



An
Bord
Pleanála

Inspector's Report ABP-314650-22

Development

Cork City Council - Lehenaghmore
Roads Improvement Scheme
Acquisition Order No. 2 of 2022

Location

Lehenaghmore Road & Togher Road,
Co. Cork

Planning Authority

Cork City Council

Type of Application

Compulsory Purchase Order

Observers

Date of Site Inspection

14 February 2024

Date of Oral Hearing

22 May 2024 (MS TEAMS)

Inspector

Gillian Kane

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1.0 Introduction

- 1.1.1. Cork City Council is seeking confirmation from the Board of a Compulsory Purchase Order (CPO) referred to as the 'Lehenaghmore Roads Improvement Scheme', Acquisition Order No. 2 of 2022.
- 1.1.2. Three modifications to the proposed scheme were presented to the Board during the oral hearing on May 22 2024. These are addressed in further detail below.

2.0 Statutory Basis

- 2.1. Under Section 213(2)(a) of the Planning and Development Act, 2000 (as amended), a Local Authority may, for the purposes of performing any of its functions (whether conferred by or under this Act, or any other enactment passed before or after the passing of this Act), including giving effect to or facilitating the implementation of its development plan, acquire land, permanently or temporarily, by agreement or compulsorily.
- 2.2. Compulsory Purchase Orders are made pursuant to the powers conferred on the local authority by section 76 of the Housing Act, 1966, and the Third Schedule thereto, as extended by section 10 of the Local Government (No. 2) Act, 1960, (as substituted by section 86 of the Housing Act 1966), as amended by section 6 and the Second Schedule to the Roads Act, 1993, and as amended by the Planning and Development Act, 2000-2014. Orders are served on owners, lessees and occupiers in accordance with Article 4(b) of the Third Schedule to the Housing Act, 1966.
- 2.3. The Third Housing Act of 1966 provides that if an objection has been made to a compulsory purchase order, the Board will facilitate the person making the objection to state their case at an Oral Hearing. However, with the transfer of the functions of compulsory acquisition to An Bord Pleanála, under the Planning and Development Act, Section 218 provides that the Board, at its absolute discretion, may hold an oral hearing.
- 2.4. One objection was received by the Board and so the Board held an oral hearing, which took place over MS Teams on the 22nd May, 2024.

3.0 Site Location and Description

- 3.1.1. The subject site comprises two existing roads L2455 Pouladuff Road and L2454 Lehenaghmore Road, in the south-western part of Cork City. The two roads run south from the N40 (South Ring Road), in a 'Y' shaped formation, meeting to the south at Barrett's junction, near Lehanaghmore Park.
- 3.1.2. The L2455 Pouladuff Road runs through a number of industrial / business parks as it heads southwards from the N40. As it travels south, the area becomes predominantly residential before becoming distinctly rural in nature as it reaches the currently under construction Lehenaghmore Park. The L2454 Togher Road, follows a roughly similar pattern: a number of industrial / commercial properties on both sides of Togher road, then moving towards residential development and ending with agricultural land at Barrett's Junction. The alignment of both roads is narrow, winding and steep with sporadic footpath provision at certain points. Both roads have a 50kph speed limit.

4.0 Background

4.1. Part 8 Development Process

- 4.1.1. The proposed Lehenaghmore Road Improvement Scheme (L2455 and L2454) has been subject to the process set out under Part XI of the Planning and Development Act, 2000, as amended, and Part 8 of the Planning and Development Regulations, 2001, as amended.
- 4.1.2. The report prepared for the Part 8 process, prepared in January 2020, provides a background to the scheme, noting that plans for the provision of a new footpath were undertaken by Cork County Council in 2004 but did not progress. When the area was transferred to Cork City Council, some Cork Metropolitan Area Transport Strategy (CMATS) recommendations were incorporated into the new road layout.
- 4.1.3. The primary objectives of the project are identified as
- Improve road safety along the L2455 and L2454
 - Improve the level of service for users of the L2455 between Pouladuff Roundabout and Barrett's Junction and the L2454 Togher Road from Togher Community Grounds to south of Ashbrook Heights

- Enhance the public realm along the route and improve the overall environment,
- Enhance pedestrian, cyclist and public transport connectivity, promote use of sustainable modes of transportation in the Lehenaghmore and Togher areas.

- 4.1.4. Thereafter follows a detailed description of the proposed works and a summary of the Part 8 process. The report notes that public notices were placed in November 2020, drawings were made available until December 2020 and submissions were accepted until 22nd December 2020. An AA screening report and a Sub Threshold Environmental Impact Screening Report carried out by the City Council concluded that the proposed development is unlikely to have an effect on the environment including the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058).
- 4.1.5. The planning report notes that 35 no. submissions were received, 21 no. of which were in support of the proposed development, one in opposition and the remaining silent on the matter. Issues raised in the submissions are grouped and responded to. The report states that suggested amendments will be incorporated into the scheme, that the proposed development is considered to be consistent with the proper planning and sustainable development of the area having regard to the provisions of the Development Plan. The conclusion of the report refers to the Strategic Transport Objectives in Chapter 5 of the development plan and the specific objectives in support of an improved network and facilities for walking, cycling and public transportation. The conclusion states that the proposed measures will greatly improve the level of service for users in Lehenaghmore along the L2455 and L2454 and that it is recommended that the development process with the modifications outlined.
- 4.1.6. The required statutory consultation have been undertaken, Part 8 Planning was approved by Cork City Council on the 8th February 2021.

5.0 Proposed Development

- 5.1.1. Lehenaghmore Roads Improvement Scheme covers the works outlined in the approved Part 8 scheme, comprising:

- 2.0m wide outbound footpath on the L2455 from Pouladuff Roundabout to Togher Community Grounds
- 2.0m wide inbound footpath on the L2455
- On-road segregated 2.0m wide uphill cycle lane (L2455)
- Minimum 6.0m wide road carriageway with new drainage, lining, signage (wider at certain sections to facilitate the safe movement of traffic)
- Enhanced pedestrian and cycle facilities at Barrett's Junction
- 4.0m wide pedestrian and cycle bridge on the eastern side of the existing stone bridge (Bandon Railway Bridge)
- New links on to the old railway line (Future Greenway)
- 2.0m wide footpath on the eastern side of L2454 Togher Road from Togher Community Grounds through to Barret's Junction
- 2.0m wide footpath on the western side of the L2454 Togher Road (extent of existing residential frontage)
- 3.0m wide footpath on the eastern or outbound side of the road (Pouladuff Road Roundabout to Tramore Road – 300m in length)
- Bus shelters and bays at suitable locations
- Controlled and uncontrolled crossing facilities
- Raised entry treatment crossings at the junctions with access roads (southside Ind. Estate, Matthew Hill Business Park, Swans Nest Business Park, Lehenaghmore Business Park, Manor Farm, Laurel Brook, Matthew Hill)
- The Forge Hill / Pouladuff Road junction will be signalised
- New surface water drainage system
- New low-energy LED public lighting scheme
- Utility and other services
- New road lining, signage, hard landscaping, soft landscaping, boundary treatments

- Acquisition of certain adjoining lands to facilitate the construction of above transportation infrastructure
- Other associated works

5.1.2. The proposed acquisition order comprises three schedules: land to be permanently acquired, lands to be temporarily acquired and the extinguishment of public and private rights of way. Schedule 1, part1 of the CPO order lists 88 no. plots of land to be permanently acquired. Lands to be temporarily acquired are listed in Schedule 1 part 2 and comprises 73 no. plots of land. Each plot is described under the headings:

- Quantity, Situation & Description of the lands
- Owners or Reputed Owners,
- Lessees or Reputed Lessees and finally,
- Occupiers.

5.1.3. Schedule Part III lists four ‘rights of way to be extinguished’ all of which are described as “the section of private access road and access track between the lines XX and XX”, each one being A1-A2, B1-B2, C1-2 and D1-D2.

6.0 Compulsory Purchase Order

6.1.1. On the 16th day of August 2022, the official seal of Cork City Council was affixed to the Order, in the presence of the Chief Executive, the Lord Mayor, the Head of Legal Affairs and the Director of Service for Infrastructure Development. The Order comprises the following: Drawings, Schedule Part 1: Lands to be compulsorily acquired, Schedule Part 2: Lands being temporarily acquired, Schedule Part 3 - Description of Public Rights of Way Proposed to be Extinguished.

6.1.2. The CPO was advertised in the Irish Examiner on the 19th August 2022, advising that objections were to be submitted to the Board by 5.00pm on the 7th October 2022.

The lands to which the Order relates are described in the notices as follows:

- **Schedule Part 1 Area A**, schedule numbers: 1(A), 2(A), 3(A), 4(A), 5(A), 6(A), 8(A), 9(A), 10(A), 11(A), 12(A), 13(A), 14(A), 15(A), 16(A), 17(A), 18(A), 19(A), 20(A), 21, 22, 23(A), 24(A), 25(A), 26(A), 27, 30(A), 31(A), 32(A), 34(A), 35(A), 36(A), 37(A), 38(A), 39(A) and 40(A).

- **Schedule Part 1 Area B**, schedule numbers: 28,29, 41(A), 42(A), 43(A), 44(A), 45(A), 46(A), 47(A), 48(A), 49(A), 50(A), 51(A), 52(A), 53(A), 54(A), 55(A), 56(A), 57(A), 58(A), 59(A), 60(A), 61(A), 62(A), 63(A), 64(A), 65(A), 66(A), 67(A), and 68(A),
- **Schedule Part I Area C**, schedule numbers: 71(A), 73, 74(A), 75(A), 76(A), 78(A), 79, 80(A), 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94
- **Schedule Part II Area A**, schedule numbers: 1(B), 2(B), 3(B), 4(B), 5(B), 6(B), 7, 8(B), 9(B), 10(B), 11(B), 12(B), 13(B), 14(B), 15(B), 16(B), 17(B), 18(B), 19(B), 20(B), 23(B), 24(B), 25(B), 26(B), 30(B), 31(B), 23(B)< 33, 34(B), 35(B), 36(B), 37(B), 38(B), 39(B), 40(B).
- **Schedule 1 Part III** Line A1-A2, Line B1-B2, Line C1 – C2 and Line D1-D2.

6.1.3. Each of these plots are described in detail, including area, with a starting and ending point.

6.1.4. On the date of the oral hearing, proposed modifications to the order were presented. This is discussed in greater detail below.

7.0 **Objections to the Order**

7.1.1. Eight objections to the proposed order were submitted to the Board within the required period. Seven were withdrawn prior to the holding of the oral hearing. The single remaining objection can be summarised as follows:

7.2. **Frank Urell**

- Wishes to object to many aspects of the land acquisition but particularly in relation to their site at Tramore House, Tramore Road
- Site is of strategic value, while limited in areas, occupies a high visibility position
- Substantial parking on a main artery of south city traffic
- Currently a semi-circular strip, proposed to take an unknown/ misshapen chunk from an undetermined area, possibly three-quarters way around the semi-circle.
- Acquisition represents a waste of tax-payers money. Works are on significantly built-up ground, includes major works and interference to the structural reinforced wall which surrounds and retains the entire site.

- Proposed acquisition would require substantial modifications to the drainage scheme on site – a former quarry that boundaried the West Cork Railway. Surface water would be retained on-site, giving rise to major flooding in the car park. Any alterations to the drainage risks changes at sub-ground level, subsidence of the main building and the entire retaining wall.
- Parking is provided inside the boundary, proposed intrusion into this parking line would disrupt internal traffic flow, make turning capability of large vehicles impossible, disrupt future plans for the site and cause a devaluation of value. Any reduction in the site would cause a disproportionate reduction in the value of the property.
- Appears that acquisition is for an unnecessary parking space for service vehicles, such as those attending the adjacent traffic control signage. Such vehicles have always been granted unlimited access to the sites car park, as have road improvement vehicles, broadband installers, utility companies and driver instructors.
- There is more space on the other side of the slip road, land owned by the City Council. No cost to the tax-payer, no works involved.
- Slip road is constantly busy. From a safety perspective, parking on the same side as the workplace control system is obvious.
- The description of plot 94 is impossible to understand and does not make sense. It describes three sides of an un-dimensioned rectangular shape, without a defined starting point or dimensioned map. The owner is entitled to such information. The order is challenged as being unintelligible, unacceptable in legal, engineering or mapping terms.

8.0 Planning Policy Context

8.1. Climate Action Plan 2024

- 8.1.1. The purpose of the Climate Action Plan (May 21 2024) is to lay out a roadmap of actions which will ultimately lead to meeting the national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy.

- 8.1.2. Climate Action Plan 2024 is the third annual update to Ireland's Climate Action Plan 2019 and the second to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021. It builds on the introduction of carbon budgets and sectoral emissions ceilings in Climate Action Plan 2023 and sets a course for Ireland's targets to halve emissions by 2030 and reach net-zero no later than 2050. These national targets align with Ireland's obligations under EU and international treaties, most notably the Paris Agreement (2015) and the European Green Deal (2020).
- 8.1.3. In terms of transport, CAP 24 states that meeting 2030 transport abatement targets will require transformational change and accelerated action across the transport sector. Key targets to remain within the sectoral emissions ceiling include a 20% reduction in total vehicle kilometres travelled relative to business-as-usual, a 50% reduction in fossil fuel usage, a significant behavioural shift from private car usage to increase the total share of journeys undertaken by walking, cycling or public transport, and continued electrification of our vehicle fleets. While fleet electrification and the use of renewable transport fuels will continue to provide the greatest share of emissions abatement in the medium term, we will continue to expand our walking, cycling and public transport networks in order to reorient our transport systems to a more sustainable basis and to facilitate widespread behavioural change to a healthier, safer, and more people-focused vision for transport. We will continue to pursue policy measures that promote greater efficiency in our transport system, allied with significant investment in sustainable alternatives, incentives and regulatory measures to promote the accelerated take-up of low carbon technologies.

8.2. National Planning Framework – Project Ireland 2040

- 8.2.1. The National Planning Framework (NPF) is a high-level strategic plan for shaping the future growth and development of the country. The NPF(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 transition to more sustainable modes of travel.

- 8.2.2. 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 refers to the need to advance orbital traffic management solutions.
- 8.2.3. Cities and major urban areas have become too heavily dependent on road and private, mainly car-based transport, with the result that roads are becoming more and more congested. The NPF will therefore encourage the expansion of attractive public transport alternatives to car transport to reduce congestion and emissions and enable the transport sector to cater for the demands associated with longer term population and employment growth in a sustainable manner. The development of a comprehensive network of safe cycling routes in metropolitan areas will be sought to address travel needs.
- 8.2.4. **National Policy Objective 27:** Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- 8.2.5. **National Planning Objective 54:** Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.
- 8.2.6. **National Policy Objective 64:** Improve air quality and help prevent people being exposed to unacceptable levels of pollution in our urban and rural areas through integrated land use and spatial planning that supports public transport, walking and cycling as more favourable modes of transport to the private car, the promotion of energy efficient buildings and homes, heating systems with zero local emissions, green infrastructure planning and innovative design solutions.
- 8.2.7. **National Policy Objective 67** Provision will be made for Metropolitan Area Strategic Plans to be prepared for the Dublin, Cork, Limerick, Galway and Waterford Metropolitan areas and in the case of Dublin and Cork, to also address the wider city region, by the appropriate authorities in tandem with and as part of the relevant Regional Spatial and Economic Strategies.

8.3. National Sustainable Mobility Policy 2022

- 8.3.1. The aim is to shift people to travel on more sustainable modes of transportation – walking, cycling or public transport. This is to be achieved by way of infrastructural and service improvements, demand management and behavioural change. The approach is through safe and green mobility, people focused mobility and integrated mobility.

8.4. Southern Regional Spatial and Economic Strategy 2020

- 8.4.1. The RSES provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region and includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford.
- 8.4.2. The RSES sets out a vision for the Southern Region to:
- Nurture all places to realise their full potential
 - Protect, and enhance our environment
 - Successfully combat climate change
 - Achieve economic prosperity and improved quality of life for all our citizens
 - Accommodate expanded growth and development in suitable locations
 - Make the Southern Region one of Europe's most creative, innovative, greenest and liveable regions

8.5. Cork City Development Plan 2022-2028

- 8.5.1. Chapter 4 of the Cork City Development Plan refers to Transport and Mobility. In terms of walking and cycling improvements, Table 4.3, the Lehanaghmore Road Improvement Scheme is referenced as follows:

“In addition to road enhancements in this area of the city this contains a suite of measures aimed at improving pedestrian connectivity including new footpaths, pedestrian crossings and a new pedestrian cycling bridge which will link to the planned Greenway on the former Cork-Bandon railway line. This scheme will provide connectivity between the Togher and Lehanaghmore and further on to the City Centre and western suburban and will address the infrastructural deficit which has been more acute as the area developed in recent years”.

8.6. Cork Metropolitan Area Transport Strategy

8.6.1. The Cork Metropolitan Area Transport Strategy (CMATS) 2040 has been developed by the National Transport Authority (NTA) in collaboration with Transport Infrastructure Ireland (TII), Cork City Council and Cork County Council.

8.6.2. CMATS has several key objectives:

- Reducing Car Dependency: CMATS seeks to reduce dependency on private cars within the CMA. By promoting sustainable transport options, such as public transit, cycling, and walking, the strategy aims to create a more environmentally friendly and efficient transportation system¹.
- Efficient Transport Network: to support the future growth of the CMA by providing an efficient transport network. This network will accommodate the projected population increase (50% to 60% by 2040) and associated economic growth, ensuring that Cork remains an attractive place to live, work, visit, and invest in.

8.6.3. In summary, CMATS strives to deliver an accessible, integrated transport network that enables the sustainable growth of the Cork Metropolitan Area as a dynamic, connected, and internationally competitive European city region, as envisioned by the National Planning Framework 2040. Long-term investments in sustainable mobility, including projects like BusConnects, light rail, heavy rail, and cycling, are central to achieving these objectives

9.0 Oral Hearing

9.1.1. An oral hearing was held over MS TEAMS from within the offices of An Bord Pleanála on 22nd May 2024. The hearing commenced at 10.00am and an audio recording of the proceedings was made.

9.1.2. A summary of the Oral Hearing is attached in Appendix 1 and referenced throughout section 10 below.

10.0 Assessment

10.1. The statutory powers of the Local Authority to acquire land are contained in section 11(7) of the Local Government Act 2001 and sections 212 and 213 of the Planning and Development Act 2000, as amended. Under s212 of the Planning and

Development Act 2000 a Local Authority may, in order to carry out its functions powers and duties, carry out forms of development and in so doing a Local Authority is entitled to use CPO powers. S212(1) of the Act confirms the general power of a Planning Authority to develop, secure or facilitate the development of land and may do one or more of the following (a) secure, facilitate and control the improvement of the frontage of any public road by widening, opening, enlarging or otherwise improving; (b) develop any land in the vicinity of any road or public transport facility which it is proposed to improve or construct; (c) provide areas with roads, infrastructure facilitating public transport and such services and works as may be needed for development.

- 10.2. Section 212(2) of the Planning and Development Acts states that a Planning Authority may provide or arrange for the provision of (c) transport facilities, including public and air transport facilities, and (d) any services which it considers ancillary to anything which is referred to in *paragraph (a), (b) or (c)*.
- 10.3. Under s213(1)(i) of the act, in terms of land acquisition, the power conferred on a Local Authority to acquire land shall be construed to acquire land, permanently or temporarily, by agreement or compulsorily. Section 213(2)(a) of the act states that a Local Authority may, for the purposes of performing any of its functions including giving effect to or facilitating the implementation of its development plan, acquire land, permanently or temporarily, by agreement or compulsorily.
- 10.4. It is generally accepted that there are four test criteria¹ that should be applied where it is proposed to use powers of compulsory purchase to acquire land or property. These are that:
 1. There is a community need, which is met by the acquisition of the property in question.
 2. The particular property is suitable to meet the community need.
 3. The works to be carried out accord with the Development Plan.
 4. Any alternative method of meeting the community need have been considered but are not available.

¹ McDermott & Woulfe, Compulsory Purchase and Compensation: Law and Practice in Ireland (Butterworths, 1992)

- 10.5. These criteria will be applied to the compulsory acquisition of land currently before the Board for confirmation prior to addressing the issues raised by the remaining objector.
- 10.6. **Community Need**
- 10.6.1. The need to improve the Lehenaghmore and Togher Roads has been identified as far back as 2004 (see report from SEE to CE, dated May 2022). During the course of the oral hearing, the representatives for Cork City Council outlined the sub-standard condition of both the Lehenaghmore and Togher Roads in terms of horizontal and vertical alignment, stopping-sight distances and visibility. In addition, the lack of a continuous footpath, no cycle lanes / tracks and poor facilities for bus stops, all lead to a position where a roads improvement scheme was necessary.
- 10.6.2. The increasing residential development along both roads results in higher demand for improved transport infrastructure, improved transport services and safe active travel infrastructure. The primary objective of the proposed road improvement scheme is to improve road safety along the L2455 and L2454, improve level of service for users of both roads and enhance the public realm along the route and enhance pedestrian, cyclist and public transport connectivity and promote the use of sustainable transport modes in the area. All of these requirements will not only improve the infrastructure for residents and business in the area but also achieve one of the key objectives of CMATS, namely to reduce dependency on the private car within the CMA while increasing the appeal of sustainable transport options.
- 10.6.3. It is considered that the case for the community need for the proposed road improvement scheme has been established and can be justified by the exigencies of the common good. The proposed scheme will improve the level of service for users of both the L2454 and L2455, will reduce the dominance of the private vehicle in favour of a road that is safer and more welcoming for pedestrians and cyclists, all of which are required to create an environment and travel network that supports a change in modal choice. Arising from the above, I am satisfied that the stated purpose of the subject Lehenaghmore Roads Improvement Scheme will serve an identified community need and that the potential positive impacts (direct and indirect) outweigh the interference with the Objectors property rights.

10.7. Land is Suitable for Development

10.7.1. The lands to be acquired, both permanently and temporarily comprise lands in the freehold / ownership of multiple named parties. At the oral hearing, following a question by me, the engineering representative for Cork City Council indicated that the total land take under the land scheme is as follows:

- Permanent acquisition: 34,151.7sq.m.
- Temporary acquisition: 11,746.6sq.m.

10.7.2. If the Board decides to accept the modification proposed by the City Council at the hearing and omit plot 94, the figure of permanent acquisition reduces to 34,113sq.m.

10.7.3. The lands to be permanently or temporarily acquired are not affected by any nature conservation designations, or tree preservation orders. There are no protected views in the locality and no development constraints have been identified. No buildings of any description will be removed to facilitate the road improvement scheme. Whilst the scheme will result in the loss of private lands, these lands are not subject to any designations or constraints, which would render them unsuitable for the proposed development. I am satisfied that the CPO lands are suitable in principle for the proposed scheme. The objection of the landowners is dealt with in section 10.10 below.

10.7.4. I am satisfied that the extent of lands to be acquired is reasonable and commensurate to the scheme.

10.8. Compliance with Development Plan

10.8.1. The move from private car-based transport to improving pedestrian and cyclist transport options to a point where they become preferable, the promotion of sustainable and active transport options, increasing connectivity between existing and proposed residential areas, are all key tenets of Active Travel. Improving the subject roads to facilitate greater use of the roads by pedestrians and cyclists, a move from private car use to public transport is a key objective of the policies and objectives of the Cork City Council development plan and CMATS.

10.8.2. The proposed Lehenaghmore Road improvement scheme fulfils a specific objective of the development plan. The provision of cyclist and pedestrian facilities where

there are none or where access is limited, is in accordance with the objectives of the City development plan and the Cork Metropolitan Area Transport Strategy (CMATS).

- 10.8.3. During the course of the oral hearing, the senior planner for Cork City Council confirmed that the proposed road improvement scheme was assessed for compliance with the Climate Action Plan, National Planning Framework, National Sustainable Mobility Policy, the RSES for the southern region, CMATS and at a local level the Cork City Climate Change Adaption Strategy 2019-2024 and the Cork City Development Plan 2022-2028. The brief of evidence presented by Mr. Farrell goes through each of the relevant policies and objectives of the plans, providing detail on how the proposed scheme complies. The proposed scheme also complies with DMURS and the National Cycling Manual, as confirmed by Mr. Mark Condrón during the oral hearing.
- 10.8.4. At a strategic level, the proposed scheme provides two routes on which active travel is prioritised, public transport options are facilitated and private car use, while lower on the hierarchy is nonetheless on a safer road that is DMURS compliant. At a local level, sustainable compact growth leads to the 15-minute city based on a network of neighbourhoods underpinned by public transport, walking and cycling networks and enhanced permeability between communities. At the development plan level, the Lehenaghmore Road Improvement scheme is specifically referenced in table 4.3 of Chapter 4 Transport and Mobility, in terms of walking and cycling improvements. The section refers to the road enhancements but also the suite of measures aimed at improving pedestrian connectivity and addressing the infrastructural deficit.
- 10.8.5. I am satisfied that the proposed road improvement scheme complies with all national, regional and local planning policy, specifically the Cork Metropolitan Area Strategy and the Cork City Council Development plan 2022-2028.

10.9. Alternatives Assessed

- 10.9.1. During the course of the hearing the City Council was asked about the consideration of alternatives. The engineer Mark Condrón responded that in order to achieve the objectives of the development plan and CMATS, a do-nothing scenario was not reasonable. A do-minimum scenario of improving certain sections of the very-poor condition pavement, localised improvements to junctions, dwell areas and raised tables at locations, the taking-out of tight corners at points with particular difficulties

with visibility due to the horizontal and vertical alignment of the road were considered. These benefits while improving the immediate area would not meet the overall objectives of scheme which seeks to encourage a shift towards cyclist and pedestrian travel over private car, to facilitate public transport and improve the overall area for pedestrians.

10.9.2. In response to the objection of Mr Frank Urell (plot 94), the City Council proposed a modified scheme which achieved the required objectives of the scheme without the temporary or permanent acquisition of Mr Urell's lands. This alternative proposal would achieve the stated aims and objectives of the road improvement scheme, but entirely outside lands in the ownership of Mr. Urell. During the course of the hearing, and as presented in the written "Response to Submissions", the City Council confirmed that with the omission of Plot 94, no works will take place which will interfere with the drainage of the landowners lands, the parking available on the landowners lands or the railings at the landowners lands. Mr. Condrón for Cork City Council confirmed that Mr Urell's lands have been removed from the CPO, that all works are confined to an area of the public road bed within his ownership but that do not require to be acquired to take place. The road improvement works can be achieved, without compromise to the key objectives of the scheme, without the inclusion of Plot 94.

10.9.3. Should the Board decide to approve the scheme, it is recommended that the first modification proposed at the oral hearing, namely to omit plot 94 be accepted.

10.9.4. Two further modifications were proposed during the oral hearing:

- Amend schedule Part II Plot 32(B) to include plot 32(C), as per signed agreement of owners / reputed owners Sharon and Sean Mullins,
- Amend schedule Part I and Schedule Part II to include John Dempsey as owners / reputed owners of plot 67(A) and 67(B)

10.9.5. As both modifications refer to procedural matters only and as all parties indicated their willingness to accept the modifications, should the Board decide to approve the scheme, it is recommended that it be subject to the above referenced modifications.

10.9.6. In assessing applications for compulsory purchase the Board should satisfy itself that the site is suitable to accommodate / facilitate the proposed development for which

the compulsory acquisition of land is being sought and that the applicant has explored and examined feasible alternatives that may be better suited to accommodate the development or achieve its aims.

10.9.7. I am satisfied that Cork City Council has taken steps to consider all reasonable alternatives to the proposed road improvement scheme. The current road improvement scheme, the subject of the CPO, is considered to be the most reasonable option in terms of minimising the wider environmental impact of the scheme and in providing an appropriate design response to the identified need to improve the L2454 and L2455. Therefore, the subject lands are considered suitable and necessary for the construction and operation of the scheme.

10.10. Issues Raised by the Objectors

10.10.1. The single remaining objection to the proposed CPO is that of Mr. Frank Urell, Tramore House. That section of his land to which the CPO relates is Plot 94. In the public notices attached to the schedule of the CPO, it is described as “ Plot 94 starting at a point at the southeast of the commercial building of Tramore House, thence for 13m in a south westerly direction, thence in a north westerly and north easterly direction for 16m approximately back to the start point”.

10.10.2. The Board will note that Cork City Council presented a modified scheme during the Oral hearing. One in which plot 94 was omitted from the schedule of lands to be acquired. The modified scheme provides for all works being *outside* the boundary of Mr. Urell’s lands, therefore requiring no acquisition either permanently or temporarily from Mr. Urell. During the course of the oral hearing I questioned the City Council about whether Mr. Urell was aware that the removal of his plot from the modified scheme did not preclude the Board from approving the original scheme – i.e. with Mr Urell’s plot. The Senior Counsel for Cork City Council said they had contacted Mr Urell, with no response. During the course of the hearing, the engineer for the Council responded to each of the grounds raised in the objection. According to the Council, the issues raised in the objection are not relevant once the modified scheme without Plot 94 is considered.

10.10.3. The omission of plot 94 from the scheme addresses the objections of Mr Urell regarding the retaining structures, impacts on site drainage, parking provision, lack of clarity regarding the extent of land to be acquired, misuse of tax-payers money

and safety of the slip-road. Regarding Mr Urell's objection to the scheme in its entirety, this is addressed in sections 10.6, 10.7 and 10.8 above, wherein I concluded that the case for the community need of the scheme has been established and can be justified by the exigencies of the common good. I am satisfied that the objectives of the proposed scheme can be achieved without the acquisition of plot 94, with no compromise to the integrity of the scheme. Therefore, should the Board decide to approve the scheme, I see no reason why the proposed modification to omit plot 94 would not be accepted.

11.0 Conclusion

- 11.1. I am satisfied that the process and procedures undertaken by Cork City Council have been fair and reasonable and that they have demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable. I consider that the proposed acquisition of these lands would be in the public interest and the common good and would be consistent with the policies and objectives of the Cork City Council Development Plan 2022-2028.
- 11.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the acquisition of the lands and extinguishment of public rights of way as set out in the compulsory purchase order, schedule (Parts I, II and III), and on the deposited maps pursues and is rationally connected to, a legitimate objective in the public interest, namely the purposes of providing a new road improvement scheme for the Lehenaghmore Road.
- 11.3. I am also satisfied that the acquiring authority Cork City Council has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible; in this respect, I have considered alternative means of achieving the objective referred to in submissions to the Board, and am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.
- 11.4. The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands and extinguishment of these rights of way would be consistent with the policies and objectives of the Cork City Development Plan 2022-2028, which includes Table

4.3 Lehenaghmore Road Improvement Scheme which seeks to secure the implementation of this project. Accordingly, I am satisfied that the confirmation of the CPO is clearly justified by the exigencies of the common good.

12.0 Recommendation

12.1. I recommend that the Board CONFIRM the above Compulsory Purchase Order with the modifications proposed at the Oral Hearing, based on the reasons and considerations set out below.

12.2. Reasons and Considerations

12.3. Having considered the objections made to the compulsory purchase order, the written submissions and observations made at the Oral Hearing held on the 22nd of May, 2024, the report of the Inspector who conducted the oral hearing into the objection, the purpose for which the lands are to be acquired as set out in the compulsory purchase order, to provide a new road improvement scheme 'Lehenaghmore Road Improvement Scheme' and also having regard to the following;

- a) The constitutional and European Human Rights Convention protection afforded to property rights,
- b) The community need for the road improvement scheme, which will include for public transport, enhanced pedestrian and cycling facilities,
- c) The location of the road in proximity to new residential development, which would facilitate compact growth and would facilitate connectivity consistent with the National Strategic Objectives of the National Planning Framework,
- d) The suitability of the lands and the necessity of their acquisition to facilitate the provision of the Lehenaghmore Road Improvement Scheme,
- e) The design of the approved Lehenaghmore Road Improvement Scheme which is consistent with the policies of the Climate Action Plan 2024 and the National Sustainable Mobility Plan 2022 by providing pedestrian, cycle and bus transport facilities to enable the shift to sustainable modes of transport,
- f) The approval of the Lehenaghmore Roads Improvement Scheme under the Part 8 Process,

- g) The policies and objectives of the Cork City Development Plan 2022-2028, specifically Table 4.3 which refers to the Lehanaghmore Road Improvement Scheme,
- h) The community need, public interest served and overall benefits to be achieved from the proposed road development works.
- i) The extent of the lands sought, constituting a design response that is proportionate to the identified need,
- j) The suitability of the particular properties sought and the absence of suitable alternatives,
- k) The submissions and observations made at the Oral Hearing held on 22nd May, 2024 via MS Teams
- l) The report and recommendation of the Inspector.

It is considered that, subject to the following modifications, the permanent and temporary acquisition of the land in question and the extinguishment of rights of way, as set out in the Order, Schedule (Parts I, II and III) and on the deposited map, by Cork City Council, are necessary for the purposes stated, 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 are justified by the exigencies of the common good.

12.4. Schedule

12.4.1. The Compulsory Purchase Order shall be modified in accordance with details provided in the documents submitted to the Board at the Oral Hearing on the 22nd day of May, 2024 as follows

- 1 Amend schedule Part I to omit Plot no. 94
- 2 Amend schedule II Plot no. 32(B), for inclusion of new Plot 32(C)
- 3 Amend schedule Part I to include in Owners or Reputed Owners; John Dempsey, Springhill, Minane Bridge, Co. Cork in Plot 67(A) and 67(B) in schedule II

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.

Gillian Kane
Senior Planning Inspector

31 May 2024

Appendix 1 Oral Hearing

Attendees

- Esmonde Keane, Senior Counsel for Cork City Council (CCK)
- Mark Condron, RPS, for CCK
- Robert Farrell, Senior planner for CCK
- Caroline Gordon CCK
- Brendan O'Leary CCK
- Robert Murphy CCK,
- Gillian O'Sullivan CCK,
- Brid Flynn, CCK,
- Jackl Dwyer CCK,
- John Stapleton CCK,
- Paul Martin CCK,
- Steven Denehan, Cushman Wakeman,
- Sean Murphy RPS,
- Robert O'Shea,
- Diarmuid Cogan,
- John Drew

INSPECTORS SUMMARY OF PROCEEDINGS.

Not to be taken to be an exact, complete or binding record.

Summary of Proceedings

Following confirmation that all attendees over Teams could see and hear all, Inspector opened the Hearing at 10.00., confirmed that the third-party Mr. Frank Urell was not in attendance and then invited the City Council to present their submission.

Submission of Cork County Council Mr. Esmonde Keane (EK) provided a brief evidence of the CPO. Provided the background to the CPO. The lands required to be acquired are necessary for the construction of the scheme manages the view of the Council and that the acquisition of these lands, both temporary and permanent, are proportionate to the interference with property rights. The Council are in a position to undertake that they will maintain rights of way and easements and wayleaves over lands being temporarily acquired both during the construction and operation of the scheme. In relation to Mr. Urell, EK notes that a modification to the CPO has been presented to the Board which removes the land of Mr. Urell (plot 94) from the scheme and therefore plot 94. Will not be compulsorily purchased. The works to be done on Plot 94 will be confined to the that portion of those lands that already comprises the public right of way and obviously the Council have rights in relation to maintenance and construction of public rights of way, and they will not require to interfere with either the fence or indeed the retaining wall, as referred to by Mr Urell in his objection to the Board.

EK noted that a further modification was presented to the Board: In relation to plot 67, A and B, the Council, is also applying to join Mr. John Dempsey's owner / reputed owner and occupier of those plots. Mr Dempsey has signed a consent in relation to same. EK noted that the vast majority of objections to the scheme have been withdrawn and that with the withdrawal of plot no. 94 from the schedule, the issues raised by Mr. Urell and the potential interference with this retaining wall are railings, will not in fact occur in the present circumstances.

EK called on **Mark Condron (MK)** to present his brief of evidence. (Please see attached for full written brief of evidence). Provided details of his qualifications and experience, scope of his evidence, background to the scheme including a list of the proposed works. Noted that RF will provide more detail on the policy context.

Outlined the scheme objectives: improve road safety in the vicinity of Lehenaghmore along the L2455 and L2454, deliver facilities for all road users but with particular benefits for bus users cyclists and pedestrians, improves the level of service for users of the L2455 between Pouladuff roundabout and Barrett's Junction and the L2454 Togher Road community grounds to the south of Ashbrook Heights, enhance the public realm along the route and improve the overall built environment, to enhance pedestrian and cyclist and public transport connectivity and promote the use of sustainable modes of transportation in the Lehenaghmore and Togher areas, improve the living natural environment along the relevant routes.

MC then provided detail on the condition of the L2454 and L2455: no formal facilities for cyclists and sporadic substandard facilities for pedestrians. There are bus stops located at narrow footpaths with no shelter their hard standing areas. Significant developments taking place along roads in recent years, but improvements in the existing character and sustainable transport infrastructure has largely been neglected. These sections of the roads are part of a legacy route Corridor, which fits within the existing landscape without consideration of or compliance with modern or design requirements and standards. Consequently, the corridor significantly below standards and is narrow, hilly and bendy. Image shown. Road extents are generally urban in nature. There are several housing estates, individual dwellings, industrial estate, commercial enterprises and community facilities with access directly onto the out of L2455 and L2454. Caters for a significant amount of heavy goods vehicles, particularly in the vicinity of Tramore Road, N40 slip roads and Pouladuff Roundabouts.

On the L2455 between the Tramore Rd roundabout and Pouladuff road roundabout including the N40 overbridge, the existing cross section or surface are reasonably good. However there are significant capacity issues at both roundabouts leading to regular delays. There are footpaths in this area but designated crossing points, dropping kerbs and tactile paving are practically non-existent. Footpaths are generally in poor conditions and less than two metres wide for the busiest section in terms of traffic volumes. As we travel South on the L2455 Pouladuff Road from the Pouladuff Roundabout as far as Togher community associations Lehenaghmore Park, the cross section becomes narrower and facilities for pedestrians become progressively worse, eventually disappearing altogether to the South of the Forge

junction, there are no hard shoulders over most of this section making it extremely dangerous for anyone walking or cycling. There are short sections of footpath outside Manor Farm, for example, but no continuity. The Forge Hill junction currently operates as a priority junction and making a right turn can be difficult peak times due to traffic queues from Pouladuff roundabout extending beyond the junction. Due to the narrow cross section and the poor horizontal and vertical geometry sightlines from vehicles accessing the L2455 from adjacent properties, residential, industrial and commercial are substandard. The road surface over this section of the L2455 is really poor noted bleeding, cracking and rutting of the surface and in need of improvement. L2454 from Barrett's Junction has a narrow cross section with no hard shoulders or footpaths. The road surface over this section L2454 is extremely poor again, bleeding, cracking and rutting noted and in need of improvement. Towards the northern tie-in, just north of Ashbrook Heights cross section does improve the introduction of a ghost island and right turn lane. There is existing footpath on the western side of the L2454 from the southern boundary of the Alderbrook Estate as far as the tie-in. Less than two metres in width and there are no designated crossing points, dropped kerbs or tactile paving which are non-existent. There is also a short section of substandard footpath, the eastern side of the L2454 at Ashling Court. The L2454 carries less traffic than the northern end of the L2455. The posted speed limit on both Lehenaghmore road to Togher Rd within the scheme extents is 50 kilometres per hour. Existing horizontal and vertical alignment does not comply with standards. Several side roads do not have dwell areas where they meet the local Rd. Applying current design standards the majority of these curves would require the granting of departures from standard. It is noted that for 50kph design speed, desired minimum stopping sight distance or SSD is 70m as a result of the existing horizontal and vertical alignments of the Lehenaghmore Road and Togher Road, the available SSD throughout much of the route is well below current design standards. Summary: existing road and unimproved section of single lane carriageway with substandard horizontal alignment and restricted forward visibility. The road carriageway width is narrow with little or no verge space. Sections of the existing road are raised above the adjacent ground due to historical build ups, which result in steep gradients on field access and local roads. There are number of local Rd junctions, property entrances and field accesses where the sightlines to and from

junctions are below standard due to the poor horizontal and vertical alignment. Thus the Lehenaghmore Road Improvement Scheme will significantly improve safety for users of the Lehenaghmore Road, particularly cyclists and veterans.

MC gave more detailed description of the scheme in terms of overview, scheme location: involves the improvement of 0.7km of the L2454 and 1.85km of the Lehenaghmore Road, on and off line, balancing the aims of improving the alignment and minimising costs, but making use of the existing roadway. Listed environmental studies carried out to ensure that all environmental considerations and impacts are taken into account: AA Screening, EIAR Screening, Pre-Construction Bat Survey, Pre-Construction Mammal Survey, Pre Construction Tree Survey, Tree Survey and Arborist Report. Scheme designed in accordance with DMURS, Cycle Design manual (CDM).

L2455 Rd is designed with a typical cross section of two metres wide footpath on the western side, two x 3m wide carriageway, 2.0m wide cycle lane on the eastern side and 2.0m wide footpath eastern side. L2454 is designed with a typical cross section of two metres wide footpath or 2.0m wide grass verge (western side), two x 3m wide carriageway, and 2.0m wide footpath eastern side. Design Speed of 50kph. Kerb and gully water drainage system, petrol interceptors. Proposed pedestrian cyclist bridge single span structure supported on reinforced concrete walls at each end.

MC provided details of considerations for construction stage. Scheme is to be constructed predominantly online with a short section of offline realignment on the L2454 in the vicinity of Barrett's junction. Existing cross section is being widened to introduce facilities for public transport pedestrians and cyclists. For the online sections, sufficient space would be made available within the land. Local access is to be maintained at all times during construction. For a temporary Rd, closures are inevitable, such as lifting the pedestrian cycle bridge into place. These will be for short durations.

Regarding lands to be acquired. MC confirms that all lands to be permanently acquired, are necessary for the whole construction operation. Also confirms that all lands be temporarily acquired are necessary to facilitate the road construction. Also confirms having considered the extent and location of the lands acquired pursuant to the CPO herein and the effect of such acquisition and the owners, lessees and

occupiers of the same. Comparing such impacts and interference with property rights of those parties as against this significant public good to be served by the scheme of line CPO, which requires the acquisition of these lands that the CPO is proportionate and that the level of interference with property rights have been kept at a minimum while being in a position to achieve the necessary road improvements described therein. **MC** refers to the amendments to CPO scheduled hearing and saying they are necessary and will still provide sufficient land for the scheme. Regarding the public and private rights of way proposed to be extinguished over the lands to be compulsory acquired following sets out proposed extinguishment and proposed alternative access arrangements.

- The section of public road L2454 between the lines. A1-A1 to A2-A2 as shown on drawing, alternative access is provided via the realigned L2454 from its junction with the Pouladuff Road.
- between lines B1-B1 to B2-B2 as shown on same drawing, alternative access is provided via new field gate directly off the L2455
- section of Private access Rd (Chestnut Drive) between lines C1-C1 to C2-C2 as shown on same drawing. Alternative access is provided at the same location following junction improvements.
- Section of private access Rd between D1-D1 to D2-D2 on same drawing. Alternative access is provided at the same location following junction improvements.

MC noted in relation to objections and submissions raised and are outstanding noting that the vast majority have been withdrawn.

MC then responded to the ground of Mr. Frank Urells objection: suggestion of inefficient use of public funds and interference with retaining structures - lands have subsequently been removed from the CPO. All works to be confined to areas of the public Rd bed.

Inspector interrupted to note that modified scheme was not formally presented, plot 94 hasn't been removed from the schedule yet. **EK** interjected to outline two proposed modifications for the Board to consider. Plot 94 to be deleted in its entirety. Boards AA confirmed that it was received. In relation to Plot 67A and 67B Mr John

Dempsey be added as owner /reputed owner and as occupier of those plots in addition to existing owners & occupiers.

MC continued response to Mr Urells objection. No interference with retaining wall or railing. Suggestion of interference with drainage and suggestion of risk of flooding in his or consequential potential for subsidence of structures. CCK response is that no modifications to the onsite surface water drainage system are required the power of this scheme, all construction activity will take place for public Rd side of the physical boundary, and we can confirm that the proposed works will not block or interfere with the drainage of surface water from Mr. Urells property. Point 3 of the objection is suggesting a possible interference with parking area on lands of Mr Urell. MC response is that the proposed scheme will not interfere with the major asset in the parking area. Mr Urells lands inside and including his palisade fence are not being acquired. All of the works have been undertaken on the public Rd side of the existing boundary.

In relation to point 4 of his objection: the suggestion that lands were being acquired by parking for service vehicles, while Mr Urell permits such vehicles parked in his parking area. Response is the same as the purpose of the acquisition was to provide improved facilities for pedestrians in the area. A new uncontrolled pedestrian crossing is being provided at the top of the N40 eastbound off-ramp, Pouladuff Road tactile paving, and dropped kerbs associated with the uncontrolled crossing will be provided on the public roadside. Existing footpath will be rebuilt but will not extend into Mr Urells parking area as bounded by this fence.

Response to point 5 which is further suggestion of parking for service vehicles on Slip Rd, are on the wrong side of the road. The purpose of the Acquisition initially proposed from Mr Urell was to provide improved facilities for pedestrians in the area including an uncontrolled pedestrian Crossing provided at the top of the N40 eastbound off-ramp. There are no plans to provide traffic control, signage or parking for service vehicles at this location or anywhere else as part of the proposed scheme.

In response to point 6. which is the suggestion of clarity and extent and location of land to be acquired from Mr. Urell. All lands have been removed from CPO all works will be confined to area of the public road bed within his ownership but they do not

require CPO for works of public road to take place. The council do not need to acquire lands either permanently or temporarily.

To conclude MC's evidence: scheme is for the public good and consistent with local regional and national policy. Land acquisition is proportionate and does not exceed what is reasonable. In case of temporary reacquisition these lands will be returned to the appropriate land owner post construction. Overall, land acquisition and the impact of property rights have been minimised. Scheme design complies with Part 8 planning consent. Recommend the confirmation without further modification of the CPO save for modifications submissions to the Boards this week and today.

Robert Farrell (RF) summary of scheme objectives and goals. Provided details of qualifications and work experience. Outlined how the proposed scheme complies with Climate Action Plan, CAP 24 in that it comprises development of active travel infrastructure which is likely to encourage more people to walk or cycle, as opposed to driving in private cars to and from work and to other destinations accessed by the scheme. The scheme aligns with at least three of the NSO's of the National Planning Framework, first being Compact Growth, second Sustainable Mobility and third Enhance Amenity and Heritage. Also the National Standard Mobility Policy. This was released in 2022 and it sets out a framework 2030 for active travel and public transport to support learners over requirement to achieve a 51% reduction in carbon emissions by the end of the decade. The policy is going to be 3 key principles of safe and green mobility people focused mobility and better integrated mobility, providing enhanced active travel infrastructure which offers safer routes and gives people an option to take to walk or cycle rather than take the car. It will design infrastructure according to universal design principles. And then finally, will also better integrate land use and transport planning at all levels. Scheme will cater to existing and future residential development. Believes it aligns with Southern regional spatial economic strategy, was adopted in 2020, also includes the core of Metropolitan Area Strategic Plan which sets the policy at the city level in the metropolitan area. That the scheme is consistent with several of the regional policy objectives of the RSES.

Other regional policy is the Cork Metropolitan Area Transport Strategy. CMATS. This sets future transport planning in the Cork metropolitan area up to 2040 it offers significant increased investment in walking, cycling and public transport. CMATS outlines potential future network of cycle routes within the city.

Cork City Council have a climate change adaptation strategy which covers the period 2019 to 2024 and this strategy proposes modal shift away from private cars through land use planning and initiatives such as Mobility Management.

Notes that Cork City Council boundaries changed in 2019. Prior to this the subject areas were part of the Cork County Council who had prepared a local area plan. is Carrigaline Municipal District Local Area Plan. Included Lehenaghmore & Togher and identified necessity to provide adequate footpaths and lighting in this area. Also stated that significant Rd improvements are needed in the area.

RF states that the scheme accords with several of the objectives which generally supports improvements to pedestrian and cycling infrastructure, public transport corridors and works that will enhance their environments. Nine key strategic principles of the plan which leads to sustainable and active travel. This is outlined in chapter one of the development plan. Table 4.3 of the development plan specifically refers to the Lehenaghmore Rd improvement scheme. It states that the scheme will provide connectivity between the areas and further on to the city centre and western suburbs. It will also address the infrastructure deficit, which has been more acute in the area developed in recent years. Area has developed significantly in recent years. Strategic Objective 3 relates to transport and mobility, and it supports the implementation of the Cork Metropolitan Area Transport Strategy. Chapter 2.10 relates to 15 Minute City, which seeks to support delivery of all necessary amenities within a 10 minute walk cycle or 15 minute public transport journeys. Notes that table 3.8 of the plan showcases Department of Education assessment of additional educational capacity in Cork city in which that anymore area is identified as a growth area where there have been new or expanded primary schools. highlights the increasing need for improved mobility networks in the area to facilitate safe and efficient transport to and from schools and give people the options commuting by foot or by bike.

In this regard, subject CPO acquisition is a key enabler to support sustainable development of this area city. The proposed works will provide significant improvements to the area in terms of connectivity and includes the provision of high quality continuous walking and cycling facilities. Which will provide benefits in relation to the proportion of active travel for communities in the area. Considering the merits of the scheme having regard to the compliance with national, the National

Planning Framework, the Regional Spatial Economic Strategy, the Cork Metropolitan Area Transport Strategy and Cork City Development Plan and the other documents considered, of the opinion that the scheme is in accordance with the proper planning and sustainable development of the area. Believe that the acquisition of the lands which are the subject matter of the CPO acquisition herein is reasonably necessary is proportionate and taking into account the acquisition of land. From the landowners concerned and the public benefit of the scheme for the implementation of the scheme in question, which has received the relevant approval under the Planning and Development Act 2000, as amended, and the Planning Approval Regulations 2001, as amended under the same. **RF finished.**

Inspector confirmed again that no attendance by Mr. Urell.

Inspector asked EK about proposed modification of schedule re. plot 94. Inspector asked if Mr. Urell was made aware that Board could approve the order without the proposed modification, i.e. *with* plot 94. EK responded that Mr. Urell has been sent notification that the plot in question was to be removed and heard nothing back from him.

Inspector asked CCK about consideration of alternatives. **MC** responded outlining the do minimum options management solutions that might be beneficial i.e. improving the existing pavement but would not ultimately result in meeting all the objectives of the scheme. Other alternatives such as the part of the series of an improved management measures would include localised improvements to junctions, dwell areas and raised tables at locations, improvements to existing very-poor condition pavement would only be partially meeting the scheme objectives and noting issues around continuity along the route, certainly wouldn't achieve improvements for pedestrians and bike. Notes particular difficulties with visibility and the horizontal and vertical alignment of the scheme, taking out tight-corners was considered. Would not fully achieve the Scheme objectives. **Inspector** asked was a do-nothing scenario considered. MC responded that yes it was but this was not further considered as it would not achieve any objectives of this scheme.

Inspector asked if CCK considered putting a cycle lane on the L2454 Rd. **MC** responded that Pouladuff Road was considered the main route, given the link to future green way and space on existing road. Also noted bigger demand on that route.

Inspector asked about future link to Old Railway shown on Maps. **MC** responded that indicative only. Not a footpath, just a future connection.

Inspector asked about transition from on-road to segregated cycle lanes at junctions. What is going to look like for either cyclist or pedestrian approaching that point? **MC** responded that it would follow the requirements of the national Cyclist manual, would have tactile paving, ramp up to shared junction. Answering the **Insp.** question re signage, **MC** stated that there will be pedestrian cyclist markings

MC confirmed that scheme is largely DMURS compliant, with the exception of those sections of road that are extremely steep. Regarding compliance with CMATS, **MC** stated that the primary objectives of CMATS are achieved with the proposed scheme.

Insp noted that land acquisition maps did not include Plot 94 – maps start south of the N40, Plot 94 is north. That there was no overlay of land acquisition and proposed scheme. **MC** accepted. In response to question from **Insp.** re construction length, **MC** stated approximately 12 to 18 months. In response to question on total land take **MC** stated that this figure would be calculated and presented to **Insp.**

In response to question re modification of plot 32, **EK** clarified that Sharon Mullins and Sean Mullins of no. 5 the Drive, Matthew Hill, Lehenaghmore, have asked that they would be joined as owners / reputed owners and occupiers on the schedule.

CCK prepared a map subdividing plot 32B into 32B which is in essence land either side of the public road, and plot 32C, which is the portion of land immediately adjacent to the house of Mr. and Mrs Mullins. Temporary acquisition only.

Insp broke proceedings to allow signed letter from Mr &Ms. Mullins to be sent to Board. **Insp** re-started proceedings. **EK** closing statement. Requests the Board to confirm the scheme subject to proposed modifications.

Insp confirmed details re. plot 32 were received by the Board. **Insp.** closing statement and closes hearing. End.