



An
Bord
Pleanála

Inspector's Report

ABP-314410-22

Development

Meath County Council Compulsory
Purchase (No. 1) Order, 2022, N52
Grange to Clontail Scheme

Location

Co. Meath

Planning Authority

Meath County Council

Applicant(s)

Meath County Council

Type of Application

Compulsory Purchase Order

Objectors

Anne Kiernan
Brendan McConnell
Gladys Ellaway
Paul O'Gorman
Eugene McConnell
Fergal Ryan
Margaret McEntee (Legal
Representatives of)
Teresa Nevin
Livia Bostan

Date of Site Inspection

9th February 2024

Inspector

Ian Boyle

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1.0 Introduction

Overview

- 1.1. This report relates to a compulsory purchase order (CPO) made by Meath County Council (MCC) for the realignment of the N52 National Secondary route in the townlands of Grange, Castletown, Stephenstown, Fringestown, Mitchelstown and Clontail, in County Meath. The towns of Ardee, Navan and Kells are each roughly 15 to 20 mins drive from the lands proposed to be acquired (i.e., the subject site)
- 1.2. To facilitate the road realignment and improvement works, MCC is seeking to acquire compulsorily the necessary lands to implement the scheme. This includes both the permanent and temporary acquisition of lands, which are shaded grey and white (and outlined in red), respectively, on the deposited maps accompanying the CPO. It also proposed to extinguish public rights of way, private rights of way and acquire land which is subject to a wayleave.
- 1.3. Originally, nineteen objections were received in respect of the CPO from landowners. However, as outlined in Section 6 below, several parties withdrew their objections prior to the Oral Hearing leaving 9 no. This report considers the issues raised in the objections submitted to the Board and, more generally, the application to acquire lands for its stated purpose.
- 1.4. A Part 8 application process previously took place under Reg. Ref. P8/20012, which gave planning consent on 18th January 2021.

Purpose of the CPO

- 1.5. The main purpose of the road realignment is road safety. The Local Authority states as part of the documentation submitted that this continues to be a nationally important issue, but particularly on national secondary single carriageway roads, such as the N52.
- 1.6. This section of the N52 has an alignment, and public road junctions, which are not compliant with current standards. Safety is also compromised due to the number of private accesses along the existing stretch of the road. The proposed realignment is intended to improve safety for this section of the route and to address design deficiencies by bringing it to up present-day technical standards in line with Transport Infrastructure Ireland requirements.

Statutory Basis

- 1.7. The CPO has the seal of the Council affixed on the 12th August 2022 and was advertised on the 17th and 20th August 2022 in the Irish Independent and Meath Chronicle, respectively. Formal notices were issued to landowners by 15th August 2022. The application was lodged with An Bord Pleanála on the 5th October 2022.
- 1.8. Meath County Council received the approval of Transport Infrastructure Ireland to publish the CPO documentation on the 13th June 2022.
- 1.9. The Board held an Oral Hearing on 9th April 2024.

2.0 Site Location and Description

- 2.1. The N52 is identified as one of the country's most important National Secondary Routes, linking the northeast to the southwest of the country. It serves the towns of Dundalk, Ardee, Kells, Mullingar, Tullamore, Birr and Nenagh. The existing route connects with the M1 and N1, northeast of Dundalk town, and continues in a southwest direction where it intersects with a number of primary and secondary national roads and terminates at the M7 in Nenagh.
- 2.2. The existing N52 has traffic flows of approximately 3,000 average daily traffic volume (AADT). This section of the road consists of a single carriageway with a varying cross-section, is generally 6m wide with no hard shoulder or hard-strip provision. The road alignment is not compliant with current standards. Drainage from the road is primarily informal, over-the edge drainage with no attenuation or treatment.
- 2.3. The proposed road realignment and upgrade works provide for the construction of a single carriageway road for a distance of 4.8km from a location approximately 300m southwest of Cassidy's Cross (N52/R162 junction) to a tie-in point approximately 300m northeast of Mitchelstown Cross; and associated accommodation and fencing, landscaping, surface water drainage/attenuation and ancillary works.
- 2.4. The proposed road type will be a Type 2 single carriageway, all-purpose road with a 3.5m wide lane in each direction. The road will be constructed in accordance with current standards and specifications and with a design speed of 100kmh. Parts of the proposed route belong to private landowners. Other sections take in the regional / local road network and are taken-in-charge (TIC) by the Local Authority.

- 2.5. It is envisaged that subject to the outcome of the statutory CPO process, and necessary funding approval, construction would commence in 2025. The duration of the works phase is estimated at 24 months.

3.0 Application of the CPO

- 3.1. The application documentation received by the Board, as relating to the statutory CPO procedure, includes the following:

- Meath County Council Compulsory Purchase (No.1) Order 2022 and schedules duly (sealed and dated).
- The relevant maps (sealed and dated).
- Copy of Form of Notice served in connection with the Compulsory Purchase Order on the affected landowners/lessees/occupiers.
- Certificate confirming that the required Form of Notices were served on each of the persons as outlined on the Schedule of the Order by registered post.
- Copy of the newspapers in which public advertisement of the Order was published in accordance with paragraph 4 of the Third Schedule of the Housing Act 1966 (Meath Chronicle issue dated 20th August, 2022 and Irish Independent dated 17th August, 2022, respectively).
- Copy of Site Notice in which it is proposed to extinguish the public rights of way as described in Part III of the Schedule.
- Copy of Site Notice in which it is proposed to extinguish the private rights of way as described in Part IV of the Schedule.

4.0 Planning History

- 4.1. Most recent planning applications in the vicinity of the site are for small residential developments and minor alterations to existing dwellings. However, a Part 8 Application has recently been undertaken by the Meath County Council in relation to the proposed scheme (Reg. Ref. P8/20012).
- 4.2. The Part 8 planning process was completed in March 2021 in accordance with the Planning & Development Act 2000 (as amended) and the Planning & Development

Regulations 2001 (as amended). The application process included stakeholder consultation with utility and service providers, statutory bodies (including Transport Infrastructure Ireland, the OPW and National Monuments Service), private landowners (whose lands would be impacted by the proposed scheme) and environmental bodies (including the NPWS).

4.3. The formal planning documentation relating to the Part 8 Application included:

- Public Notice, which appeared in Meath Chronicle 3rd October, 2020.
- Site Notice.
- A Part 8 Chief Executive's Report.
- Letters issued to Prescribed Bodies.
- Municipal Districts Elected Members Approval for the Part 8 Application.
- Part 8 Documents and maps, which were on public display from the 30th of September 2020 to the 12th of November 2020.

4.4. In terms of assessing the various alternatives available, a Feasibility and Options Assessment was completed by AtkinsRéalis (Consulting Engineers). The assessment considered the Part 8 scheme against key planning policies and objectives, and identified and evaluated significant engineering, planning and environmental constraints. Various constraints and considerations were also identified as part of the assessment process. Four route options were appraised under the headings of economy, safety, environment, accessibility, and integration and physical activity. A preferred route was ultimately selected, called the 'Red Route'. This route is the subject of this CPO application, and which is before the Board for consideration.

4.5. An Environmental Report (dated 29th September 2020) was also prepared and accompanied the application. The report outlines the environmental baseline and predicted impacts of the proposed scheme, along with mitigation measures, in relation to various environmental factors, including climate; air quality; noise and vibration; land, soils and geology; material assets; water; archaeology and architectural heritage; traffic; ecology; landscape and visual impacts; agronomy; and population and human health.

- 4.6. An Appropriate Assessment (AA) Screening Report was prepared and formed part of the assessment for the Part 8 process, where it was not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site and, as such, an Appropriate Assessment (Stage 2) was not required.
- 4.7. An Environmental Impact Assessment (EIA) screening was completed as part of the pre-display phase of the scheme and carried out in accordance with best practice guidance documents. The EIA screening report, together with the Environmental Report (AtkinsRéalis, 29/09/20), was made available as part of the display documentation. The EIA screening report determined that there was no real likelihood of significant effects on the environment arising from the proposed development and an EIA was not required for the scheme.

5.0 Policy Context

5.1. National Planning Policy

5.1.1. National Planning Framework: Project Ireland 2040

The National Planning Framework (NPF) provides policies, actions and investment to deliver 10 National Strategic Outcomes (NSO) and priorities of the National Development Plan. These NSOs include compact growth, enhanced regional accessibility, sustainable mobility and transition to a low carbon and climate resilient society. Compact growth can be delivered by improving 'liveability' and quality of life, enabling greater densities, and ensuring a transition to more sustainable modes of travel.

Enhanced regional accessibility will be achieved by enhancing connectivity between centres of population of scale. In particular, more effective traffic management within and around cities and re-allocation of inner-city road space in favour of bus based public transport and walking/ cycling facilities should be enabled.

- **NSO 2:** Building on a more compact approach to urban development requirements, enhancing connectivity between centres of population of scale will support the objectives of National Planning Framework.

Inter-Urban Roads

- Maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements.
- Improving average journey times targeting an average inter-urban speed of 90kph.
- Enabling more effective traffic management within and around cities and re-allocation of inner city road-space in favour of bus-based public transport services and walking/cycling facilities.

5.1.2. National Transport Authority, Transport Strategy for the GDA 2016-2026

The NTA's Transport Strategy for the GDA 2016-2026 includes provision to further develop and enhance the national road network including the 'provision of necessary upgrades to the national secondary road network, including bypasses, and Various signage, safety interventions, junction improvements and local reconfigurations on the national road network.'

5.1.3. Design Manual for Urban Roads and Streets, 2019 ('DMURS')

DMURS deals with street design in urban areas. It recognises that the design of the road should be influenced by where the road is located and that the needs of all users must be balanced. Alternatives to private car use should be provided to create connections. Roads are to be designed to reduce road speeds. Walking and cycling are to be made more attractive, particularly for local trips.

Urban relief roads should direct traffic away from cities, towns and villages and should integrate into the surrounding street network. Moderate speeds reduce noise and pollution.

5.1.4. The National Cycle Manual (NCM) 2011 – National Transport Authority

The Manual embraces the Principles of Sustainable Safety as this offers a safe traffic environment for all road users including cyclists. Objective 2 is to ensure that the urban road infrastructure (with the exception of motorways) is designed / retrofitted so as to be cyclist-friendly and that traffic management measures are also cyclist friendly.

5.2. Regional Planning Policy

5.2.1. The Regional and Economic Spatial Strategy for Eastern and Midland Region, 2019 ('RSES')

The RSES contains a vision 'to create a sustainable and competitive Region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all'.

5.3. Local Planning Policy

5.3.1. Meath County Development Plan 2021-2027

The Meath County Development Plan 2021-2027 ('County Development Plan' / 'CDP') was adopted on 22nd September, 2021 and came into effect on 3rd November, 2021.

Chapter 5: Movement Strategy

Section 5.9.1 of the Development Plan is in relation to 'National Roads'. It states:

'national secondary roads, N51 and N52, are medium distance through-routes connecting important towns. The N52 is a particularly important infrastructural development and strategic route, linking Dundalk and Mullingar-Athlone-Tullamore. The County is very reliant on its road infrastructure for intra and inter county movement and access.'

Objective MOV POL 24 is 'to safeguard the capacity and safety of the National road network by applying the provisions of the Department of Environment Community and Local Governments – 'Spatial Planning and National Roads-Guidelines for Planning Authorities, 2012' to avoid the creation of any additional development access to national roads and intensification of existing access to national roads to which speed limits greater than 60kph apply, save in accordance with agreed 'exceptional circumstances' included in MOV POL 33'.

Objective MOV POL 25 seeks 'to implement the actions of the Meath Road Safety Strategy and promote road and traffic safety measures in conjunction with Government Departments, the Road Safety Authority and other agencies'.

Objective MOV POL 26 is ‘to provide for and carry out improvements to sections of national, regional and county roads that are deficient in terms of alignment, structural condition or capacity, where resources permit, and to seek to maintain that standard thereafter. To ensure that, where possible, any maintenance and improvement strategies have regard to future climates’.

Objective MOV OBJ 48 is ‘to implement maintenance and improvement of roads in the County as set out in the Schedule of Municipal District Works and the Council’s Annual Roadwork’s Programme funded from the Council’s own resources and State Agency grants.’

Objective MOV OBJ 49 is ‘to support essential public road infrastructure including, bypasses of local towns and villages and proposed national road schemes and where necessary reserve the corridors of any such proposed routes free of development, which would interfere with the provision of such proposals. Such road schemes include those specified in the non-exhaustive list in Table 5.1: Each of these projects will subject to the outcome of the Appropriate Assessment process.’

Table 5.1 (Extract relevant to proposed CPO):

Scheme Name	Description of Works
N52 Grange – Clontail (formally known as Fringestown Scheme)	Re-alignment of the existing N52 and R162/N52 junction from a point west of the R162 junction eastwards to Clontail.

Other Relevant Chapters

- Chapter 4: Economy and Employment Strategy
- Chapter 6: Infrastructure Strategy
- Chapter 8: Cultural and Natural Heritage Strategy
- Chapter 9: Rural Development Strategy
- Chapter 10: Climate Change Strategy

5.4. **Natural Heritage Designations**

- River Boyne and River Blackwater SPA (Site Code: 004232) and SAC (Site Code: 002299) is roughly 9.5km to the south at its nearest point.
- Stabannan-Braganstown SPA (Site Code: 004091) is roughly 19.6km to the northeast.
- Killyconny Bog SPA (Site Code: 000006) is roughly 13.8km to the west.

6.0 **Objections**

Originally, a total of 19 no. submissions were received. However, a number of objections were withdrawn in the days leading up to the Oral Hearing. The remaining 9 no. objections still stand, however. These are summarised below.

6.1. **Objection by Anne Kiernan**

This objection relates to Plot Refs. 109a.1, 109b.2, 109c.1, 109d.d, 109e.1 and 109f.1. It raises the following grounds / concerns:

- The proposed route would sever farm into two sections.
- This would Impact on the viability of the overall farming operation.
- The current practice of using a robotic milking system could be significantly impacted by the proposed acquisition of land.
- The timing for commencing construction works and the Local Authority acquiring various plots of land is currently open-ended. This presents uncertainty and makes it difficult to plan ahead.

6.2. **Objection by Brendan McConnell**

This objection was prepared by Myles Byrne (Agricultural Consultant) and relates to Plot Refs. 118a.1, 119a.1 and 118b.1. It raises the following grounds / concerns:

- The proposed route would sever farm into two sections with the larger section isolated to the north (2.8ha).
- Crossing the road would be difficult and both land parcels would be too small to viably farm.

6.3. Objection by Gladys Ellaway

This objection relates to Plot Refs. 108a.1, 108a.2 and 108b.2. It raises the following grounds / concerns:

- The proposed route would sever the farm in two, which would impact on the viability of the existing farming operation.
- There is no underpass or bridge provided as part of the scheme.
- The proximity of the road would lead to various health and safety concerns arising.
- The proposed road would destroy good farmland and bisect the proposed greenway (Navan to Kingscourt).
- The traffic generated would be diverted to back roads leading into Castletown Kilpatrick Village.

6.4. Objection by Paul O’Gorman

The CPO does not seek to acquire any land owned by Paul O’Gorman. Mr O’Gorman confirmed this to be the case during the Oral Hearing. His main concerns are as follows:

- The proposed extinguishment of an existing right-of-way would lead to inconvenience and increased journey times.
- There would be a detrimental impact on amenity, social enjoyment and farming activities.
- The road outside the property is very narrow and not suitable for cars or farm machinery to pass each other.
- There would be a time delay on medical assistance, refuse collection and other services seeking to travel to and access the property.
- The new road would increase the road noise as vehicles will be travelling at a higher speed, thus, impacting on the property.

6.5. Objection by Eugene McConnell

This objection was prepared by Tom Corr (Property and Agriculture Consultant) and refers to Plot Refs. 118a.1 and 118b.1. It raises the following grounds / concerns:

- An alternative route would be less impactful.
- The proposed land take is surplus to requirements and will take in a well maintained, good quality landscaped area.
- The lands proposed to be acquired include a well / private water supply. The Local Authority has not confirmed how an alternative water supply would be provided.
- A retaining wall should be provided to prevent excessive land-take. This would avoid the need to acquire the land associated with the private well and also act as a form of noise attenuation from traffic along the realigned section of road.
- There are inadequate drainage details provided.
- Noise would be created by road traffic.
- Boundary treatment details missing.
- Various amenity impacts and planning and environmental concerns.

6.6. Objection by Fergal Ryan

The original objection was prepared by Tom Corr (Property and Agriculture Consultant) and refers to Plot Refs. 110a.2. Mr Ryan raises the following grounds / concerns:

- An alternative route would be better.
- Land proposed to be acquired is surplus to the requirements of constructing the road.
- Inadequate drainage details provided.
- Noise.

- No underpass or bridge provided. This would lead to difficult conditions for moving livestock from one field to another, and which would be present as a traffic hazard.
- Boundary treatment details lacking.
- Residual land would be more difficult to farm, particular the smaller field.
- Access to water and power would be made more difficult due to land severance.

6.7. Objection by Legal Representatives of Margaret McEntee

This objection was prepared by Tom Corr (Property and Agriculture Consultant) and refers to Plot Refs. 125a.1 and 125b.1. It raises the following grounds / concerns:

- There would unauthorised parking short-term and long-term in the area.
- Unauthorised dumping will occur.
- Planning and environmental concerns

6.8. Objection by Teresa Nevin

This objection was prepared by Tom Corr (Property and Agriculture Consultant) and refers to Plot Refs. 127a.1 and 127b.1. It raises the following grounds / concerns:

- A better route is available.
- The CPO proposes to acquire the house on the land (Ms. Nevin's place of residence).
- Planning and environmental concerns.

6.9. Objection by Livia Bostan

An objection was prepared by Tom Corr (Property and Agriculture Consultant) on behalf of Tom and Aoife Dooley in relation to Plot Refs. 126a.1, 126b.1, 126c.1 and 126d.1. However, this objection was withdrawn prior to the Oral Hearing and I note that land owned them was purchased by another party (Livia Bostan).

Ms Bostan attended the Oral Hearing and is recorded as a formal objector for the purposes of assessing the CPO application. The main concerns raised by Ms Bostan are as follows:

- The proposed COP would prevent / hinder access to a water supply (private well).
- Noise generated by the new section of road.
- Inconvenience and increased journey times due to future construction works taking place and closure of a right-of-way.

7.0 Oral Hearing

Background

- 7.1. An Oral Hearing was held on Tuesday, 9th April 2024. Some of the objectors in attendance were formally represented. Meath County Council were represented by Rory McEntee (SC), Council officers and consultants from AtkinsRéalis (Consulting Engineers). Oral submissions were heard by, or on behalf of, the parties, during the course of the Hearing.
- 7.2. As the presiding Inspector, I commenced proceedings with an opening statement. Participants were informed that the purpose of the oral hearing was an information gathering exercise to assist in the consideration of the merits of the case and in drafting the report and recommendation to the Board in relation to the CPO Order.
- 7.3. Attendees were also advised that planning and environmental considerations arising had been assessed under the previous Part 8 Application, which had already been determined by the Local Authority. It was explained that the purpose of the Hearing was, therefore, to deal solely with the CPO process, i.e., the merits, or otherwise, of the proposed acquisition of lands by the Planning Authority. Participants were reminded that the Board has no role or jurisdiction in the determination of compensation.
- 7.4. The proceedings of the Oral Hearing are outlined in Appendix A of my report and referenced, where necessary, in the assessment section below (Section 8.0). The proceedings were recorded and are available to the Board on an audio file.

Modifications

- 7.5. There were no proposed modifications to the plots of land proposed to be acquired.
- 7.6. However, some amendments to the CPO were made in terms of the 'owner or reputed owners' of certain plots. This reflects changes in ownership after the CPO application was lodged with the Board and before the Oral Hearing was held.
- 7.7. This information is set out under Appendix E.2 of the Brief of Evidence (submission) made by Ms. Ursula O'Higgins (AtkinsRéalis) during the Hearing.

8.0 Assessment

8.1. Overview

- 8.1.1. The proposed CPO relates to an existing section of the N52 (national secondary route) between Grange and Clontail, County Meath. The location and physical context, including the lands proposed to be permanently and temporarily acquired, are shown on the deposit maps, which are on the file. Meath County Council is the Road Authority for this part of the N52.
- 8.1.2. The N52 is identified as one of the country's most important National Secondary Routes, linking the northeast to the southwest of the country. It serves the towns of Dundalk, Ardee, Kells, Mullingar, Tullamore, Birr and Nenagh. The existing route connects with the M1 and N1, northeast of Dundalk town, and continues in a southwest direction where it intersects with a number of primary and secondary national roads. It terminates at the M7 in Nenagh. The N52 has traffic flows of approximately 3,000 average daily traffic volume (AADT). It is heavily trafficked and accommodates a high volume of commercial traffic, including HGV's, on a daily basis.
- 8.1.3. The Local Authority is seeking to compulsorily acquire the necessary lands to implement the scheme. The plots that are subject to the proposed CPO comprise the land, and site working areas, deemed necessary by the Local Authority for the realignment and upgrade of this part of the N52. The Local Authority considers this appropriate having regard to the need to meet the required design standards and that the land take is proportional to its requirements.

8.1.4. Meath County Council have outlined as part of the CPO application, their submissions to the Board, and during the course of the Oral Hearing, that this stretch of the N52 is recognised as having a low level of safety and that is non-compliant with modern road design standards. Therefore, the main purpose of the CPO is to address this by way of providing improved and safer road conditions. The proposed CPO acquisition is intended to support the delivery of the related Part 8 Application, which was concluded and approved by Meath County Council in March 2021 (Reg. Ref. P8/20012).

8.1.5. As noted above, parts of the proposed route belong to private landowners. Therefore, my assessment of the proposed CPO considers the issues raised in the written objections submitted to the Board, the points made at the Oral Hearing (OH), and the general principles to be applied in assessing CPOs of this nature.

8.1.6. Accordingly, for the Board to confirm the CPO, it must be satisfied that the following criteria have been met:

- There is a community need that is to be met by the acquisition of the lands in question.
- The project proposed and the associated acquisition of lands is suitable to meet the community need.
- The works to be carried out should accord with, or at least not be in material contravention of, the policy and objectives contained in the statutory development plan relating to the area.
- Any alternatives proposed to meet the community need have been considered but are not demonstrably preferable.
- The extent of land-take should have due regard to the issue of proportionality.

8.2. **Community Need**

8.2.1. The Local Authority and many of the objectors are in agreement that the road realignment would be beneficial for the surrounding area. The need for the scheme is, therefore, largely uncontroverted and not in dispute. However, the proposed new route, and its associated works, is required to pass through various sections of land

owned by third parties meaning it is necessary for MCC to acquire certain parcels of land. This has generated a number of concerns for the affected parties.

8.2.2. In terms of the existing condition of the road, this is identified as having features which, when combined, result in frequent road traffic incidents, a poor driving quality experience, slow travel speeds, delayed journey times and an overall reduced level of safety for all road users. In addition, the slow travel speeds and delayed journey times are said to have negative economic impacts reducing the route's adequacy as a 'strategic linking network'. In summary, the Local Authority makes the case that the existing route alignment is sub-standard and requires realignment and certain upgrade and improvement works.

8.2.3. The specific features contributing to the overall poor performance of the road can be summarised as follows:

- The existing alignment is a non-engineered single carriageway approximately 6km in length and generally 6.0m in width. The route does not have a hard shoulder or hard strip.
- The road cross-section is restricted and has poor vertical and horizontal alignment resulting in reduced forward stopping sight distance.
- There are numerous private property entrances and field accesses along the route. There are also six local road junctions onto it. These junctions are closely spaced and often poorly arranged with sub-standard visibility splays.
- There are many roadside hazards, including but not limited to poles, walls, signage, trees, fence posts, low walls, ditches and stream crossings.
- There are limited overtaking opportunities and several poorly aligned bends, which do not meet the desirable minimum design standards.
- Surface water run-off is at present untreated and not attenuated.
- No pedestrian or cyclist facilities are provided.
- The current junction between the R162 and N52 is a staggered crossroads where the Regional Road has priority over the National Road.

- There is a disused railway line which once crossed over the existing N52, which was transformed into the Boyne Valley to Lakelands County Greenway with a new bridge over the N52. (This was constructed in 2022).

8.2.4. I can confirm that during my physical inspection of the site (c. 10am, 9th February 2024), many of these features were self-evident and that traffic conditions and road safety appeared to be sub-optimal, particularly for a busy national secondary route. It was apparent to me that the route is a busy one, and when parked, I noticed there was a high volume of heavy goods vehicles and commercial trucks using the route. The poor horizontal and vertical alignment of the road, particularly at bends near Grange and Fringestown, as well as other roadside hazards, mean the road is not conducive to optimal road safety, in my opinion. I also observed several private property entrances leading onto the road, many of which appeared to have restricted or limited visibility of oncoming traffic.

8.2.5. To address this, the Local Authority is proposing a series of works and realignment of this stretch of N52. The main components include a 7m wide single carriageway, a 0.5m hard strip each side with grass verges, and a shared pedestrian and cycle path within the southern verge. The works also include a roundabout at the junction between the new N52 and the R162, the realignment of side roads and several at-grade priority junctions, ghost island staggered junctions, and priority T-junctions at various points along the route – all of which will assist in meeting current technical design standards for National Roads (i.e., Transport Infrastructure Ireland (TII) requirements).

8.2.6. I note that the retained sections of the existing N52 road will be reclassified as local road(s) and retained so as to continue providing access to properties and other local routes. Three attenuation ponds will serve as dedicated drainage outfall collection points. The preliminary drainage design for the scheme has also been completed in accordance with TII design standards.

8.2.7. The proposed CPO would assist in delivering several road safety benefits. This includes:

- Provision of safer overtaking opportunities along the route in accordance with design standards.

- Reduction in the frequency and severity of collisions by providing a safer route for users.
- Reduction in the number of junctions and direct accesses along the route.
- Improved safety for vulnerable road users, including alternative modes of travel, such as walking and cycling, through providing pedestrian and cyclist facilities and a new link to the Boyne Valley to Lakelands County Greenway.

8.2.8. The proposed project is also in accordance with the RSA Road Safety Strategy 2021-2030 which seeks to reduce the number of deaths and serious injuries on Irish roads by 50% over its 10-year lifespan.

8.2.9. In summary, the Applicant states that the approval of the proposed CPO, and delivery of the overall project, would see the realisation of a safer transportation corridor along this part of the N52. This would address existing deficiencies in sight distance, cross section, road alignment and visibility; help to reduce collision severity; and improve local and regional accessibility for the locality and wider area.

8.2.10. In conclusion, I would concur with MCC that this part of the N52 is substandard in terms of traffic safety. I consider that the community need that would be met by the CPO of the lands in question, and which would accommodate the scheme and deliver a safer and more efficient road alignment.

8.3. Suitability of Lands to Serve the Community Need

8.3.1. During the Hearing, a Brief of Evidence was presented by Ms. Ursula O'Higgins (Chartered Engineer, AtkinsRéalis) on behalf of the Local Authority. It was confirmed that the total land area to be required for the construction of the proposed project is roughly 29.9ha. I note that most of the land to be acquired is from agricultural lands and existing farmland (25.5ha). Some domestic and/or commercial properties are affected (0.57 ha). Sections of existing roadbed accounts for 3.8ha. A small area of disused railway makes up the remaining land area (0.07ha).

8.3.2. In total, 36 no. landowners/domestic properties are directly affected by the proposed development. A single existing dwelling is required to facilitate the route along with one commercial shed. I note that the direct impact on domestic properties is limited to land-take along the external boundaries of national and local roads.

- 8.3.3. I note that there were 19 initial objections to the CPO. However, several of these were withdrawn prior to the Oral Hearing. Nine objections remain on the file and some of these parties were present at the Hearing (see Appendix A – Proceedings of Oral Hearing for further details).
- 8.3.4. Notwithstanding the specific concerns raised by individual landowners – which are addressed under Section 8.8 of my report below – I am satisfied that the extent of land proposed by MCC to be acquired is proportionate to the identified community need and that the amount of land-take is necessary to facilitate the proposed road realignment scheme. The various parcels of land which are proposed for acquisition are adjacent / nearby the existing N52 and I do not consider any individual plots have been included unnecessarily as part of the CPO. Similarly, the proposed extinguishment of the private and public rights of way are acceptable, in my opinion, and required to facilitate the scheme. In coming to this conclusion, I have reviewed the deposit maps, and other material submitted as part of the CPO application, and documentation which informed the related Part 8 Application for the scheme (Reg. Ref. P8/20012 refers).
- 8.3.5. In conclusion, I am satisfied that the lands subject to this CPO application are suitable and required to accommodate the proposed road realignment scheme and that this is in the interest of serving the community need.

8.4. Compliance with Planning Policy (including County Development Plan)

- 8.4.1. As noted above, the N52 is an important National Secondary Route, linking the northeast to the southwest of the country. It serves the towns of Dundalk, Ardee, Kells, Mullingar, Tullamore, Birr and Nenagh. The existing route connects with the M1 and N1, northeast of Dundalk town, and continues in a southwest direction before terminating at the M7 in Nenagh.
- 8.4.2. The N52 has existing traffic flows of approximately 3,000 average daily traffic volume (AADT). The section of the road which is relevant to this CPO application consists of a single carriageway. It is generally 6m wide with no hard shoulder or hard-strip provision. I note the Council's contention that the road alignment is not compliant with current standards. Drainage from the road is primarily informal and is over-the

edge drainage with no attenuation or treatment which can lead to wet surface conditions and reduced vehicular stopping times.

- 8.4.3. The National Road Network is identified as one of ten Strategic Investment Priorities in the National Development Plan 2018-2027. National Strategic Outcome (NSO) 2 of Project Ireland 2040: National Planning Framework is to enhance regional accessibility. In relation to inter-urban roads, it seeks to maintain the strategic capacity and safety of the national roads network including planning for future capacity enhancements. The Spatial Planning and National Roads Guidelines for Planning Authorities (2012) state that better national roads can improve access to the regions, enhancing their attractiveness for inward investment and create new employment opportunities.
- 8.4.4. The RSES includes a vision to create a sustainable and competitive region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all. The RSES also identifies that Dundalk, as a regional growth centre, has a population target of 50,000 by 2031. Mullingar and Tullamore are seen as Key Towns which are large economically active service towns that provide employment for their surrounding areas, with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres. This will increase demand on critical connecting infrastructure, including the N52.
- 8.4.5. In terms of local planning policy level, the proposed development is supported by a site-specific objective (Objective MOV OBJ 49) of the Meath County Development Plan 2021-2027. The objective is to support essential public road infrastructure including bypasses of local towns and villages, delivery of national road schemes and, where necessary, to reserve the corridors of any such proposed routes free of development, which would interfere with the provision of such proposals. Such road schemes include those specified under Table 5.1 of the CDP (see below). This objective was explicitly referenced by the Planning Authority during their formal presentation to the Board during the Oral Hearing.

Table 8.1 (Extract from Table 5.1 of the CDP relevant to proposed CPO):

Scheme Name	Description of Works
N52 Grange – Clontail (formally known as Fringestown Scheme)	Re-alignment of the existing N52 and R162/N52 junction from a point west of the R162 junction eastwards to Clontail.

- 8.4.6. I note that Section 5.9.1 of the Development is in relation to ‘National Roads’. It states that the ‘national secondary roads, N51 and N52, are medium distance through-routes connecting important towns. *The N52 is a particularly important infrastructural development and strategic route*, linking Dundalk and Mullingar-Athlone-Tullamore. The County is very reliant on its road infrastructure for intra and inter county movement and access.’ (emphasis added).
- 8.4.7. Further, the County Development includes several other policies and objectives which seek to safeguard the capacity and safety of the national road network (Objective MOV POL 24), to provide for and carry out improvements to sections of national, regional and county roads that are deficient in terms of alignment, structural condition or capacity (Objective MOV POL 26), and to implement road maintenance and road improvements in the County as set out in the Schedule of Municipal District Works (Objective MOV OBJ 48).
- 8.4.8. I conclude that I am satisfied that the proposed scheme is in accordance with national, regional and local level planning policy. I note that the delivery of the scheme is explicitly supported by Objective MOV OBJ 49 and that the realignment and upgrade of the N52 Grange – Clontail is clearly identified under Table 5.1 of the County Development Plan.

8.5. Consideration of Alternatives

- 8.5.1. The ‘N52 Grange to Clontail Scheme – Option Selection Report (November 2018)’ considered the various route alternatives for the proposed realignment. The overall objective of the report was to allow Meath County Council to identify route options and establish a preferred route for the improvement of the N52 between the townlands of Grange to Clontail in Co. Meath.

- 8.5.2. The Options Selection Report (OSR) sets out seven route corridor alternatives and these were considered as part of a Part 1 Preliminary Options Assessment stage. The analysis included a review of the relevant engineering, economic and environmental matters pertaining. The routes are illustrated on an aerial photograph on Page 11 of the Report (Figure E-2). Table E-1 shows via a colour-coded matrix the high (green), medium (amber) and low (red) preferences for each preliminary route option identified.
- 8.5.3. Post this exercise, I note that four routes proceeded to the next stage of analysis. This included the Magenta, Orange, Red and Cyan coloured routes. A further in-depth analysis was completed – known as the Phase 2-Stage 2 Project Appraisal – for each of these route options. The appraisal was undertaken in accordance with TII's Project Management Guidelines. Furthermore, I note that as part of the economical appraisal, an Options Comparison Estimate (OCE) was prepared for each option in accordance with the TII Cost Management Manual. The final recommendation of the OSR found that the 'Red Route' was the preferred route and that this option should progress through the preliminary design and statutory planning stages for the N52 Grange to Clontail Scheme.
- 8.5.4. I note that in terms of the overall multi-criteria analysis assessment carried out, the red route was deemed to have achieved the highest overall score of 30.243, while the Cyan Route achieved the next highest score (28.64). The main reason for the higher score was that the red route comprised the shortest route and, therefore, achieved the best journey time savings, resulting in optimal economic gain and safety benefits. I note the red route was not considered optimal in terms of environmental considerations (it was ranked as 'intermediate'). However, it was deemed as not having the potential for significant negative environmental impacts. In this regard, I note also the relatively low number of sensitive receptors in the vicinity of the route, including a general absence of residential properties, commercial properties, watercourses, sensitive aquifers and identified archaeological features. I note also that a Road Safety Audit (Stages 1 and 2) was carried out for the red route. [Figure E-5 'Framework Matrix Phase 2 - Stage 2 Project Appraisal' of the OSR sets out a useful preference ranking summary for each shortlisted route.]
- 8.5.5. Subsequently, the proposed project was subject to a Part 8 application process. This addressed the relevant planning and environmental considerations. During the

consultation process, the Local Authority received twenty-one submissions. The application was approved by the Council on the 22nd of March 2021. This concluded the development consent process for the scheme regarding the detailed planning rationale for the works subject to this CPO.

- 8.5.6. During the Oral Hearing, MCC submitted that the potential impact and effects on landowners would be proportionate to the public need for the required realignment and the extent of land being acquired. It was also argued that the alignment of the route is the most reasonable means of delivering a high-quality and safer stretch of road, which would achieve the scheme objectives and community need, and would be in the interests of the common good.
- 8.5.7. Having reviewed this information, the submissions, and various other information on file, I considered that the proposed route is in accordance with the site selection study which was developed for the project (i.e., 'the N52 Grange to Clontail Scheme – Option Selection Report (November 2018)'). It is also consistent with the approved Part 8 application. Notwithstanding this, I acknowledge given the nature and extent of the proposed CPO that concerns relating to property, landownership and access will inevitably arise regardless of whichever option is selected.
- 8.5.8. This was referenced during the Oral Hearing by the Local Authority, through Mr. McEntee, who noted that because the scheme necessitates a new section of road to be constructed there would be inevitable land acquisitions, and that this would impact on property owners along the route. Mr. McEntee advised that the Council has taken on board concerns, where possible, and that the success of this process has been demonstrated by the number of objections which have been withdrawn. In this regard, I would highlight for the Board's attention that of an initial 19 no. objections to the application, roughly half of these were withdrawn prior to the Hearing taking place. Mr. McEntee also noted that while several objections still stood, these could be addressed through a separate scheme of compensation, which would be available if any unacceptable loss or damage were to occur; in the event the scheme proceeds.
- 8.5.9. During her submission on behalf of the Local Authority, Ms. O'Higgins (AtkinsRéalis) noted that the Council and its design team had investigated many alternatives to provide a transportation solution that would meet the identified public need. It was

stated that having considered the 'do-nothing', 'do-something' and public transport alternatives, a road-based solution was identified as the optimum transportation solution. Ms. O'Higgins outlined as part of her submission that the factors examined included consideration of potential conflict with residential properties, farm severance, community disruption, conflict with the existing local road network and road severance, sites of scientific interest, architectural, cultural and heritage sites, landscape, road geometry and earthworks quantities and related costs. It was subsequently determined that all property and lands identified in the CPO schedule were required to safely construct the proposed road project in accordance with current design standards.

- 8.5.10. In summary, and having regard to the above, it is my opinion that alternative route options, and related considerations, have been adequately explored by the Council. The proposed route alignment represents the most reasonable means of achieving the scheme objectives, and it is my submission to the Board that this would meet the identified community need. I consider that MCC has demonstrated a reasonable consideration of the alternatives available and that the preferred, proposed route is the optimum one.
- 8.5.11. The Council has shown that they have satisfactorily examined alternative methods of meeting the community need and, in taking into account the responses provided by MCC in relation to the concerns raised by objectors, I conclude that this particular part of the CPO test has been met.

8.6. Proportionality and Necessity for the Level of Acquisition Proposed

- 8.6.1. I consider that the proposed scheme would benefit all users in the long run, including local people, visitors, tourists, and those seeking to travel through the area from one destination to another. However, I acknowledge that the proposed realignment has the potential to have a negative impact upon third party lands both during the construction and operational phases. Impacts experienced during the construction of the scheme would be temporary in nature. The Council notes that the works would roughly 24 months to complete; albeit, as the project is contingent on funding there is no definitive start-date. (The Local Authority has confirmed that they will

communicate a date for commencement of works to local residents as soon as possible, with a general start-time in 2025 envisaged).

- 8.6.2. During the Hearing, I noted that some objecting parties were concerned with additional travel times, temporary disruption to traffic, and other related difficulties by having to use different routes, which are considered sub-standard and more circuitous than using the existing stretch of the N52. The concerns raised were whether the extent of interference was necessary to achieve the overall aims of the project.
- 8.6.3. During the construction phase temporary disruptions and nuisance are an unfortunate, but unavoidable, eventuality, in my opinion. I note that the construction phase is expected to last for approximately two years in this case and, during this time, temporary traffic management measures will be necessary in the form of road diversions and closures. The immediate road network will have a reduced capacity during this period and traffic delays are inevitable. These measures are required so that works can be completed in a manner to ensure the safety of the public and construction workers. I note that temporary traffic management measures typically form part of detailed design whereby prescriptive requirements are placed on the appointed contractor post planning and other statutory approvals. However, this is normal practice, in my opinion, and the potential for impact on residents and other road users will be mitigated, insofar as possible.
- 8.6.4. I further note that some objectors submit as part of their written submissions that the amount of land proposed to be acquired would be surplus to the requirements of the scheme. However, having examined the documentation submitted (including the deposit maps), and in having regard to the Council's submissions, it is my opinion that the proposed scheme design incorporates the minimum land-take necessary to achieve the required technical standard. I note also that the proposed route – i.e., the 'red route', as identified by the Options Selection Report completed for the scheme – was the shortest route of all the options considered, prior to making the CPO application. I am therefore satisfied that the design team has committed to keeping the land-take to a minimum and that this matter was explored during the course of the Oral Hearings discussions. I note that a single dwelling and commercial shed is proposed to be acquired to facilitate the route. The house is owned by Tersea Nevin, who has made a submission to this effect and states that a

better route could have been selected by the Local Authority. However, whilst this is regrettable, it is not unusual for the acquisition of some residential property to be required in order to facilitate a scheme of this scale.

- 8.6.5. Following the CPO process, I note that landowners whose lands are reduced in value or made redundant in some manner through, for example, severance, becoming land-locked in some way, or undermined in terms of being able to support a viable farming practice, may be liable for compensation. However, as confirmed during the Oral Hearing, this is a matter for a separate forum. I note that such matters lie outside the scope of this case, which is concerned exclusively with land acquisition matters only.
- 8.6.6. In summary, I am satisfied that the process and procedures undertaken by the Local Authority as part of this CPO application process have been fair, reasonable and proportionate. Meath County Council has demonstrated the need to acquire the lands and that property being acquired is both necessary and suitable to facilitate the realignment of the N52, as approved under the Part 8 process. I acknowledge that there would be certain negative, but unavoidable, impacts caused by the CPO on the affected landowners. However, the impacts are proportionate to the objective being pursued, in my opinion, and in the interests of the community need.
- 8.6.7. I am also satisfied that the proposed acquisition of these lands and extinguishment of the identified rights of way is consistent with national, regional and local planning policy, as outlined in Section 8.4 of my report above. I have had particular regard to the site-specific road improvement objective set out under Table 5.1 of the County Development Plan (i.e., the N52 Grange-Clontail Scheme).
- 8.6.8. In the light of the above assessment, I conclude that the Meath County Council has demonstrated that the CPO would meet the relevant criteria for establishing that the proposed acquisition of land would be clearly justified by the common good.

8.7. Additional Issues Raised by Objectors

Farm Severance and Future Viability of Farms

- 8.7.1. The issue of farm severance, and how this can affect the viability of an existing farming enterprise, is a key issue for consideration for this CPO. As with many large infrastructure schemes, including road realignment schemes, there may be negative

impacts sustained by individual land holdings. These impacts should be mitigated and minimised wherever possible, and I accept that MCC have been successful in doing this as part of a measured consideration of the available alternatives and through careful route selection. I also note that as part of the CPO process, valuers are appointed to make recommendations on the monetary value of such impacts, on a case-by-case basis, to inform the applicable compensation values each individual landowner may be entitled to.

- 8.7.2. Land holdings that come under the CPO process, and the landowners' agents, if so appointed, may enter into discussions with the County Council's valuer in this regard. This is to arrive at a compensation amount that is acceptable to both parties. I note the submission made by the Council makes reference to this. It is stated that following meetings and discussions with landowners, including as recently as March 2024, MCC has committed to consider several improvements / alterations to the future anticipated accommodation works programme (i.e., Phase 5, detailed design stage for the project).
- 8.7.3. The Council has agreed in several cases – as of March 2024 – to consider the precise nature, location, and spec of underpasses between fields a view to minimising impacts on existing agricultural operations. A commitment has also been given to provide appropriate boundary treatments to properties, where so required, and this would be on a like-for-like replacement basis and in accordance with best practice and the relevant TII guidance.
- 8.7.4. The main recurring concerns raised by third parties is in relation to how the proposed acquisition of land would negatively impact on individual farms and the future viability of agricultural practices through land severance, realignment of property boundaries and the creation of smaller, stand-alone fields. During the OH, Ms. Kiernan and her sons (Pat and David Kiernan) elaborated on the written submission made by their agent (Lely Farming Innovators) (dated 4th April 2024). The Kiernan family stated that they recognised a compensation aspect may apply. However, the amount of compensation available stands as unknown. While their understanding is MCC has a special purpose scheme for the project, they expect this scheme may not be adequate to cover the true cost of impact and inconvenience that would be incurred due to the nature of the CPO, which would essentially cut their farm in half. The

Local Authority acknowledged that an appropriate compensation amount would need to be negotiated and agreed between the parties.

8.7.5. However, in addition to this, the Local Authority confirmed that in order to fully address the concern relating to the viability of the existing farm an underpass would be provided as part of the future works phase. The need for this was identified at an early stage during the design development stage and Part 8 application process. Furthermore, and in response to the most recent submission by Ms. Kiernan, I note the Local Authority committed during the Hearing to make modifications to the underpass. The changes would be incorporated at detailed design stage and seek to address specific concerns regarding the provision of an underpass, including its size, length, location on the farm and specification. The physical construction and timing of installing the underpass would also need to be conscious of the particular operational requirements of the farm, which includes a robotic milking machine that is not supervised by people. I note that the Council referenced this as part of their oral submission to the Board and acknowledged that a solution would be provided in terms of construction scheduling.

8.7.6. Cllr. Paddy Meade represented Mr Fergal Ryan during the Oral Hearing. A key concern raised was that no underpass or overpass is proposed to be provided by the Council to accommodate movement of cattle and sheep across Mr. Ryan's farm. Cllr. Meade spoke to a diagram appended to the rear of Mr Ryan's submission which illustrated the route livestock would need to take in order to be transferred from one field to another (south to north, and back again, at certain times of the year). I considered that the route would be convoluted and lengthy, would traverse a new section of the proposed N52, and would not at all be conducive to road safety, in my opinion. This was made clear by Cllr. Meade, who shared these same safety concerns, and pointed out that the full extent of the farm owned by Mr Ryan currently lies south of the existing N52, but that the scheme would cut directly through his lands. Cllr. Meade requested that a full risk assessment be completed to address this matter. He also noted that in the absence of a dedicated underpass or overpass Mr Ryan would be forced to continue moving his animals by foot using the future upgraded road network. It was stated Mr Ryan does not have the capacity to drive a truck or lorry for such purposes and, as I note from his written submission, he has no driving licence.

- 8.7.7. Mr. McEntee responded during the OH by stating that it is not recommended that livestock be walked across national roads – this would be unsafe and not without risk – and that the proposed scheme has been designed to facilitate vehicular transportation of animals. The necessary facilities to allow for this would be provided as part of the scheme and any future risk assessment would be completed on this basis. Ms. O'Higgins further stated that due to the type of farming practice (dry livestock) the transport of livestock is not occurring on a daily basis and the need for an overpass could not be justified. I note that the Agronomist acting on behalf of the Council estimated that animals would move between fields roughly four times a year and that an overpass was not recommended. Instead, it was put forward that the impacts incurring could be dealt with through the compensation process. In response, Cllr. Paddy Meade stated that the movement of animals between fields would be roughly 10 to 12 times per year.
- 8.7.8. I have referred to the deposit maps and technical drawings as part of my assessment of this issue and note that an overpass would need to cover a relatively long distance, over the new section of national road, to link what are two relatively small fields. Furthermore, given the nature of farming undertaken by Mr Ryan, whilst time-consuming – like most other types of farming – is not a particularly intensive form of farming, or animal husbandry, with a high stocking density. Whilst it is ultimately the decision of MCC to provide an overpass as part of future accommodation works on these lands, I do not consider the matter would necessitate the annulment of the CPO, and that a form of agreement should be able to be reached through future negotiations between the parties.
- 8.7.9. In relation to a further point regarding the means of access to the smallest of the three fields owned by Mr Ryan, I note that both parties accepted that there is an existing entrance into the land from the roadside. This would be either retained, or relocated, in accordance with road safety protocol as part of future detailed design.
- 8.7.10. I note that similarly John and Glady Ellaway made the contention that without an overpass / underpass, approximately 40 acres of land would be removed from the main farm and left isolated on the opposite side of the road. A concern was raised that the movement of livestock via trailers on the local road network would not be good farming practice, or environmentally friendly. In addition, as land near the centre of the farm is said to be heavily bogged and marshy, it would not be possible

to build a farm road in this location (see map attached to submission, dated 27th March 2024).

- 8.7.11. In response, I note that the Council confirmed that there is currently no intention to provide an underpass or overpass to assist in the movement of animals across the farm. I note that this decision was supported by an independent study completed by an agronomist, but also that the Council is committed to addressing the impacts arising via the future compensation process.
- 8.7.12. Having regard to the above, I am satisfied that the concerns raised in relation to the current operation of farming on these lands can be addressed as part of the future accommodation works and through related future discussions regarding potential financial compensation between the parties.

Property Access

- 8.7.13. Mr. Eugene McConnell, through Mr Tom Corr (Property Consultant and Agronomist), stated that the proposed acquisition of lands and road realignment would have implications for access to his property. I note that the CPO would result in the existing access arrangement to Mr. Connell's property being physically altered. The new section of road would be on a west-east axis and positioned to run directly south of his house.
- 8.7.14. Mr. Corr stated that the Council is currently proposing a form of shared access which would serve both the farm and house. This idea of a shared access is deeply flawed and unnecessary according to Mr. Corr. This is because such an arrangement would give rise to dirt, clay and other debris typically associated with normal agricultural practices being deposited on the road and, in so doing, would negatively affect the residential amenity associated with the existing dwelling. I note that Mr. Corr suggested that an alternative access arrangement could be achieved whereby there would be complete separation of vehicles travelling to the farm and house, respectively. This is shown on a sketched-up drawing accompanying the submission made by Mr. Corr, on behalf of McConnell, and which was spoken to during the OH proceedings.
- 8.7.15. In response to a question posed by the Inspector during the latter part of the Hearing, the Council confirmed that theoretically such an access arrangement could be provided. This would be subject to securing the necessary approvals from TII.

The Council also indicated that the matter would be considered for inclusion as part of the future works accommodation package serving the scheme. [I note that the specific access arrangement proposed by Mr. Corr is described in further detail in the written submissions prepared by him, on behalf of Mr. McConnell. The submissions are on the file and dated 4th and 8th October, respectively.]

Water Supply (Private Wells)

- 8.7.16. During the course of the Hearing, Mr Corr noted on behalf of Mr McConnell that the private bored well serving the house is within the CPO boundary. He stated there is no mains water supply serving the area and that no proposals have been put forward by the Council regarding a potential alternative water supply. This would mean that the only source of water for the house is being acquired as part of the scheme.
- 8.7.17. Mr Corr stated that a potential solution could be reached whereby the well would be retained on the site, in its current position, and the amount of land-take proposed by the CPO reduced. The solution would involve the construction of a retaining wall along the southern boundary of Mr McConnell's property. Again, I would refer the Board to the diagram prepared by Mr Corr which shows the general location of this suggested engineering solution. Mr. Corr further remarked that the wall could also act as a form of noise attenuation, such that a sound barrier may not need to be installed to control noise generated by passing traffic.
- 8.7.18. In response, I note that the Council confirmed as part of the OH proceedings that they could make a commitment to consider an alternative boundary treatment in line with the submissions made by Mr Corr. This would entail the provision of a retaining wall, as described by Mr Corr, but that this would need to be examined as part of a future cost benefit analysis (CBA). The analysis would be carried out as part of the detailed design stage and include the potential impact on the existing well. The Council confirmed that in the event the CBA is positive, the provision of a retaining wall in this location would negate impacting the private well.
- 8.7.19. I note that similar concerns regarding access to potable water were raised by other objectors, including Livia Bostan and Fergal Ryan. Mr McEntee confirmed that no landholding could be left without water because of the proposed changes to land ownership sought by the CPO. I note objectors confirmed they were generally satisfied with this response.

8.7.20. In summary, and in having regard to the above, I conclude that the Council has taken into account the concerns raised in relation to water supply. I consider that the proposed arrangements to date are reasonable and balanced, and that any outstanding issues are a matter for arbitration and compensation, or agreement of future accommodation works, as appropriate.

Extinguishment of Right of Way

8.7.21. As noted in the submission by Mr. O’Gorman extinguishing an existing right-of-way (RoW) would inhibit a means of ready access to his property, including timely provision of medical assistance, refuse collection and other services on a more permanent basis. [I note that during the Hearing, Mr. O’Gorman confirmed no land in his ownership would be acquired under the CPO.]

8.7.22. In relation to the public right-of-way, I note that the response by the Council confirms that to facilitate the construction of the new scheme the existing RoW would need to be extinguished. However, upon completion of the works, the RoW would be reinstated and positioned alongside the new section of road. As such, no properties would lose this as a means of access on a permanent basis.

Project Timelines

8.7.23. The Kiernan submission raises concerns in relation to project timelines, noting that they use a robotic milking system on the farm to automate the milking process for their cattle. This is a process where instead of traditional milking parlours, where cows are milked manually by dairy farmers, cows voluntarily enter into milking stations at which point an automated machine undertakes the milking process.

8.7.24. Therefore, clarity on the project timeframe is critically important as the automated system is setup for cows to enter the milking station without supervision, and when they feel the need to be milked. Any changes to this established method due to the acquisition of land and redrawing of field boundaries could be very disruptive and costly.

8.7.25. During the Oral Hearing, Pat and Anne Kiernan expanded upon their written objection and stated that the proposed CPO could have a disproportionate effect on the Kiernan land holding.

8.7.26. In response, Meath County Council accepted that certain impacts would be unavoidable and that this could impact on the viability of the Kiernan's farm. During the design development stage, an agronomy survey was carried out to determine this level of impact and, as a result, an underpass was incorporated as part of the scheme. Additionally, the monetary value of impacts arising would be examined as part of a future potential compensation amount.

8.7.27. I would also reiterate, as noted above, that the Council agreed as part of recent discussions with the Kiernan family to make modifications to the underpass to try and address their specific concerns. The provision of an underpass in this location, as well at other points along the route, would prevent potential conflicts between vehicles and livestock, minimise the risk of accidents and help to ensure the uninterrupted passage of both traffic and animals. The discussions took place in March 2024, shortly before the Oral Hearing took place, and I consider MCC demonstrated a genuine intention of taking into account the specific operational nature of the Kiernan farming practices.

Built Heritage

8.7.28. The submission made by Ms. Ellaway states that the proposed CPO would impact on a Protected Structure, Stephenstown House (RPS Ref. 90392). It is asserted that the acquisition of certain lands would conflict with the preservation order on the building by destroying old laneways, altering the topography of the land, visual intrusion by constructing the new road.

8.7.29. Whilst I do not doubt these are genuine concerns, which are relevant to the overall proposed development, they are not material in the consideration of the CPO application – i.e., they are planning and environmental issues. However, I note that a full archaeological and cultural heritage assessment was undertaken as part of the Part 8 application. It was also stated by MCC during the Hearing that the proposed land-take does not extend into the curtilage of the house, or its attendant grounds, and the house lies on the other side of a hill away from the road.

Drainage

8.7.30. The issue of drainage has been assessed under the previous Part 8 application process. However, I note that the drainage from the road is primarily informal with over-the edge surface water runoff and with no attenuation or treatment.

8.7.31. The proposed scheme includes dedicated roadside attenuation ponds to serve as outfall collection points. The preliminary drainage design for the scheme has also been completed and this is in accordance with TII design standards.

Boundary Treatments

8.7.32. I note that some objectors queried the type of boundary treatments that are proposed to be used along the route, at the interface between properties and new sections of road.

8.7.33. In this regard, the Council has given a commitment to provide appropriate boundary treatments. This will be done in accordance with best practice and the relevant TII guidance.

9.0 Recommendation

9.1. Having regard to the above, I conclude that:

- the acquisition of lands under the CPO would serve a community need that advances the common good,
- the particular land is suitable to meet that need,
- alternatives have been considered and that there is no alternative which is demonstrably preferable,
- the proposal does not materially contravene the development plan, and
- the proposed acquisition is proportionate and necessary.

I recommend that the Board **CONFIRM** the Compulsory Purchase Order based on the reasons and considerations set out below.

10.0 Reasons and Considerations

10.1. Having considered the objections made to the compulsory purchase order, the written submissions and observations made at the Oral Hearing held on the 9th April 2024, the report of the Inspector who conducted the oral hearing into the objections, the purpose for which the lands are to be acquired as set out in the compulsory purchase order, to provide for the N52 Grange to Clontail Scheme, and also having regard to the following:

- (i) the constitutional and European Human Rights Convention protection afforded to property rights,
- (ii) the existing road conditions, which are characterised by a narrow and restricted width, poor vertical and horizontal alignment, the presence of numerous private property entrances and field accesses along the existing route which have deficient visibility, roadside hazards, and limited overtaking opportunities with several poorly aligned bends and, thus, making it dangerous for vulnerable road users, and resulting in high collision rates,
- (iii) the approval of the N52 Grange to Clontail Scheme under the Part 8 process (Reg. Ref. P8/20012),
- (iv) the strategic importance of the road which connects the M1 and N1, northeast of Dundalk town, before continuing in a southwest direction and terminating at the M7 in Nenagh, Co. Tipperary,
- (v) the identified community need, public interest served and overall benefits, particularly in terms of traffic road safety, which would be achieved by the proposed road improvement works,
- (vi) the design response, which has been completed to address to the identified need,
- (vii) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the proposed road realignment,
- (viii) the policies and objectives of the Meath County Development Plan 2021-2027, including Objective MOV OBJ 49 which is 'to support essential

public road infrastructure... Such road schemes include those specified in the non-exhaustive list in Table 5.1...', and by reference to the proposed scheme under Table 5.1 of the County Development Plan [i.e., 'the N52 Grange – Clontail (formally known as Fringestown Scheme)']',

(ix) the submissions and observations made at the Oral Hearing held on the 9th April 2024, and

(x) the report and recommendation of the Inspector,

it is considered that the permanent and temporary acquisition of the lands in question and extinguishment of public and private rights of way, as set out in the Order, Schedule, and on the deposited maps by Meath County Council, is necessary for the stated purpose, which is a legitimate objective being pursued in the public interest, and that the CPO 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.

[I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.]

Ian Boyle

Senior Planning Inspector

25th April 2024

Appendix A: Proceedings of Oral Hearing

Background

An Oral Hearing (OH) was held on Tuesday, 9th April 2024 in relation to the proposed compulsory acquisition sought by Meath County Council (LCC) for the proposed realignment of the N52 Grange to Clontail Scheme, in County Meath. The proceedings were held remotely at the offices of An Bord Pleanála using Microsoft Teams software. The following were in attendance and made submissions at the Oral Hearing.

1. Submissions on behalf of Meath County Council (MCC)

- Rory McEntee, BCL and Law Agent representing MCC (Regan McEntee & Partners) – *opening remarks, legal context and overview of the proposed CPO.*
- Orla O'Brien, Senior Executive Planner (MCC) – *planning context and CPO's compliance with the relevant policy context, including the Meath County Development Plan 2021-2027.*
- Ursula O'Higgins, Technical Director and Chartered Engineer (AtkinsRéalis), representing MCC – *design and engineering specification; need for the project, and MCC's written response to objections.*
- Philip Farrelly, Agronomist (Philip Farrelly & Associates), representing MCC – *advice in relation to the detailed design of the scheme and identification of the requirements needed to accommodate the needs of various landowners / farmers.*

1. Submissions by Objectors

- Anne Kiernan, together with sons, Pat and David Kiernan.
- Brendan McConnell, not present at the Hearing (written submission stands).
- Glady Ellaway, together with John Ellaway, (written submission by Smith Harrington Chartered Surveyors).
- Paul O'Gorman.

- Eugene McConnell, represented by Tom Corr (Property and Agriculture Consultant)
- Fergal Ryan, represented/assisted by Cllr. Paddy Meade.
- Margaret McEntee (legal representative of), not present at the Hearing (written submission stands).
- Teresa Nevin, not present at the Hearing (written submission stands).
- Livia Bostan, recent purchaser of lands previously owned by Tom and Aoife Dooley)

3. Opening of Oral Hearing

- The Inspector (Ian Boyle) formally opened the hearing at 10.02am.
- Following some introductory remarks, and confirmation of attending parties, it was requested that the Local Authority make its formal submission.

4. Submissions by Meath County Council

Overview of CPO and Justification

Rory McEntee

- Mr McEntee, BCL acting on behalf of the Meath County Council (MCC) opened by indicating who was present and would give evidence on behalf of the Local Authority.
- Mr McEntee went on to set the context for the CPO and that it is for the purposes of achieving a realignment for a section of the N52, which is considered to be particularly substandard and dangerous given its current condition. He also explained who would make submissions on behalf of MCC, including Orla O'Brien, (MCC), Ursula O'Higgins (AtkinsRéalis) and Philip Farrelly (Philip Farrelly & Associates)
- Other personnel, on behalf of the Council, would also be available to answer particular questions, including Ricky Nolan (Transport Engineer, MCC) and Shane Tobin (AtkinsRéalis).

Orla O'Brien

- Ms. O'Brien further outlined the CPO scheme, and that the Council intends to acquire the necessary lands to compulsorily acquire the necessary lands to carry out realignment of a section of the N52 Route.
- It was stated that the proposed scheme is within the townlands of Grange, Castletown, Stephenstown, Fringestown, Mitchelstown and Clontail, and has been subject to a concluded public consultation process under the Part 8 Consent process.
- Ms. O'Brien confirmed how the scheme is compliant with national, regional and local planning policy, including the Meath County Development Plan 2021-2027.
- Concluded by stating the proposed scheme would improve safety, reduce journey times, provide a consistent standard of roadway at this location, strengthen road based connectivity between important settlements, and facilitate economic development within the County and wider region.

Ursula O'Higgins

- Ms. O'Higgins explained that the section of the N52 which the CPO applies is characterised by a number of features, which undermine its safety and efficiency. Stated that the combined impact of these features result in the common occurrence of traffic incidents, a poor driving quality experience, slow travel speeds, delayed journey times and an overall lower level of safety for all road users.
- Ms. O'Higgins described the project objectives and alternatives, and how the design team has sought to minimize and avoid impacts, including on residential properties. Confirmed that the proposed project best fits the required transportation need, relevant planning objectives and is the optimum land acquisition solution.
- Also confirmed that all lands identified in the CPO schedule are required for the project.
- Proceeded to outline the description of works to which the CPO relates, the specific land requirements sought under the CPO application, that an

individual response to objections received is included in the written submission to the Board (under Appendix F). [Note: The Council's response is outlined in their written submission to the Board which is entitled 'N52 Grange to Clontail Scheme - Brief of Evidence' (dated 9th April 2024), and which is on file / available to the Board.

- Ms. O'Higgins concluded by stating the proposed project is necessary, would enhance road safety, would contribute to economic development and competitiveness in the region through the provision of improved transport-based connectivity, and that it is urgently required.
- While some smaller matters were clarified during this stage of the OH, no new or significant matters arose.
- The Inspector called for a brief recess in proceedings.

5. Submissions by Objectors, elaborating on written submissions

- The Inspector recommenced the OH by calling for the first group of Objectors to present their submissions.
- Each of the various plot owners, or their representatives, made submissions to the CPO. Concerns are summarised in Section 6 of this report and assessed in further detail under Section 8.
- No significant new issues outside of the written submissions made to the Board were identified by the submitters during this part of the OH. The written submissions are on file and available for the Board. However, objectors took the opportunity to expand upon their written submissions during the proceedings and, in some cases, posed questions to the Local Authority to clarify certain matters. A recurring concern between the parties was in relation to land severance and how this would impact upon the viability of several different existing agricultural farms and land holdings.
- No further written submissions were made during the Hearing itself, and all submissions sent to the Board in the days leading up to the OH were made available to the parties to assist in the smooth running of proceedings, which took place via an online platform.

6. Questioning between Parties

- The objectors were afforded the opportunity to question Meath County Council and its representatives.
- Several points were discussed and/or expanded upon during this stage of the proceedings. However, no new significant matters arose. Relevant points of interest are referred to in the assessment section of this report above (Section 8).
- I note also that this part of the Oral Hearing is available on the digital recording of the OH proceedings.

7. Closing Comments

The following parties made closing comments, and these are summarised as follows:

Pat Kiernan on behalf of Anne Kiernan

- Requested that the Inspector outline the process following the Oral Hearing and a timeframe for the Board in terms of delivering its Decision.
- The Inspector confirmed that it was the intention to complete the written report in the coming weeks.
- After this, the report and its recommendation would sit with the Board, who are responsible for making the Decision to approve or annul the proposed CPO. Whilst no timeframe could be specified at this point, assurances were given that Board is committed to clearing a backlog of files with the system.
- Mr. McEntee then confirmed, assuming the CPO were approved, that the Council would have 18 months to decide whether to progress the scheme and serve notice of treaty (i.e., submit their claim for compensation).
- Thanked the Inspector and MCC for an update on the timeline. Highlighted the use of a robotic milking machine on the farm and requested clarification from MCC this would be factored into the future works programme, noting the apparatus is not supervised by humans and that any disruption to the current procedure could be detrimental.

Gladys Ellaway

- Queried what constituted the curtilage of the Protected Structure for Stephenstown House.
- Mr. McEntee confirmed the curtilage generally means the immediate grounds of the Protected Structure, such as the grounds, walls, orchard, etc.

Eugene McConnell (through Mr Tom Corr)

- Wished to note that the proposed access design to Eugene McConnell's property is accepted as feasible by MCC, subject to certain matters being responded to by TII.
- Also, to confirm that the access be divided right up to the public road to address potential future issues regarding the inappropriate dual usage of an entrance to both the farm and residential property which could be cause be mixing of farmed-based traffic (tractors, trailers, etc.) with vehicles travelling to the residential part of the property / house.
- The solution to retaining access to the existing well and private water supply would be via the construction of a retaining wall, which would also act as a noise attenuation barrier. The wall would be feasible – according to Mr Corr – particularly if the cost and risks associated with providing an alternative well supply. The Cost Benefit Analysis (CBA) would be an easy equation in this respect.
- Mr Corr thanked Meath County Council for their constructive engagement in relation to the CPO process to date.

Fergal Ryan (through Cllr. Paddy Meade)

- The route selection study completed is inadequate and should be relooked at. As a result, his farming enterprise would be considerably undermined.
- An overbridge over the future road would be the logical solution, however. And it is important that this would be provided.
- If this is not provided, road safety signage should be erected to notify road users of potential livestock movements along the future road.

- Reiterated that a risk assessment be completed to help ensure animal safety and road user safety.

Livia Bostan

- Queried how a well on her land would be affected. Understand that a mains connection would be provided alongside the road.
- In response, Mr. McEntee said he was unaware of any future proposed mains network provision in the area. However, he did confirm Ms Bostan's landholding could not be left without water.
- Ms. Bostan also questioned if a noise barrier would be provided as part of the scheme. Ms. O'Higgins confirmed that a noise assessment was been undertaken as part of the previous Part 8 application process. This identified that there is no need for such a barrier given the distance from Ms Bostan's property from the proposed road realignment.
- Ms. Bostan thanked MCC for their response and confirmed that she would follow-up with further questions with the Council at another time, as necessary.

Rory McEntee

- The need for the scheme is uncontroverted and not in dispute. This is a dangerous section of road that badly needs to be addressed.
- The project would deliver significant road safety and economic benefits and this public interest exceeds the needs of any particular individual as it is in the interests of the common good.
- There will be a detailed design stage following the CPO application which, if approved, would address potential impacts on specific land holdings. There will be liaison with individual property owners in this regard and MCC has taken on board the concerns raised at the Hearing, including issues pertaining to farm viability, current farming practices (such as robotic milking), and potential disruption to water or power supply.

- The land to be acquired reflects the previously approved Part 8 approval process and the Council asks the Board to facilitate the implementation of the scheme through its confirmation via the CPO process.
- Mr. McEntee thanked the Inspector, staff of An Bord Pleanála, and others in attendance for how the process was conducted.