



An
Coimisiún
Pleanála

Inspector's Report ACP-323535-25

Development	Galway County Council (N63 Abbeyknockmoy Village Active Travel) Compulsory Purchase Order No. 4 2025
Location	Townlands of Cullagh South and Cullagh North, Abbeyknockmoy, Co. Galway
Planning Authority	Galway County Council
Applicant	Galway County Council
Type of Application	Compulsory Purchase Order
Objectors	<ol style="list-style-type: none">1. Eimear & Patrick O' Donohoe2. Sean O' Donohoe3. Sean O' Donohoe (Abbey) Limited
Date of Site Inspection	26 th November 2025
Inspector	Ian Campbell

1.0 Introduction

Overview

- 1.1. This report relates to a compulsory purchase order (CPO) made by Galway County Council (GCC) to advance the N63 Abbeyknockmoy Village Active Travel Project/Scheme.
- 1.2. The aim of the N63 Abbeyknockmoy Village Active Travel Project/Scheme, as stated on the project website, is to provide connectivity for cyclists and pedestrians to all amenities in the village of Abbeyknockmoy, including community facilities, businesses, schools and residential areas; to improve road safety by segregating vulnerable road users from vehicular traffic; and to encourage the reduction of vehicle speeds through the 50km/h speed limit zone. The project/scheme, which is within the 50 kmph zone, consists of
 - a shared cycle and pedestrian facility which will provide a connection from the existing rural cycleway (Abbeyknockmoy to Annagh Hill) to the proposed Liss to Abbey cycleway which will run from the east of the village to the local church.
 - a new raised footpath through the village connecting the existing footpaths at the southern and northern ends.
 - realignment of the N63 junction with the L2128, with curves of smaller radii to control traffic movements and speeds.
 - a pedestrian crossing with a raised table at the location of the shops and carparking area, east of the L2128 junction.
- 1.3. To facilitate the proposed project, GCC are seeking the compulsory and permanent acquisition of lands (6 no. plots in total) along the north and south of the N63 at the entrance to the village. The plots are located in the townlands of Cullagh North and Cullagh South.
- 1.4. The Commission has received 3 no. objections in respect of the CPO. This report considers the issues raised in the objections, as submitted to the Commission and, more generally, the application to acquire lands for the stated purpose.

Statutory Basis

- 1.5. GCC has submitted the request for confirmation of the CPO pursuant to the powers conferred on it. The CPO is made under Section 76 and the Third Schedule to the Housing Act, 1966, as extended by Section 10 of the Local Government (No.2) Act, 1960, as substituted by Section 6 and the Second Schedule to the Roads Act, 1993, and as amended by the Planning and Development Act, 2000, (as amended).
- 1.6. The CPO was signed and has the seal of GCC affixed on 18th of August 2025. It was advertised in Independent (newspaper) on 29th of August 2025 and the Connacht Tribune (newspaper) on 29th August 2025. Formal notices were issued to landowners on 27th of August 2025. The application was lodged with An Coimisiún Pleanála on 29th August 2025.

2.0 Site Location and Description of the Scheme

- 2.1. Abbeyknockmoy is approximately 26 km north-east of Galway City and is identified as a Rural Settlement (Level 7a) in the Galway County Development Plan 2022 – 2028. The N63 traverses the village.
- 2.2. The lands which are the subject of this proposed CPO are indicated on Deposit Map (*Drawing No. GCC-CPO-No. 4-DM-Rev01*). The area of land in each of the plots is set out in the Schedule attached to the notices served on the landowners. The lands comprise;

Plot 101.01 – comprises a plot of land measuring 0.002 ha. to the south-east of the N63. The plot consists of a narrow strip of land to the back of the existing footpath along the edge of a surface car park adjacent to Mannion’s public house.

Plot 101.02 - comprises a plot of land measuring 0.001 ha.¹ to the south-east of the N63. The plot consists of a narrow strip of land to the back of the existing

¹ The area of land concerned in stated as 0.021 ha. on page 2 of the Engineer’s Memorandum submitted with the CPO. Reference to 0.021 ha. appears to be a typographical error. The Galway County Council (N63 Abbeyknockmoy Village Active Travel) Compulsory Purchase Order No. 4 2025 states the area concerned as 0.001 ha. As GCC are seeking to have this Order confirmed I have considered the area specified in the Order as the area to which the proposed CPO relates.

footpath along the edge of a surface car park adjacent to Mannion's public house.

Plot 102.01 - comprises a plot of land measuring 0.002 ha.² to the south-east of the N63. The plot consists of a narrow strip of land to the back of the existing footpath along the edge of a surface car park adjacent to Mannion's public house.

Plot 103.01 - comprises a plot of land measuring 0.007 ha. to the north-west of the N63. The plot consists of a narrow strip of land along the edge of the N63 which forms part of a wide splayed entrance to a house/farm complex.

Plot 104.01 - comprises a plot of land measuring 0.014 ha. to the north-west of the N63. The plot consists of a narrow strip of land along the edge of the N63 which comprises part of a field and stone boundary wall.

Plot 104.02 - comprises a plot of land measuring 0.001 ha. to the north-west of the N63. The plot consists of a narrow strip of land along the edge of the N63 which comprises part of a field and stone boundary wall.

3.0 Application of the CPO

3.1. The application documentation received by the Commission relating to the statutory CPO procedure includes the following:

- Copy of Engineer's Memorandum.
- Copy of Senior Planner's Memorandum.
- Galway County Council (N63 Abbeyknockmoy Village Active Travel) Compulsory Purchase Order No. 4 2025 (signed and dated).
- Deposit Map (*Drawing No. GCC-CPO-No. 4-DM-Rev01*).
- *Drawing No. CPO-LA-101-Rev01* (indicating Plots 101.01 and 101.02)

² The area of land concerned is stated as 0.001 ha. on page 3 of the Engineer's Memorandum submitted with the CPO. Reference to 0.001 ha. appears to be a typographical error. The Galway County Council (N63 Abbeyknockmoy Village Active Travel) Compulsory Purchase Order No. 4 2025 states the area concerned as 0.002 ha. As GCC are seeking to have this Order confirmed I have considered the area specified in the Order as the area to which the proposed CPO relates

- *Drawing No. CPO-LA-102-Rev01* (indicating Plot 102.01)
- *Drawing No. CPO-LA-103-Rev01* (indicating Plot 103.01)
- *Drawing No. CPO-LA-104-Rev01* (indicating Plots 104.01 and 104.02)
- Site Location Map/Aerial image of village.
- Copy of Formal Notice as published in Independent (newspaper) on 29th of August 2025 and the Connacht Tribune (newspaper) on 29th August 2025.
- Copy of Site Notice (dated 29th August 2025).
- Copy of Notices served in connection with the Compulsory Purchase Order on the affected landowners/lessees/occupiers, including maps.
- Certificate of serving CPO Notices (An Post, registered post, dated 27th August 2025).

4.0 Planning History

Plots 101.01, 101.02 and 102.01 (southern side of N63)

PA. Ref. 08/643: Permission GRANTED for demolition of existing public house, provision of mixed residential and commercial development. This permission was not implemented and has expired.

Plots 104.01 and 104.02 (northern side of N63)

PA. Ref. 08/3588 – Permission GRANTED to retain dwellinghouse, domestic garage and septic tank on site with revised boundaries.

PA. Ref. 03/5949 – Permission GRANTED for house and septic tank.

Relevant Part 8

PA. Ref. LA12/23 – Permission GRANTED for a development under Part 8 of the Planning and Development Regulations, 2001, (as amended) for the N63 Abbeyknockmoy Village Active Travel Scheme (scheme was approved on 5th April 2024).

5.0 Policy Context

5.1. National Planning Framework, Project Ireland 2040³

5.1.1. National Policy Objective 37 - 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.

5.2. Regional Spatial and Economic Strategy 2020 – 2032 (Northern and Western Regional Assembly)

5.2.1. Regional Policy Objective 6.26 - the walking and cycling offer within the region shall be improved to encourage more people to walk and cycle, through:

(a) Preparation and implementation of Local Transport Plans for Galway Metropolitan Area, Regional Growth Centres and Key Towns, which shall encourage a travel mode shift from private vehicular use towards sustainable travel modes of walking, cycling and use of public transport.

(b) Safe walking and cycle infrastructure shall be provided in urban and rural areas, the design shall be informed by published design manuals, included the Design Manual for Urban Roads and Streets (DMURS) and the NTA Cycle Manual.

(c) Development of a network of Greenways.

5.3. Galway County Development Plan 2022-2028

The Galway County Development Plan 2022-2028 is the relevant County Development Plan. The subject land(s) are not subject to any specific land-use zoning in the Development Plan. The most relevant provisions of the Development Plan, and support documents, in the assessment of this case are as follows:

³ First Revision April 2025

Chapter 6: Transport and Movement

Section 6.2 of the CDP sets out the strategic aims of the Development Plan in relation to transport and movement, which includes, to support sustainable modes of transport and the transition to a low carbon economy, and to promote and support the expansion of County-wide and national Cycling infrastructure. Specific objectives relevant to these strategic aims include;

- **Policy Objective GCTPS 1** (Galway County Transport & Planning Study and Galway Transportation Strategy) - it is a policy objective of Galway County Council to support and facilitate the implementation of the Galway County Transport & Planning Study and Galway Transportation Strategy across all modes of transport.
- **Policy Objective GCTPS 3** (Sustainable Transport) - the County will seek to support a variety of measures which will reduce car dependency for residents, and will specifically seek to improve access to sustainable transport choices (including responsive and “flexible” modes) for those residents in rural areas of the County.
- **Policy Objective WC1** (Pedestrian and Cycling Infrastructure) - to require the design of pedestrian and cycling infrastructure to be in accordance with the principles, approaches and standards set out in the National Cycle Manual and the Design Manual for Urban Roads and Streets, TII Publications, ‘The Treatment of Transition Zones to Towns and Villages on National Roads’, and the NTA document Permeability: Best Practice Guide.
- **Policy Objective WC5** (Traffic Free Cycle Routes) - to provide, where possible traffic free pedestrian and cyclist routes including filtered permeability particularly where such routes would provide a more direct, safer, and more attractive alternative to the car.

Galway County Transport and Planning Study (GCTPS)

The Galway County Transport and Planning Study (GCTPS) seeks to actively promote and support improvements to the transport network which will encourage greater use of sustainable transport by existing populations, reduce car dependency and support new development in locations where sustainable travel

choices can be encouraged and facilitated through existing and upgraded infrastructure and other measures.

Galway Transport Strategy (GTS)

The Galway Transport Strategy seeks to promote the integration of land use and transportation within Galway City and suburbs and environs of Galway County. This plan is a joint Galway City Council and Galway County Council 20-year strategy prepared in partnership with the National Transport Authority. The GTS supports reduced congestion and car dependency through increased capacity of reliable and sustainable public transport and the promotion and facilitation of cycling and walking, which in turn promotes the reduction of greenhouse gas (GHG) emissions.

6.0 The Objections

6.1. The Commission has received 3 no. objections in relation to the CPO. The objections are summarised below:

Sean O' Donohoe

- Other property owned by the objector's family, and also his own dwelling, are affected by the scheme and have not been identified in the CPO. The acquiring authority are required to identify the occupiers, lessees and tenants of these properties and list those parties in the schedule of this CPO. In the absence of same the CPO is invalid and the Commission have no jurisdiction to consider the CPO. This obligation arises from a number of Supreme Court judgements.
- The acquiring authority have failed to consider relevant matters which the Commission are required to consider in deciding a CPO.
- The acquiring authority have erroneously presumed that certain lands (i.e. to the front of the dwelling house, licenced premises, supermarket, forecourt and commercial buildings) are part of the public road, and/or that a right-of-way exists over same. These lands have never been dedicated to public use and are not part of the public road. These lands have been maintained, including tarring, by the occupiers, lessees and tenants of these lands. The CPO is therefore based on a flawed Part VIII scheme, as certain lands have been

assumed to be in public ownership when in fact they are private lands. The scheme cannot proceed unless the consent of the landowner is received, or the lands are compulsorily purchased.

- The proposal requires Environmental Impact Assessment (EIA). Even if sub-threshold development, a preliminary examination is required. The Council do not have jurisdiction to proceed with the development.
- The proposal requires Stage 2 assessment for the purpose of the Habitats Directive. At a minimum the scheme requires Stage 1 Screening for Appropriate Assessment, which has not been undertaken.
- The proposed development is a material contravention of the Galway County Development Plan 2022 – 2028 as the scheme is not identified in the Development Plan.
- The report of the Senior Planner forms no basis for considering the proposed development as being consistent with the Development Plan.
- The Part VIII process is not a development consent.
- An oral hearing is required/requested to address the dispute between parties.
- The Council sets out no basis for the making of the CPO, e.g. the need for the land, the suitability of the land, alternatives considered and compliance with the Development Plan.
- The need for a footpath along the affected plots (i.e. 103.01, 104.01 and 104.02) is not justified, and is unfeasible as there is already adequate footpath provision in place; a pedestrian crossing at Plot 103.01 is too close to the bend; the provision of a crossing north of Cnoc na gCaor estate negates the requirement for one at Plots 103.01, 104.01 and 104.02; and the proposal will not secure compliance with speed limits, with more effective measures including zebra crossings, flashing orange lights, and road signage.
- The objector uses the area to the front of his property for parking. The area to the front of the supermarket is also used for customer parking and for busses. The removal of this area will have adverse consequences for passing trade and business. Should this area become unavailable then vehicles would park in other locations, resulting in hazards and obstructions.

- The Active Travel Scheme and CPO will adversely affect the objector's businesses due to the creation of a public right-of-way.
- The objector opposes a footpath/cycle lane or landscaping to the front of his property.
- GCC previously acquired land from the objector, paying compensation for same, which was deemed to part of the public road, but are not proposing to do the same in respect of lands deemed to also be part of the public road to the front of the objector's properties.
- The proposed cycle lane will be obstructed by traffic exiting the supermarket/filling station. Customers of the pharmacy, take-away and credit union will be subject to hazards from the users of the cycle lane. The proposal will also cause congestion in the area as buses will have nowhere to pull in.

Sean O' Donohoe (Abbey) Limited, c/o Eimear Patrick O' Donohoe

- The acquiring authority are required to identify the occupiers, lessees and tenants of properties and list those parties in the schedule of this CPO. In the absence of same the CPO is invalid and the Commission have no jurisdiction to consider the CPO. This obligation arises from a number of Supreme Court judgements.
- The acquiring authority have failed to consider relevant matters which the Commission are required to consider in deciding the CPO.
- The acquiring authority have erroneously presumed that certain lands (i.e. to the front of the dwelling house, licenced premises, supermarket, forecourt and commercial buildings) are part of the public road, and/or that a right-of-way exists over same. These lands have never been dedicated to public use and are not part of the public road. These lands have been maintained (inc. tarring) by the occupiers, lessees and tenants of these lands. The CPO is therefore based on a flawed Part VIII scheme, as certain lands have been assumed to be in public ownership when in fact they are private lands. The scheme cannot proceed unless the consent of the landowner is received, or the lands are compulsorily purchased.

- The proposal requires Environmental Impact Assessment (EIA). Even if sub-threshold development, a preliminary examination is required. The Council do not have jurisdiction to proceed with the development.
- The proposal requires Stage 2 assessment for the purpose of the Habitats Directive. At a minimum the scheme requires Stage 1 Screening for Appropriate Assessment, which has not been undertaken.
- The proposed development is a material contravention of the Galway County Development Plan 2022 – 2028 as the scheme is not identified in the Development Plan.
- The report of the Senior Planner forms no basis for considering the proposed development as being consistent with the Development Plan.
- The Part VIII process is not a development consent.
- An oral hearing is required/requested to address the dispute between parties.
- The Council sets out no basis for the making of the CPO, e.g. the need for the land, the suitability of the land, alternative considered and compliance with the Development Plan.
- The CPO will adversely affect the objector's businesses, resulting in a loss of trade as a result of the removal of car parking from the front of the filling station and public house, the front of the commercial premises adjacent to the supermarket and across the road. Passing motorists will assume the supermarket is too busy as cars from the surrounding businesses will park in the forecourt and customers will use a different supermarket in the next village. The use of the forecourt by customers from adjacent businesses will also affect the operation of the petrol station.
- The front of the filling station is regularly used by school buses. The provision of street bus stops on foot of the CPO are not adequate.
- The objector is concerned in relation to potential impacts on existing parking (inc. bus parking) and deliveries on Sean O' Donohoe's bar, and on the residence, on the southern side of the road.
- GCC's current position represents a u-turn compared to previous policy on the definition of a public road. GCC previously acquired land from the objector,

paying compensation for same, which was deemed to part of the public road, but are not proposing to do the same in respect of lands deemed to also be part of the public road to the front of the objector's properties.

- The need for a footpath along the northern side of the road is not justified. The removal of car parking from the front of commercial premises will adversely affect passing trade and employment.
- Absence of details in relation to the duration of works of the proposed Active Travel Scheme.
- The CPO omits land outside the residence of Patrick O' Donohoe's and Eimear Loughnane O' Donohoe, and lands owned by Sean O' Donohoe and occupied by Sean O' Donohoe (Abbey) on both the north and south of the N63.
- Submission made to Part VIII from Patrick and Eimear O' Donohoe appended to objection.

Eimear Loughnane O' Donohoe & Patrick O' Donohoe

- The CPO excludes lands, which have been considered by GCC as being in public ownership.
- The acquiring authority have erroneously presumed that certain lands (i.e. to the front of the objectors' dwelling house, land to the front of Sean O' Donohoe's dwelling, licenced premises, supermarket, forecourt and commercial buildings) are part of the public road. These lands have never been dedicated to public use and are not part of the public road. These lands have been maintained (inc. tarring) by the occupiers, lessees and tenants of these lands.
- The acquiring authority are required to identify the occupiers, lessees and tenants of these properties and list those parties in the schedule of this CPO. In the absence of same the CPO is invalid and the Commission have no jurisdiction to consider the CPO. This obligation arises from a number of Supreme Court judgements.
- The CPO will affect compliance with a planning condition attached to a permission which was granted to the objectors.
- The acquiring authority have failed to consider relevant matters which the Commission are required to consider in deciding the CPO.

- The proposal requires Environmental Impact Assessment (EIA). Even if sub-threshold development, a preliminary examination is required. The Council do not have jurisdiction to proceed with the development.
- The proposal requires Stage 2 assessment for the purpose of the Habitats Directive. At a minimum the scheme requires Stage 1 Screening for Appropriate Assessment, which has not been undertaken.
- The proposed development is a material contravention of the Galway County Development Plan 2022 – 2028 as the scheme is not identified in the Development Plan.
- The report of the Senior Planner forms no basis for considering the proposed development as being consistent with the Development Plan.
- The Part VIII process is not a development consent.
- An oral hearing is required/requested to address the dispute between parties.
- The Council sets out no basis for the making of the CPO, e.g. the need for the land, the suitability of the land, alternative considered and compliance with the Development Plan.
- A reduction in the objectors' land will negatively impact its development potential.
- There is no requirement for a footpath along the road. existing footpaths are adequate.
- Regarding the 'new driveway entrance for dwelling', this area of land has not been included in the CPO, and is not part of the public road. The objectors own this land and it was included as part of a previous planning application. Condition no. 3 of PA. Ref. 03/5949 requiring the provision of a parking space along the road edge. Vehicles associated with the supermarket and forecourt business use this area for parking.
- Regarding Plot 103.01 (owned by Sean O' Donohoe), a pedestrian crossing is too close to the bend; the provision of a crossing north of Cnoc na gCaor estate would be more appropriate. Putting a zebra crossing at Cnoc na gCaor estate negates the requirement for a footpath at Plots 103.01, 104.01 and 104.02. The

proposal will not secure compliance with speed limits, with more effective measures including islands, flashing orange lights, and road signage.

- The Active Travel Scheme and CPO will adversely affect the business due to the creation of a public right-of-way.
- The planning application for the filling station/forecourt included the area to the front of the site, and GCC by granting permission have acknowledged that this area is not public. The availability of this area is important to the operation of the business, and is also used by buses.
- The inability for delivery vehicles to park would force vehicles to use other areas causing traffic safety issues.
- The footpath/cycle lanes will obstruct customers entering and exiting the supermarket/filling station, and also the users of the commercial units (pharmacy, credit union takeaway).
- The objector is concerned in relation to potential impacts, inc. congestion, arising from the provision of a footpath/cycle lane at Sean O' Donohoe's bar as this area is used by buses, and on the residence at this location as the area is used for car parking.
- Submission made to Part VIII from Patrick and Eimear O' Donohoe appended to objection.

7.0 Assessment

7.1. Overview

- 7.1.1. The proposed CPO relates to the N63 Abbeyknockmoy Village Active Travel Project/Scheme, which was approved by GCC under PA. Ref. LA12/23 on the 5th April 2024.
- 7.1.2. The CPO seeks to acquire 6 no. plots of land at the entrance to the village of Abbeyknockmoy. The lands which are the subject of this CPO are indicated on Deposit Map (*Drawing No. GCC-CPO-No. 4-DM-Rev01*).

- 7.1.3. The area of land in each plot is set out in the Schedule attached to the notices served on the landowners. The plots of land comprise 3 no. narrow strips on the northern side of the N63 (Plot no.'s 103.01, 104.01 and 104.02) and 3 no. narrow strips on the southern side (Plot no.'s 101.01, 101.02 and 102.01). The CPO identifies the plots of land and their owners/reputed owners.
- 7.1.4. A number of landowners have formally objected to the CPO. The objections relate to Plots Nos. 103.01, 104.01 and 104.02 (on the northern side of the N63). GCC have not submitted a response to the objections submitted in respect of the proposed CPO.
- 7.1.5. The Site Layout for the approved Part 8 (i.e. *Drawing no. P8-N63AT-SL-01*) indicates the removal of the existing boundary wall along Plots 103.03 and 104.01, the provision of a 1.8 metre wide footpath and the provision of a new boundary wall behind the footpath. A raised kerb is indicated along the edge of the carriage way of the N63. The boundary wall at Plot 104.02 is splayed and does not require removal. A 1.8 metre wide footpath is indicated on *Drawing no. P8-N63AT-SL-01* at Plot 104.02.
- 7.1.6. Schedule 1 of the Notice served in connection with the Compulsory Purchase Order indicates the owner/reputed owner of Plot no. 103.01 as Sean O' Donohoe. An objection from Sean O' Donohoe has been received by the Commission in relation to the proposed compulsory acquisition of this plot. A second objection has also been received from Sean O' Donohoe (Abbey) Limited (c/o Patrick O' Donohoe and Eimear Loughnane O' Donohoe).
- 7.1.7. Schedule 1 of the Notice served in connection with the Compulsory Purchase Order indicates the owners/reputed owners of Plots no. 104.01 and 104.02 as Patrick O' Donohoe and Eimear Loughnane O' Donohoe. An objection from Patrick O' Donohoe and Eimear Loughnane O' Donohoe has been received by the Commission in relation to the proposed compulsory acquisition of these plots.
- 7.1.8. The Site Layout for the approved Part 8 (i.e. *Drawing no. P8-N63AT-SL-01*) indicates a 'proposed 3 metre wide two-way shared use cycle and pedestrian facility' along the southern side of the N63 corresponding with Plot no.'s 101.01, 101.02 and 102.01. The key on *Drawing no. P8-N63AT-SL-01* refers to this shared pedestrian/cycle facility as a 'raised shared surface'. I note that the Commission have received no objections in relation to the CPO as it relates to these plots.

- 7.1.9. If confirmed, the Order will authorise GCC to compulsorily acquire, permanently, the lands shaded grey on the drawing marked " *Compulsory Purchase Order No. 4, 2025*" and numbered *Drawing No. GCC-CPO-No. 4-DM-Rev01*, identified as Plot no.'s 101.01, 101.02, 102.01, 103.01, 104.01 and 104.02 for the purposes of the N63 Abbeyknockmoy Village Active Travel Project/Scheme.
- 7.1.10. My assessment of the proposed CPO considers the issues raised in the written objections submitted to the Commission and the general principles to be applied in assessing CPOs of this nature. Accordingly, for the Commission to confirm the CPO, it must be satisfied that the following criteria have been met:
- There is a **community need** that is to be met by the acquisition of the lands in question.
 - The project proposed and the associated **acquisition of lands is suitable** to meet the community need.
 - The works to be carried out should accord with, or at least not be in material contravention of, the policy and objectives contained in the **statutory development plan** relating to the area.
 - Any **alternatives** proposed to meet the community need have been considered but are not demonstrably preferable.
 - The extent of land-take should have due regard to the issue of **proportionality**.

The proposed CPO is now assessed in the context of the above tests prior to addressing the specific issues raised in the objections lodged.

7.2. Oral Hearing

- 7.2.1. An Oral Hearing was not held.

7.3. Community Need

- 7.3.1. The stated aim of the N63 Abbeyknockmoy Village Active Travel Project/Scheme is to provide connectivity for cyclists and pedestrians to all amenities in the village of

Abbeyknockmoy, including community facilities, businesses, schools and residential areas, and to improve road safety. I note that the objectors have not challenged the community need for the wider proposed project, although they raise concerns in respect of specific elements of the project, including the requirement for a footpath on the northern side of the N63, and suggest specific changes to the approved scheme. I note that their primary concerns relate the impact of the N63 Abbeyknockmoy Village Active Travel Project/Scheme on their businesses and residences, and the exclusion of specific lands from the proposed CPO, which the objectors note is based on the incorrect assumption that such lands are public lands.

7.3.2. There is currently no pedestrian or cycle infrastructure at key locations within Abbeyknockmoy, including along the northern side of the N63 on the western approach to the village. The footpath on the southern side of the N63 on the western approach to the village is narrow and is not of a sufficient width to cater for pedestrians and cyclists simultaneously. The N63 Abbeyknockmoy Village Active Travel Project/Scheme will provide a shared cycle and pedestrian facility which will provide a connection from the existing rural cycleway (Abbeyknockmoy to Annagh Hill) to the proposed Liss to Abbey cycleway. Having reviewed the details of the N63 Abbeyknockmoy Village Active Travel Project/Scheme, and specifically its rationale, it is clear that the scheme will bring benefits to the community, by providing pedestrian/cycle infrastructure where no such facilities currently exist, and through measures to provide a safer environment for pedestrians and cyclists through the provision of segregated pedestrian/cycle lanes and measures to reduce speed in the village. I am therefore satisfied that a community need exists and that it would be facilitated by the proposed acquisition.

7.4. Suitability of the Lands

7.4.1. The suitability of the project proposed and the lands to be acquired to meet the community need is a critical issue in determining whether to confirm the CPO. As addressed above the proposed project will provide pedestrian/cycle infrastructure where no such facilities currently exist, and will provide a safer environment for pedestrians and cyclists, and therefore the proposed project meets a community need.

7.4.2. As addressed above, there is currently no pedestrian or cycle infrastructure along the northern side of the N63 on the western approach to the village, and the existing footpath on the southern side of the N63 on the western approach to the village is narrow. The plots of land which are subject of the proposed CPO correspond to stretches along the N63 where there is either no pedestrian/cycle infrastructure or where the existing infrastructure is substandard. In this regard the suitability of these lands to meet the community need is self-evident in my view, in that the gaps in pedestrian/cycle infrastructure can only be addressed where they occur. I do not consider the plots of land have been included unnecessarily as part of the CPO. In reaching this conclusion, I have reviewed the deposit map, and other material submitted as part of the CPO application and the nature of the N63 Abbeyknockmoy Village Active Travel Project/Scheme. In conclusion, I am satisfied that the lands subject to this CPO application are suitable and required to accommodate the N63 Abbeyknockmoy Village Active Travel Project/Scheme, and that this is in the interest of serving the community need.

7.5. Compliance with Planning Policy

Galway County Development Plan 2022-2028

7.5.1. As outlined in Section 5.3 above, the Galway County Development Plan 2022-2028 includes several provisions which seek to support the provision of improved pedestrian and cycle infrastructure. The strategic aims of the Galway County Development Plan 2022-2028 in relation to transport and movement are set out in Section 6.2 of the CDP, which includes to support sustainable modes of transport and the transition to a low carbon economy, and to promote and support the expansion of County-wide and national Cycling infrastructure⁴. Specific Development Plan objectives which support pedestrian and cycle infrastructure, which the proposed CPO will facilitate, includes Policy Objective GCTPS3 (seek to improve access to sustainable transport choices for those residents in rural areas of the County) and Policy Objective WC5 (provide, where possible, traffic free pedestrian and cyclist routes...). Two key support documents to the Development also support sustainable transport, the Galway County Transport and Planning Study (GCTPS), which seeks to encourage greater use of

⁴ My emphasis.

sustainable transport by existing populations, and the Galway Transport Strategy, which seeks to promote cycling and walking.

7.5.2. Having regard to the foregoing, I am satisfied that the N63 Abbeyknockmoy Village Active Travel Project/Scheme, which would be facilitated by the proposed CPO, should it be confirmed by the Commission, would accord with the provisions of the Galway County Development Plan 2022 – 2028, and that the acquisition of the lands would not materially contravene any specific objectives or policies of the Galway County Development Plan 2022 - 2028.

7.5.3. The objectors contend that the proposed development is a material contravention of the Galway County Development Plan 2022 – 2028. The objectors' position appears to be that as the N63 Abbeyknockmoy Village Active Travel Project/Scheme is not specifically referred to in the Galway County Development Plan 2022 – 2028 that it would contravene the Development Plan. In my view the absence of specific reference to N63 Abbeyknockmoy Village Active Travel Project/Scheme in the Galway County Development Plan 2022 – 2028 would not result in the scheme being in contravention of the Development Plan. As addressed above, the Galway County Development Plan 2022 – 2028, and supporting documents, contain a number policy objectives which support the provision of pedestrian and cycle provision and as such I do not concur with the objectors' assertion in this regard.

7.6. Consideration of Alternatives

7.6.1. Another test which requires consideration in assessing a proposed CPO is whether any alternatives proposed to meet the community need have been considered but are not demonstrably preferable. I note that GCC have not set out any alternatives. I note that the lands which are proposed to be acquired to facilitate the N63 Abbeyknockmoy Village Active Travel Project/Scheme correspond to areas along the N63 where there are currently deficiencies in pedestrian/cycle infrastructure, either existing non-provision of pedestrian/cycle infrastructure, or at locations where there are gaps in pedestrian/cycle infrastructure. Alternative measures/means to meet the community need are therefore constrained by the availability and location of suitable lands. GCC are seeking to to facilitate the N63 Abbeyknockmoy Village Active Travel Project/Scheme which can only be achieved through the acquisition of the subject

lands. I am satisfied based on the nature of the N63 Abbeyknockmoy Village Active Travel Project/Scheme, at the locations corresponding with the plots of land which are proposed to be acquired, that the proposed lands are the only suitable and logical option available to the GCC which would facilitate the N63 Abbeyknockmoy Village Active Travel Project/Scheme. I am therefore satisfied that there are no preferable alternatives to meet the community need, as the gaps in pedestrian/cycle infrastructure can only be met where they occur. In conclusion, and having regard to the above, I submit to the Commission that the areas required for land acquisition represent the most reasonable means of achieving the project objectives, and it is my view that this would meet the identified community need. I conclude that this particular part of the CPO test has been complied with.

7.7. Proportionality and Necessity for the Level of Acquisition Proposed

- 7.7.1. In determining whether to confirm a CPO, the extent of land-take should have due regard to the issue of proportionality, and there should be a necessity for the level of acquisition proposed. As previously noted, the lands which are proposed to be acquired to facilitate the N63 Abbeyknockmoy Village Active Travel Project/Scheme correspond to areas along the N63 where there are currently deficiencies in pedestrian/cycle infrastructure. The Engineer's Memorandum states in respect of each of the 6 no. plots of land which it is proposed to acquire compulsorily that the areas concerned are the smallest amount of land required to ensure the design of the pedestrian/cycle facility meets the Transport Infrastructure Ireland (TII) design standards and provide for the space/width required for the proposal. I note that the objector's have not contended that the areas of land concerned are excessive. From reviewing Site Layout for the approved Part 8 (i.e. *Drawing no. P8-N63AT-SL-01*) I do not consider that the extent of land-take is excessive, relative to the extent of the approved Part 8 scheme and the specific elements of pedestrian/cycle infrastructure as it relates to each of the 6 no. plots.
- 7.7.2. I consider that the provision of pedestrian/cycle infrastructure, and measures to improve the safety of road users in the village would benefit the residents of Abbeyknockmoy. I note that the CPO does not seek to acquire any residential dwelling, and that the primary impact on the objectors relates to the loss of relatively

small areas of land fronting the N63, which includes part of the entrance to a property, and a field. That being said, I acknowledge that the proposed acquisition of lands has the potential to have a negative impact upon the objectors through the loss of their lands, and that any interference with private property rights 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 facilitating the delivery of the N63 Abbeyknockmoy Village Active Travel Project/Scheme and that the benefit which the scheme would bring to the wider community would outweigh the impact caused by acquiring the objectors' land in order to implement the scheme. In my opinion the impacts experienced by the objectors would therefore be proportionate to the delivery of the project.

7.8. Conclusion

- 7.8.1. Having examined the documentation before me, including the deposit map, and other materials, and in having regard to the submissions the objectors, it is my opinion that the proposed scheme incorporates the minimum land-take necessary to achieve the required technical standard for the scheme. In light of this, I conclude that GCC has demonstrated that the CPO would meet the relevant criteria for establishing that the proposed acquisition of land would be clearly justified and in the interest of the common good and I am satisfied that the extent of the lands which is the subject of this CPO is necessary and proportionate to the community need and that the measures proposed under the CPO will not have an excessive or disproportionate effect on the interests of objectors. The CPO is therefore acceptable in this regard.

7.9. Other Issues

- 7.9.1. Loss of car parking - a key concern raised by the objectors is the impact of the N63 Abbeyknockmoy Village Active Travel Project/Scheme on the objector's businesses and residences, specifically the loss of car parking, set-down areas and the implications on businesses in the village. I note that the N63 Abbeyknockmoy Village Active Travel Project/Scheme has been approved by GCC and that this CPO relates to the proposed compulsory acquisition of lands to facilitate the approved scheme.

Consideration of the merits of the scheme, which has already been approved, is therefore outside the scope of this CPO.

- 7.9.2. Lands not being compulsorily acquired - the objectors raise concerns in relation to the exclusion of specific lands from the proposed CPO, which the objectors note is based on the incorrect assumption held by GCC that such lands are public lands and therefore do not require acquisition/compulsory acquisition. GCC have applied to the Commission to confirm the proposed compulsory acquisition of 6 no. plots of land at the entrance to Abbeyknockmoy. In my opinion the Commission is restricted in its consideration to the plots of land which fall under Galway County Council (N63 Abbeyknockmoy Village Active Travel) Compulsory Purchase Order No. 4 2025. In my opinion, it would not be appropriate for the Commission to draw inferences in relation to land(s) which are not subject to this CPO. The issues raised by the objectors in this regard are a civil matter between the parties.
- 7.9.3. Development potential - one of the objections states that the reduction in the objectors' land will negatively impact its development potential. I note that the areas which are proposed by GCC to be compulsorily acquired comprise narrow margins along roadside boundaries. That being said it is conceivable that the proposed CPO could potentially affect the development potential of the objectors' land. I note that should the Commission decide to confirm the CPO that this issue will be taken into account at arbitration stage.
- 7.9.4. EIA/AA - the objectors raise the requirement for Environmental Impact Assessment (EIA) and Appropriate Assessment (AA). I note that EIA and AA are not required for land acquisition in itself.
- 7.9.5. Basis for CPO - the objectors state that GCC have not set out the basis for the making of the CPO, specifically the need for the land, the suitability of the land, alternatives considered and compliance with the Development Plan. I note that the documentation submitted by GCC states that the lands subject to the proposed CPO are required to facilitate the N63 Abbeyknockmoy Village Active Travel Project/Scheme, this is clearly stated in the Memorandums of the Engineer and Senior Planner which accompany the CPO. As regards the suitability of the lands to be acquired, the N63 Abbeyknockmoy Village Active Travel Project/Scheme entails the provision of linear pedestrian/cycle

infrastructure along the N63 at locations where there is currently either no pedestrian/cycle infrastructure, or at locations where gaps exist, and as such I am satisfied that consideration of alternatives does not arise in this instance. Compliance with the policies and objectives of the Galway County Development Plan 2022 – 2028 are set out in the Memorandum of the Engineer.

- 7.9.6. Compliance with planning condition - one of the objectors states that the proposed CPO will affect compliance with a planning condition, specifically Condition no. 3 of PA. Ref. 03/5949, which requires the provision of a parking space along the road edge. I note that the area of land referred to, at the entrance to the dwelling permitted under PA. Ref. 03/5949, is not included in the CPO and therefore is outside the scope of this CPO application.

8.0 Recommendation

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

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

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

9.0 Reasons and Considerations

9.1. Having considered the objections made to the compulsory purchase order, the report of the Inspector into the objections, the purpose for which the lands are to be acquired as set out in the compulsory purchase order, which is to advance the N63 Abbeyknockmoy Village Active Travel Project/Scheme, and also having regard to the following:

- (i) the constitutional and European Human Rights Convention protection afforded to property rights,
- (ii) the strategic importance of the scheme, in the context of providing pedestrian/cycle infrastructure, supporting sustainable modes of transport and the promotion of the expansion of County-wide and national Cycling infrastructure,
- (iii) the decision of Galway County Council to approve the N63 Abbeyknockmoy Village Active Travel Project/Scheme (PA. Ref. LA12/23),
- (iv) the identified community need, public interest served and overall benefits to achieved from the proposed development,
- (v) the suitability of the lands, which constitutes a design response that is proportionate to the identified need,
- (vi) the policies and objectives of the Galway County Development Plan 2022-2028, which are not materially contravened, and
- (vii) the report and recommendation of the Inspector,

it is considered that the permanent acquisition of the lands in question, as set out in the Order, Schedule, and on the deposited maps by Galway County Council, are necessary for the stated purpose, which is a legitimate objective being pursued in the public interest, and that the CPO and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

In reaching this conclusion, the Commission agrees with and adopts the analysis contained in the report of the Inspector into the objections.

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

Ian Campbell

Senior Planning Inspector

4th February 2026