

An
Bord
Pleanála

Board Order ABP-317083-23

Local Government (No. 2) Act, 1960

Housing Act, 1966

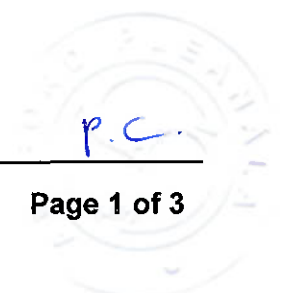
Planning and Development Acts, 2000 to 2022

Planning Authority: Kilkenny County Council

Application received by An Bord Pleanála on the 9th day of May, 2023 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 2019, for confirmation of a Compulsory Purchase Order entitled **Compulsory Purchase Order No. 01 of 2023 Ballyhale Flood Relief Scheme**.

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 the report of the Inspector, the purpose of the Compulsory Purchase Order to implement the Ballyhale Flood Relief Scheme, and also having regard to:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the need to provide flood defence measures along the Ballyhale River,
- (c) the community need for the Scheme, public interest served by the Scheme, and the overall benefits of the Scheme, which will protect residential and non-residential property from the adverse effects of flooding, to be achieved from the Ballyhale Flood Relief Scheme,
- (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 Ballyhale Flood Relief Scheme, and,
- (f) the provisions of Kilkenny City and County Development Plan 2021 to 2027,

it is considered that the permanent and temporary acquisition of lands, Wayleaves and Rights of Way by Kilkenny 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 carried out the assessment into the objections.



Patricia Calleary



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

Dated this 22 day of August 2024