



An
Coimisiún
Pleanála

Inspector's Report

ABP-321417-24

Development	County Carlow CPO (No. 1) of 2024 - N80 Leagh Bends Scheme.
Location	In the Townlands of Graiguenaspiddoge, Castletown, Leagh, Ballybeg, Kilballyhue and Kilcoole, County Carlow
Planning Authority	Carlow County Council
Applicant(s)	Carlow County Council
Type of Application	CPO Pursuant to Section 76 and the Third Schedule of the Housing Act 1966 as amended.
Prescribed Bodies	<ol style="list-style-type: none">1. Dept. of Housing Local Government and Heritage2. Uisce Eireann
Observers	<ol style="list-style-type: none">1. Albert Glynn (CPO 109)2. Ann Glynn (Rep of late David Glynn) (CPO 109)3. Allan Glynn (CPO 109)4. Noel Glynn (CPO 109)5. Donal Murphy (CPO 127)6. Tom Nolan (CPO 112)7. David Nolan (CPO 113)8. DTN Electrical Ltd (CPO OC 112)9. Thomas and Mary Nolan (CPO 139 & OC 112)10. Matthew Kennedy and Others

11. John and Heather Shirley (CPO 122, 135 and 138)
12. John and Elizabeth Wall (CPO 110)
13. Caitriona Farrell (CPO 105)
14. John Farrell (CPO 105)
15. Ronan Farrell
16. Michael and Maureen Regan and Others (CPO 101)

Date of Site Inspection 14/03/2025

Inspector Laura Finn

Contents

1.0 Introduction	4
2.0 Documentation Submitted	5
3.0 Format of CPO and Schedule	5
4.0 Site Location and Description	6
5.0 Planning History	7
6.0 Proposed Development	7
7.0 Legislative and Policy Context	9
8.0 Consultations and Observations	16
9.0 Oral Hearing	22
10.0 Assessment	25
11.0 Recommendation	45
12.0 Reasons and Considerations	45
13.0 Appendix 1 - List of Public Submissions and Submissions from Prescribed Bodies to CPO (Planning File Ref 321417)	47
14.0 Appendix 2 - List of Public Submissions and Submissions from Prescribed Bodies to Section 177AE Application (Planning File Ref 321416)	47
15.0 Appendix 3 - Public Submissions Requesting Oral Hearing	48
16.0 Appendix 4 - List of Objector to CPO who attended Oral Hearing, Summary of Grounds and Number on Deposit Map	48
17.0 Appendix 5 - Proceedings of the Oral Hearing (OH)	49

1.0 Introduction

This is an application by Carlow County Council (the Council or CCC) for confirmation by An Coimisiún of a Compulsory Purchase Order ('CPO') entitled the 'County Carlow CPO No. 1 of 2024 - N80 Leagh Bends Scheme'.

Carlow County Council with the support of Transport Infrastructure Ireland (TII) have submitted applications to An Coimisiún Pleanála (ACP) for approval under Section 177(AE) of the Planning and Development Act 2000, (as amended), which comprises Local Authority development requiring appropriate assessment, and for confirmation of a Compulsory Purchase Order (CPO) in pursuance of 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 of the Roads Act, 1993, and in accordance with Section 76 of the Housing Act 1996 and the Third Schedule thereto and Sections 213 – 214 of the Planning and Development Act 2000, as amended.

1.1. Purpose of CPO

The purpose of the CPO is to facilitate the undertaking of the development referred to as the N80 Leagh Bends Scheme which comprises a realignment and upgrading of c. 3km of the N80 National Secondary Route and other related works between Graiguenaspiddoge and Castletown in the townlands of Graiguenaspiddoge, Castletown, Leagh, Ballybeg, Kilballyhue and Kilcoole, County Carlow. The proposal is described in detail in Section 6.0 below.

The overall need for the proposed scheme is to improve safety and the frequency of transport collisions within the N80 corridor as well as improving the overall consistency and efficiency of the route. The N80 Leagh Bends Scheme will also provide for safer journeys as well as more reliable and reduced journey times. The provision of a standard hard shoulder will provide safer access for cyclists.

The Council have sent 58 notices to Landowners and Lessee Occupiers along the proposed route. Landowners include Carlow County Council and private landowners. All owners and associated parcels to be acquired are detailed in the document titled 'County Carlow CPO No. 1 of 2024 – N80 Leagh Bends Scheme Compulsory Purchase Order', which has been submitted with the application.

This report considers ABP Ref. 321417-24 for the CPO of lands to facilitate the proposed road development.

A Natura Impact Statement (NIS) has been prepared for the proposed development and was submitted with the application under Section 177(AE) (ABP Ref. 321416-24). The road application has been assessed in parallel with this assessment of the CPO for the proposed development. Therefore, this report should be read in conjunction with the report for the road application under ABP Ref. 321416-24.

2.0 Documentation Submitted

The CPO submitted to the Coimisiún on 3rd December 2024 from Carlow County for the proposed N80 Leagh Bends Scheme are accompanied by;

- Compulsory Purchase Order and Schedule thereto, dated 18th November 2024.
- CPO Maps (Deposit Maps No. 1 – 5)
- Newspaper notice published in The Nationalist dated 3rd December 2024 and the Irish Independent dated 3rd December 2024.
- Copy of notice sent to landowners.
- List of CPO Notices for Service and Registered Postage Records

3.0 Format of CPO and Schedule

The proposed development comprises the N80 Leagh Bends Scheme with associated CPO entitled 'Carlow County Council, CPO No.1 of 2024'. It is proposed to:

- (a) To acquire compulsorily for the purposes of the construction of the N80 Leagh Bends Scheme, the lands described in Part I (if any), Part II and Part III of the Schedule which is shown on maps marked 'County Carlow CPO No. 1 of 2021 – N80 Leagh Bends Schemes', being Drawings No. NRO246/3300/01 to NRO246/3300/05 of the deposited maps.

In this regard;

- The land described in Part II of the Schedule and coloured grey on the above-mentioned maps is land being permanently acquired other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense.
- The land described in Part III of the Schedule and coloured grey on the above-mentioned maps is being temporarily acquired other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense.

(b) To extinguish the Public Rights of Way described in Part IV of the Schedule shown on drawings numbered NRO246/3300/01 to NRO246/3300/05 of the deposited maps by Order made after the acquisition of the land, where the said public rights of way is over the land so acquired or any part thereof, or over land adjacent to or associated with the land so acquired or any part thereof.

(c) To acquire the rights, if any, as described in Part V of the Schedule.

The lands and rights of way described in Parts I – IV of the Schedule are individually numbered and identified on the deposit maps for the CPO, subject to the modifications set out in the Schedule submitted to the Oral Hearing contained in the Council's Brief of Evidence prepared by Mr. George Frisby. (See Section 9.4 below)

Temporary land takes are required to facilitate construction of the proposed scheme and will be returned to the landowner on completion of the scheme.

The Schedule and all relevant Parts as aforementioned assigns an identification number to each plot of land and describes the quantity, type, townland, elector division, County, Folio, owner or reputed owner, lessee or reputed lessee and occupier of each plot, as relevant.

4.0 Site Location and Description

The N80 National Secondary Road extends from Enniscorthy, Co. Wexford to Tullamore in County Offaly. The section of road located c. 6km south of Carlow town, which extends c. 2.5km between Castletown Crossroads at the northern end and

Graiguenaspiddoge Crossroads to the south is considered deficient in both width and alignment. This section of road lies between two upgraded sections of road.

The N80 is surrounded by agricultural fields and scattered dwellings. The northern part of the site is located c. 1km south of the M9 Motorway. The Kilmeany River flows under the N80 near the Castletown crossroad.

5.0 Planning History

No relevant recent planning history on the site. Recent planning history in the vicinity of the site relates to the construction of one-off houses, extensions of existing residential units and the provision of agricultural buildings.

6.0 Proposed Development

The proposed development known as the N80 Leagh Bends Scheme will consist of an upgrade to the current N80 road from Castletown Crossroads to the Graiguenaspiddoge Crossroads as follows;

- Realignment and upgrading of c. 3km of the N80 National Secondary route between Graiguenaspiddoge and Castletown.
- Realignment of the Graiguenaspiddoge Castletown Crossroads.
- Diversion of the Kilmeany Stream and replacement of the existing culvert with a new culvert crossing the N80.
- Provision of drainage system including attenuated outfalls.
- Provision of all necessary ancillary civils works and accommodations works.

The junction of the L3050, along with the N80, will be moved c. 175m to the north. This will create a staggered crossroads at Graiguenaspiddoge Cross. Improvements and widening are proposed at the Graiguenaspiddoge Cross and Castletown Cross. The works will require the removal of adjacent field boundaries including hedgerows and hedgerows/treelines totalling c. 3.33km in length and the construction of new drainage ditches totalling c. 1.65km in length. Additionally, 4.2km of new hedgerow will be planted as part of the works.

Drainage works are proposed along the length of the carriageway, including 3 no. attenuation ponds and 2 no. oversized pipes. Boundary treatment / fencing, mammal underpass(s) and water quality protection measures will be provided along the route.

The proposed development route will require excavation and filling to facilitate realignment, levelling of the route and associated verge/hard shoulder.

Although the proposed scheme will be developed mainly online on the existing N80, the proposed scheme will require the acquisition of c. 17.7 ha. This includes c. 13.5 ha of permanently acquired land (made up of c. 5.6 ha public road, c. 7.7 ha agricultural land and c. 0.25 ha of other land).

In addition, c. 4.2 ha of land will be temporarily acquired (of which c. 0.12 ha is public road, c. 3.6 ha is agricultural lands, and c. 0.5 ha is other land).

The estimated timeframe for construction works is approximately 18 to 24 months.

6.1. Land Take - CPO

The type of lands subject to permanent land acquisition are described in the Schedule as public road, agricultural land, agricultural road, verge, yard, land attached to dwelling, farmyard and private entrance.

The type of lands subject to temporary land acquisition are described in the Schedule as private entrance, agricultural land, yard, public road, land attached to dwelling, field entrance, farm entrance and verge

6.2. Rights of Way

The proposed extinguishment of public rights of way are detailed in Schedules for the proposed CPO and in Drawings No. NRO246/3300/01 to NRO246/3300/05 of the deposited maps.

The permanent extinguishment of five sections of public rights of way are identified on the CPO Schedule and summarised as follows;

1. The section of County Road L3050 located in Graiguenaspiddoge between lines A1 and A2 for a distance of 56m shown on Drawing No. NRO246/3300/01 of the Deposited Maps.

2. The section of County Road L3050 located in Graiguenaspiddoge between lines B1 and B2 for a distance of 107m shown on Drawing No. NRO246/3300/01 of the Deposited Maps.
3. The section of County Road L3050 located in Graiguenaspiddoge between lines C1 and C2 for a distance of 21m shown on Drawing No. NRO246/3300/01 of the Deposited Maps.
4. The section of County Road L30504 located in Graiguenaspiddoge between lines D1 and D2 for a distance of 20m shown on Drawing No. NRO246/3300/01 of the Deposited Maps.
5. The section of access road located in the townland of Kilballyhue between lines E1 and E2 for a distance of 38m shown on Drawing No. NRO246/3300/03 and NRO246/3300/04 of the Deposited Maps.

7.0 Legislative and Policy Context

7.1. Legislation

7.1.1. Planning and Development Acts 2000 (as amended)

As discussed above, a separate application (ABP Ref. 321416-24) has been submitted to An Coimisiún Pleanála for the N80 Leagh Bends Scheme, road application under Section 177AE of the Planning and Development Acts 2000, as amended, which should be considered in conjunction with this report.

Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives. Please note that where the Board is mentioned in the legislation below, that this now relates to An Coimisiún Pleanála (ACP);

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.

- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura Impact Assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely significant effects on a European site.

7.2. National & Regional Policy

The following National and Regional Policy is relevant;

- Climate Action Plan 2025;
- National Planning Framework, First Revision, April 2025 (NPF);
- National Development Plan 2021 - 2030;
- Regional Spatial and Economic Strategy for the Southern Region, Jan 2020;
- National Biodiversity Action Plan 2023 – 2030 (NBAP);
- The Planning System and Flood Risk Management, 2009;

7.2.1. Climate Action Plan, 2025

The Climate Action Plan 2025 builds upon the Climate Action Plan 2024 (CAP 24) by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with CAP 24. References to CAP 25 in this report therefore also includes recognition of CAP 24.

As part of its functions, the Coimisiún must, in so far as practicable, perform its functions in a manner that is consistent with the most recently approved climate action plan, most recently approved national long term climate action strategy, national adaptation framework, sectoral plans, furtherance of national climate objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State [section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended)]. The Climate Action Plan is prepared in accordance with the Climate Action and Low Carbon Development (Amendment) Act 2021. Under the Plan, targets include for a 20% reduction in total vehicle kilometres and significant increases to sustainable transport trips.

7.2.2. National Planning Framework, First Revision, April 2025 (NPF)

The NPF is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally focused planning at a local level. The revised NPF NSO's remain the same as the previous National Planning Framework 2040 (2018) with some minor amendments. The NPF National Strategic Outcomes (NSOs) relate to enhanced regional accessibility between key urban centres of population and their regions. NSO 2 relates to Enhanced Regional Accessibility, while NSO 4 relates to High-Quality International Connectivity and NSO 5 relates to Sustainable Mobility.

7.2.3. National Development Plan, 2021-2030

This Plan underpins the National Planning Framework. It contains several priorities which includes investment in regional and local road network protection and renewal.

7.2.4. Regional Spatial and Economic Strategy for the Southern Region, January 2020 (RSES)

Under the National Planning Framework, the southwest, southeast and mid-west regions of Ireland are combined into a southern region covering broadly one-third of the state. The RSES supports the delivery of the programme for change set out in the National Planning Framework and the National Development Plan. It sets out a strategic vision and policy objectives for urban and rural areas, people, the economy, the environment, connectivity, amenities, and utilities. It states that local authorities

should seek to enhance biodiversity and amenities and ensure the protection of environmentally sensitive sites and habitats. **RPO 126** promotes biodiversity protection and habitat connectivity. **RPO 127** relates to policies for the management of invasive species. The RSES contains the following actions and objectives:

7.2.4.1. **Key Infrastructural Requirements**

- Priority transport infrastructure - enhanced rail services and improved line speeds, town bus services, Kilkenny Road – Wexford N80-R448 (Southern Relief Road), N80 upgrade as a key inter-regional route and link to Rosslare Europort.

7.2.4.2. **Regional Policy Objectives**

- **RPO 146** - Strengthening and maintaining access to ports through enhanced transport networks and improved journey times including support for M11 and N80 improved connectivity to Rosslare.
- **RPO 167 - National Road Projects** - The provision of National Road Projects to be delivered during the period up to 2027 to achieve NSO: Enhanced Regional Accessibility subject to the required appraisal, planning and environmental assessment processes are supported including;
 - Upgrade N80 Enniscorthy to Carlow and Midlands.
- **RPO 168 - Investment in Regional and Local Roads** - Local Authorities have identified infrastructure to strengthen regional accessibility and sustainable mobility for Key Towns;
 - Wexford: Improved accessibility from Rosslare and Wexford to Waterford, improvements to M11/M25 from Oilgate to Rosslare, N30 and N80.

7.2.5. **National Biodiversity Action Plan 2023 – 2030 (NBAP)**

Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows; **Objective 1** Adopt a whole of government, whole of society approach to biodiversity; **Objective 2** Meet urgent conservation and restoration needs; **Objective 3** Secure nature's contribution to people; **Objective 4** Enhance the evidence base for action on

biodiversity; **Objective 5** Strengthen Irelands contribution to international biodiversity initiatives.

The Wildlife (Amendment) Act 2023 provides that every public body, as listed in the Act, is obliged to have regard to the objectives and targets in the National Biodiversity Action Plan.

7.2.6. **The Planning System and Flood Risk Management, 2009**

These Guidelines seek to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere and they advocate a sequential approach to risk assessment and a justification test.

7.3. **Local Planning Policy (Carlow County Council (CCC))**

7.3.1. **Carlow County Development Plan 2022-2028 (CCDP 2022)**

The Carlow County Development Plan 2022-2028 (CCDP 2022) is the relevant plan for the County. The CCDP 2022 contains the following relevant policies in relation to roads upgrades.

Section 5.8.2 of the Plan in relation to the National Road Networks and the importance of the N80 states that;

‘Carlow is served by the N80 and N81 National Roads traversing the county. The N80 is a strategic link, connecting the Midlands Region to the South-East Region, serving the key towns of Tullamore, Portlaoise, Carlow and Enniscorthy, in addition to connecting with the M7 and M8 motorways providing onward connectivity with Limerick and Cork. South of the N80 via the N11 and N25 onward connectivity is provided to Wexford Town and Rosslare Europort. Extending from the N80, the N81 route provides access to Dublin City to the north-east including access to key settlements of Tullow and Blessington.’

7.3.1.1. **National Road Network – CCC Policies**

- **NR.P1:** Co-operate with Transport Infrastructure Ireland (TII) to maintain and develop the national road network (N80 and N81) through the county and to seek to ensure that the capacity, efficiency and safety of the network and

associated junctions is maintained in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities DECLG (2012).

- **NR.P3:** Ensure that the capacity, efficiency and safety of the national road network within Carlow is protected and to control development that could impact traffic safety and / or hinder the future upgrading of the national road network.

7.3.1.2. **National Road Network – CCC Objectives**

- **NR.01:** Pursue the options and interventions contained in the National Secondary Roads Needs Study 2011 - South East Region (or latest approved version).
- **NR.02:** To seek delivery of the following improvement / works on / along the national road network - N80 Carlow to Ballon re-alignment.

7.3.1.3. **Carlow Road Safety Strategy 2023-2030**

The Plan notes that the Council is *'committed to improving the physical road network, including improving road safety by maintaining, developing and improving existing roads, while pursuing proposals to construct new roads as financial resources permit.'*

7.3.1.4. **Landscape Character**

The site falls within the landscape character area of *'Central Lowlands'* and within the landscape type of *'Farmed Lowland'*. Most of the County lies within this character area and its key characteristics include a gently rolling landscape of predominantly fertile agricultural lands with medium to large fields defined by low trimmed hedgerows and occasional to frequent mature hedgerow trees. The area comprises low vegetation of grassland and long distant views with a limited capacity to absorb developments unobtrusively. There is an extensive road network penetrating the character area.

7.3.2. **Protection of Biodiversity and Natural Heritage**

The following policies and objectives are considered relevant with respect to the protection of biodiversity and natural heritage:

- **General Protection of Biodiversity and Natural Heritage Policies** - NH P1, NH P2, NH P3, NH P5, NH P6, NH P9, NHO 1.
- **Protection of Natura 2000 Sites** - NS P1, NS P2, NS P3, NS 01,
- **Protection of Natural Heritage Areas (NHAs)** - NHA P1, NHA P2,
- **Protection of Flora and Fauna** - ND P1 - P5, ND P7,
- **Protection of Trees/Hedgerows** - WT P1 - P5, WT P8,
- **Protection of Watercourses** - IW P1 – P5, IW P7, IW P10
- **Management of Invasive Species** – IS P1 – P3

Of note:

- **NH P2** which seeks to ensure as far as is practicable, that development does not adversely impact on wildlife habitats and species, and that biodiversity is conserved for the benefit of future generations in the interests of sustainability. This will include moving towards no net loss of biodiversity from plans adopted by the projects granted permission/authorised by the Council.
- **NH P9** which promotes the carrying out of ecological/habitat assessments to inform the layout and design of development proposals and ensure they integrate the protection and enhancement of biodiversity and landscape features wherever possible, by minimising adverse impacts on existing habitats (whether designated or not) and by including mitigation and/or compensation measures, as appropriate.
- **NS P1** which seeks to support the conservation and enhancement of Natura 2000 Sites, and to protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 site, in accordance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines.
- **WT P1** which seeks to protect and manage existing woodlands, trees and hedgerow which are of amenity or biodiversity value and/or contribute to landscape character and ensure that proper provision is made for their consideration, protection and management when undertaking, approving or authorising development.

7.3.3. Natural Heritage Designations

European sites located in proximity to the subject site include:

- River Barrow and River Nore SAC [002162] located c. 5.8km west
- Slaney River Valley SAC [000781] located 7.4km to the east
- Blackstairs Mountain [000770] located 13.5km to the south

This report should be read in conjunction with the report for the road application under ABP Ref. 321416-24 which includes an Appropriate Assessment of the proposed development.

8.0 Consultations and Observations

A total of 22 no. written objections to the CPO were initially received by ACP. Of these, 6 no. were formally withdrawn by notification to ACP before the Oral Hearing, with the same objectors making withdrawals relating to the 177AE planning application (ABP File Ref 321416).

Hence, 16 no. public submissions and 2 no. submissions from prescribed bodies were received in total, as per the original statutory notices. (See Full List of Objectors to the CPO in Appendix 1 and to the Road Application (ABP File Ref 321416) in Appendix 2)

Of the 16 no. public submissions, following withdrawals mentioned above, 1 no. objector requested an Oral Hearing, namely Matthew Kennedy and Others (See Appendix 3)

Of the 16 no. objectors, 5 no. objectors participated in the Oral Hearing (See Appendix 4 and 5 with respect to the details of their summary of grounds and a summary of the Proceedings of the Oral Hearing).

A response to public submissions was received by APC from the Council on 30th April 2025. The Council also submitted documentation prior to the Oral Hearing on 8th September 2025, including an Outline Legal Submission prepared by Dermot Flanagan SC, a Brief of Evidence prepared by Mr. George Frisby of Roadplan and a Planning Policy Statement prepared by Ms. Anita Sweeney, Senior Planner, CCC. This was circulated to all relevant parties prior to the Oral Hearing.

The issues raised in the public submissions relate to the proportionality of the scheme, objectors to the scheme consider that the land take is excessive in certain areas and are concerned about proposed access, landscaping and boundary treatment, drainage arrangements, as well as road safety and environmental concerns. Other objectors are concerned about impact on agricultural landholdings/animals and impact on business and property values.

All matters pertaining to the proper planning and sustainable development are examined in detail within the planning application report File Ref: ABP-321416-24 and I refer An Coimisiún to this report.

I will examine the relevant concerns raised in relation to the assessment of the CPO in terms of community need, compliance with the development plan, proportionality and necessity of level of acquisition proposed, alternatives and suitability of lands.

Matters raised by the objectors to the CPO are addressed in the assessment at Section 10.0.

8.1. Prescribed Bodies

8.2. Responses Received from Prescribed Bodies

Responses were received from 2 no. prescribed bodies, as follows:

- Department of Housing, Local Government and Heritage;
- Uisce Éireann.

The key points raised by prescribed bodies and the applicant's response are summarised in the following tables. These issues relate to archaeology, invasive species, specific Ecological Impact Assessment requirements and specific requirements for Uisce Éireann (UE), rather than relating to matters concerning the CPO.

All matters pertaining to proper planning and sustainable development are examined in detail within the planning application report File Ref: ABP-321416-24 and to avoid undue repetition, I refer An Coimisiún to the assessment in the 177AE report in relation to prescribed bodies.

8.2.1. Department of Housing, Local Government and Heritage

	Issues Raised	CCC Response
1	Archaeology/Archaeological Requirements Dept. refers to Archaeological Impact Assessment (AIA) submitted with application. Noted that proposed works will have direct impacts to a number of areas of archaeological potential including a number of stream crossings. Recommending Advance Archaeological Test Excavation, Advance Underwater/Wade Surveys and Advance Metal Detection Surveys prior to commencement of development.	All Mitigation will be carried out in accordance with CEMP, EIAR and plans and particulars. Project Archaeologist will be appointed for works stage who will agree scope of works. Full surveys and reports will be carried out in accordance with standard TII contract.
2	Appropriate Assessment (Invasive Species) NIS prepared by applicant identified invasive plant species including a large stand of Japanese knotweed at Castletown Crossroads and Himalayan balsam was identified at Graiguenaspiddoge Crossroads. Dept. recommend that mitigation be included to prevent the spread of invasive species during the construction phase, to protect hydrologically connected Natura 2000 sites.	Japanese Knotweed currently being treated by CCC. Plan not yet in place for Himalayan Balsam due to landownership and access. Mitigation during construction will ensure these species don't spread.
3	Ecological Impact Assessment and EIAR Council have screened out likelihood of significant environmental effects and EIAR. Dept. concern regarding large scale of the project including removal of significant amount of good quality hedgerows and trees (c. 3.33km), new drainage ditches (1.65km) and planned diversion of the Kilmeaney Stream. Dept. consider that an EIAR is required in accordance with CCDP 2022 – 2028 policy objectives NH P2 and NH P9 and in accordance with Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive of Ireland. Dept. concerned about impact of tree and hedgerow removal on protected bat species. Dept. recommend bat and badger surveys and mitigation measures to facilitate safe mammal crossing including underpasses and mammal fencing. Recommends that the Guidance document 'Pollinator-friendly management of Transport Corridors' should be adhered to while planting wildflowers over the length of the road scheme and that seed should be of local provenance. The removal of hedgerow, scrub and trees must take place outside the bird nesting season (1March to 31 August inclusive)	Ecological Impact Assessment prepared (Appendix 1) Bat surveys (Appendix B) carried out and more surveys will be carried out prior to construction A mammal underpass will be installed underneath the widened N80 road at ch740 for mammals including badgers. Local seed will be used for the wildflower planting. Removal of hedgerow, scrub and trees will take place outside of bird nesting season.

8.2.2. Uisce Éireann

	Issues Raised	CCC Response
1	The submission notes that there are Uisce Éireann (UE) assets within the road reserve of the N80 and that approval is required from UE's Diversions team prior to commencement of development. UE have recommended conditions.	Approval will be sought from Uisce Éireann's Diversions team prior to commencement of works.

8.3. Objectors to CPO and Main Grounds of CPO Objection

The public submissions received are broadly summarised in the following section of my report. I note that the Council has responded to the issues raised in a submission dated 30th April 2025. As mentioned previously, all matters pertaining to proper planning and sustainable development are examined in detail within the 177AE planning application report File Ref: ABP-321416-24 and to avoid undue repetition, I refer An Coimisiún to the assessment in the 177AE report in relation to written submissions not specifically concerning the CPO.

8.3.1. Albert Glynn (CPO 109), Rep of late David Glynn (c/o Ann Glynn) (CPO 109) and Allan Glynn (CPO 109) and Noel Glynn (CPO 109)

Glynn family business in bus and haulage services since 1930s. The main issues relate to maintaining unobstructed access, devaluation of property, highlighting concern regarding proposed new access and maintaining existing access points, disturbance, impact on business and devaluation of property.

8.3.2. Donal Murphy (CPO Ref 127)

Issues raised include closure of current access into his dwelling house from the N80 – strenuously objects to this, closure of field access from N80 into field containing dog houses, lack of information provided regarding his proposed new access off L30504, lack of detailed information regarding boundary treatments and levels of new N80, inadequate drainage detail and concern regarding flooding, requesting all existing infrastructure and access be retained during construction works.

8.3.3. Tom Nolan (Folio CW24445F – Plot C) (CPO 112)

Scheme drawings show changes to the roadway and access arrangements serving property **(Folio CW24445F – Plot C – Thomas Nolan)**. Drg no. 19165-01-0116 provided for identification purposes. Main concerns are itemised on map provided with submission including Items 3, 3.1, 4, 4.1, 4.2, 5, 6 and 7.

8.3.4. David Nolan (Folio CW28008F – Plot A) (CPO 113)

Scheme drawings show changes to the roadway and access arrangements serving property **(Folio CW28008F – Plot A – David Nolan)**. Drg. no. 19165-01-0116 provided for identification purposes. Same submission as Tom Nolan (See Items 3 3.1, 4, 5, 6, 7 and Other Matters) with an additional Item (Item 1).

8.3.5. DTN Electrical Ltd (Folio CW12769F – Plot B) (CPO 112)

Scheme drawings show changes to the roadway and access arrangements serving property **(Folio CW12769F – Plot B – DNT Electrical Ltd.)** Drg. no. 19165-01-0116 provided for identification purposes. Same submission as Tom Nolan (See Items 2, 3, 3.1, 4, 5, 6, 7 and Other Matters) with an additional Item (Item 2). Main concerns are itemised on map provided with submission.

8.3.6. Thomas and Mary Nolan (Folio CW12769F – Plot B & Folio CW10876F – Plot D) (CPO 139)

Scheme drawings show changes to the roadway and access arrangements serving property **(Folio CW12769F – Plot B and Folio CW10876F – Plot D)** as indicated on Drg. no. 19165-01-0116 provided for identification purposes. Same submission as Tom Nolan (See Items 2, 3, 3.1, 4, 4.1, 4.2, 5, 6, 7 and Other Matters). Main concerns are itemised on map provided with submission.

8.3.7. Matthew Kennedy and Others

Road Safety Issue - Concerned about the omission of safe turning measures onto L30504 and L7148 from the main N80 road. Requesting these turning measures are included in the plans. Current road configuration on L30504 dangerous. This straight

point on a N80 is used for overtaking at high speeds. Turning on L30504 coming from Carlow and L7148 coming from Ballon requires vehicles to stop in the middle of the very busy and fast-moving national primary, putting vehicles at high risk of being struck. Understand after meeting with Senior Engineer in Carlow Co Co that the road was surveyed for suitability for turning lanes during the preliminary planning phase. Informed that the volume of traffic on the road does not justify the implementation of a turning lane. This conclusion fails to acknowledge the grave safety risks involved and volumes of traffic on the N80.

Oral Hearing - Request made for Oral Hearing.

8.3.8. John and Heather Shirley (CPO 122, 135, 138)

Issues relate to location of proposed bungalow entrance, detail in relation to width of proposed accesses/entrances into property, requesting sound barriers in the form of high block walls and low noise asphalt outside their houses and residential soundproofing, concerned about air quality during and post construction. They request an underpass to overcome severance of the farm. Consider the permanent acquisition of the farmyard excessive and have highlighted the severe impact the CPO will have on their farm operations. They request access is maintained during the course of the construction works. They consider the temporary CPO to be excessive up to the exterior walls of the residence and consider it will be overly impactful. Shirleys require more information on temporary boundary arrangements/fencing during construction phase. Requesting double width gates and specific detail for boundary treatment.

8.3.9. John and Elizabeth Wall (CPO 110)

Submission prepared by James Cody & Sons Solicitors on behalf of John Wall and Elizabeth Wall. Owners of Folio 4366F, which is the family home. Concerned about the closure of the local road and its impact on them gaining access to the local road network without having to use the N80. Raised issue about impact on 16 horses on two acres to the rear of the property, impact on business and passing trade, impact on community and isolation, concern regarding devaluation of their property and ability to

sell their house. Noted that there was no notable consultation with them. Impact of noise and vibration, public lighting and access to rear of property.

8.3.10. Caitriona Farrell, John Farrell and Ronan Farrell (CPO 105)

Issues relate to proposed site compound layout (Drg. No. 19165-01-0191) location and use following completion of works, Impact on property value if compound remains following works and safety Issues in relation to access to the site compound.

8.3.11. Michael and Maureen Regan and Others (CPO 101)

Issues relate to boundary treatment, landowner consultation, noise and construction impacts.

9.0 Oral Hearing

An Oral Hearing for the CPO was held on 11th September 2025 online via Microsoft Teams, with attending An Coimisiún Pleanála (ACP) personnel present in the ACP offices at 20 Marlborough Street, Dublin 1. A digital sound recording was made of the Oral Hearing to assist the Coimisiún in the assessment of the CPO.

The Oral Hearing commenced at 10am and finished at approximately 1.30 pm. The hearing, in the main, comprised a verbal presentation on behalf of the applicant, CCC, presented by Mr Dermot Flanagan (Barrister) and (Mr George Frisby, Consulting Engineer) with opportunities for the objectors to elaborate on their submissions and questioning between the participants.

9.1. Purpose of Oral Hearing

The purpose of the Oral Hearing was to allow all participants to make further oral submissions on the case, and to allow clarification on any relevant issues arising from submissions. I am satisfied that alongside the documentation submitted, the Oral Hearing has allowed me to undertake a comprehensive assessment of the CPO, including details clarified as part of the Oral Hearing.

I am also satisfied that I fully understand the matters raised by objectors through their submissions to the Oral Hearing, which has also informed my assessment.

A summary of the submissions made to the Oral Hearing is contained in Appendix 4 of this report. The proceedings of the Oral Hearing are summarised in Appendix 5 of this report and referenced, where necessary, in my assessment below (Section 10.0).

9.2. Submissions to Oral Hearing

I note that the following documentation was submitted to ACP in September 2025 prior to the Oral Hearing;

- Submission made by Carlow County Council on the 8th September 2025 comprising an Outline Legal Submission prepared by Dermot Flanagan SC, a Brief of Evidence prepared by George Frisby, Roadplan, a Planning Policy Statement prepared by Anita Sweeney, Senior Planner, CCC.
- Submission to be presented to CPO Oral Hearing dated September 2025 made by Seamus MacGearailt on behalf of Donal Murphy.
- Submission to be presented to CPO Oral Hearing dated September 2025 made by Seamus MacGearailt on behalf of John and Heather Shirley.
- Submission made by Cleo Kennedy on behalf of Matthew Kennedy and Others on 8th September 2025 comprising 5 no. visual aids for the Oral Hearing.
- Submission made by David Nolan on 5th September 2025 comprising drawing highlighting points listed in their submission.

The Council submission was circulated to all relevant parties, and the submissions by individual landowners were circulated to the Council.

9.3. Objectors to the CPO who Participated in the Oral Hearing

There were 5 no. individual objectors/or their representatives to the CPO who participated in the Oral Hearing on behalf of themselves, their families or on behalf of local residents, as follows:

- 1) Mr. Nigel Glynn on behalf of Albert, Alan & Estate of David Glynn, now Ann Glynn. (CPO 109)
- 2) Mr. Séamus MacGearailt on behalf of Donal Murphy. (CPO 127)

- 3) Mr. Derek Nolan on behalf of Tom Nolan, Deirdre Nolan, David Nolan, Derek Nolan, Thomas Nolan, Mary Nolan. (CPO 112, CPO 113 and CPO 139)
- 4) Mr. Ger Broderick on behalf of Matthew Kennedy and Others.
- 5) Mr. Séamus MacGearailt on behalf of John Shirley and Heather Shirley. (CPO 122, CPO 135, CPO 138)

9.4. **CPO Schedule Amendments**

Prior to the Oral Hearing, the Council submitted a Brief of Evidence prepared by George Frisby of Roadplan dated 11th September 2025, which contained CPO Schedule Amendments (See Section 8 of the Brief of Evidence for Amendments), which was circulated to the objectors to the CPO, prior to the Oral Hearing.

The proposed amendments to CPO Schedule Part II – Lands to be Compulsory Acquired are listed under a – m and the proposed amendments to CPO Schedule Part III – Lands proposed to be temporarily acquired are listed under n – s.

The amendments comprise inclusion of named persons as Owners or reputed owners of various plots of land, revisions to quantities of land being acquired and a change to the description of the land.

10.0 Assessment

For the Coimisiún to confirm the subject CPO, it must be satisfied that the Council has demonstrated that the CPO “*is clearly justified by the common good*”¹. This requires the following minimum criteria to be satisfied:

- There is a community need that is to be met by the acquisition of the lands in question,
- The particular site is suitable to meet that community need,
- Any alternative methods of meeting the community needs have been considered but are not demonstrably preferable, and
- The works to be carried out should accord with or at least not be in material contravention of the provisions of the statutory development plan.
- The extent of land-take should have due regard to the issue of proportionality.

I will therefore address each of the five criteria outlined above in turn below, together with the issue of proportionality and other issues arising from the public observations to the CPO.

It should also be noted that the assessment and NIS within the Inspectors Report File Ref. 321416-24 under Section 177AE, should be read in conjunction with this report and is cross referenced where relevant.

10.1. Community Need

The need and justification for the proposed development is outlined in detail in the associated application submitted under Section 177AE in ABP File Ref 321416-24. Central to the justification for the proposed scheme is road safety with the current road being deficient in width and alignment and containing a series of bends. The collision rate for this section of N80 roadway assessed over the three-year period (2015 – 2017) was in excess of twice the figure for a typical Rural Two-Lane Road.

The purpose of the proposed road scheme is to improve safety and the frequency of transport collisions within the N80 corridor as well as improving the overall consistency and efficiency of the route. The N80 Leagh Bends Scheme will also provide for safer journeys as well as more reliable and reduced journey times. The provision of a standard hard shoulder will provide safer access for cyclists.

¹ Para. 52 of judgement of Geoghegan J in Clinton V An Bord Pleanála (No.2) [2007] 4 IR 701.

A Type 1 single carriageway is proposed which will provide continuity to previous sections of the N80 already upgraded in the past. The N80 to both the north and south of the proposed upgrade section is of improved standard and has hard shoulders. This substandard section, with no hard shoulders and a series of bends, has had several collisions.

Potential impacts of the proposed development have been identified and assessed in the associated Section 177AE application (ABP File Ref 321416-24) for the road scheme and will not be repeated here. I refer the Coimisiún to that report for further detail.

I consider that the proposed realignment and upgrading of c. 3km of the N80 to be necessary to improve road safety along this portion of the road where collision rates are twice the figure for a typical rural two-lane road. In this regard, I consider the proposed development will benefit the community as a whole. I conclude, therefore, that the community need for the scheme has been established.

10.2. Suitability of Lands

At the outset, the Coimisiún will note that the Council are seeking to both permanently and temporarily acquire lands. The lands that are the subject of this CPO are currently utilised for various uses, though primarily land use relates to public road and verges, agricultural and green field areas. The Coimisiún should note that the scheme for the most part will comprise lands within/adjacent to the existing public road and agricultural lands where there is no specific zoning objective.

The deposit map booklet identifies all lands that are being acquired on both a permanent and temporary basis and identifies lands on which public rights of ways will be altered or interfered with.

The proposed N80 Mainline consists of a Type 1 single carriageway and is designed in accordance with TII Rural Road Link Design, DN-GEO-03031. The road will consist of two lanes of 3.65m, a hard shoulder 2.5m wide for each carriageway and a verge of 3m on both sides of the carriageway. The areas where attenuation ponds are proposed are part of existing agricultural fields.

With respect to the design specifications of the road scheme, I am satisfied that this has been carried out in accordance with TII design standards as described in Section

15.3 of the Planning Report associated with the road application and I also refer An Coimisiún to the assessment in the Inspectors Report with the associated concurrent planning application (ABP File Ref 321416-24) and to the conclusions that the proposed road design and specification are appropriate.

As such, the extent of land to be permanently acquired under the CPO is determined by these specifications and temporarily acquired during the construction period.

The extent of land that would be acquired under the compulsory purchase order is determined by the specifications for same, with additional lands also required for various purposes in connection with the Proposed Scheme (e.g. biodiversity mitigation and attenuation ponds).

It is considered reasonable to conclude that, having regard to the development of the route as proposed, the lands proposed to be acquired are necessary and suitable to facilitate the provision of the road scheme.

It is, therefore, accepted that there is a requirement for all of the lands included in the CPO. Some of the objections contend that the extent of proposed acquisition is excessive. These individual objections will be considered below.

Overall given the current use of lands and the limited extent of lands to be acquired which lie directly adjacent to the existing carriageway and agricultural lands, I am satisfied that the lands to be acquired are suitable for such use.

10.3. Accordance with Planning Policy

With reference to Section 7.2 and 7.3 of this Inspectors Report, the N80 Leagh Bends Scheme is supported in National, Regional and Local Policy, specifically Regional Policy RPO 146, RPO 167, RPO 168 and Local Policy NR.P1, NR.P3, NR.01, and NR.02. In the interest of brevity, I will not repeat the specific policy here.

It is the policy of the County Development Plan to co-operate with TII to maintain and develop the national road network (N80 and N81) through the county and to seek to ensure that the capacity, efficiency and safety of the network and associated junctions is maintained (Section 5.8.2 of CCDP 2022). The Carlow Road Safety Strategy 2023-2030 is committed to improving the physical road network, including road safety by maintaining, developing and improving existing roads.

Having regard to the above, I am satisfied that the proposed road scheme is supported under national, regional and local planning policy as described above. On the basis of the above, and the more comprehensive assessment of planning policy contained in the Inspector's report for the associated road application (ABP File Ref.321416) and Section 5.0 of that report.

In conclusion, I am satisfied that the proposed development is justified and is consistent with all applicable planning policy and is supported by, and in accordance with, relevant policies and objectives under the Carlow County Development Plan 2022-2028 (CCDP 2022), Regional and National policy.

10.4. Use of Alternative Methods

In relation to alternatives assessed and the chosen design of the proposed scheme, I refer to my assessment in Section 11.2 of the Planning Report for the associated road application (ABP File Ref. 321416-24) in relation to alternatives assessed. The applicants initially carried out a Constraints Study to inform the design of the route. A number of options were developed including the Eastern Option, Online Option and the Western Option, the Western Option 2 (deep cut option) as well as the Do-Nothing and the Do-Minimum Options. The options were assessed in Stage 1 under the headings of Engineering, Economy and the Environment.

For Stage 2, the options were assessed under each Project Appraisal criteria and upon review of the Project Appraisal Matrices, the Online emerged as the preferred option. Stage 3 involved preparing a Project Appraisal Balance Sheet (PABS) which identified the overall benefits associated with providing the Preferred Option as the improvement scheme. The selection process concluded that the preferred option is the 'Online Option'.

The applicant has presented a robust assessment of alternative options as outlined in section 11.2 of the Inspector's report for the associated road application (ABP File Ref. 321416-24), and I consider the range of alternatives considered to be reasonable in light of environmental considerations and the project objectives. The assessment of these alternative options by the applicant has been rigorous in my opinion.

I consider that the selected option and the general thrust of the design as well as the consideration of details including with respect to surface water are appropriately

described and sufficient and that the preferred option, formed of the proposed development before the Coimisiún for consideration in this application, is the most appropriate option considering the need sought to be addressed with respect to need, justification and alternatives for the project.

10.5. Proportionality

I am satisfied that the process and procedures undertaken by the Council have been fair and reasonable, that the Council has demonstrated the need for the lands and that all the lands being acquired are proportionate, necessary, and suitable to facilitate the provision of N80 Leagh Bends Scheme.

Having regard to the constitutional and convention protection afforded to property rights, I consider that the acquisition of lands, acquisition of wayleaves, and extinguishment of rights of way as set out in the compulsory purchase order and on the deposited maps pursues, and is rationally connected to, a legitimate objective in the public interest, namely the N80 Leagh Bends Scheme.

I am also satisfied that the acquiring authority 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 Coimisiún 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.

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 lands, acquisition of wayleaves, and extinguishment of rights of way would be consistent with the policies and objectives of the CCDP 2022. Accordingly, I am satisfied that that the confirmation of the CPO is clearly justified by the needs of the common good.

10.6. CPO Issues to Multiple Observers

Concerns were raised in relation to a number of common issues, which I will group together and examine hereunder. Objections submitted by landowners, occupiers and residents have identified potential impacts on properties and lands, as well as planning

and environmental issues. The planning and environmental issues have been addressed in detail in the Inspector's report for the associated road application (ABP File Ref. 321416-24), including matters relating to the necessity of the proposal, heritage impact, ecological impact and environmental impact. Issues relating to severance and loss of lands arising are primarily matters to be addressed by way of compensation. An assessment of matters arising in CPO objections is set out below.

10.7. Site Specific CPO Issues

10.7.1. Public Consultation

Observers raised concerns and expressed dissatisfaction in relation to the level of engagement by the Council in relation to the process. I note that the Council state in their response that *'Carlow County Council have engaged in non-statutory consultations and information meetings with all landowners throughout the progression of the scheme'*.

The consultation in the design process undertaken by the Council is described in Section 6 of the submitted Planning Report Under Section 177AE. To summarise, initially during March 2021, a public consultation was undertaken of the Route Corridor Options. A further public consultation was undertaken on the Preferred Route Corridor in May 2021. Members of the project team were available to present the scheme drawings, discuss all aspects of the scheme and answer questions. Feedback generally related to agricultural impacts, junction layouts, and environmental impacts.

Individual landowners were contacted on various occasions for access to their land for site inspections and third-party surveys. The Council contacted the landowners listed in the Compulsory Purchase Order (CPO) prior to the lodgement of the application.

Council Members were briefed about the project through Municipal District Meetings.

Whilst I acknowledge objector's submissions in this regard, I have reviewed the file in relation to the statutory obligations in relation to engagement of landowners and note that the Council has complied with its statutory obligations in relation to the notification of landowners in relation to the process and also advertised the process accordingly. I can therefore find no failure in relation to the Council's compliance with the relevant legislation in this regard. I also note in Section 5.3 of the Outline Construction

Environmental Management Plan (OCEMP) submitted with File Ref 321416-24, that the appointed contractor will be required to appoint a Liaison Officer to manage communications with local landowners and businesses.

10.7.2. Landownership

Observers have raised the issue that there are disputes regarding landownership in relation to some CPO plots. The Council have responded that the Land Registry records indicate the landownership for the various plots and that appropriate notice has been served on the registered owners. Prior to the Oral Hearing, the Council in their Brief of Evidence, Section 8 and Appendix C proposed amendments which included changes to the names of registered owners. This is discussed in Section 9.4 of this Inspectors report. I consider landownership will be a matter for the CPO process between the Council and the landowner, should the CPO be approved.

10.7.3. Impact on Property Value, Community, Business

A number of observers raised the issue of devaluation of property and impact on business due to the proposed CPO. This includes loss of road frontage for future development of property and loss of commercial attractiveness. It has also been raised that disturbance caused by change will lead to substantial devaluation of property. Acquisition of only a portion of the land would fragment the estate resulting in diminished overall value. Current cohesive nature of land is key factor in its current value and appeal and disruption would reduce the useability of the land, making it less appealing for future projects.

In relation to devaluation of property value, the Council state that landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.

It is acknowledged that the CPO will result in significant impact on some property owners, as well as agricultural operations. Objectors to the CPO have raised concerns regarding the negative impact of the scheme on property values. While some of these impacts will be temporary, I acknowledge that in many cases, there will be permanent impacts notwithstanding the mitigation measures proposed.

10.7.4. **Surplus Land Acquisition**

I note that landowner observations to the CPO assert that they consider that surplus land is being acquired.

I am satisfied that the applicant has demonstrated that the CPO *“is clearly justified by the exigencies of the common good”* and has satisfied the criteria as outlined above. The applicant has demonstrated a need that will advance the common good and which will be met by the proposed development.

In order to meet this identified need, it has been demonstrated that it is necessary to acquire the identified land, which is proportionate to the identified need. This conclusion is supported through a thorough consideration of alternatives, as presented in the submitted associated road application (ABP File Ref. 321416-24), which has included alternative route alignments. The proposed road scheme is supported at local, regional and national level and will be of significant benefit to the common good of the population of the area.

10.7.5. **Impact of Noise, Lighting, Vibration, Air Quality and General Construction Impacts**

I note the expected construction period is 18 months. Matters relating to environmental impacts during construction and operational phases including mitigation measures proposed to mitigate against noise and vibration and air quality are addressed in detail in the Inspector's report for the associated road application (ABP File Ref. 321416-24) and to avoid undue repetition, this assessment is not repeated here. However, where necessary, further discussion is set out with respect to individual objector submissions on these matters below.

The Council have confirmed that existing accesses shall be maintained at all times during the construction of the works. Where the works include the construction of accommodation roads to facilitate access to lands which are severed or affected by the scheme, the Council or its agents shall provide such temporary arrangements as necessary to allow alternative reasonable and convenient access at all times prior to completion of the permanent arrangements. Where appropriate or necessary, such arrangements shall include temporary access routes across portions of the site or off-site areas.

In relation to noise, the Council notes that a 'Noise Impact Assessment' was carried out and is included in Appendix 7 of the submitted 177AE Report.

Noise barriers were not considered to be required as acoustic mitigation as demonstrated in the submitted noise report. Noise models for the Opening Year and Design Year were undertaken. Only two receptors, located at the northern end of the scheme at ch2815 and ch2845, were modelled as experiencing an increase in Lden of 1.0 dB or more met the conditions required for the implementation of mitigation measures under the criteria of the NRA/TII for mitigation. The mitigation measure identified was the use of low-noise road surfacing material, which was expected to provide a 3-5 dB(A) reduction. No additional mitigation such as soundproofing to residences is considered to be required for the operational phase, as demonstrated in the submitted Noise Impact Assessment Report.

An Air Quality Assessment was carried out and included in Appendix 5 of the applicants 177AE Report. For the construction phase, I note that a Dust Management Plan (DMP) will be prepared and will include general and specific measures as detailed in the submitted Air Quality Assessment report. These include mitigation measures applicable to the entire site for the duration of the construction phase and measures applicable specifically to the earthworks, construction and trackout activity including site management, monitoring, site preparation, operating vehicles, operations, waste management, and activity specific mitigation measures for construction, earthworks and trackout.

The assessment of local scale pollutants during the operational phase indicates that road contributions to NO₂ and particulate matter concentrations, as a result of the road upgrade are relatively low compared to background concentrations. The impacts on sensitive receptors are considered neutral, given the small scale of the development and the dominant influence of background air pollutant concentrations. As a result, no mitigation measures as a result of the operational phase of the proposed development are required.

10.7.6. Impact on Drainage

Many of the landowners raise issues in their submissions relating to drainage, noise and lighting, as well as other planning and environmental issues.

These issues relate to inadequate drainage details being provided and concerns about flooding and requests that drains be maintained at all times with no negative impact on the existing drainage system due to the proposed works.

The Council notes that the description of the scheme's drainage design is provided in Section 3.3.1 of NIS Chapter 3 (Description of the Proposed Development). The drainage design proposals are illustrated on drawing number 19165-01-0501 to 19165-01-0508 contained in Appendix 14 of the Section 177AE Report.

Where existing lands drain towards the road scheme, interceptor drainage is proposed alongside the earthworks to collect runoff and convey to a suitable outfall. All drainage likely to be affected or disturbed during the pre-construction (ground surveys and investigations) and construction works will be confirmed during discussions with landowners. Existing drains and culverts will, to the extent possible, be maintained during the course of the works. Any damage to drains and culverts due to the works will be repaired on completion of the works. The Council as the developing authority will seek to minimise the damage involved and, to the extent required by law, will pay compensation to the owner or occupier. Any such claim for compensation will be dealt with expeditiously.

Overall, I am satisfied that detailed information has been provided by the applicant in relation to the proposed drainage arrangements in their drainage design drawings in Appendix 14 of the 177AE Report (ABP File Ref 321416-24) and in the response to submissions provided by the Council for specific queries raised by landowners.

10.7.7. Impact on Access / Entrances

Many observers were concerned about the impact upon, and/or insufficient detail regarding access arrangements and boundary treatment (as well as associated screening of views) and temporary access arrangement during construction. The concern raised by the various observers and the Councils response to issues raised has been summarised in the following section. In this regard, I have reviewed the deposit maps and the Councils response to such concerns.

The design drawings in Appendix 14 of the 177AE Report for the associated road application (ABP File Ref. 321416-24), details proposals for access arrangements and

boundaries. I am satisfied that detailed information has been provided by the Council with respect to potential impact upon access arrangements and boundary treatment.

The Council have noted that existing accesses shall be maintained at all times during the construction phase. Where the works include the construction of accommodation roads to facilitate access to lands which are severed or affected by the scheme, the Council or its agents shall provide such temporary arrangements as necessary to always allow alternative reasonable and convenient access prior to completion of the permanent arrangements. Where appropriate or necessary, such arrangements shall include temporary access routes across portions of the site or off-site areas.

The issue of illegal parking and dumping and planting of wildflowers on Council owned land was raised by a number of observers. The Council have stated that unwanted parking of vehicles and dumping will be prevented by legislative enforcement by the Council.

A number of landowners have requested that pieces of land be incorporated into their landholdings to reduce maintenance for the Council. The Council have responded that in some instances these pieces of lands are being used for environmental mitigation, for the planting of woodland mix and wildflower meadows and will be maintained by the Council. I am satisfied that this is an appropriate use of the land.

10.8. Specific Concerns Raised by Objectors

Specific concerns raised by objectors to the CPO, Carlow County Councils response and my assessment in this regard are summarised in the tables below;

10.8.1. Albert Glynn (CPO 109), Rep of Late David Glynn (c/o Ann Glynn) (CPO109), Allan Glynn (CPO 109) and Noel Glynn (CPO 109)

Objecting to CPO. Glynn family business in bus and haulage services since 1930s. Rep of David Glynn and Allan Glynn submitted the same observation to the CPO as Albert Glynn.

10.8.1.1. Inspectors Assessment in relation to Oral Hearing Submission (Nigel Glynn representing Albert, Alan & Estate of David Glynn, now Ann Glynn - CPO 109)

I note Mr Glynn's submission to the Oral Hearing as summarised in Section 17.3 of this report. I consider the main issue for the Glynn's is in relation to the proposed new access road to the old schoolhouse dwelling and the commercial garage. Currently what is proposed by the Council is a combined access for both buildings off a new access road. Mr Grisby on behalf of the Council confirmed that the proposed new access road will belong to Glynn's in retained lands and that an additional access point could be provided for the old schoolhouse dwelling within the retained lands at the end of the new proposed access road in the accommodation works agreements at compensation stage.

Following a request from Mr Glynn, I note that Mr Grisby confirmed that a separate access from the old schoolhouse property to the L3050 was not being proposed, as this piece of road is being made into a cul-de-sac and a private access road for the adjoining landowner and the public right of way is being extinguished on the road.

Mr Flanagan on behalf of the Council made the point that the wall in front of the old schoolhouse is on the architectural register and can't be interfered with.

In addition, I note that Mr Glynn was concerned about the width of the proposed new access road from the front of the garage doors out to proposed new boundary and was concerned the dimensions proposed would not accommodate trucks/buses.

Mr Glynn asked if the road could be aligned slightly to the left to give more access to the front doors. Mr Flanagan responded on behalf of the Council that this would be a matter that would be discussed in the accommodation works in negotiations between the Council and the landowner. I note the Swept Path Map included with the Council's response indicates adequate swept paths for buses accessing the premises. I am satisfied that internal access arrangements can be satisfactorily accommodated in the event of the CPO being confirmed.

10.8.1.2. Conclusion - Albert Glynn (CPO 109), Rep of Late David Glynn (c/o Ann Glynn) (CPO109), Allan Glynn (CPO 109) and Noel Glynn (CPO 109)

Overall, I am satisfied that an access road is being provided to the old schoolhouse and garage and that internal access arrangements can be negotiated as part of the accommodation works. Disturbance and devaluation of property (if considered relevant) are outside the scope of the Coimisiún's consideration of the CPO.

10.8.2. Donal Murphy (CPO 127)

10.8.2.1. Inspectors Assessment in relation to Oral Hearing Submission (Donal Murphy - CPO 127)

A written submission to the CPO Oral Hearing dated September 2025, which was prepared by Mr. Seamus MacGearailt on behalf of Donal Murphy was received by ACP on 8th September 2025.

As summarised in Section 17.4 of this report, I note that Mr Murphys main issue relates to the proposed new access to the main dwelling house and a secondary issue relates to retaining a pedestrian access to his field on the opposite side of the N80.

The dwelling house currently has a direct access onto the N80. The new access is proposed to come in through the existing farmyard off a local road (L7148) to the rear of his house. I note Mr MacGearailt has argued on behalf of Mr Murphy that there are major safety issues with the dual use of the access to the farmyard and the house, as well as potential insurance issues. I note Mr MacGearailt's argument that there is good sightlines and visibility at this location onto the N80 for hundreds of metres. Mr MacGearailt has requested that Plot 1271.201, which is the bellmouth into the gate is excluded from the CPO to allow the continued access for the Murphys onto the N80.

Mr Frisby on behalf of the Council has argued that the proposed option off the L7148 would be the best solution and the safest option for the N80 users and for Mr Murphy. I note that Mr Frisby has stated that Mr Murphy would not need to access through his farmyard to get to his property and that he could access the front of the house off the new access road which would be closed off. I am aware that this option would not provide a secure internal parking area, which is Mr Murphys current situation. Cars would be parked on the roadway.

In this regard, I note Mr Flanagans points that the change in access arrangements, operation of the farm and dwelling are disturbance issues which will come before the arbitrator and that the landowners can make a claim to reconfigure their retained lands to best compliment both the farm operation and the dwelling.

10.8.2.2. Conclusion (Donal Murphy – CPO 127)

I understand the concerns of Mr Murphy, however I consider there are safety implications for users of the N80 and the Murphys, if the access onto the N80 were to remain open. In line with TII recommendations for minimising access and egress points onto National Roads, I consider that the most appropriate access point to the house should be off the local road L7148. For this reason, I do not consider it appropriate to remove Plot 1271.201 from the CPO.

The second issue concerns a request for a pedestrian access gate into Mr Murphys field located opposite his house to enable access to his dog pens. In this regard, in line with TII policy, I consider that access points should be minimised and that the Council have provided an appropriate and safe alternative for access to the field.

10.8.3. Tom Nolan (CPO 112), David Nolan (CPO 113), DNT Electrical Ltd. (CPO 112) and Thomas and Mary Nolan (CPO 139)

10.8.3.1. Inspectors Assessment in relation to Oral Hearing Submission (Tom Nolan (CPO 112), David Nolan (CPO 113), DNT Electrical Ltd. (CPO 112) and Thomas and Mary Nolan (CPO 139)

I note the submission made by David Nolan on 5th September 2025 comprising a drawing highlighting points listed in their submission.

As summarised in Section 17.5 of this report, I note that Mr Derek Nolan made submission to the Oral Hearing representing Tom Nolan, Deirdre Nolan, David Nolan, Derek Nolan Thomas Nolan and Mary Nolan (CPO 113, CPO 139 & OC 112).

Mr Nolan acknowledged requirement for the road but has concerns about impact on environment and impact on property, specifically in relation to impact on views and property values. Also, would like to be consulted on proposed planting and fencing and wants native planting. I note that Mr. Frisby on behalf of Carlow Co Co have confirmed that Item No. 4 has been addressed with the proposed road now being included in the Nolans ownership.

Mr Nolan is concerned about areas of land in front of houses which are going to be left idle and wants those areas protected with no ability to fly tip. Mr Frisby noted that Carlow Co Co may consider handing the lands over to the Nolans in due course for

maintenance. Mr Frisby noted that this would be a conversation at compensation stage.

Currently the Nolans have elevated views from their houses and are concerned about what works and landscaping is proposed to the front of their property. In relation to the agricultural field opposite their property, a gateway into the field is proposed in front of their house entrance. Nolans would like more detail on the proposed plans for the gate and field. Mr Frisby noted that environmental mitigation was proposed to one side of the Nolan property entrance. In relation to the proposed access gate opposite the house, it was noted by Mr. Frisby that this was designed in accordance with TII standards and considered the most appropriate point for access to the field. Mr Nolan would like consultation in relation to planting in front of their property in order to maintain the value on their houses. Mr Flanagan on behalf of the Council stated that it would be part of the negotiation phase to engage with landowners in relation these matters.

10.8.3.2. Conclusion (Tom Nolan (CPO 112), David Nolan (CPO 113), DNT Electrical Ltd. (CPO 112) and Thomas and Mary Nolan (CPO 139)

I consider the Nolans concerns have been largely addressed by the Council and that further engagement will occur during the negotiation phase, if the CPO is approved.

10.8.4. Matthew Kennedy and Others

10.8.4.1. Inspectors Assessment in relation to Oral Hearing Submission (Matthew Kennedy and Others)

A written submission was made by Cleo Kennedy on behalf of Matthew Kennedy and Others on 8th September 2025 comprising 5 no. visual aids for the oral hearing.

As summarised in Section 17.6 of this report, Mr. Ger Broderick on behalf of local residents who live on Local Road L30504, which is a right turn off the N80 between Carlow and Ballon, have raised concern about road safety. This submission relates to CPO Plot 115.

Specifically, they are concerned about the omission of safe turning measures onto L30504 and L7148 from the main N80 road. They believe the current road

configuration on the L30504 is dangerous as this straight point on a N80 is used for overtaking at high speeds. They are requesting a ghost island right turn lane onto the L30504.

Currently turning onto L30504 coming from Carlow and L7148 coming from Ballon requires vehicles to stop in the middle of the very busy and fast-moving national primary, putting vehicles at high risk of being struck.

The Council have responded to these concerns stating that a Junction Type Selection report was prepared in accordance with TII Publication DN-GEO-03060 – Geometric Design of Junctions for the junction of the L30504/L7148 with the N80. This assessment considered both safety and operational performance of the junction. The assessment indicated that a Ghost Island Right Turn Lane was not warranted at this location, the traffic volumes did not meet the requirements for a right turn lane nor did the junction have a poor collision record from the information that was available and the assessment indicated that the situation in terms of safety would not be greatly changed by the provision of a ghost island right turn lane junction. The Council note that the provision of Ghost Island Right Turn Lanes at locations where they are not warranted can lead to increased collisions elsewhere on the mainline from a result of dangerous overtaking manoeuvres due to driver frustration as a result of reduced overtaking opportunities.

I understand that the Council have discussed 80kph speed limits in the future at this location, which the residents would like to see introduced as part of the N80 Leagh Bends Scheme.

Mr Flanagan on behalf of the Council confirmed with Mr. Broderick that CPO Plot 115 is not related to the submission made and that there is no objection to the acquisition. He further noted that this submission was a consent issue under the 177AE application and that there was no objection to the CPO.

10.8.4.2. Conclusion (Matthew Kennedy and Others)

I consider the Council have responded adequately to the concerns raised by Matthew Kennedy and Others and have provided sound engineering and safety reasons as to why a Ghost Island Right Turn Lane would not be appropriate at this location. I am satisfied the proposed design is in line with TII Guidelines and provides the best

solution for this junction and that there is no objection by residents to the CPO of Plot 115.

10.8.5. John and Heather Shirley (CPO 122, CPO 135, CPO 138 and OC 122)

10.8.5.1. Inspectors Assessment in relation to Oral Hearing Submission (John and Heather Shirley (CPO 122, CPO 135, CPO 138 and OC 122))

A submission to the CPO Oral Hearing dated September 2025, which was prepared by Mr. Seamus MacGearailt on behalf of John and Heather Shirley was received by ACP on 8th September 2025.

As summarised in Section 17.7 of this report, The Shirleys have two main concerns. The first is boundary treatment. They have requested that proper and appropriate boundaries are provided to protect the 2 no. dwellings houses from the road. Secondly, to overcome farm severance, the provision of a tunnel has been requested.

In relation to boundary treatment, Mr Frisby responded on behalf of the Council by stating a native hedge is proposed along the boundaries which can be grown and maintained at a height of 2.5m or higher above the adjacent road level as required by the landowners to improve privacy in both properties. This replaces the existing hedgerows along the front of the property on a like for like basis. In the interim, a high timber panel fence could be erected on the retained land on the side of the boundary wall until such time as the hedge is fully established. The Council note that discussions will also be held during the compensation process in relation to the agreement of accommodation works. Mr MacGearailt pointed out that he has concern about the durability of a timber fence for 10 years and noted that the Shirleys preference was for a block wall as per the detail that was provided.

In addition, I note the Shirleys have requested that the access driveway to their house be relocated a bit further north which Mr MacGearailt has stated should make no difference to the scheme and it would provide greater safety for the occupants of the dwelling. Mr Frisby reiterated that the access had to be retained at the current location and extended to meet the new road alignment at 90 degrees because it minimises the impact on the existing landholdings at this location. Mr MacGearailt noted that the Shirleys are prepared to accept additional impact for preferred location and hopes that this detail can be agreed and that it is not material to the road scheme.

In relation to farm severance, Mr MacGearailt pointed out that the terrain is suitable for a tunnel and drainage can be achieved using the fall in the land. He noted the tunnel needs to be 3m wide and 14m long and the cost will be modest. The Shirleys consider that this is an opportunity that should not be missed.

Mr Frisby in response to a request for an underpass noted that an assessment was carried out on behalf of the Council, which concluded that an underpass was not considered to be warranted because it is not necessary for the operations of the farm. Severance is not significantly increased by the scheme. For pedestrians, visibility splays for pedestrians crossing at that location will be improved by the scheme giving them greater visibility of traffic approaching.

10.8.5.2. Conclusion (John and Heather Shirley (CPO 122, CPO 135, CPO 138 and OC 122))

In relation to boundary treatment, I consider the Council have made a proportionate and reasonable response by proposing a timber fence, which will remain in place until a replacement hedgerow has grown to a height that satisfies the landowners. This will replace the existing hedgerows on a like for like basis.

In relation to the provision of an underpass, I agree with the conclusions of the Council and would not consider it proportionate for the Council to provide an underpass. I consider that because no livestock are crossing the road at present, the need for an underpass to remove a significant safety hazard from the N80 is not warranted.

10.8.6. John and Elizabeth Wall (CPO 110)

Submission prepared by James Cody & Sons Solicitors on behalf of John Wall and Elizabeth Wall. They are the owners of Folio 4366F, which is the family home.

10.8.6.1. Conclusion - John and Elizabeth Wall (CPO 110)

In the Council's Brief of Evidence dated September 2025, the Council note that access to the land to the rear of the property will be maintained by means of a new access road from the N80.

I am satisfied that the Council have demonstrated that access to all agricultural lands will be satisfactorily provided, and that it will be provided in a manner that will improve

road safety and not impede the operation of lands for agricultural purposes. Similarly, I am satisfied that access to the private house, which may be temporarily inconvenienced during the construction phase, will be significantly improved.

10.8.7. Caitriona Farrell, John Farrell and Ronan Farrell (CPO 105)

Objecting to CPO. John Farrell and Ronan Farrell submitted the same observation to the CPO as Catriona Farrell.

10.8.7.1. Conclusion - Caitriona Farrell, John Farrell and Ronan Farrell (CPO 105)

In the Councils Brief of Evidence dated September 2025, the Council note that the Farrells submission does not relate to the acquisition of lands on CPO plot reference 105, rather concerns were raised in relation to the location of the site compound and requesting assurances as to the planned use of the compound following completion of works. The Council have confirmed that upon completion, the lands would be reinstated to agricultural lands and returned to the landowner.

Traffic safety issues were also raised by observers in relation to the construction works, specifically vehicles accessing the site compound. The Council have responded that the construction will be carried out in compliance with a Construction Traffic Management Plan (CTMP) which will be agreed with the planning authority. I consider if construction traffic is managed in accordance with the CTMP, the risks involved with construction traffic will be minimised for the duration of the construction phase and following construction the compound will revert to agricultural use. I am satisfied that the Farrells are not objecting to the CPO of Plot Reference 105.

10.8.8. Michael and Maureen Regan and Others

10.8.8.1. Conclusion – Michael and Maureen Regan and Others

I note the Councils response in their submission to the Oral Hearing dated September 2025 as follows;

‘Access to their properties is located outside of the proposed scheme extents, immediately south of the southern tie-in. No changes are proposed to this access. The proposed scheme will not negatively impact on the operation of their access’.

I am satisfied that the proposed road scheme will not negatively impact on the operation of the access at this location.

I note that CPO Plot 101a.201 has been amended in the schedule to include Maureen Regan as an Owner or Reputed Owner as outlined in Appendix C of the Councils Brief of Evidence.

10.9. Conclusions on CPO

I have examined all of the issues raised within the submissions received. I am satisfied that the process and procedures undertaken by Carlow County Council have been fair and reasonable, that the Council has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to facilitate the provision of the N80 Leagh Bends Scheme.

Having regard to the constitutional and convention protection afforded to property rights, I consider that the acquisition of lands as set out in the compulsory purchase order and on the deposited maps pursues and is rationally connected to, a legitimate objective in the public interest, namely the provision of a safer and efficient piece of roadway infrastructure.

I am also satisfied that the acquiring authority 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 Coimisiún, and I 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.

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 on a permanent and temporary basis, restriction, acquisition and interference of rights of way would be consistent with the policies and objectives of the Carlow County Development Plan 2022-2028, in which supporting the delivery of the proposed N80 Leagh Bends Scheme is an objective of the plan.

Accordingly, I am satisfied that the confirmation of the CPO is clearly justified by the exigencies of the common good. As a result, I recommend that the Coimisiún confirm the compulsory purchase order under reference ABP-321417-24.

11.0 Recommendation

CONFIRM the compulsory purchase order for the reasons and considerations set out below subject to the modifications set out in the Schedule submitted to the Oral Hearing on the 11th September 2025.

12.0 Reasons and Considerations

Having considered the observations made to the compulsory purchase order, the report of the Inspector who considered the objections, the purpose of the compulsory purchase order to facilitate the delivery of the N80 Leagh Bends Scheme, and also having regard to:

- (i) The constitutional and convention protection afforded to property rights.
- (ii) The substandard infrastructure provided for along the existing route.
- (iii) The strategic nature of the scheme as an identified project under National and Regional plans.
- (iv) The community need, and public interest served and overall benefits, including benefits to a range of road users to be achieved from use of the acquired lands.
- (v) The proportionate design response to the identified need.
- (vi) The suitability of the lands and the necessity of their acquisition to facilitate the provision of the N80 Leagh Bends Scheme.
- (vii) The policies and objectives of the Carlow County Development Plan 2022 - 2028.
- (viii) The likely consequences for the environment and any likely significant effects of the proposed development on European sites with reference to the parallel AA assessments set out in Inspector's report ABP-321416-24.

(ix) The submissions made to the Coimisiún both in writing and at the Oral Hearing.

(x) The report and recommendation of the Inspector for applications ref. ABP-321417-24 and ABP-321416-24.

I considered that the acquisition of these lands on a permanent and temporary basis, restriction, acquisition and interference of rights of way, by Carlow County Council, as set out in the compulsory purchase order and on the deposited maps, is necessary for the purpose stated, which is a legitimate objective being pursued in the public interest, and that the 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 Coimisiún agrees with and adopts the analysis contained in the report of the person who conducted the assessment of the public observations and Oral Hearing and agrees to confirm the Compulsory Order.

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.

Laura Finn
Senior Planning Inspector

30th September 2025

13.0 Appendix 1 - List of Public Submissions and Submissions from Prescribed Bodies to CPO (Planning File Ref 321417)

Observers

1. Albert Glynn (CPO 109)
2. Ann Glynn (Rep of late David Glynn) (CPO 109)
3. Allan Glynn (CPO 109)
4. Noel Glynn (109)
5. Donal Murphy (CPO 127)
6. Tom Nolan (CPO 112)
7. David Nolan (CPO 113)
8. DTN Electrical Ltd (CPO 112)
9. Thomas and Mary Nolan (CPO 139)
10. Matthew Kennedy and Others (CPO 115)
11. John and Heather Shirley (CPO 122, 135 and 138)
12. John and Elizabeth Wall (CPO 110)
13. Caitriona Farrell (CPO 105)
14. John Farrell (CPO 105)
15. Ronan Farrell
16. Michael and Maureen Regan and Others (CPO 101)

Prescribed Bodies

1. Dept. of Housing Local Government and Heritage
2. Uisce Eireann

14.0 Appendix 2 - List of Public Submissions and Submissions from Prescribed Bodies to Section 177AE Application (Planning File Ref 321416)

Observers

1. Albert Glynn (CPO 109)
2. Ann Glynn (Rep of late David Glynn) (CPO 109)
3. Allan Glynn (CPO 109)
4. Noel Glynn (109)
5. Donal Murphy (CPO 127)
6. Tom Nolan (CPO 112)
7. David Nolan (CPO 113)
8. DTN Electrical Ltd (CPO 112)
9. Thomas and Mary Nolan (CPO 139)
10. Matthew Kennedy and Others (CPO 115)

11. John and Heather Shirley (CPO 122, 135 and 138)
12. John and Elizabeth Wall (CPO 110)
13. Caitriona Farrell (CPO 105)
14. John Farrell (CPO 105)
15. Ronan Farrell
16. Michael and Maureen Regan and Others (CPO 101)

Prescribed Bodies

1. Dept. of Housing Local Government and Heritage
2. Uisce Eireann

15.0 Appendix 3 - Public Submissions Requesting Oral Hearing

1. Matthew Kennedy and Others

16.0 Appendix 4 - List of Objector to CPO who attended Oral Hearing, Summary of Grounds and Number on Deposit Map

No.	Objector(s)	Grounds	Associated Deposit Map Reference
1	Nigel Glynn representing Albert, Alan & Estate of David Glynn, now Ann Glynn (CPO 109)	<p>1. Requests separate access into old schoolhouse</p> <p>2. Requires further information/detail width of proposed access road for truck/bus access into existing garage</p>	<p>Plot 109a.201, - 109h.201 - Permanently acquired</p> <p>Plot 109i.301 and 109j.301 - Temporarily acquired</p>
2	Donal Murphy who was represented by Mr Séamus MacGearailt (CPO 127)	<p>1. Requesting pedestrian access gate into field opposite his house to access dog pens.</p> <p>2. Requests that existing access from dwelling onto N80 is retained for safety reasons relating to proposed dual use of existing farmyard entrance</p>	<p>Plot 127a.201, 127b.201, 127u.201, 127q.201, 127r.201, 127e.201, 127i.201, 127j.201, 127k.201, 127f.201, 127l.201, 127s.201, 127t.201- Permanently acquired</p> <p>127c.301, 127d.301, 127g.301, 127h.301, 127m.301, 127n.301, 127o.301, 127p.301 - Temporarily acquired</p>

3	Derek Nolan who represented Tom Nolan, Deirdre Nolan, David Nolan, Derek Nolan Thomas Nolan and Mary Nolan (CPO 113, CPO 139 & OC 112)	1. Concerned about impact on environment, property values and impact on views. 2. Would like input into proposed planting in vicinity of their property.	Plot 139a.201, 112a.201, 113a.201 – Permanently acquired Plot 111a.301, 111b.301 112b.301, 113b.301, 139b.201 – Temporarily acquired
4	Matthew Kennedy and Others represented by Mr. Ger Broderick	1. Requesting ghost island turning lanes from N80 to the L30504 as part of N80 Leagh Bends Scheme on safety grounds.	
5	John and Heather Shirley represented by Mr Séamus MacGearailt (CPO 122, CPO 135 and CPO 138)	1. Requesting proper and appropriate boundaries are provided to protect the 2 no. dwellings houses from the road. 2. Requesting a tunnel under the road to address farm severance.	Plot 112a.201 – 122f.201, 122k.201, 122l.201, 135a.201, 135b.201, 138a.201 – 138c.201 – Permanently acquired Plot 122g.301, 122h.301, 122i.301, 112j.301, 135c.301, 138d.301 and 138e.301 – Temporarily acquired

17.0 Appendix 5 - Proceedings of the Oral Hearing (OH)

[Note: The following is a brief summary of the proceedings of the OH and the persons in attendance. It is not intended to be a comprehensive overview of the proceedings and should be read in conjunction with the main body of the report above].

Case Reference: ABP-318629-23

Development: County Carlow CPO (No. 1) of 2024 - N80 Leagh Bends Scheme

Venue: An Coimisiún Pleanála (ACP) personnel in attendance at 20 Marlborough Street, Dublin 1, all other participates online via Microsoft Teams. Commencement

Time and Date: 10:00am on 11th September 2025

17.1. Attendees

17.1.1. Representing Carlow County Council (Applicant):

- Dermot Flanagan, Barrister
- George Frisby, Roadplan, Consulting Engineer

17.1.2. Participating Objectors:

- Nigel Glynn representing Albert, Alan & Estate of David Glynn, now Ann Glynn
- Donal Murphy who was represented by Mr Séamus MacGearailt
- Derek Nolan who represented Tom Nolan, Deirdre Nolan, David Nolan, Derek Nolan Thomas Nolan and Mary Nolan
- Matthew Kennedy and Others including Cleo Kennedy represented by Mr. Ger Broderick
- John and Heather Shirley represented by Mr Séamus MacGearailt

17.2. Submission on behalf of Carlow County Council (Applicant):

17.2.1. Dermot Flanagan, Barrister

- Introduced the submission for the Council, providing an overview of the details of the Compulsory Acquisition, discussed safety issues with the road and recent fatalities on the piece of road.
- Discussed Mr Frisbys Brief of Evidence including project objectives, CPO alternatives, description of the proposed scheme including geometric design, surface water drainage, junction access strategy, public and private rights of way, Lands to be acquired (c. 13.7 ha, 39 separate landowners affected), CPO submissions to ACP and CPO Schedule Amendments contained at Appendix C of Brief of Evidence, primarily to include those who reputed to have an interest in land.
- Ms. Anita Sweeney's (Senior Planner) planning policy assessment addressed. Relevant national, regional and local policy discussed.
- Outline Legal Submission was discussed outlining the relevant CPO legislation, including statutory tests and case law.

17.2.2. **George Frisby, Consulting Engineer**

- Mr Frisby reads the Councils response to all submissions (20 in total) to the CPO into the record including response to submission made by DTN Electrical (CPO OC 112), Tom Nolan (CPO 112), David Nolan (CPO 113), Thomas & Mary Nolan (CPO 139 & OC 112), Albert Glynn (CPO 109), Allan Glynn (CPO 109), Ann Glynn (Rep of late David Glynn) (CPO 109), Laura Nolan (CPO 120 & 135), John & Marie Brooks (CPO 119), O'Toole Energy Limited (CPO 117), CPO Ref 123 - The Legal Personal Representatives of Alan Shirley (Deceased) (CPO 123), Caitriona Farrell (CPO 105), Ronan Farrell, John Farrell (CPO 105), Michael and Maureen Regan & Others (CPO 101), Matthew Kennedy & Others (CPO 115), Donal Murphy (CPO 127), Noel Glynn (CPO 109), John & Elizabeth Wall (CPO 110), John and Heather Shirley (CPO 122, 135 and 138).

17.3. **Submission by Mr Nigel Glynn (CPO 109)**

- Representing Albert, Alan, & Estate of David Glynn, now Ann Glynn.
- Lands located at Graiguenaspiddoge, known locally as Glynn's Cross.
- The site includes a commercial garage with a dwelling to the front and also a separate dwelling known as the old schoolhouse. Issue for Mr. Glynn is that there is one proposed new shared access road from the local road into the Glynn's lands which will serve the dwellings and commercial premises. Would like a separate entrance to the old schoolhouse dwelling off the piece of L3050 that is proposed to be made into a cul-de-sac, which will provide access for the adjoining landowner.
- Council responded to Mr Glynn stating that new access road will be provided with separate access points to the different properties within the site. A map was produced which indicated a separate access point to the Old School House and an access to the commercial parking area. Mr Grisby pointed out that if access was required for the commercial building, this can be facilitated from the access road which will be level with the forecourt of the garage premises and there would be no issue with a vehicle accessing from the access road across surface into the door in the garage at that location.

- Mr Glynn argues that access is indicated to two access points which are both yards, with no separate access to the old schoolhouse. Argues the access to the schoolhouse is actually the access into the yard for the garage. Mr Glynn does not consider it appropriate that the access point should service both the old schoolhouse and the garage premises.
- Mr Grisby clarified that an additional access point could be provided within the retained lands at the end of the new proposed access road in the accommodation works agreements at compensation stage.
- Mr Grisby also confirmed that the proposed new access road will belong to Glynn's in retained lands.
- Mr Grisby confirmed that access to the adjacent property to the south belonging to The Walls could be facilitated off the N80 because the access location is to the south of the proposed right turn lane for the local road junction heading to the east of the N80, however, providing a separate access off the N80 to the old schoolhouse property to the north of Mr Walls could not be facilitated because the extents of the right ghost right turn lane for that junction to the northeast east extends along the full front of the property and only terminates just south of the Glynn property and hence the rationale why access could not be facilitated for the house onto the N80. Mr Glynn asked for an access off the L3050. Mr Grisby confirmed that this would not be possible because a private access road was being provided for Mr Wall to access his property and the public right of way was being extinguished on the roadway.
- Mr Flanagan noted that access is physically being provided to the old schoolhouse and that it would be up to the Glynn's to provide appropriate access or a wayleave to the old schoolhouse for the purchaser in the event that they sell the house. Mr Flanagan noted that internal access arrangements are either a matter for compensation, if Mr Glynn considers the schoolhouse devalued or requires an internal driveway. This would be a matter for the arbitrator. Mr Flanagan understands the wall in front of the old schoolhouse is on the architectural register and therefore it can't be interfered with.
- Mr Glynn was concerned about the width of the proposed road from the front of garage doors out to the proposed new boundary, with 28ft proposed.

Concerned these dimensions won't work for trucks/buses and that it will close off the premises. Mr Glynn considers that at least another 15 – 20 ft. is required. Mr Glynn asked if the road could be aligned slightly to the left to give more access to the front doors. Mr Flanagan responded that this would be a matter that would be discussed in the accommodation works in negotiations between the Council and the landowner in the event of the CPO being confirmed. Mr. Flanagan noted that if Mr Glynn was not satisfied with the access arrangements or impact on business, this would be a matter for compensation and arbitration.

- Council responded that the Roadplan, Swept Path Map included with the Councils response indicates adequate swept paths for buses accessing the premises.

17.4. Submission on behalf of Mr Donal Murphy (CPO 127)

- Submission made by Mr. Seamus MacGearailt on behalf of Mr Donal Murphy raising two main issues.
- As a point, Mr MacGearailt noted that the totally online forum of the Oral Hearing was very difficult for some people who do not have the necessary technology. Suggested that it should be hybrid.
- Mr MacGearailt states that he has 40 years' experience in Road Design and Roads Engineering.
- The first issue is that Mr Murphy would like the existing field entrance gate opposite his house to be turned into a small pedestrian gate to his field to allow him to access to his field and dog pens. This would be for pedestrian access only and would not be used as a drop off.
- The second issue is the proposed access to the main dwelling house. House 200 years old, with well-presented entrance to it from the N80. Family own the house for 72 years and has never been an accident. House and current access has cultural heritage, and access cannot be replaced without taking from its character.
- Council proposes to close off the access onto the N80 and instead the main entrance to the house will be through the existing farmyard entrance to the rear

of the house. Mr MacGearailt considers there are major safety issues with the dual use of the farmyard and the house. Also, insurance could be impacted by the proposals.

- In terms of Roads Engineering, in opposition to Mr. Frisby's opinion, Mr MacGearailt considers there is very good visibility coming out onto the N80 from the existing house access, gradients are also good, and he states there never has been any traffic incidents. Current front boundary wall to the right is 0.8m high and doesn't interfere with visibility. Can see for hundreds of metres. It's a safe entrance and he considers it's a problem that doesn't need fixing, that there is nothing wrong with the existing access to the house.
- Mr MacGearailt considers the proposed alternative access through a working active farmyard/farm gate is unsafe and inappropriate. Farm machinery and livestock is located in the farmyard. Currently, the farmyard is separated from the house by an internal gate.
- Mr MacGearailt notes that TII policy is to reduce access onto and existing road where a suitable alternative can be provided. He considers the alternative combined access is not suitable, being unsafe through an active farmyard and limits the ability to sell the property in the future.
- Mr MacGearailt notes that 22 no. other direct entrances to the N80 will be retained as part of the scheme, including 11 no. direct accesses to other dwellings.
- Mr MacGearailt requesting that Plot 1271.201 which is the bellmouth into the gate is excluded from the CPO and allow the continued access onto the N80 and to allow a pedestrian access into the field opposite the house across the N80.
- Mr Murphy confirmed that there has never been an accident on the N80 in relation to the current access. Mr Murphy also raised his serious concerns regarding health and safety for the combined use of the farmyard for both the farm and the house.
- Mr Frisby responded to the issues raised by reiterating that in his opinion the proposed option off the L7148 would be the best solution and the safest option

for the N80 users and for Mr Murphy. He noted that this would not be the only location where a farmyard was used for access to both the farm and the dwelling house. Mr Frisby stated that Mr Murphy would not need to access through his farmyard to get to his property. He could access the front of the house off the new access road which would be closed. Mr Frisby stated that Mr Murphys is not the only dwelling access that is being closed onto the N80. Mr. MacGearailt pointed out that cars would be parked on the road rather than in a courtyard.

- Mr Flanagan said the change in access arrangements, operation of the farm and dwelling are disturbance issues which will come before the arbitrator. The landowners can make a claim to reconfigure their retained lands to best compliment both the farm operation and the dwelling.
- Balance to be struck between tidying up exercise of two staggered local roads onto the N80 and TII standards. Reorganising for safety reasons with 2 accesses onto current N80 which are being reconfigured.
- Council afraid if pedestrian gate was enabled, concern there would be parking on the hard shoulder on N80. Mr Flanagan pointed out that a pedestrian gate is not proposed as part of the works under the CPO and hence, there is no jurisdiction for the Coimisiún to direct works to be done in confirming the CPO.

17.5. Submission on behalf of Mr Derek Nolan (CPO 112, 113, 139)

- Derek Nolan made submission to Oral Hearing representing Tom Nolan, Deirdre Nolan, David Nolan, Derek Nolan Thomas Nolan and Mary Nolan (CPO 113, CPO 139 & OC 112)
- Thomas Nolan, Tom Nolan and Mary Nolan present with Derek Nolan.
- Mr Nolan acknowledged requirement for the road but has concerns about impact on environment and impact on property, specifically in relation to impact on views and property values. Also, would like to be consulted on proposed planting and fencing and requests native planting.
- Issued drawing with submission which Mr Nolan pointed out that Carlow Co Co had addressed some of the issues.

- Item No. 4 of their submission – road completely removed and included into Nolans ownership. Mr Frisby on behalf of Carlow Co Co confirmed this was the case.
- Mr Nolan concerned about areas of land in front of houses which are going to be left idle – want those areas protected and no ability to fly tip. Mr Frisby noted that Carlow Co Co may consider handing the lands over to the Nolans in due course for maintenance. Mr Frisby noted that this would be a conversation at compensation stage.
- Current elevated views from houses and concerned about what works and landscaping is proposed to the front of property. In relation to the agricultural field opposite their property, gateway into the field is proposed in front of their house entrance. Nolans would like more detail on the proposed plans for the gate and field.
- Mr Frisby noted that environmental mitigation was proposed to one side of the Nolan property entrance. In relation to the proposed access gate opposite the house, it has been designed in accordance with TII standards and considered the most appropriate point for access to the field.
- Mr Nolan would like consultation in relation to planting in front of their property in order to maintain the value on their houses. Mr Flanagan on behalf of the Council stated that it would be part of the negotiation phase to engage with landowners in relation these matters.

17.6. Submission on behalf of Matthew Kennedy and Others

- Ger Broderick on behalf of local residents who live on Local Road L30504 which is a right turn off the N80 between Carlow and Ballon.
- Requesting ghost island turning lanes from N80 to the L30504 as part of N80 Leagh Bends Scheme on safety grounds.
- Safety issues are based on local knowledge, real experiences and the many near misses that locals and visitors have had using the current junction.
- Discussed TII publication DN-GEO-03060 - Geometric Design of Junctions in relation to limitations of priority junctions and ghost island right turning lanes.

However, RSA rulebook counters this on page 57, which states that you must not overtake when approaching a junction.

- Discussed Junction Type Selection Report prepared by the Council which considered the safety, operation and performance of the junction, which concluded that a turning lane was not warranted as the traffic volumes did not meet the requirements for a right turn lane. Residents have asked for a copy of the report, but state they have not received it.
- L30504 local road has 16 residences and 2 commercial business, currently 44 cars accessing this road daily and a dairy operation on the road. Mr Broderick of the opinion that traffic volumes have increased significantly since Junction Report was written.
- Mr Broderick noted that there was a recent social media post featured a plan to convert Kyle Park Estate, a period residence, into a technology hub for the southeast. This is located on the L30504. If this project comes to fruition, it would be better to upgrade the junction now.
- Referred to recent report on TII website detailing traffic on N80, between Ballon and Kildavin, Co. Carlow c. 10 - 15km away. The report entitled 'The Daily Volume Report', NRA 20802, taken between 11th – 15th August 2025. Report shows average daily traffic flows of 10,536 vehicles, of which just under 9,000 are in the period from 7am to 7pm – c. 750 cars per hour. Given location of survey and the fact that it didn't include school traffic, suggested that traffic volumes are higher closer to the M9 at Carlow. In any event, huge traffic volumes.
- Discussed proposed road plan for the junction in the N80 Leagh Bends Scheme. Plan includes broken white line through the L30504 junction. Believe this will encourage faster driver behaviour and more dangerous overtaking opportunities at this point. This is the first opportunity for cars to overtake on a straight piece of road after you exit the M9 at Junction 5 southbound. Current road markings are a continuous white line at the same point, which discourages overtaking. Current junction is dangerous with continuous white line. Concerned broken white line will be even more dangerous. Mr Frisby responded on behalf of the Council that the centre line markings have been

designed in accordance with Chapter 7 of the traffic design manual. Sufficient visibility is available at this location to warrant the provision of a broken line.

- Council discussed 80kph speed limits in the future. Residents want them now as part of the N80 Leagh Bends Scheme.
- Video was displayed by Mr. Broderick demonstrating volume of traffic turning onto L30504. Mr Frisby responded to the various images shown by Mr Broderick in relation to the reasoning for various examples of other right turn lanes and noted that none of the situations were comparable to the current situation for the proposals at the L30504.
- Want to be included in the improvements and feel strongly that turning lanes are required for safety reasons.
- Mr Flanagan confirmed with Mr. Broderick that CPO Plot 115 is not related to the submission made and that there is no objection to the acquisition.
- Mr Frisby on behalf of the Council responded in relation to the Junction Report that the junction did not meet the traffic volumes for ghost island right turn lane and was not warranted at this location. The traffic volumes did not meet the requirement for a right turn lane, nor did the junction have a high collision record from the available information. The assessment indicated that the situation in terms of safety would not be greatly changed by the provision of a ghost island right turn lane at this junction. Explained that unwarranted ghost island right turn can lead to increased risk of accidents elsewhere on the mainline from dangerous manoeuvres due to driver frustration because of reduced overtaking opportunities at this location.
- Traffic counts were undertaken in 2018 and 2022 and collision data noted one collision over a 12-year period.
- Mr Flanagan noted that this submission was a consent issue under the 177AE application and that there was no objection to the CPO.

17.7. Submission on behalf of The Shirleys (CPO 122, 135 and 138 & OC 122)

- Submission made by Mr. Seamus MacGearailt on behalf of Mr John and Heather Shirley, who attended the meeting online with him.

- Mr MacGearailt considers the Shirleys are the most affected landowner. Welcome the scheme but there are a number of aspects of detail they would like adjusted. Considers there's an opportunity to improve situation.
- 2 no. key issues include boundary treatment, asking that proper and appropriate boundaries are provided to protect the 2 no. dwellings houses from the road and farm severance.
- **House 1** – Screening for House No. 1, which is currently screened very well from the road, so has a lot of privacy. Proposed scheme – hedge will be removed and 1.2m wall is proposed in the ditch, making the house completely visible, privacy and security will be gone and increase in traffic and noise. Proposed wall will be inadequate in height and location to provide any privacy. Appropriate screening wall needs to be provided. Proposed wall needs to be of sufficient height to provide a replacement for the existing screening at the back of the verge at the top of the embankment, not at the toe of the embankment. Council notes that a boundary needs to be provided along the property ownership boundary. In this case, a screen wall needs to be provided, even if it is a wall that remains in Council ownership. The secondary lesser boundary can be provided to divide the boundary at the foot of the embankment and that may comprise a fence. Access (if required) to the embankment can be made available to the local authority. No technicality preventing appropriate screening being provided to the house. Very significant issue for the Shirleys. New hedge will take at least 10 years to grow in. Decade of exposure to the N80 which is not considered appropriate.
- Mr MacGearailt made a request for a condition for a 2.5m block wall be provided at the back of the verge to protect the house.
- **House 2** - Invisible from the road, with a big hedge and gate. In relation to boundary treatment, Council proposing a farm fence and hedging. Asking why this house is being treated differently than House No. 1. Requesting a 2.5m block boundary wall along the boundary line. Ground levels are amenable to the provision of the wall on the property line. Would be effective in terms of screening.

- Mr MacGearailt noted that conclusions in written summary submitted for Oral Hearing include details on solid gates etc.
- Mr Frisby noted that a native hedge is proposed along the boundaries which can be grown and maintained at a height of 2.5m or higher above the adjacent road level as required by the landowners to improve privacy in both properties. This replaces the existing hedgerows along the front of the property on a like for like basis. In the interim, a high timber panel fence could be erected on the retained land on the side of the boundary wall until such time as the hedge is fully established. Discussions will also be held during the compensation process in relation to the agreement of accommodation works.
- Mr MacGearailt has concern about the durability of a timber fence for 10 years and noted that the Shirleys preference was for a wall as per the detail that was provided.
- **Access Driveway to House No. 2** – Requesting that driveway be relocated a bit further north. Should make no difference to the scheme. Would provide greater safety for the occupants of the dwelling. Mr Frisby reiterated that the access had to be retained at the current location and extended to meet the new road alignment at 90 degrees. This option minimises the impact on the existing landholdings at this location. Mr MacGearailt noted that the Shirleys are prepared to accept the additional impact for preferred location and hope that this detail can be agreed and that it is not material to the road scheme.
- **Severance** - Traffic travels at 70km – 75km per hour at this point in the road. Road will be made safer and wider with the scheme and severance will be made worse due to speed of traffic following road works.
- Mr MacGearailt – gave an example of project he worked on in Kerry on the N21, at Henrys Bridge, where a tunnel was provided to overcome farm severance to enable cattle to pass under the road, with a very minor additional cost. Shirleys requesting a tunnel to overcome the severance they are/will continue to suffer. Terrain is suitable for a tunnel and drainage can be achieved using the fall in the land. Tunnel only needs to be 3m wide and 14m long – cost will be modest. Opportunity that should not be missed.

- Mr Frisby noted that an assessment was carried out which concluded that an underpass was not considered to be warranted because it is not necessary for the operations of the farm. Severance is not significantly increased by the scheme. For pedestrians, visibility splays for pedestrians crossing at that location will be improved by the scheme giving them great visibility of traffic approaching.
- **Disturbance** – Request that Council facilitate The Shirleys with the design of the new farmyard and new planning application for a new farmyard. Temporary arrangements – would like firmer assurances regarding timeline of disturbance. Suggestions for conditions for duration of works.
- **Scope of CPO** - Mr Flanagan and Mr MacGearailt discussed what amendments are required to the works as part of the CPO. Shirleys oppose CPO if works cannot be accommodated. Mr Flanagan notes that ACP can make amendments on the CPO land in the 177AE application for the works.

17.8. **Hearing Closed at 1.34pm**