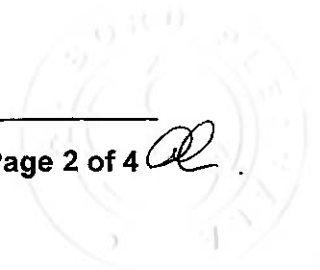
CONFIRM the above compulsory purchase order with modifications, based on the reasons and considerations set out below.



REASONS AND CONSIDERATIONS

Having considered the objections made to the Compulsory Purchase Order, the written submissions and observations made at the oral hearing held on the 4th day of May 2023, the report of the Inspector who conducted the oral hearing into the objections, the purpose for which the lands are to be acquired as set out in the Compulsory Purchase Order, to provide a new road development, the Maynooth Eastern Ring Road, and also having regard to the following;

- (a) the constitutional and European Human Rights Convention protection afforded to property rights,
- (b) the volume of traffic travelling through Maynooth town centre and the need to provide access to lands east of the town to provide for future housing,
- (c) the community need for the road development, which will include for public transport and cycling facilities,
- (d) the location of the road in proximity to Maynooth town centre, which would facilitate compact growth and would facilitate regional connectivity and advance orbital traffic management solutions, consistent with the National Strategic Objectives of the National Planning Framework,
- (e) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the Maynooth Eastern Ring Road,
- (f) the design of the approved Maynooth Eastern Ring Road (planning reference: P82019-08), which is consistent with the policies of the Climate Action Plan 2023 and the National Sustainable Mobility Policy 2022 by providing pedestrian, cycle and bus transport facilities to enable the shift to sustainable modes of transport, particularly in regard to access to schools,
- (g) the design response, which has been appropriately tailored to the identified need, and which is consistent with the Design Manual for Urban Streets as updated in 2019, which necessitates a wide corridor of land to enable sustainable modes of transportation and that the approved design will facilitate a low-speed traffic environment,



- (h) the approval of the Maynooth Eastern Ring Road under the Part 8 process under planning reference P82019-08,
- (i) the policies and objectives of the Kildare County Development Plan 2023-2029, including **Objective TM 066**, which seeks to secure the implementation of the Priority Road and Bridge Projects, which includes the Maynooth Eastern Ring Road, the subject of this Compulsory Purchase Order, **Objective RE 019** requires the delivery of strategic infrastructure, including the road for which this Compulsory Purchase Order is sought and the core strategy of the development plan, where Maynooth is due to grow by 10,000 persons over the life of the plan and **Objective TM 032**, where pedestrian and cycle infrastructure are to be provided on the approved road,
- (j) the Policy Objective RPO 4.3.3 of the Eastern and Midlands Regional Spatial and Economic Strategy 2019, which supports the delivery of the Maynooth Eastern Ring Road, to enable future development and population growth in Maynooth,
- (k) the community need, public interest served and overall benefits to be achieved from the proposed road development works,
- (l) the extent of the lands sought, constituting a design response that is proportionate to the identified need,
- (m) the suitability of the particular properties sought and the absence of suitable alternatives having regard to the topographical constraints, the need for the width of the route corridor sought and to affect the low design speed of the approved road, and
- (n) the report and recommendation of the Inspector

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 Kildare County 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.

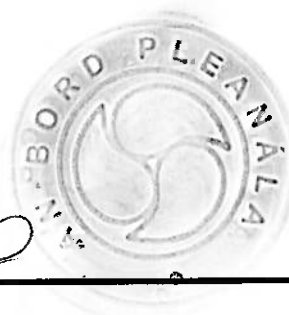
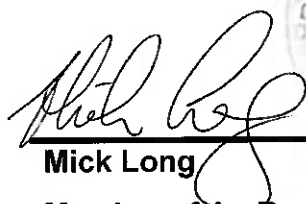
In reaching this conclusion, the Board agrees with and adopts the analysis contained in the report of the person who conducted the oral hearing into the objections.

SCHEDULE

The compulsory purchase order shall be modified in accordance with details provided in the document titled "CPO Amendments October 2018" submitted to the Board at the oral hearing on the 4th day of May 2023 as follows:

1. Plot number 104a.101 to be removed from Part I and added to Part II of the Schedule.
2. Plot number 112a.104 to be removed from Part I and added to Part II of the Schedule

Reason: These lands are required for temporary acquisition only.



Mick Long

Member of An Bord Pleanála

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

Dated this *25th* day of *January* 2024