

An
Bord
Pleanála

Board Order ABP-317223-23

Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2022

Applicant: Westmeath County Council

Application received by An Bord Pleanála on the 29th day of May, 2023 from Westmeath 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 **Westmeath County Council Compulsory Purchase (Number 2) Order 2023, Athlone Flood Alleviation Scheme Cell 1 Deerpark.**

DECISION

CONFIRM the above Compulsory Purchase Order without modifications, based on the reasons and considerations set out below.

PC

REASONS AND CONSIDERATIONS

Having considered the objections made to the Compulsory Purchase Order, the written submissions, the report of the Inspector and the purpose of the Compulsory Purchase Order to provide for flood defence works at Deerpark Athlone and also having regard to:

- (a) the constitutional and convention protection afforded to property rights,
- (b) the community need, public interest served and overall benefits, especially in terms of providing long term protection to local residents from severe flood events in the areas, and providing a safer living environment, to be achieved from the proposed work,
- (c) the design response, which has been appropriately tailored to the identified need,
- (d) the suitability of the lands and the necessity of their acquisition to facilitate the provision of Athlone Flood Alleviation Scheme - Flood Cell 1 Deerpark,
- (e) the policies and objectives of the Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan 2014-2020, including policy P-FL4 to implement the recommendations of the Shannon Catchment Flood Risk Assessment and Management (CFRAM) study, when published, and,
- (f) the report and recommendation of the Inspector,

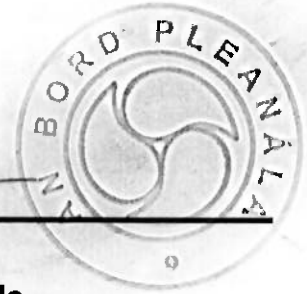
it is considered that the permanent acquisition of the land in question and the permanent wayleave, as set out in the Order, Schedule (Parts I and II) and on the deposited map by Westmeath County Council, is necessary for the purpose stated, which is a legitimate objective being pursued in the public 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.



Paul Caprani

Member of An Bord Pleanála

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



Dated this 5th day of November 2024