



An
Coimisiún
Pleanála

Inspector's Report ABP-322956-25

Development	Construct a clear-span pedestrian bridge and associated development
Location	Fough West and Carrowmanagh townlands, Oughterard, County Galway
Local Authority	Galway County Council
Applicant(s)	Galway County Council
Type of Application	Compulsory Purchase Order
Objectors	Barry, Renee & Shannon Clifford Cathal Flynn Colm Ashford Jenny & Paul Byrne Jonathan O'Shaughnessy Laura Molina Marquez Leo Clabby & Edel Feeney Pearse Carney Raymond Ciborowski

Date of Site Inspection

31st July 2025

Inspector

Colm McLoughlin

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1.0 Introduction

- 1.1.** This case, as received from Galway County Council, requests consent from An Coimisiún Pleanála (ACP) for the compulsory acquisition of land at Fough West and Carrowmanagh townlands in the town of Oughterard, County Galway under the provisions of Section 214 of the Planning and Development Act 2000, as amended.

2.0 Site Location & Description

- 2.1.** The land subject of this request for compulsory acquisition generally comprises two parcels, including the side garden to a residence known as ‘The Old Barracks’, on Main Street, Oughterard, and part of the riverside amenity space within Carrowmanagh Park residential estate, off Carrowmanagh Road / Riverside on the northern side of Oughterard. The request for a Compulsory Purchase Order (CPO) is stated to be necessary in facilitating a project before the Commission (ACP reference 322952-25) to construct a footbridge over the Owenriff river linking Main Street with Carrowmanagh Road / Riverside.

3.0 Application for Consent for Acquisition

- 3.1.** Temporary acquisition is requested for two plots of land amounting to approximately 0.17ha on both sides of the Owenriff river to facilitate the footbridge enabling and installation works. Permanent acquisition of three plots of land totalling 0.12ha on both sides of the river is requested to facilitate the pedestrian infrastructure approaching the footbridge, as well as landscaping measures. Within Carrowmanagh Park the permanent acquisition of two plots of land amounting to approximately 0.12ha is required to provide for tree planting to compensate for the loss of trees being removed to facilitate the footbridge, as well as to provide a gate for Uisce Éireann and Local Authority personnel to access the riverside.
- 3.2.** The Local Authority’s CPO application was made pursuant to section 76 of the Housing Act, 1966 and the Third Schedule thereto, as amended. The application is accompanied by the following documents:
- cover letter dated the 4th day of July, 2025, detailing the contents of the application;

- newspaper notice (Irish Independent) and copy of site notice dated the 4th day of July, 2025, stating the intention to make the CPO;
- copies of notices dated the 19th day of June, 2025, stated to have been forwarded to the affected landowners, and referring to the intention to request CPO of the subject lands;
- signed, sealed and dated schedules dated the 19th day of June, 2025;
- a location map, a deposit map and land interest maps;
- schedule of receipts for the registered post that was stated to be served on the affected landowners.

4.0 Submissions

4.1. Objections

4.1.1. A total of nine submissions objecting to the CPO were received by the Commission within the statutory time limits. The submissions were received from residents with addresses at house numbers 1, 3, 6, 9, 11, 15, 16 and 18 Carrowmanagh Park, all of which front onto the estate riverside amenity space subject of the CPO application. The objections raise similar matters and can be collectively summarised as follows:

- there is no objection to the footbridge element of the associated project;
- the 40 trees to be planted in the green area to Carrowmanagh Park would be excessive and would result in the loss of open amenity space that is used as a play area by children;
- the tree planting would result in safety and visibility concerns for motorists using the estate access road;
- there is not a specific need to plant the trees as closely as possible to the trees to be felled;
- alternative, more suitable locations for the tree planting on the south side of the river and within Oughterard should be considered;
- some tree planting would be acceptable, but this should be closer to the riverside boundary wall, which is in poor condition and should be repaired;

- the planting of trees may further destabilise the riverside boundary wall;
- provision of a gate in the riverside boundary wall would allow school children to use this gate as a shortcut, which would encourage crossing of the estate access road to Carrowmanagh Park, at a point where there is no footpath at present and poor forward visibility;
- the provision of a gate would allow children to access the dangerous riverside area.

4.2. Response from the Applicant

4.2.1. The Local Authority's response to the objections received can be summarised as follows:

- 36 trees would be planted in Carrowmanagh Park, with 1,380sq.m of the immediate amenity area remaining open and an alternative amenity area available to the east of the tree planting area;
- a tree maintenance plan would be developed to continue to provide visibility through the planted trees;
- the proposed tree planting is a necessary mitigation measure arising from the associated application Ecological Impact Assessment and Natura Impact Statement (NIS), and in addressing legal requirements under the Habitats Directive (92/43/EEC) and compliance with natural heritage and biodiversity policy objectives of Galway County Development Plan 2022-2028;
- spacing of the proposed trees would not result in structural damage to the riverside boundary walls, roads or other structures;
- Local Authority lands on Station Road, Oughterard, were not considered suitable for tree planting, as they would not serve in conserving bat populations;
- use of the south riverbank for tree planting was discounted owing to the presence of Japanese Knotweed in part of this area, an invasive species that would take 3 to 4 years to eradicate;

- the access gate is strictly for use by Uisce Éireann or Local Authority staff, with mesh to be fitted to deter climbing of the gate.

5.0 Planning History

5.1.1. Other than the associated direct application for the footbridge (ACP ref. 322956-25), as referred to above, I am not aware of any other planning applications relating to the subject lands south of Owenriff river on Main Street. The following planning applications relate to development of Carrowmanagh Park residential estate:

- Galway County Council (GCC) ref. 99/3610 – permission granted by the Planning Authority in December 1999 for 20 houses and a three-storey apartment block with eight units;
- GCC ref. 03/2175 – retention permission granted by the Planning Authority in September 2003 for alterations to apartment block;
- GCC ref. 18/264 – retention permission granted by the Planning Authority in June 2018 for alterations to apartment block;
- GCC ref. 18/1796 – retention permission granted by the Planning Authority in October 2019 for alterations to apartment block.

6.0 Legislative Provisions and Policy Context

6.1. Legislative Provisions

European Convention on Human Rights Act 2003

6.1.1. The European Convention on Human Rights protects a person's right to property, thereby guaranteeing the peaceful enjoyment of possessions. This right is balanced by the State's ability to control property use for the general interest and to enforce laws controlling property.

Constitution of Ireland 1937

6.1.2. Articles 40 to 44 of the Irish Constitution recognise and declare that the people of Ireland have certain fundamental personal rights, with their property rights protected through Article 43, which guarantees the right to private ownership, but allows for

regulation based on social justice and the common good. Under the provisions of the Constitution, the compulsory acquisition of land may place restrictions or limitations on a person's property rights.

Planning and Development Act 2000, as amended

6.1.3. Section 213 of the Planning and Development Act 2000, as amended, is relevant in the consideration of this CPO case, in particular subsection (2), which states the following:

‘(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.’

- 6.1.4. Subsection (4) of section 213 to the Act of 2000 is also relevant, and this states the following:

‘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.’

Section 76 of Housing Act 1966, as amended

- 6.1.5. Section 76 of the Housing Act 1966, as amended, sets out the following procedure for the 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.’

6.2. National & Regional Policy

Project Ireland 2040 - National Planning Framework

- 6.2.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). National strategic outcome (NSO) 5 of the NPF addresses the policy context relating to sustainable mobility, including reference to the National Sustainable Mobility Policy (2022) and the National Transport Authority’s Active Travel Investment Programme delivering integrated walking and cycling solutions and road space reallocation. NSO 7 of the NPF supports the creation of attractive places, with integrated transport systems and ‘green’ modes of movement integral to this.

Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES) 2020-2032

- 6.2.2. The 'Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES) 2020-2032' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. The Strategy acknowledges proposals for the N59 Oughterard bypass project and the Connemara greenway project, which is intended to connect Clifden with Galway city via Oughterard.

6.3. Local Policy

Galway County Development Plan 2022-2028

- 6.3.1. The Development Plan land-use zoning map for Oughterard identifies that with the exception of two of the subject CPO plots (refs. 201 and 202) along Riverside, each of the plots would feature an 'OS – open space / recreation / amenity' zoning. The aforementioned plots on Riverside (refs. 201 and 202) would be within the curtilage of a two-storey house (Eircode: H91 E529) and are assigned an 'R – Residential Existing' zoning. The majority of the subject lands overlap a 'Constrained Land Use' area associated with medium to high-risk flood zones identified within the flood risk management maps accompanying the Development Plan. With the exception of part of CPO plot ref. 301 in Carrowmanagh Park amenity space, the remainder of the plots are all situated within an Architectural Conservation Area (ACA).
- 6.3.2. The Development Plan includes policy objective GCTPS 4 pledging support for, and enhancement of, existing and new walking and cycling networks as the 'first choice' for shorter local journeys and to link settlements within the county. Policy objective WC 5 aims to provide traffic-free pedestrian and cycle routes, including filtered permeability, particularly where such routes would provide a more direct, safer and attractive alternative to the car. In relation to pedestrian and cycle routes in Oughterard, where feasible policy objective OSGT 8 encourages and supports the development of a series of pedestrian and cycle routes linking residential areas with the town centre and local community services.

7.0 Oral Hearing

- 7.1. Parties to the CPO application have not requested the holding of an oral hearing and I am satisfied that there is sufficient and comprehensive detail on file and available to inform a decision on this matter through written procedures.

8.0 Assessment

8.1. Introduction

- 8.1.1. I am aware of the property rights provided for in the Constitution of Ireland 1937 and the European Convention on Human Rights Act 2003. For the Commission to confirm the subject CPO, it must be satisfied that the Local Authority has demonstrated that the CPO 'is clearly justified by the common good'. To comply with this, the following minimum criteria must be satisfied:

- there is a community need that is to be met by the acquisition of the lands in question;
- the particular land is suitable to meet that community need;
- 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;
- any alternative methods of meeting the community needs have been considered but are not demonstrably preferable (taking into account environmental effects, where appropriate).

- 8.1.2. I will address each of the four criteria outlined above in turn below, together with issues relating to proportionality and other issues raised in the objection submissions received by the Commission in relation to the CPO request.

8.2. Community Need

- 8.2.1. With limited support material provided in this acquisition application to the Commission, the Local Authority appears to rely on the associated planning application (ACP ref. 322952-25) documentation in setting out their need to acquire the subject plots of this CPO request. From the outset I also note that the objectors do not specifically oppose the footbridge element of the associated project that

would be facilitated by the CPO, it is only ancillary, supporting elements of the project that they object to, including the use of Carrowmanagh Park for compensatory tree planting and the installing of a service access gate in the riverside boundary wall.

- 8.2.2. CPO plots 101 and 201 on the south and north sides of the river would be permanently required to allow for pedestrian paths to be installed approaching the footbridge that is subject of an application to the Commission (ACP ref. 322952-25). Plot 102 on the south side of the river, forming part of the side garden to the residence known as The Old Barracks, would be adjacent to the proposed pedestrian footpath and the landscape site plan drawing (no. 24055-CO-LP-0-01-REV-3) included with the associated application (ACP ref. 322952-25) indicates that this area would accommodate maintained and additional tree planting, as well as woodland wildflower planting. A fence would be provided along the pathway to the footbridge, thereby limiting access into this green space (plot 102). Plot 201 is a very narrow section (approximately 1m maximum width) of land that is presently primarily occupied by part of the side boundary wall to a house on Riverside (Eircode: H91 E529). A 24m-long section of this side boundary wall would be deconstructed and rebuilt marginally closer to the side of the respective house as part of the footbridge project. This element of the project would facilitate a 3m-wide footpath approaching the footbridge and forming part of the riverside walkway, as well as enabling the diversion of underground services running along the riverside, including a combined sewer and a water supply main.
- 8.2.3. Plot 103 comprising another portion of the side garden to The Old Barracks residence, would be temporarily used as part of the construction of the footbridge project over a nine-month period, and to provide for a new vehicular access to the residence alongside landscaping measures, including boundary walls with a hedgerow to be planted inside this.
- 8.2.4. The acquisition of plots 301 and 302 are subject of the objections to the CPO, with plot 301 comprising part of the amenity space to Carrowmanagh Park, which is intended to accommodate tree planting in compensation for the loss of trees along the riverbanks to facilitate the footbridge. Plot 302 comprises a 7m-long section of a stone boundary wall between the amenity space to Carrowmanagh Park and a riverside walkway. The Local Authority has stated that they have sought acquisition

of this plot to enable the provision of a gate to be installed to provide access for Uisce Éireann and Local Authority staff to the immediate riverside area, which I note to feature piped wastewater and water supply services. A combined sewer currently runs under the proposed location of this access gate (see Proposed General Arrangement Layout Plan – sheet 4 of 4' - drawing no.0088798-ATK-XX-XX-DR-CE-900374 included with ACP ref. 322952-25).

8.2.5. The provision of a footbridge linking Main Street and Carrowmanagh Road / Riverside is intended to serve the communities of Oughterard. Having visited the subject area I noted the precarious proposition for pedestrians navigating the N59 road bridge approximately 150m to the west of the proposed footbridge site. The Development Plan, as well as various strategic plans guiding policy objectives at a local level, support increased permeability within settlements, in particular to encourage a shift towards a greater proportion of active travel journeys. The proposed footbridge would facilitate a more convenient, direct and safer pedestrian route between residential communities and schools to the north of the river on Carrowmanagh Road, and residential communities and town centre services to the south of the river. The rationale for the width of the footpaths (plots 101 and 201) and the footbridge decking is set out in a Technical Note included in the associated planning application (ACP. Ref. 322952-25), with specific reference to development standards and the intended function and likely quantum of movements along the footbridge route. The Local Authority would maintain the existing riverside walkway along the north of the river, with the potential acquisition of plot 201 allowing for the widening of the existing access. I am satisfied that the purpose of the Local Authority acquiring plots 101 and 201 is very much justified and appropriate in addressing a community need, by facilitating pedestrian infrastructure supported under the Development Plan, including policy objective OSGT 8. Furthermore, the temporary acquisition of plots 103 and 202 would enable this community need to be realised in an orderly manner, with the respective plots returning to their previous use following completion of the footbridge project.

8.2.6. As part of the footbridge application (ACP ref. 322952-25), the landscape, natural heritage and biodiversity value of the riparian setting for the footbridge was highlighted, including the dense woodland flanking the riverbanks. The Local Authority assert that based on surveys this context provides suitable corridor for

various species, including otters, badgers and bats, with evidence recorded to support same. The woodland along the south side of the river immediate to CPO plot 102 was categorised by the Local Authority as being of higher-value, local-ecological importance. This woodland and trees in the immediate river corridor, are stated to also provide cover and foraging for breeding birds and other fauna, as well as benefits for species using the river habitat, in offering suitable shade, bank stability and organic material.

- 8.2.7. An Arboricultural Assessment provided as part of the associated application (ACP ref. 322952-25), indicated that 60 trees would be removed either to facilitate the footbridge project or as safety measures for the public and property. A total of 57 trees would be maintained in situ and of the 60 trees to be removed, it was noted that 31 trees feature Ash die-back disease and are in various states of decline.
- 8.2.8. To address the loss of the trees, the Local Authority set out to provide replacement woodland tree planting, however, it was noted that sufficient space to plant these trees would not be available immediately adjacent to the footbridge, including within the area comprising CPO plot 102. The Local Authority's response to objections, notes that the NIS refers to 36 trees being planted in Carrowmanagh Park amenity space as part of the project. I note that the associated application (ACP ref. 322952-25) 'Proposed General Arrangement Layout Plan – sheet 4 of 4' (drawing no.0088798-ATK-XX-XX-DR-CE-900374), and the Ecological Impact Assessment and NIS (see figure 2-6 and section 2.5.3) state that and illustrate 39 trees would be planted in the amenity space to Carrowmanagh Park. This is a minor discrepancy and does not have a material bearing on my considerations below. A hedgerow and 26 trees would be planted along the river channel and in the garden to The Old Barracks residence. According to the Local Authority, the replacement trees could be used by bats and other fauna in the area, and that in replacing trees in poor condition, this would offer a long-term biodiversity gain for the area.
- 8.2.9. The objectors to the CPO assert that the project would entail the planting of an excessive number of trees in Carrowmanagh Park. Given the loss of 60 trees and the proposals to plant 65 trees in total, including 39 within Carrowmanagh Park, I would not consider this to be an exorbitant or disproportionate feature of the project in attempting to address the natural heritage and biodiversity impacts of the project.

- 8.2.10. In compensating for the loss of trees in poor condition that would be removed as part of the associated footbridge project and aiming to maintain the ecological condition of the immediate area to the project, I am satisfied that it is reasonable for the Local Authority to acquire lands for compensatory tree planting, and that it would be most logical to provide such planting as close to the project site and river corridor as possible, given that it is this area that would be most impacted by the project in ecological terms. Accordingly, I am satisfied that acquiring plot 301 is justified and appropriate as an ancillary measure to facilitate the footbridge project. Furthermore, the acquisition of plot 302 would appear reasonable to facilitate a service access for personnel involved in maintaining and managing essential wastewater and water supply services for the wider community.
- 8.2.11. 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 pedestrian link between Main Street and Carrowmanagh Road / Riverside, with this project supporting a community need by providing a safer, more direct and convenient pedestrian route, in support of policy objectives OSGT 8, GCTPS 4 and WC 5 of the Galway County Development Plan. The proposed dedicated pedestrian infrastructure providing an off-road, segregated and safe walking route would meet a community need generated by locals and visitors. I am satisfied that Galway County Council would be addressing a clear and pressing community need that would be met by the project and that this could be met by the acquisition of rights over the lands in question.

8.3. Suitability to meet Community Needs

- 8.3.1. As stated, the lands on the south side of the river comprise the side garden to a private residence (plots 101, 102 and 103). Along the north side of the river, plots 201 and 202 comprise the site garden and a boundary wall to a residential property (Eircode: H91 E529) and plots 301 and 302 comprise parts of an amenity space and boundary wall respectively serving Carrowmanagh Park.
- 8.3.2. The lands are located centrally within the development boundaries of Oughterard. In meeting a need of the community to cross the Owneriff river safely, an alternative to the N59 road bridge is required. The new crossing point would need to be positioned in a manner to best serve the population of the area, meeting known

desire lines and allowing for vehicular traffic to continue to pass during construction of the development. It was noted in the documentation submitted with the associated application (ACP ref. 322652-25) that the construction of a footbridge crossing too close to the N59 road bridge may hinder vehicular movement along this national road, which could exacerbate traffic congestion already occurring in the town. There is an existing bridge over the Glann Road 600m to the northeast of the N59 road bridge, serving the eastern side of the town.

- 8.3.3. The proposed footbridge position would provide a direct connection over the river, and the construction method, as outlined in the associated application (ACP ref. 322652-25) Construction Environmental Management Plan, would entail as minimal interruption to traffic in the area. There would be particular merit in using the subject lands for the footbridge given the resultant connectivity it would provide between the primary and post-primary schools to the north and the town centre to the south. The footbridge would also tie in with existing pedestrian infrastructure in the town centre environs, including footpaths along Main Street and the riverside walkway.
- 8.3.4. The proposed footbridge (ACP ref. 322952-25) would encourage more people to walk in undertaking journeys within the town, while also providing an attractive amenity space overlooking the river corridor and improving traffic and road safety in the area. Accordingly, I am satisfied that the subject lands are entirely suitable for the construction and operation of the footbridge. CPO plots 101, 102 and 201 would be suitably located in meeting the identified community need for the project, and the temporary acquisition of plots 103 and 202 to enable this would be reasonable.
- 8.3.5. Acquisition of CPO plot 301 for supplementary tree planting would appear reasonable given the limited change in the functioning of this space and the suitability of the lands to accommodate trees. The constrained area identified within the Development Plan, limits use of these lands for less vulnerable uses, as per the provisions of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (2009).
- 8.3.6. The objectors assert that the provision of the tree planting in Carrowmanagh Park would impact on the extent of amenity space available to residents, including children who play in this area. I note that the application details do not propose the provision of any physical measures separating the compensatory tree planting area

within plot 301 and the remainder of the amenity space. Tree protection measures would be employed initially to safeguard the growth of the trees, as is standard, but otherwise, it would appear possible for residents to continue to use the amenity space between the trees. Ample space would appear to remain as an informal play space for children, and I do not consider the planting of trees would undermine the aesthetic value of the space or its current biodiversity value. Furthermore, objective 5.1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) sets out a requirement for 15% of sites to be provided as public open space in new residential developments. While I acknowledge that Carrowmanagh Park is not a new development, the extent of open space available in the form of green areas (0.34ha) would appear to amount to approximately 30% of the residential estate (1.15ha). Accordingly, in contemporary development terms, even if plot 301 (0.12ha) was omitted from the estate amenity space, this does not suggest that an excessive loss of public open space would arise for the respective residents.

- 8.3.7. Plot 302 would appear the most suitable means of access to the riverside services, avoiding use of residential properties and allowing for the use of the riverside walkway to be maintained. The objectors assert that the gate would be used as a shortcut by pedestrians, including school children, which would present safety risks along the estate access road. The gate would be locked and would not serve a formal pedestrian route. Furthermore, as stated by the Local Authority, the gate would be locked and it would feature mesh to deter climbing. As such it would not entail an increased health and safety risk by facilitating access for children to the riverside. There is an existing gap in the boundary wall at the eastern end of the estate that already facilitates access to the riverside area.
- 8.3.8. Having regard to the above, I am satisfied that the lands identified in the CPO are suitably located in providing a footbridge route, connecting the north and south sides of Oughterard, while aiming to maintain the condition of the natural heritage and biodiversity of the riverside corridor it would traverse.

8.4. Compliance with the Development Plan

- 8.4.1. The Development Plan does not feature a specific objective to provide a new pedestrian route across the Owenriff river, however, as stated above, there are clear

policy objectives within the Development Plan that would be support the associated footbridge project.

- 8.4.2. The subject plots south of the river (101, 102 and 103) intended to accommodate the proposed footbridge and the plot (301) for the tree compensation area are zoned in the Development Plan for 'OS – open space / recreation / amenity'. The Development Plan supports the protection and enhancement of 'OS' zoned land for open spaces and the provision of recreational and amenity uses. Furthermore, the land-use zoning matrix included within volume 2 to the Development Plan states that recreational use is permitted in principle on 'OS' zoned land and utilities infrastructure is open for consideration on these lands, subject to flood risk policy provisions being met. The proposed footbridge and landscaped approaches (ACP ref. 322952-25) would be acceptable uses in this area, complying with Development Plan provisions, while the associated proposed compensatory tree planting in Carrowmanagh Park could reasonably be considered an enhancement of this space, by providing tree planting within an extensive cut-lawn area.
- 8.4.3. The area comprising plots 201 and 202 features an 'R – Residential Existing' zoning. As the area comprising plot 202 would revert to residential use following the completion of the footbridge project, this use would not fail to comply with land-use zoning objectives of the Development Plan aiming to protect and improve residential amenities of such areas. Permanent acquisition of plot 201 would result in an area amounting to 4sq.m comprising a residential boundary wall changing to part of the pathway along the river. Given that footpaths provide access for pedestrians, this element of the project would offer improvements to the amenities of local residents, and the revised use of this very limited area of land would not fail to comply with provisions of the Development Plan, with a generous size rear garden remaining for residents of the subject house (Eircode: H91 E529).
- 8.4.4. I am not aware of any policies or objectives in the Development Plan that would be materially contravened by the subject proposals and my understanding of the project is that would primarily support the provisions of the Development Plan.

8.5. Alternatives Considered

- 8.5.1. The associated application (ACP ref. 322952-25) includes documentation outlining the various alternatives considered prior to arriving at the subject footbridge project.

A Structure Options Report was included with the application listing the criteria used when assessing the alternative footbridge options. Design, economics, aesthetics, durability and maintenance, health and safety, hydraulics, the environment, sustainability and buildability, were all considered prior to choosing the final proposed steel bowstring truss footbridge. The location of the footbridge was considered appropriate in addressing the desire line between local schools and the town centre, while avoiding a location that would be too close to the N59 road bridge, which could result in intensified traffic congestion issues, particularly during the construction phase. It was also considered an appropriate crossing point location for the footbridge given the limited as it would entail limited interference with ecological features of importance. The applicant also addressed the reasoning for the width of the footbridge and their rationale in choosing not to install a shared pedestrian and cycle route design (see Technical Note report included with ACP ref. 322952-25).

- 8.5.2. As noted in section 8.2 above, the primary intention for requesting the acquisition of the land in Carrowmanagh Park, is to facilitate compensatory tree planting as close as possible to the trees to be removed in order to maintain the ecological and natural heritage condition of the river corridor. This is an approach that is usually undertaken in urban development projects. All trees have a limited lifespan and failure to replace the trees that would be felled as part of the project would undermine the potential for the ecological condition of the immediate riverside corridor to be maintained in the long term. Furthermore, it would be reasonable for the number of trees to be planted (65) to be marginally higher than the number of trees to be removed (60), given that some trees may become damaged or may not take to the conditions over time. An excessive number of trees does not appear to be proposed. Space would be limited in other areas along the river owing to the alignment of underground services, hard surfaces for roads and paths, the existing density of trees, the extent of tree planting proposed and as there are pockets of Japanese Knotweed, an invasive species that would require 3 to 4 years to eradicate. I am satisfied that a more preferable location for the compensatory tree planting has not been demonstrated, with the expansive riverside amenity space well placed to accommodate trees. Potential for the proposed trees to be planted to impact on the integrity of the riverside boundary wall would be readily addressed by maintaining adequate distances from this structure.

- 8.5.3. It would be logical for service providers to be able to access their service infrastructure in as efficient and practical manner as possible. The proposed access gate in the riverside boundary wall would enable this, and I am satisfied that there would be merit in facilitating this via the acquisition of the subject lands (plot 302). A suitable alternative location for the access gate as part of the project has not been demonstrated, and as stated above, it would be reasonable to facilitate access as close as possible to the wastewater and water supply infrastructure, which I am satisfied that the associated application (ACP ref. 322952-25) would aim to achieve.
- 8.5.4. Alternative measures of meeting the community's need for the project are constrained by the function and purpose of the footbridge, as well as the availability and location of suitable lands, including ancillary lands to support the project. The Local Authority are seeking to provide the proposed pedestrian infrastructure, which would only be achieved through the requested acquisition of the subject lands. Based on the nature of the development I am satisfied that the subject lands are the most suitable and logical option available to the Council in undertaking the project.

8.6. Proportionality and Necessity of Level of Acquisition Proposed

- 8.6.1. The footbridge would benefit locals and visitors to the area, including those using the route for commuting and as a recreational route. It is accepted that the proposed development would impact on the amenities of adjoining and neighbouring properties during the operational and construction phases, such impacts would be of a temporary nature and duration, and these impacts would be managed and mitigated by the measures to be employed as part of a final project Construction Environmental Management Plan (ACP ref. 322952-25).
- 8.6.2. The CPO would result in the permanent acquisition of minimal lands for the pedestrian infrastructure (plots 101 and 201), with the remainder of the permanent lands required (plots 102 and 310) primarily for landscaping and tree planting, and the open space use of the existing amenity space (plot 301) continuing during the operation of the project.
- 8.6.3. I appreciate that any interference with private property rights must be supported via legislative provisions and that any interference must strike a balance between the interests of local communities and the protection of landowners' rights. I am satisfied that the greater public good would be positively served by allowing the proposed

footbridge project, including the ancillary tree planting and access gate elements, and that the benefits for the community would substantially outweigh any perceived negatives caused by formally acquiring the subject lands in order to fully implement the project.

- 8.6.4. In conclusion, I am satisfied that the Local Authority has demonstrated that the CPO of the subject lands would be proportionate and necessary for the project they would serve, and that the application has met the relevant criteria to establish that acquisition of the subject lands by the Local Authority would be clearly justified by the common good.

8.7. Conclusion

- 8.7.1. In conclusion, I am satisfied that the process and procedures undertaken by Galway County Council have been fair and reasonable, that Galway County Council has demonstrated a pressing community need that would be facilitated by the permanent and temporary acquisition of the respective lands identified in the schedule and drawings submitted to the Commission, 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.
- 8.7.2. Having regard to the constitutional and Convention protection afforded to property rights, I consider that the acquisition of lands in Fough West and Carrowmanagh townlands in Oughterard, County Galway, as set out in the CPO and on the deposited maps, including amenity space within Carrowmanagh Park residential estate, pursues, and is rationally connected to, a legitimate objective in the public interest, namely the construction of a footbridge providing a pedestrian route between Carrowmanagh Park / Riverside and Main Street in Oughterard.
- 8.7.3. 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 Commission, and I am satisfied that the acquiring authority, Galway County Council, has established that none of the alternatives to render the means chosen and the CPO made by the acquiring authority as being unreasonable or disproportionate.

8.7.4. The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands, including areas to provide the pedestrian infrastructure approaching the footbridge and areas within the amenity space to Carrowmanagh Park residential estate to provide compensatory tree planting and a service access gate, would be consistent with the policy objectives of Galway County Development Plan 2022-2028, which encourage enhancement of pedestrian infrastructure in settlements and a modal shift towards active travel, which the CPO would support achievement of. Accordingly, I am satisfied that confirmation of the CPO is clearly justified by the exigencies of the common good.

9.0 Recommendation

9.1. I recommend that the Board confirm the CPO, based on the reasons and considerations set out below.

10.0 Reasons and Considerations

Having considered the objections made to the Compulsory Purchase Order, the report of the Inspector, the purpose of the Compulsory Purchase Order to facilitate a footbridge project and also having regard to:

- (i) the Constitutional and Convention protection afforded to property rights;
- (ii) the need to provide safe, segregated pedestrian infrastructure traversing from the Carrowmanagh Road area to the town centre in Oughterard;
- (iii) the community need, public interest served and overall benefits to be achieved from the construction of a pedestrian route with a footbridge crossing providing safe, attractive and segregated passage for pedestrians over the Owenriff river;
- (iv) the chosen location, nature and scale of the works, which constitute a design response that is proportionate to the identified need, including the ancillary tree compensation area;
- (v) the suitability of the lands and the necessity of their acquisition to facilitate the provision of a footbridge;

(vi) the provisions of the Galway County Development Plan 2022-2028 encouraging enhancement of pedestrian infrastructure and a modal shift towards active travel, which the footbridge project would support the achievement of;

it is considered that, the acquisition of the subject lands at Fough West and Carrowmanagh townlands in Oughterard, County Galway, by Galway County Council, to facilitate the construction of a footbridge over the Owenriff river, including compensatory tree planting, as set out in the Compulsory Purchase Order and on the deposited maps, is necessary for the purposes stated, which is a legitimate objective being pursued in the public interest, and that the Compulsory Purchase Order and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

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.

Colm McLoughlin
Senior Planning Inspector

24th November 2025