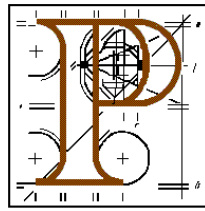


An Bord Pleanála



LOCAL GOVERNMENT (NO. 2) ACT, 1960

HOUSING ACT, 1966

PLANNING AND DEVELOPMENT ACTS, 2000 TO 2016

WATER SERVICES ACT, 2007 TO 2013

An Bord Pleanála Reference Number: 04.CH3297

Cork County Council

APPLICATION received by An Bord Pleanála on the 4th day of October, 2016 from Irish Water 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), the Planning and Development Acts, 2000 to 2016, and as applied by section 93 of the Water Services Act, 2007 as amended, for confirmation of a compulsory purchase order authorising compulsory acquisition of lands and entitled '**Irish Water Compulsory Purchase (Cork Lower Harbour Main Drainage Project) Order, 2016**'.

DECISION

CONFIRM the above compulsory purchase order based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board considered the objections made to the compulsory purchase order, and not withdrawn, the report and recommendation of the Inspector who conducted the oral hearing into the objections, the documentation and submissions on file, and had regard to the following:

- (i) the provisions of the EU Water Framework Directive (2000/60/EC) and the EU Urban Waste Water Treatment Directive (91/271/EEC),
- (ii) the policies and objectives in relation to the Cork Lower Harbour Sewerage Scheme set out in the South West Regional Planning Guidelines 2010 – 2022, the Cork County Development Plan 2014, the Midleton Electoral Area Local Area Plan (2015), and the Cobh Town Development Plan 2013,
- (iii) the present substandard waste water treatment arrangements in the area, and the resultant benefit arising from water quality improvements,
- (iv) the purposes of the compulsory acquisition in relation to the construction of the overall Cork Lower Harbour Main Drainage project (approved under 04.YA0005 and altered previously under 04.YM0001), and in particular the alterations concurrently provided for under 04.YM0003, and the functions of Irish Water,
- (v) the community need, public interest served and public health benefits to be achieved from use of the acquired lands for the purpose identified in the order.

It is considered that the acquisition of the lands in question by Irish Water as set out in the order and on the deposited maps, is reasonable and necessary for the purpose stated in the order and that the objections cannot be sustained having regard to this necessity and having regard to the purposes of the order.

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

Dated this day of 2017.