



An
Bord
Pleanála

Inspector's Report ABP 307127-20

Development	N24 Beary's Cross Road Improvement Scheme. Compulsory Purchase Order 2020
Location	Townlands of Cloghnadromin, Sandylane and Tobermalug, Co. Limerick
Planning Authority	Limerick City and County Council
Applicant	Limerick City and County Council
Objectors	1. Elaine & Michael Moore 2. Anthony & Margaret Flint
Date of Site Inspection	03/12/20
Inspector	Pauline Fitzpatrick

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1.0 Introduction

- 1.1. Limerick City and County Council is seeking confirmation by the Board of a CPO entitled *N24 Beary's Cross Road Improvement Scheme Compulsory Purchase Order 2020*. The Order was made pursuant to the powers conferred on the local authority by section 76 of the Housing Act, 1966, and the Third Schedule thereto, extended by Section 10 of the Local Government (No.2) Act 1960 and amended and extended by the Planning and Development Acts 2000 to 2019; the Roads Acts 1993 to 2015 and the Local Government Act 1925 to 2019.
- 1.2. The CPO would entail the acquisition of lands and the extinguishment of public and private rights of way in connection with the N24 cross road improvement scheme which secured approval in November 2017 under Part 8 of the Planning and Development Regulations 2001, as amended.

At the time of writing 2 no. objections to the CPO are before the Board. This report considers the issues raised in the objections submitted and more generally, the application to acquire lands.

2.0 Site Location and Description

- 2.1. The site known as Beary's Cross is the junction of the N24 and Regional Road 513 c. 8.5 km east of Limerick City and c.2.5 km north of Caherconlish. The national primary road is well trafficked with frequent turning movements to and from the regional road. There is an existing ghost island priority junction with a right turn lane for traffic turning onto the regional road with a left turn filter lane for traffic accessing the regional road from the south-east. In addition there is a right turn lane into Murroe Boher GAA grounds. The 100kph speed limit applies along the N24. The national road has hard shoulders with grass verges on both sides. The regional road along which the 80 kph speed limit applies is relatively straight in the vicinity of the junction and does have the benefit of hard shoulders.
- 2.2. There are a number of dwellings along the regional road with the closest at the junction with the N24. There is a further dwelling immediately to the north-west with frontage onto the N24. A gated track providing access to the GAA grounds is directly to the north of the junction.

- 2.3. The Groody River flows in a westerly direction at the southern end of the area covered by the CPO.

3.0 Documentation Submitted

- 3.1. The CPO was submitted to the Board on 09/04/20. It is accompanied by:
1. Chief Executive's Order dated 06/03/20.
 2. Copy of certificate of Acting Senior Planner dated 05/03/20.
 3. Copy of letter of approval from Transport Infrastructure Ireland dated 29/01/20.
 4. Certificate from Director of Services, Physical Development Directorate to Chief Executive dated 05/03/20.
 5. Report from Senior Engineer, Mid-West National Road Design Office to Director of Services, Physical Development Directorate dated 05/03/20.
 6. Copy of Engineering Certificate of Paul Bergin, Kilgallen & Partners Consulting Engineers dated 02/03/20.
 7. Schedule which consists of two parts. The 1st details the lands to be permanently acquired. The 2nd schedule has 2 parts. The 1st details the public rights of way proposed to be extinguished and the 2nd the private rights of way proposed to be extinguished.
 8. 1 no. officially sealed deposit map:-

The full extent of the lands required for the scheme are shown outlined in red and coloured grey on the deposited map. The location of the public right of ways proposed to be extinguished as part of the scheme are indicated between the lines coloured green. The location of the private rights of way proposed to be extinguished as part of the scheme are indicated between the lines coloured blue.
 9. Copies of newspaper notices dated 12/03/20 14/03/20, 16/04/20, 16/04/20 02/07/20 and 04/07/20 (the latter allowing for an extension of time period due to Covid 19).

10. Copies of CPO notice served on effected property owners, occupiers and lessees together with record of registered post.
11. Copies of notices setting out extension of date for inspection of CPO documents and submission of objections (arising from exceptional circumstances arising from Covid 19) and certification of service of notices to this effect.
12. Copy of notice re. proposed extinguishment of public and private rights of way.
13. Copy of certification of person who affixed site notices for the proposed extinguishment of public and private rights of way dated 13/03/20.
14. Copy of extract of the minutes of the meeting of Limerick City and County Council on 27/11/17 regarding the Part 8 Planning for the proposed N24 Beary's Cross Road Improvement Scheme.
15. Planning report on the Part 8 scheme.

3.2. The **Director of Services, Physical Development Directorate** refers to the attached report from Senior Engineer, Mid-West National Road Design Office. He is satisfied that the land for the road development is necessary, sufficient and suitable and that the proposed extinguishment of public and private rights of way are necessary for the proposed improvement scheme together with all ancillary works associated therewith to which the CPO relates. He is also satisfied that it would be convenient to effect acquisition of the land including authorisation of extinguishment of the public and private rights of way that are necessary for the road development to which the CPO relates. He is also satisfied that it is unlikely the land can be acquired voluntarily.

3.3. **Senior Engineer, Mid-West National Road Design Office** states that the Property Registration Authority's service was used by members of the project team to obtain the plan and folio numbers, names and addresses of owners and records for the land plots on the scheme. It is considered that the acquisition of land by agreement would entail protracted negotiations which might not be successful in all cases and could potentially delay the delivery of the scheme. Acquiring the land by CPO would (a) ensure the acquisition of all the land required, (b) facilitate the acquisition of land within a reasonable timescale, (c) permit the City and County Council to plan a road

construction programme for the road improvement scheme, confident in the knowledge that the land required will be available. Part VIII planning for the road scheme was approved at the Limerick City and County Council meeting held 27/11/17.

- 3.3.1. The **A/Senior Planner** confirms that the lands to be acquired are within the functional area of Limerick City and County Council. The road improvement scheme CPO is in conformity with the provisions of the Limerick County Development Plan 2010-2016, as extended, and the proper planning and sustainable development of the area. The order gives effect to and facilitates the implementation of the County Development Plan.
- 3.4. **Paul Bergin, Kilgallen & Partners Consulting Engineers Ltd.** states that the acquisition of the lands and extinguishment of public and private rights of way is necessary and sufficient for the construction of the road improvement scheme.
- 3.5. **Transport Infrastructure Ireland** conveys its approval to the City and County Council to proceed from Phase 3 (Design and Environmental Evaluation) to Phase 4 (Statutory Process) of the TII Management Guidelines.
- 3.6. **Note:** Planning Report on the Part 8 application for the N24 Beary's Cross Road Improvement Scheme and extract of the Minutes of the Meeting of Limerick City and County Council on 27/11/17 are included. The scheme was approved at the said meeting.

4.0 Policy Context

Limerick County Development Plan 2010-2016 as extended.

- 4.1. **Policy IN P7: Road Safety and Capacity** – to seek the improvement of road safety and capacity throughout the County, through minimising existing traffic hazards, preventing the creation of additional or new traffic hazards in the road network and securing appropriate signage.
- 4.2. **Objective IN O12: Improvements to Regional and Local Roads** – to provide for and carry out sustainable improvements to sections of regional roads and local roads that are deficient in respect of alignment, structural condition or capacity, where resources permit and to maintain that standard thereafter.

- 4.3. **Table 8.2 and Map 8.3** – R513 is designated as a Strategic Regional Road.
- 4.4. **Policy IN P8: Strategic Regional Road Network** – to protect the investment in the Strategic Regional Road Network, prevent the premature obsolescence of this network and maintain and improve road safety and capacity.
- 4.5. **Policy IN P9: Safeguard the Capacity of National Roads** – to safeguard the capacity of the national road network and road safety standards in accordance with TII's (Transport Infrastructure Ireland) Policy Statement on Development Management and Access to National Roads (May 2006), and subsequent amendments to or replacements of this, including the forthcoming Government guidance on spatial planning and national roads when adopted.
- 4.6. **Table 8.3 National Road Improvements** - N24 Tipperary Road, Ballysimon to the County boundary listed.
- 4.7. **Objective IN O23: Protection of Proposed National Road Improvements** – to protect, where relevant and as identified by the NRA or the County Council as roads authority, the corridors, routes and roads necessary for the planning, construction, and completion of the improvement works as listed in Table 8.3.
- 4.8. **Objective COM O29: Proposed Developments and Design Considerations** –
- 4.9. (b) provide cycle ways, where appropriate, as part of all road improvement/road redesign schemes ensuring, where possible, that cycle ways and footpaths are effectively separated from major vehicular carriageways.

5.0 Planning History

- 5.1. Part 8 approval November 2017. The scheme comprises of:
- New roundabout controlled junction to be located c. 150 metres south-east of the existing junction.
 - Realignment of regional Road R513 to tie into the proposed roundabout and the alteration of the existing N24 approaches.
 - Relocation of the access to the Boher GAA grounds onto the proposed roundabout.
 - Road and drainage impact attenuation,

- Ancillary works including fencing, accommodation works, landscaping and public lighting.

5.2. The implementation of the works will result in the rearrangement of the existing road network including the relocation of points of access onto the national and local road network and the extinguishment of public rights of way. It will require a crossing of the Groody River.

5.3. The application was accompanied by particulars of the scheme and includes as appendices:

- Ecological Impact Assessment and Appropriate Assessment Screening Report
- Cultural Heritage Impact Assessment Report,
- Report of Air Quality and Climate
- Report of Noise and Vibration Impact Assessment
- Report on Site-Specific Flood Risk Assessment

6.0 **Objections**

Two objections remain at the date of writing this report.

6.1. **Elaine and Michael Moore (2 submissions) (CPO ref. 110b.01)**

- The statement by the Council that there will be a footpath on each of the road at their main entrance is incorrect.
- It is not clear what speed limit will apply.
- They have a recurring problem entering and exiting their property. Whilst the roundabout will relieve some traffic issues it will not address their concerns. When travelling from Tipperary around the roundabout they will have to stop in the centre of the road to gain access to their home. This would stop the flow of traffic.
- When travelling from Limerick they currently drive into the hard shoulder with cars driving behind at speed not realising they are indicating to turn into their driveway.

- It is requested that they be allowed use the same roadway which is delineated to allow access to the sports field entrance.
- There is no reason why traffic calming measures cannot be put in place.

6.2. **Anthony and Margaret Flint (CPO 112b.01, 112b.02 and 112b.03)**

- The incorrect owner/occupiers are listed in the CPO schedule. They have occupied the stretch of land from their main entrance on the R513 to the end of their property on the N24 since purchasing the property in 1982.
- Object to the construction of a pedestrian entrance linking the N24 to the old R513 for the following reasons:
 - It will impede their existing property use and enjoyment.
 - The area inside the proposed fence will give rise to dumping and fly tipping.
 - It will attract unwanted pedestrians into a small, quiet residential area.
 - It will give rise to anti-social behaviour including use by scrambling bikes and use of the green area for grazing.

Recommend that the proposed boundary be continued which will cut off pedestrian access to the cul de sac.

- Object to the construction of the fence. It is insufficient for adequate security and protection and will destroy the look of their existing stone wall which was built to protect and enhance the look of their property. It will devalue their property. A new stone wall rather than the fence is sought.
- Object to the scale of the project on the basis of current issues with flooding and flow of storm water. The proposal will result in additional hard surface which will increase water runoff into land nearby that will further exacerbate the said issues. Their house and land will be surrounded by roadway which will result in runoff to lands either on or near their property which will significantly increase the risk of flooding. The proposed design is inadequate to accommodate increased flow of water.
- The construction of the roundabout will extinguish access to their septic tank.

Further correspondence from Kennedy Frewen O'Sullivan Solicitors on behalf of A. & M. Flint states that whilst the registered owners of property folios LK12273 and LK26778 may not be their clients the boundaries are not accurately reflected on the register. A. and M. Flint are the beneficial owners of the property abutting the road and part of the folios and incorrect boundaries extend into their rear garden. It is requested that the matter be revisited with a view to establishing the correct beneficial owners of the properties in question.

7.0 Oral Hearing

An oral hearing was held on Thursday 8th April, 2021.

Note: The proceedings were recorded and the recording is available on the Board's network. What follows is a brief outline of the proceedings. The outline is proposed to function as an aid in following the recording.

Representation on Behalf of Parties

7.1. *Limerick City and County Council*

- William Leahy, Council Solicitor, Leahy Ready Solicitors
- Paul Bergin, Kilgallen & Partners Consulting Engineers
- John O'Malley, Kiaran O'Malley & Co. Ltd.

As required, the Local Authority provided the Board with copies of its submissions in advance of the hearing which were circulated.

The prepared submissions are:

Brief of Evidence - Paul Bergin

Appendix A CPO documentation

Appendix B Drawings made available for inspection at Part 8 Stage

Appendix C Responses to Objections (C-1 and C-2)

Brief of Evidence – John O'Malley

7.2. *Objectors*

Michael Moore

Submissions on behalf of Limerick City and County Council

- 7.3. **Mr. Leahy** made an opening statement and introduced the representatives.
- 7.4. **Mr. Bergin** read from a written submission:
- 7.5. He gave a description of the physical characteristics of the existing road. The existing junction is a ghost island priority junction. Its geometry and layout is not well defined and does not comply with TII standards. There are specific concerns regarding traffic entering the N24 from the regional road, significant delays in the AM peak leading to driver frustration, delays arising due to vehicles turning right from the R513 onto the N24, and access to Murroe GAA club opposite the R513. In addition there are no facilities for vulnerable road users at the junction. Collision data shows 27 no. collisions at the junction between 2014 and 2020. Results of traffic flows and junction assessment provided. The deficiencies in the junction demonstrate that it presents a significant hazard. Part 8 approval for the scheme has been secured.
- 7.6. The primary objective of the scheme is to improve safety for all road users. Objectives have been developed under category headings Safety, Economy, Environment, Accessibility and Social Inclusion and Integration.
- 7.7. Alternatives considered included ghost island priority junction to TII standards, signalised junction, grade separated junction and a roundabout at different locations.
- 7.8. He gave a description of the proposed scheme including facilities for vulnerable road users, surface water drainage and boundary treatments. The scheme was subject to a Road Safety Audit and the recommendations arising were incorporated into the scheme. He detailed the documentation that accompanied the Part 8 application. Details of the publication of the CPO and submissions received are summarised.
- 7.9. Mr. Bergin then read from Appendix C-1 which is the local authority's response to the objection of Anthony & Margaret Flint.
- The parcels referenced by the objectors are listed in the 1st Schedule of the CPO as being owned by Reps. of Patrick F. Ryan deceased with Noel Ryan as his legal representative. In a letter to the Solicitors for the objectors the Board stated that following enquires with Limerick City and County Council it has been confirmed that the areas of lands in dispute are registered in the name of Patrick F. Ryan under folios 12273 and 26778.

- Pedestrians and cyclists on the existing R513 already travel past the front of their property. It is not clear how the proposed pedestrian/cycle path will lead to movements of a different nature.
- The proposed development will result in the elimination of vehicular traffic passing in front of their property.
- There is no reason to conclude that the area inside the fence would become a hotspot for illegal dumping or grazing.
- The proposed fence will not interfere with their boundary wall. It will be to TII standards.
- The proposed development will include a drainage system that will collect all surface water runoff with measures designed in accordance with OPW Flood Risk Management Guidelines to ensure that it will not increase flood levels in adjoining lands.
- Rear access to the 3 no. properties close to the existing junction will be made available.

7.10. Mr. Bergin read from Appendix C-2 which is the local authority's response to the objection of Elaine & Michael Moore:

- A footpath will extend to the pedestrian entrance of the dwelling.
- The 100kph speed limit on the N24 and 80kph limit on the R513 will remain unchanged.
- The provision of a right turn lane on a National Primary Road for a single dwelling is not required under TII Road Design Standards. There are no site specific conditions which would require a right turn lane. There is a concern that traffic emerging from the roundabout could use the additional carriageway width associated with a right turn lane to carry out inappropriate passing manoeuvres.
- The proposed roundabout will significantly reduce traffic speeds. This will make access to their property safer for vehicles entering and exiting.

- Connecting the property to the GAA access road would require the construction of an accommodation road through 3rd party lands that are outside the scope of the Part 8 and hence the CPO.

7.11. **Mr. John O'Malley** read from a written submission. He set out the Part 8 application and approval and included a table of the planning history of the lands adjoining the junction. He detailed the relevant sections of the Limerick County Development Plan and stated that the proposal accords with the relevant policies and objectives, in particular Policies IN P7, IN P8, IN P9 and objectives COM O29, IN O8, IN O12 and IN O23.

7.12. He also give a response to the objections received.

Elaine and Michael Moore

- The proposed road scheme will substantially address their safety concerns. it will eliminate the right turn storage lane at the front of their property and will reduce vehicular speeds on the N24 northbound lane thereby facilitating safer turning movements.

Anthony and Margaret Flint

- It is contended that the registered owners of the relevant plots were properly served.
- The pedestrian link provides for improved local connectivity for pedestrians and cyclists and accords with the proper planning and sustainable development of the area.

Objector

7.13. **Mr. Moore** in his submission to the hearing does not accept the view that vehicles entering and exiting the roundabout would not be travelling at speed. Traffic could back up behind a vehicle turning into his property which could result in a tail back and affect the roundabout. He also expressed concern about undertaking by means of the hard shoulder and the potential for an accident to occur. He also queried who would be responsible if he was rear-ended.

Questions

In response to questions Mr. Bergin stated the following:

- 7.14. The pedestrian access to be retained along the R513 is not restricted to use by the properties in the section of road to be cut-off. The berm delineated on the Part 8 plans to the west of the section cut-off by the proposal is so as prevent see through and nuisance from vehicle lights on the realigned section of the regional road.
- 7.15. The access to the rear of the properties in proximity to the junction would not be surfaced and would be under grass. Access by agricultural vehicles, in the main, is envisaged.
- 7.16. It is not policy to provide a turning lane for a single dwelling. 300 turning movements per day is the threshold for such provision. There are many accesses serving dwellings onto National Primary roads. He is not aware of the case where traffic lights were installed for a single access on the Dublin Road. There are site specific reasons why alternative solutions are required. That is not the case in this instance.
- 7.17. It is not conceivable that a tail back would arise behind a vehicle turning into Mr. Moore's property that would affect the roundabout.
- 7.18. Currently speeds along the N24 are high. Vehicles will slow down approaching the roundabout with traffic emerging from the roundabout going much slower than is currently the case. Vehicles travelling towards Limerick on exiting the roundabout will not have built up significant speed and will have clear visibility of cars turning right into Mr. Moore's property.
- 7.19. Currently vehicles exiting Mr. Moore's property and turning right cross 2 lanes in addition to the right turning lane for the R513. The proposed arrangement will require vehicles to cross 2 lanes only. Vehicles will also have the option to turn and use the roundabout.
- 7.20. Undertaking is not a permitted manoeuvre.

Hearing Closed

8.0 Assessment

- 8.1. The statutory powers of the local authority to acquire land are contained in section 213 (2)(a) of the Planning and Development Act 2000, as amended. Under its provisions the local authority may acquire land compulsorily for the purpose of performing any of its functions including giving effect to or facilitating the implementation of its development plan.
- 8.2. The CPO is on foot of Part 8 approval for the N24 Beary's Cross Road Improvement Scheme which entails a new roundabout controlled junction, alteration to the present junction layout, the construction of a new regional road (R513) approach to the junction and the alteration of the existing N24 approaches to the junction, in addition to associated site works including drainage attenuation, fencing and accommodation works.
- 8.3. The CPO provides for the acquisition of 6.089 ha. of lands from property owners or groups of owners. When roadbed is excluded the proposed development requires the permanent procurement of 3.887 ha of land which represents approx. 64% of the total acquisition.
- 8.4. The PRD will also require the extinguishment of 2 no. public rights of way, each equating to approx. 20 metres in length. The 1st is at the junction of the existing R513 and N24 and the 2nd is to the southern extent of the regional road being made obsolete. 5 no. private rights of way to either side of the N24 are also proposed to be extinguished.
- 8.5. It is accepted that there are four criteria that should be applied where it is proposed to use powers of compulsory purchase to acquire land or property namely:-
 - There is a community need which is met by the acquisition of the land in question,
 - The works to be carried out accord with the Development Plan,
 - Alternative methods of meeting the community need have been considered but are not available,
 - The suitability of the land to meet the community need.

Community Need

- 8.6. At the outset I note that the N24 Beary's Cross Road Improvement Scheme has been subject to approval under Part 8 of the Planning and Development Act 2000, as amended, and that there has been no challenge to the approved scheme.
- 8.7. The following is noted from the local authority's submissions to the Board:
- The existing junction is a ghost island priority junction. Its geometry and layout is not well defined and does not comply with TII standards. The following specific concerns arise:
 - Traffic entering the N24 from the regional road travelling north-west towards Limerick tends to merge onto the N24 using the hard shoulder while gathering speed. Available gaps are short and close rapidly due to the approach speed of traffic. During the AM peak there can be significant delays with associated high levels of driver frustration. This increases risks that drivers take, with gaps in N24 traffic that are insufficient.
 - Delays arising due to vehicles turning right from the R513 onto the N24 travelling southeast which can result in delays on all traffic on the single lane R513 approach.
 - There is an access to the Murroe Boher GAA club on the opposite side of the N24 almost directly opposite the R513.
 - Lack of facilities for vulnerable road users at the existing junction.
 - Data shows 27 no. collisions have occurred at the junction between 2014 and 2020.
 - The traffic flow survey undertaken shows that R513 traffic approaching the N24 predominately turns left at the junction and travels towards Limerick. The survey also shows that although the R513 is the minor road at the junction, R513 traffic is significant in proportion to traffic on the N24 (Table 3.1 of Mr. Bergin's submission to the hearing)
- 8.8. The deficiencies in the junction resulting in significant delays give rise to driver frustration resulting in dangerous vehicular manoeuvres and consequent traffic hazard etc. This was evidenced on day of inspection. The community need for this

project by improving the shortcomings in the junction infrastructure is, therefore, accepted.

Compliance with Development Plan

- 8.9. Under the Limerick County Development Plan 2010-2016 (as extended) there are a number of general and more specific policies and objectives that either directly or indirectly support the N24 Beary's Cross Road Improvement Scheme.
- 8.10. Policy IN P7 seeks the improvement of road safety and capacity throughout the County, through minimising existing traffic hazards, preventing the creation of additional or new traffic hazards in the road network and securing appropriate signage. Policy IN P8 seeks to protect the investment in the Strategic Regional Road Network of which the R513 forms part so as to prevent the premature obsolescence of this network and maintain and improve road safety and capacity.
- 8.11. Table 8.3 which details National Road Improvements includes N24 route improvements from Ballysimon to the County boundary of which the proposed development would form part.
- 8.12. In addition the development plan in objective COM O29 seeks, where appropriate the provision of segregated cycle ways and footpaths as part of road improvement/redesign schemes.
- 8.13. On this basis I consider that the works proposed would accord with the provisions of the relevant statutory development plan.

Consideration of Alternatives

- 8.14. As noted previously the N24 Beary's Cross Road Improvement Scheme has been approved under Part 8. I have examined the information available on the scheme, which is contained in the documents forming the Part 8 application. This does not include any matters pertaining to alternatives considered or the reasons for the selection of the scheme as is now proposed.
- 8.15. This lacunae has been addressed in the submission by Paul Bergin to the hearing. Section 6.1 sets out alternatives considered including:
- Replacement of existing junction by a ghost island junction designed to TII standards would not address the problem of queuing of traffic that does not have priority at the junction. Therefore driver frustration and safety issues

arising would continue. In addition a ghost island would not facilitate the provision of crossing facilities for vulnerable road users.

- Replacement of existing junction by a signalised junction designed to TII standards would allow dedicated green time to be provided to busier approach arms and so reduce queuing during peak times. It is considered that traffic signals are not appropriate in a rural location and would have the effect of imposing unnecessary delays on traffic during less busy times of the day.
- A grade separated junction would facilitate traffic movements at the junction however the scale of the junction required would be disproportionately large, as would the impact on landowners and the environment.
- A roundabout at the same location as the existing junction would require substantial impact on the residential properties at the junction.
- A roundabout to the northwest of the existing junction would require severance of a large landholding and realignment of a substantial length of the R513 to allow tie in to the roundabout whilst avoiding residential properties on the western side of the R513.

8.16. The approved layout, whilst having a substantial impact on 2 no. agricultural landholding and requiring a substantial realignment of the R513, requires the acquisition of less farmland, less severance of landholdings and a shorter realignment of the R513.

8.17. On the basis of the above I accept that the option selected is appropriate to meet the objectives and purpose of the road improvement scheme.

Suitability of the Lands

8.18. I note the local authority's submission that the lands subject to the proposed CPO are suitable and are needed to meet the community need for the scheme. As noted previously the scheme has been approved under Part 8 and the approval has not been challenged. The local authority has submitted that the extent of the lands to be acquired has been kept to a minimum.

8.19. I am satisfied that the lands contained within the CPO area suitable to meet the needs of the scheme.

Objections

Elaine and Michael Moore (CPO ref. 110b.01)

- 8.20. The Moore's property is located on the north side of the N24 offset marginally to the north-west of the existing junction. The extent of area being acquired is 0.113 hectares described as public road.
- 8.21. Both by way of written and oral submissions concerns are expressed as to the safety of vehicles entering and exiting their property arising from the proposed arrangement
- 8.22. The current situation consists of 2 lanes allowing for direct traffic flows in addition to the lane allowing for right turning traffic onto the R513 along the objectors' road frontage. In addition the hard shoulder is used by vehicles exiting the regional road onto the N24 travelling towards Limerick, gaining speed and availing of gaps to join the carriageway. Vehicular speeds are high with the 100 kph speed limit applicable. Currently, vehicles exiting the Moore's property travelling towards Limerick are required to cross the said lanes whilst being cognisant of the vehicles joining the N24 from the regional road along the hard shoulder.
- 8.23. The proposed development will result in a roundabout to be located c. 150 metres to the south-east and the removal of the turning lane and junction along their frontage. The proposed arrangement will require vehicles travelling towards Limerick to cross 2 lanes only. Vehicles also have the option to turn and use the roundabout.
- 8.24. I accept Mr. Bergin's contention that vehicles will slow on approach to the roundabout and, whilst they may accelerate on exiting, vehicles speeds would be lower than what is currently the case. I would also accept the view that the potential for a tail back behind a vehicle waiting to turn right into their property impacting on the roundabout is unlikely in view of the separation distance. I would also accept that vehicles travelling towards Limerick on exiting the roundabout will not have built up significant speed and will have clear visibility of cars turning right into Mr. Moore's property.
- 8.25. I therefore consider that the proposed development would provide for a safer road environment in the vicinity of the Moore's property than is currently the case.
- 8.26. Entrances serving single dwellings along national roads are prevalent throughout the country and the provision of right turn lanes for same is not in line with TII policy.

Whilst there may be site specific reasons where such a provision may be considered I do not consider that such conditions arise in this instance to warrant such provision.

8.27. On this basis I consider that the proposed CPO to be reasonable and necessary.

8.28. The request made by E. & M . Moore to connect into the proposed roadway serving the Murroe GAA grounds would require the construction of an accommodation road through 3rd party lands which are outside the lands of the CPO and, therefore, its scope.

Anthony & Margaret Flint (CPO 112b.01, 112b.02 and 112b.03)

8.29. The Flint's property is at the junction of the N24 and R513. The wall of their property is set back from the carriageways with grass verges along the northern(front) and western (side) boundaries. A.& M. Flint are not listed as owners or occupiers in the CPO schedule. The relevant plots are listed as being owned by representatives of Patrick F. Ryan deceased, with Noel Ryan as his legal representative. The extent of land included in the plots is 0.231 hectares and is described as public road. The occupier is listed as Limerick City and County Council.

8.30. Following on from a letter from Kennedy Frewen O'Sullivan Solicitors which contends that A. & M. Flint have been in occupation of parcels 112b.01 and 112.02 and some of parcel 112b.03 the Board sought clarification from Limerick City and County Council which confirmed the details of the registered owner as given in the schedule.

8.31. A.&M. Flint were advised of this via their legal representative in a letter dated 30/09/20. No further correspondence was received on this matter.

8.32. On the basis of the information before the Board I consider that the local authority has provided sufficient information that the correct landowner is detailed in the Schedule and was appropriately served of notice of the CPO.

8.33. Without prejudice to the above conclusion I note the following in terms of the objection received from A. & M. Flint.

8.34. Their property is at the junction of the N24 with frontage onto the R513 along which both vehicular, pedestrian and cyclists currently traverse. The proposed development will remove the vehicular movements along their frontage with continuing pedestrian and cyclist movements to be accommodated.

- 8.35. A new fence is proposed along the western boundary which will be in accordance with TII requirements. It will not impact on their stone boundary wall. There are no particular issues arising which would suggest that illegal dumping and grazing of animals would occur inside the fence.
- 8.36. The proposed development subject of the Part VIII approval includes proposals for surface water disposal and measures to ensure that the works will not increase flood levels in adjoining lands, including compensatory storage area for lost floodplain storage to the south of the realigned R513/south-east of the proposed roundabout.
- 8.37. Access to the rear of the properties that front onto the R513 (in proximity to the existing junction) will be available from the south so to allow for maintenance requirements including maintenance of effluent treatment systems.
- 8.38. On the basis of the above the acquisition of the lands is considered reasonable and appropriate.

Conclusion

- 8.39. I note that this scheme has previously been approved under the Part 8 planning process. With regard to the objections received by the Board, I submit that the acquisition is suitable, appropriate and meets the requirements of the approved scheme. I consider that the road improvement scheme:
- meets a distinct community need
 - is compatible with development plan provisions
 - constitutes a suitable option to meet the objectives of the scheme
 - provides for a scale and location of land acquisition that is appropriate to meet the approved scheme's objectives, and
 - necessitates the inclusion of all lands contained within the CPO to permit the provision of the approved scheme.
- 8.40. On this basis it is considered that the proposed scheme is seen to accord with the proper planning and sustainable development of the area.

9.0 Recommendation

CONFIRM the compulsory purchase order without modification for the reasons and considerations set out below.

Reasons and Considerations

Having considered the objections made to the Compulsory Purchase Order and having regard to the following:

- (a) the purpose of the compulsory acquisition for the N24 Beary's Cross Road Improvement Scheme which has been subject to the provisions of Part XI of the Planning and Development Act 2000, as amended, and approved under Part 8 of the Planning and Development Regulations 2001, as amended;
- (b) the present substandard and hazardous configuration of the existing junction of the N24 and R513.
- (c) the community need, public interest served and overall benefits in terms of traffic management and road safety to be achieved by the proposed road improvement works;
- (d) the design of the proposed road improvement works constituting a design response that is proportionate to the identified need;
- (e) the policies and objectives of the Limerick County Development Plan 2010-2016, as extended;
- (f) the written submissions to the Board and the submissions and observations made at the Oral Hearing held on the 8th day of April, 2021; and
- (g) the report and recommendation of the Inspector

it is considered that the acquisition by the local authority of the lands and the extinguishment of the public and private rights of way, as set out in the Order and on the deposited map, are necessary for the purposes stated and the objections raised to it cannot be sustained having regard to the said necessity.

Pauline Fitzpatrick
Senior Planning Inspector

April, 2021