



An
Bord
Pleanála

Inspector's Report

ABP-322737-25

Development

Cork County Council – Pedestrian and Cycle Route from Bury's Bridge Kilcoolishal to Carrigtwohill via Glounthaune, Compulsory Purchase Order 2025

Location

Within the townlands of Kilcoolishal, Carrigtwohill and Glounthanune, Co. Cork

Planning Authority

Cork County Council

Applicant(s)

Cork County Council

Type of Application

Compulsory Purchase Order

Objector(s)

Shane Cotter

Date of Site Inspection

3rd September 2025

Inspector

Matthew McRedmond

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1.0 Introduction

- 1.1. This case relates to a request by Cork County Council for the consent of An Bord Pleanála to the compulsory acquisition of the subject site at Kilcoolishal, Carrigtwohill, Glounthaune, County Cork in accordance with the provisions of Section 214 of the Planning and Development Act 2000, as amended.

2.0 Site Location and Description

- 2.1. The subject site for Compulsory Acquisition is located at Kilcoolishal, Carrigtwohill, Glounthaune, County Cork. The Compulsory Acquisition Order (CPO) relates to the development of a pedestrian and cycle route from Bury's Bridge, Kilcoolishal to Carrigtwohill via Glounthaune. The two portions of land, P01 and P02, are accessed from the L3004 road (former N25) and are located along the west side of the Killahoura Road. The CPO is for additional areas of land associated with the primary CPO for the proposed pedestrian and cycle route as approved under Ref. ABP.CH04.310856.

3.0 Application for Consent for Acquisition

- 3.1. The CPO relates to the compulsory purchase of two portions of land at the west side of Killahoura Road, Carrigtwohill, County Cork. The order was made pursuant to section 76 of the Housing Act, 1966 and the Third Schedule thereto (as amended by a number of Acts including the Planning and Development Act, 2000, as amended).

The application is accompanied by the following documents:

- Cover Letter dated 5th June 2025 outlining contents of application.
- Signed and sealed Compulsory Purchase Order comprising Maps and Schedules.
- Chief Executive Orders 104/2025 105/2025 of the making of the CPO, dated 28th March 2025.
- Reports of the appropriate Planning Authority officers:

- Senior Executive Engineer.
- Senior Planner
- Newspaper Notice – Irish Examiner, dated 02nd May 2025
- Copy of certificates as to services of notices to landowners.

4.0 **Objections**

4.1. **Objector's Submission**

4.1.1. There was 1no. objections submitted to An Bord Pleanala in response to the notification of the proposed CPO. The main points of the objections received may be summarised as follows:

- Cork County Council has already confirmed sufficient land has been acquired for the purposes of the proposed pedestrian/cycle route from Bury's Bridge Kilcoolishal to Carrigtwohill via Glounthaune.
- The Part 8 application as prepared by Cork CC for the cycle and pedestrian route did not consider the lands the subject of the currently proposed CPO.
- An Environmental Impact Assessment has not been conducted in relation to the proposed CPO.
- An appropriate assessment has not been undertaken by Cork CC in relation to the 2021 CPO for the pedestrian/cycle route of the subject CPO.
- An assessment of impact for the purposes of the Water Framework Directive for the Part 8 application for the said pedestrian/cycle route, has not been conducted.
- The Planning Authority erred in their conclusion that the current CPO does not impact the land used in the zoning of plot P01.
- Cork CC have failed to carry out a flood risk assessment in respect of the lands to be acquired under the subject CPO.
- The CPO was not approved by the elected members of Cork County Council.

5.0 Response from Cork City Council

- 5.1. No additional comments received from Cork City Council in relation to the objection received.

6.0 Planning History

- 6.1.1. **Cork County Council Reg. Ref. 224478** – Permission granted for an upgraded entrance to industrial zoned lands to include road paving, road marking, footpaths and crossing points/dropped kerbs. The entrance is currently used for agricultural purposes.
- 6.1.2. **ABP Ref. CH04.310856** - Cork County Council Compulsory Purchase Order 2021 for proposal for Pedestrian and Cycle Route from Bury's Bridge Kilcoolishal to Carrigtwohill via Glounthaune. The subject proposal for additional land to be subject to CPO is associated with this pedestrian/cycle route, which was also the subject of a separate Part 8 approval process.

7.0 Statutory and Policy Context

7.1. Planning and Development Act 2000 (as amended)

- 7.1.1. Section 213 of the Planning and Development Act, as amended is noted, in particular Part (2):

(a) A local authority may, for the purposes of performing any of its functions (whether conferred by or under this Act, or any other enactment passed before or after the passing of this Act), including giving effect to or facilitating the implementation of its development plan or its housing strategy under section 94 do all or any of the following:

(i) acquire land, permanently or temporarily, by agreement or compulsorily,

(ii) acquire, permanently or temporarily, by agreement or compulsorily, any easement, way-leave, water-right or other right over or in respect of any land or water or any substratum of land,

(iii) restrict or otherwise interfere with, permanently or temporarily, by agreement or compulsorily, any easement, way-leave, water-right or other right over or in respect of any land or water or any substratum of land,

and the performance of all or any of the functions referred to in subparagraphs (i), (ii) and (iii) are referred to in this Act as an “acquisition of land”.

(b) A reference in paragraph (a) to acquisition by agreement shall include acquisition by way of purchase, lease, exchange or otherwise.

(c) The functions conferred on a local authority by paragraph (a) may be performed in relation to—

(i) land, or

(ii) any easement, way-leave, water-right or other right to which that paragraph applies,

whether situated or exercisable, as the case may be, inside or outside the functional area of the local authority concerned.”

7.1.2. Part (4) of this section is also relevant:

“A local authority may be authorised by compulsory purchase order to acquire land for any of the purposes referred to in subsection (2) of this section and section 10 (as amended by section 86 of the Housing Act, 1966) of the Local Government (No. 2) Act, 1960, shall be construed so as to apply accordingly and the reference to “purposes” in section 10(1)(a) of that Act shall be construed as including purposes referred to in subsection (2) of this section.”

7.2. National and Regional Policy

7.2.1. The NPF is the Government’s high-level strategic plan for shaping the future growth and development of the country to the year 2040. The NPF has been developed to guide public and private investment, to create and promote opportunities for people across the country, and to protect and enhance the environment - from villages to cities. As stated in the NPF, it is important that communities are designed to encourage active travel which supports improved public health, creating a variety of economic and social benefits.

7.2.2. The NPF contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 6 - Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
- NPO 22 - Facilitate tourism development and, in particular, a National Greenways, Blueways and Peatways Strategy, which prioritises projects on the basis of achieving maximum impact and connectivity at national and regional level.
- NPO 27 - Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

7.2.3. The Regional Spatial and Economic Strategy for the Southern Region, 2020-2032 is relevant in terms of the aim to strengthen the role of the Cork Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region. This is supported by national policy documents such as the National Development Plan which provides significant funding for active travel measures, Smarter Travel that acknowledges the wide ranging benefits of cycling to the economy and particularly tourism, and the National Cycle Policy Framework.

7.3. Cork County Development Plan 2022-2028

7.3.1. The Cork County Development Plan 2022-2028 is the operative development plan for the area. Relevant policies include the following:

- 7.3.2. **Zoning:** Site P01 is zoned CT-I-01 – Industrial has an objective to be used as the primary location for industrial/manufacturing, warehousing and distribution uses. Site P02 is not zoned and is designated as Flood zone A in the CDP.
- 7.3.3. **Objective EC 8-5 – Connectivity:** Prioritise infrastructure delivery across the County to enhance connectivity (multi-modal transport and digital) with the wider southern region as supported in Chapter 12 Transport and Mobility and Chapter 13 Energy and Telecommunications.
- 7.3.4. **Objective TO 10-8 – Walking/Cycling and Greenway:** Promote the development of greenways, walking and cycling routes throughout the County as an activity for both international visitors and local tourists in a manner that is compatible with nature conservation and other environmental policies.
- 7.3.5. **Objective TM 12-1 – Integration of Land Use and Transport:** Support and facilitate the integration of land use with transportation infrastructure, through the development of diverse, sustainable, compact settlements, to achieve sustainable transport outcomes, with the pattern, location and design of new development in the County to support existing and planned well-functioning, integrated public transport, walking and cycling transport modes.
- Residential development will, where possible, be carried out sequentially, whereby lands which are within or contiguous with the existing urban areas, and which are, or will be, most accessible by walking, cycling or public transport - including infill and brownfield sites – are prioritised.
 - Future developments will be planned and designed to maximise their accessibility by public transport, walking and cycling and in particular, larger scale, trip intensive developments, such as offices and retail, will generally be focused into central locations highly accessible by sustainable transport modes;
 - New employment and residential development will be consolidated and intensified in a manner which renders it serviceable by public transport and ensures that it is highly accessible, by walking, cycling and public transport. Within Metropolitan Cork, trip intensive developments or significant levels of development will occur in locations which are well served by existing or proposed high capacity public transport;

- The integration of land use and transport is fundamental to delivering the Avoid-Shift-Improve approach to reduce both the need to travel, and promote the use of sustainable travel modes particularly walking and cycling (consistent with policy objectives in the Climate Action Plan) (12.5);
- The integration of land use and transport planning, particularly sustainable modes of walking and cycling is integral to realising the 10-minute town concept whereby a large proportion of the population may choose to walk to access many of their everyday needs within a safe, attractive and convenient 10-minute walk from their home. The preparation of Local Transport Plans will include a detailed analysis of permeability to facilitate the delivery of the 10-minute town concept optimising the potential for climate change mitigation and adaptation, providing protection for biodiversity and enhancing public realm.

7.3.6. Objective TM 12-2-1 – Active Travel: Deliver a high level of priority and permeability for walking and cycling to promote accessible, attractive, liveable, vibrant and safe settlements to work, live, shop and engage in community life, within a ten-minute walk of one's home. Prioritise development in our settlements that is well located and designed to facilitate walking, cycling and public transport trips. Promote equal access for all through the adherence to universal design in the external built environment to facilitate greater use of public transport, walking and cycling.

- New development areas will be permeable for walking and cycling, via safe, convenient and enjoyable routes, and the retrospective implementation of walking and cycling facilities shall be undertaken where practicable in existing neighbourhoods, to give competitive advantage to these modes.
- Walkability and accessibility by walking mode will be a central objective in the planning and design of all new transport infrastructure and public transport services.
- Support delivery of cycle routes, Greenway and Blueway corridor projects subject to appropriate site selection and environmental assessment processes

- Support the development of a safe, coherent and continuous cycling infrastructure to cater for the needs of all groups of cyclists, especially new cyclists, school children and the elderly and support safe walking and cycle routes particularly in the approach to schools.
- Engage with other agencies to explore the potential for the designation of cycling corridors, such as grey lanes, on particular routes within the existing road network
- Promote sustainable pedestrian and cyclist greenway initiatives, maximising the potential for inter connections between greenways, and connections from residential and employment areas to greenways, subject to robust site selection processes and environmental assessment processes.
- Seek to improve connectivity within the County and region for walking routes and commuter cycling routes and recreational amenity functions.
- Deliver Inter-Urban Cycle Route IU-1 (CMATS), high-quality pedestrian cycle connectivity between Dunkettle and Midleton, ultimately connecting to the Midleton-Youghal Greenway (TM12-2-4)

7.4. Section 76 of Housing Act 1966 (as amended)

7.4.1. Section 76 sets out the procedure for compulsory acquisition of land:

“A housing authority acquiring land compulsorily for the purposes of this Act may be authorised to do so by means of a compulsory purchase order made by the authority and submitted to and confirmed by the Minister in accordance with the provisions contained in the Third Schedule to this Act.”

8.0 Assessment

8.1. Overview

8.1.1. For the Board to confirm the subject CPO, it must be satisfied that Cork Council has demonstrated that the CPO “is clearly justified by the common good”¹ . Legal

¹ Para. [52] of judgement of Geogheghan J in Clinton v An Bord Pleanála (N0. 2) [2007] 4 IR 701

commentators² have stated that this phrase requires the following minimum criteria to be satisfied:

- There is a community need that is to be met by the acquisition of the site 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 (taking into account environmental effects, where appropriate), 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.

8.1.2. I will therefore address each of the four criteria outlined above in turn below, together with the issue of proportionality and other issues arising from the objection.

8.2. **Community Need**

8.2.1. The community need for the acquisition was set out by Cork County Council in the documentation submitted with the Compulsory Purchase Order (CPO).

8.2.2. Cork County Council have stated in the submitted documentation that due to a mapping error, insufficient land was subject to CPO for the Bury's Bridge Kilcoolishal to Carrigtwohill via Glounthaune pedestrian cycle route (ABP Ref. CH.04.310856). The Planning Authority considers the acquisition of the two additional parcels of land, P01 and P02, will allow the pedestrian/cycle route to be adequately completed.

8.2.3. The local authority has stated that once acquired, the land take will form part of the pedestrian/cycleway from Bury's Bridge to Carrigtwohill's Station Road and will significantly improve access to local bus services and to Glounthaune and Carrigtwohill train stations.

8.2.4. The requirement for land parcel P01 is set out by the Planning Authority as a requirement to correct a mapping error, where insufficient land was identified for the original CPO. This land area falls short by approximately 2m to allow connection to the public road. A strip of land, which is primarily within the public road is proposed

² Pg. 127 of Compulsory Purchase and Compensation in Ireland: Law and Practice, Second Edition, by James Macken, Eamon Galligan, and Michael McGrath and published by Bloomsbury Professional (West Sussex and Dublin, 2013)

for acquisition. On my visit to the site the subject land (P01) can be identified by the public road and hedgerow. An existing agricultural access is located approximately 45m to the north, which I note is subject to a separate permission for an upgraded access to industrially zoned land (Ref. 22/4478). While I consider the subject land parcel to be connected to the existing landholding of the existing agricultural access, there is adequate separation distance involved to avoid any undue interference between both. I further note the Manager's Report on the Part 8 proposal for the cycle route³, particularly point 6 under Section 5.5 of that report that states to improve connectivity from the path to the IDA lands in Carrigtwohill the path will be extended from chainage 498 on drawing SK-1111 of the Part 8 scheme, eastwards into the IDA lands. I consider the purpose of the proposed land take at parcel P01 to be therefore justified and appropriate.

- 8.2.5. In relation to land parcel P02, the Planning Authority submit that this area of land is zoned CT-B-07. The Planning Authority Report goes on to say the land parcel is for temporary acquisition, and is unzoned, Metropolitan Greenbelt, as per the County Development Plan. One of these statements appears to be erroneous. The land parcel is located on the west side of the Killahora Road and is therefore not within an area of land that is zoned for development, as set out earlier in my report. The requirement for this land is set out by the Planning Authority as being related to safety requirements of turning HGV. The CPO notices make no reference to temporary acquisition so the relevance of this reference by the Planning Authority in their report on the proposal, is unclear. I consider the proposed CPO to be permanent, based on the statutory notices.
- 8.2.6. On my visit to the site there was an agricultural entrance at the northwest corner of Killahora Road and the L3004 junction, that falls within parcel P02. Based on the original scheme drawings for the Part 8 proposal, alternative access to these agricultural lands will be required for the landowner and are provided for under point 7 of Section 5.5 of the Manager's Report on the proposed Part 8 for the proposed cycle/pedestrian path that states "Chainage 5350-5950 will include agricultural gates, appropriate land take and installation of fencing". I note the scheme layout as per

³ Part 8 drawings and Planning Authority Reports included within file

drawing SK-1112 of the cycle/pedestrian route part 8 and the requirement for additional land at Killacloyne crossroads is therefore justified and appropriate.

- 8.2.7. Having reviewed the information submitted, I am satisfied that there is a need for the local authority to acquire sufficient land to implement the full extent of the Bury's Bridge to Carrigtwohill pedestrian/cycleway. The proposal supports a number of objectives (Objective EC 8-5, TO 10-8, TMO-12-1) in relation to connectivity and active travel and the proposed land take tallies with the Part 8 Scheme drawings and details as specified. I am therefore satisfied that Cork County Council have demonstrated a clear and pressing community need that would be met by the project and would be facilitated by the acquisition of rights over the lands in question, should the Board consider it appropriate to confirm the CPO.

8.3. Suitability of Lands

- 8.3.1. The subject lands are located on lands that are zoned Industrial, and not zoned, and are both in agricultural use, outside of the areas that include the public road. I have already noted the physical attributes of the two land parcels in relation to existing accesses.
- 8.3.2. I note the provisions of Objective EC 8-5 and TO 10-8 that promote connectivity and walking/cycling and greenway projects and TM 12-2-1 that specifically identifies Inter Urban Cycle Route IU-1 to provide high quality pedestrian/cycle connectivity between Dunkettle and Midleton. The subject lands are identified to complete the necessary connections to the public road (P01) and safe turning movements (P02) in relation to the identified cycle/pedestrian route. I would concur that, overall, the loss of these portions of land are not considered to be essential for the land use zoning in the area which includes unzoned land (agriculture) and industrial zoned land, which is currently in agricultural use. I consider the permission for an upgraded entrance to the industrial zoned land to be a further mitigating factor in the overall impact of the CPO of land parcel P01 in that future access is facilitated and will not be impacted by the proposed CPO.
- 8.3.3. The objectors raise issue with the CPO of land parcel P01 on the grounds of adverse impact on the land use zoning of the site. Whilst Council did not provide reference to the permitted entrance upgrade, plans for the entrance under Reg. Ref. 22/4478 illustrate the incorporation of the greenway path into the layout of the new entrance.

In this regard, I do not consider the proposed CPO to impact on the land use zoning or existing permission.

- 8.3.4. The proposed greenway route is intended to encourage more people to walk and cycle and undertake more trips for recreational, amenity and/or travel to work purposes.
- 8.3.5. The Council has confirmed that it is proposed to permanently acquire the land to accommodate the completion of this section of the Bury's Bridge to Carrigtwohill Greenway corridor to facilitate construction works.
- 8.3.6. They have also outlined that due to mapping error, additional lands are now required. The CPO process was, therefore, progressed in order to facilitate the completion of these specific sections of the Greenway. Accordingly, Cork County Council (CCC) submit that there is a compelling argument, which is in the public interest for exercising compulsory purchase powers in this instance. CCC state that the impacts on all landowners are proportionate to the public need, in that, despite submitting the same argument with the original CPO, no more land than is necessary to complete the Greenway Project for which approval has been previously attained will be acquired under this CPO.
- 8.3.7. I note that the extent of the land that would be acquired under the CPO is determined by the specifications of the proposed greenway layout design, and it's associated construction works as set out in the Part 8 scheme drawings. I am satisfied that the land proposed to be acquired by the Council is required to accommodate the completion of these sections of the pedestrian and cycle route from Bury's Bridge Kilcoolishal to Carrigtwohill and that the amount of land take proposed is necessary and proportionate to ensure the delivery of this section of the scheme and to allow it to meet the necessary design standards. I am also satisfied that the lands, which currently accommodate mainly agricultural and open fields are suitable for the construction and operation of the greenway for cyclist and pedestrian use.
- 8.3.8. Parcel P01 is required to connect to the pedestrian/cycle path to the public road. Parcel P02 is required to enhance road safety, although the specifics of what would actually be constructed, have not been provided. Additional land is specified for HGV movements, and I consider this acceptable at the junction of Killahora Road and the

L-3004. I consider that these would be to the benefit of the delivery of the pedestrian/cycle path and improved traffic and road safety in the area generally.

- 8.3.9. In summary, and having regard to the above, I am satisfied that the lands identified in the CPO are required for the completion of this section of the cycle/pedestrian route and meet the criteria in relation to suitability of the lands.

8.4. Compliance with Development Plan

- 8.4.1. The two land parcels are P01 and P02 are zoned for industrial use and unzoned, and are both in agricultural use currently. As the use to be facilitated will incorporate a pedestrian and cycle path, I consider it to be open for consideration under the land use zoning objectives of the plan.
- 8.4.2. The repurposing of a portion of the property for connectivity use would comply with Objective TM 12-2-1 of the Cork County Development Plan 2022-2028 as it would provide for active travel modes while connecting with employment areas of Carrigtwohill. The use of the land for the purposes of the pedestrian and cycle route would also comply with Objectives TM 12-1, TO 10-8 and EC 8-5 of the Cork County Development Plan 2022-2028 as it would address requirements for connectivity, provision of pedestrian and cycle routes and integration with other land uses.
- 8.4.3. The National Planning Framework (NPF) includes a policy objective (NPO 22) which states that it is an objective to facilitate tourism development and in particular a 'National Greenways, Blueways and Peatways Strategy', which prioritises maximum impact and connectivity at national and regional level. These dedicated cycleway/pedestrian paths meet a community need generated by both locally based commuters, and the tourism industry, by the provision of off-road, segregated and safe cycling and walking facilities.
- 8.4.4. Having regard to all of the above, I am satisfied that that the proposed development is substantially in compliance with Development Plan policies and objectives.

8.5. Alternatives Considered

- 8.5.1. In relation to this proposal to include additional land that was unintentionally excluded in the original CPO process due a mapping error, no alternative options were considered.

8.5.2. Alternative measures of meeting the community need are constrained by the availability and location of suitable lands. The Council are seeking to enable the completion of the proposed pedestrian/cycle route, which can only be achieved through the acquisition of the subject land. I am satisfied based on the nature of the development that the proposed lands are the only suitable and logical option available to the Council which would facilitate the proposed development as required.

8.6. Proportionality and Necessity of Level of Acquisition Proposed

- 8.6.1. The objectors case relates to the legality of the process adopted by the Planning Authority including that sufficient lands have already been acquired through the CPO process.
- 8.6.2. I consider that the scheme will benefit all users, including visitors and tourists, but also local people who choose to use the facility for exercise and as a means of active travel by walking or cycling along the existing and proposed route.
- 8.6.3. I acknowledge that the proposed scheme has the potential to have adverse impacts upon adjoining lands during both the operational and construction phases. Impacts experienced during the construction of the scheme would be temporary in nature. These would potentially be managed by implementing various mitigation measures, including, for example, alternative access and traffic management arrangements.
- 8.6.4. The proposed CPO would require the acquisition of lands that are used for not only agricultural purposes, but also for access purposes to agricultural lands.
- 8.6.5. I note any interference with private property rights must be supported by relevant legislation and that it must strike a balance between the interests of the local communities and the protection of landowners' rights. I consider that the greater public good would be achieved by allowing the completion of these anomalous omissions from sections of the permitted pedestrian/cycle route and that its benefit for the people of the area and community at large would outweigh the negatives caused by formally acquiring the third-party lands in order to implement the scheme.
- 8.6.6. The objector sets out that he had already ceded lands to Cork County Council for the completion of the Greenway and under this CPO a further portion of his lands, would be acquired that would have a future impact on the operation of his land for industrial

purposes. It is stated that a pedestrian/cycle crossing 30-40m south of the permitted access to an industrial site would have a disproportionate impact on the operation of this land use zoning. I acknowledge that the acquisition of his lands, the subject of the CPO, are necessary to complete these incomplete sections of the permitted route and that 'the land take is restricted to lands necessary for the construction and operation' of the approved Greenway route. Based on the original CPO, it was always the intention for the pedestrian/cycle route to cross Killahora Road at this point. I do not accept that this would have a disproportionate impact on a permitted access to the north.

8.6.7. I also consider that future accommodation works would be an appropriate mechanism by which to address these matters and that this would help ensure that any land affected by the CPO would not be landlocked or cut-off from its residual balance with no appropriate access. This point is particularly salient in relation to parcel P02 that is directly impacting an existing agricultural access. This could be achieved either by way of enhancing/preserving existing access points, or creating new access points, as appropriate, as part of more detailed discussions informing the future accommodation works agreement. I acknowledge that the standard approach is to construct and facilitate appropriate access arrangements, potentially in the form of gated access and egress points so that none of the retained lands belonging to landowners would be landlocked and as set out at Point 7 of Section 5.5 of the Manager's Report on the Part 8 proposal. I consider this approach to be reasonable, proportionate and appropriate.

8.6.8. In the light of the above assessment, I conclude that CCC has demonstrated that the CPO would be proportionate and necessary and meet all the relevant criteria for establishing that it would be clearly justified by the common good.

8.7. Other Issues as Raised by Objectors

8.7.1. The objector raised a number of issues in their submission. I provide a summary response to each below.

- Although the original CPO (Ref. ABP-310856-21) did not consider the lands in question as part of the original scheme, I accept that through detailed design and on-site construction some additional small parcels of land have been identified as necessary to complete the project. As set out, the project is for the common

good, is consistent with local and national policy and appropriate processes have been followed in relation to this additional CPO.

- An Environmental Impact Assessment (EIAR) and Appropriate Assessment (AA) were conducted in relation to the original Part 8 and EIA and AA are not required for land acquisition in itself. I do not consider the small-scale nature of the additional land required as part of the subject CPO would amend the findings of the original EIAR and AA as the full extent of proposed works remain unchanged, even though the land boundary and proposed acquisition is amended.
- An assessment of impact for the purposes of the Water Framework Directive is not necessary in and of itself for the purposes of a CPO. The overall impacts of the scheme were considered and approved under the Part 8 process for the proposed cycle route, and I do not consider the proposed additional lands for CPO would materially amend those conclusions.
- While the Planning Authority did not identify the existing permission for an upgraded access to the north of Parcel P01, the proposed CPO does not negatively impact on this permitted entrance and is therefore acceptable.
- An assessment of impact for the purposes of flooding is not necessary in and of itself for the purposes of a CPO. The proposed active travel use, and outdoor recreation facility is a water compatible use, of which the overall impacts of the scheme were considered and approved under the Part 8 process for the proposed pedestrian and cycle route. I do not consider the proposed additional lands for CPO would materially amend those conclusions.
- Having regard to the CPO not being approved by the elected members of Cork County Council, there is no requirement under statutory provisions of the Housing act 1966, as amended by the Planning and Development Act 2000, to necessitate approval by elected members.

Engagement in the process

- 8.7.2. The objector raised concerns and expressed dissatisfaction in relation to the level of engagement by the Council in relation to the process and the processes followed.

8.7.3. Whilst I acknowledge the objector's dissatisfaction with the process, I have reviewed the file in relation to the Council Statutory obligations in relation to engagement of landowners and note that the Council 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.

9.0 Conclusion

9.1. In conclusion, I am satisfied that the process and procedures undertaken by Cork County Council have been fair and reasonable, that Cork County Council has demonstrated a pressing community need that would be facilitated by the permanent acquisition of lands in respect of the lands identified in the schedule and drawings submitted to the Board, that said lands are both suitable and necessary to meet the community need and that the extent of acquisition is proportionate to the objective being pursued. I therefore consider that the proposed permanent acquisition of lands relating to the pedestrian and cycle route would be in the public interest and the common good and would be consistent with the relevant provisions of the Cork County Development Plan 2022-2028.

10.0 Recommendation

I recommend that the Board confirm the Compulsory Purchase Order submitted on the 6th June 2025, based on the reasons and considerations set out below.

11.0 Reasons and Considerations

11.1.1. Having considered the objections made to the Compulsory Purchase Order, and not withdrawn, the report and recommendation of the Inspector and having regard to the following:

(a) The community need, public interest served and overall benefits to be achieved from the proposed development.

(b) The chosen location of works which constitutes a design response that is proportionate to the identified need.

(c) The policies and objectives of the Cork County Development Plan 2022-2028.

(d) The submissions received.

It is considered that, the acquisition by Cork County Council of the lands in question, as set out in the order and on the deposited maps, are necessary for the purposes stated and the objections cannot be sustained having regard to the said necessity.

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.

Matthew McRedmond
Senior Planning Inspector

30th September 2025