

An
Bord
Pleanála

Board Order ABP-317544-23

Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2022

Applicant: Fingal County Council

Application received by An Bord Pleanála on the 6th day of July, 2023 from Fingal 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 **Fingal County Council Compulsory Purchase (R126 Portrane Road Footpath Enhancement Project) Order 2023**.

DECISION


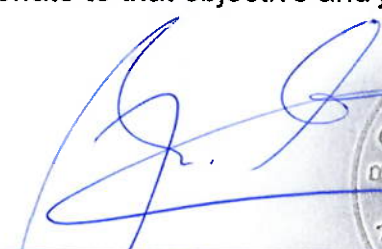
CONFIRM the above Compulsory Purchase Order without modifications, based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having considered the objection made to the Compulsory Purchase Order, the purposes for which the lands are to be acquired as set out in the Compulsory Purchase Order, 'Fingal County Council Compulsory Purchase (R126 Portrane Road Footpath Enhancement Project) Order 2023' and having regard to the following;

- (a) the constitutional and European Human Rights Convention protection afforded to property rights,
- (b) the approval of a proposed development for improvement works which also form part of the overall lands under the Part 8 process (Register Reference PARTXI/005/19),
- (c) the community need, public interest served and overall benefits to be achieved through the delivery of the project,
- (d) the policies and objectives of the Fingal Development Plan 2023-2029, which are not materially contravened,
- (e) the observation made, and,
- (f) the report and recommendation of the Inspector,

it is considered that the permanent acquisition of the lands in question, as set out in the Order, Schedule, and deposited map by Fingal County Council, is necessary for the stated purpose, 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.



Joe Boland

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

18TH October 2024