

An
Bord
Pleanála

Board Order ABP-318650-23

Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2022

Applicant: Waterford City and County Council

Application received by An Bord Pleanála on the 7th day of December, 2023 from Waterford City and 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 2022, for confirmation of a Compulsory Purchase Order authorising compulsory acquisition of lands and entitled **Waterford City and County Council, Ardmore Project, Duffcarrick, Ardmore, County Waterford, Waterford Compulsory Purchase Order 2023, Number 5.**

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 19th day of November, 2024 the report of the Inspector (who also conducted the oral hearing), the purposes for which the lands are to be acquired as set out in the Compulsory Purchase Order, 'Waterford City and County Council, Ardmore Project, Duffcarrick, Ardmore, County Waterford, Waterford Compulsory Purchase Order 2023, Number 5', and also having regard to the following;

- (a) the constitutional and European Human Rights Convention protection afforded to property rights,
- (b) the approval of 'Ardmore Relief Road, Car Park and Water Activity Centre' under the Part 8 process,
- (c) the community need, public interest served and overall benefits to be achieved through the delivery of the 'Ardmore Relief Road, Car Park, and Water Activity Centre' Part 8 and provision of future housing,
- (d) the policies and objectives of the Waterford City and County Development Plan 2022-2028, which is not materially contravened,
- (e) the submissions and observations made at the oral hearing, and,
- (f) the report and recommendation of the Inspector,



it is considered that the permanent acquisition of the lands in question, as modified is necessary for the stated purpose, which is a legitimate objective being pursued in the public interest, and that the Compulsory Purchase Order, as modified, and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

SCHEDULE

The Compulsory Purchase Order shall be modified to omit the lands outside the red line boundary of the 'Ardmore Relief Road, Car Park, and Water Activity Centre' Part 8 site.


Chris McGarry

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

Dated this  day of  2024