

An
Bord
Pleanála

Board Order ABP-320505-24

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 9th day of August, 2024 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, Cappelquin Walking Trail, Cappelquin, County Waterford, Compulsory Purchase Order 2024 Number 3.**

DECISION

CONFIRM the above Compulsory Purchase Order based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

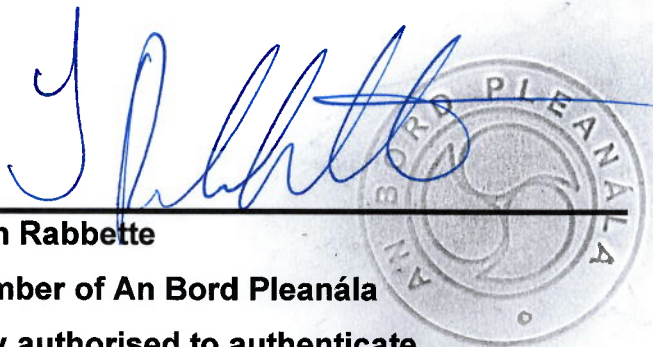
Having considered the objection made to the Compulsory Purchase Order, and the written submissions and observations made to the oral hearing held on the 8th day of May 2025, the report and recommendation of the Inspector who conducted the oral hearing into the objection, the purpose of the Compulsory Purchase Order to facilitate a walking trail including all associated works and to formalise the ownership of land that has been taken in charge at Port na hAbhann, Cappoquin, County Waterford, and having regard to;

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the strategic nature of the walking trail in the context of providing a tourist attraction and local amenity for the town and county,
- (c) the community need for a walking trail (Cappoquin Walking Trail) and safe access to the boathouse, public interest served and overall benefits including local amenity space, safe access, usable green space for the residents of Port na hAbhann, to be achieved from the objective of the Compulsory Purchase Order,
- (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 a walking trail including associated works and to formalise the ownership of land that has been taken in charge at Port na hAbhann which the Compulsory Purchase Order will facilitate, and,
- (f) the provisions of the Waterford City and County Development Plan 2022-2028, where the Development Plan expressly provides for the scheme for which the Compulsory Purchase Order is proposed in CPD01 and CPD09,

it is considered that, the acquisition of the subject lands at Port na hAbhann, proposed to be acquired by Waterford City and County Council seeking confirmation of the Compulsory Purchase Order, 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 conducted the oral hearing into the objections.



Tom Rabbette

Member of An Bord Pleanála

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

Dated this 27th day of May 2025