



An
Coimisiún
Pleanála

Inspector's Report

ACP-323991-26

Development

Waterford City & County Council,
Road Widening at Monang,
Dungarvan, Co. Waterford, Waterford
Compulsory Purchase Order 2025 No.
4

Location

Monang, Dungarvan, Co. Waterford

Local Authority

Waterford City and County Council.

Objectors

- (1) John Queally
- (2) Elaine and Kevin Queally

Date of Site Inspection

24th of April 2026

Inspector

Siobhan Carroll

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1.0 Introduction

- 1.1. Waterford City and County Council (WCCC) made a Compulsory Purchase Order (CPO) for Road widening at Monang, Dungarvan, Co. Waterford, Compulsory Purchase Order 2025 No. 4 on the 4th of December 2025. Notices were duly served on the affected landowners on the 8th of December 2025. Objections were received from two parties.
- 1.2. The CPO was the subject of an oral hearing, which was held virtually on 30th of April 2026.
- 1.3. The CPO would entail the acquisition of lands at Monang, Dungarvan, Co. Waterford.

2.0 Statutory Basis

- 2.1. The Compulsory Purchase Order is made under Section 76 of the Housing Act, 1966, and the Third Schedule thereto, as extended by Section 10 of the Local Government (No. 2) Act, 1960, as substituted by Section 86 of the Housing Act, 1966, as amended by Section 6 of the Second Schedule to the Roads Act, 1993 2015, and as amended and extended by the Planning and Development Act, 2000 2019.

3.0 Site Location and Description

- 3.1. The lands subject of the Compulsory Purchase Order (CPO), are situated at Monang, Dungarvan, Co. Waterford. The subject lands are located on the eastern side of the Old Hospital Road (L3165). The Old Hospital Road lies circa 900m to the north-east of Dungarvan town centre. The road extends for circa 1.5km running from the junction with the N25 to south at the Strandside roundabout to the junction with the Knockateemore Road (L3165) to the north. The road runs alongside part of the eastern shoreline of the estuary of the Colligan River.
- 3.2. There is a mix of detached and semi-detached houses with direct frontage onto the Old Hospital Road from the Strandside roundabout to the entrance to the Southways Estate. This section of the Old Hospital Road is served by a footpath along the

eastern side of the road. Southways a housing estate containing predominantly two-storey semi-detached properties is located to the east of the Old Hospital Road.

- 3.3. To the north of the entrance to Southways Estate there is a pedestrian crossing connecting the end of the footpath on the eastern side of the road to the footpath which runs for circa 960m along the western side of the Old Hospital Road.
- 3.4. The lands subject of the CPO comprises two plots. The northern plot (101) comprises a linear section of the front garden of a two-storey detached dwelling which extends along the boundary with the eastern side of the Old Hospital Road for approximately 32m. The southern plot (102) comprises a linear section of the field which runs along the boundary with the eastern side of the Old Hospital Road for approximately 190m. Cauliflowers were being grown in the subject field at the time of inspection. The lands to the north are currently under construction with a residential scheme being developed.

4.0 Purpose of the CPO

- 4.1. To permanently acquire compulsorily the land described in the Schedule Part II hereto for the purposes of road widening at Monang, Dungarvan, Co. Waterford; The future road widening comprises the provision of;
 - A widened 2.0m footpath;
 - A 6.0m wide road;
 - A 3.0m wide footpath/cycleway.

5.0 Policy Context

5.1. Waterford City and County Development Plan 2022-2028 (As Varied)

- 5.1.1. The subject lands at Monang, Dungarvan, Co. Waterford are located on lands which are predominantly zoned Objective to 'R1' – New Residential. To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.

- 5.1.2. The section of land at the northern section of the CPO is zoned Objective 'RS' – Existing Residential. To provide for residential development and protect and improve residential amenity.
- 5.1.3. There is a transport objective for a Road Reservation along the Old Hospital Road. (As per Development Plan Mapping).
- 5.1.4. Chapter 2 refers to Spatial Vision and Core Strategy
- 5.1.5. Core Strategy Policy Objective CS 08: Local Area Planning – To supplement the land use zoning objectives and other policy objectives of this Development Plan, through the provision of Local Area Plans (LAPs) for areas of Waterford City, Dungarvan/ Ballinroad, Tramore, Dunmore East, Portlaw, Lismore and Gaeltacht na nDéise (including Sean Phobal).
- 5.1.6. Chapter 5 refers to Transport & Mobility
- 5.1.7. Policy Objective Trans 01: Integration of Land Use Planning and Transport Policy Objectives. We will actively support the integration of land use planning and transport in the following way:
- Ensure that land use zonings are aligned with the provision and development of high quality/capacity public transport systems in a manner that reduces reliance on car-based travel, promotes more sustainable transport choice and co-ordinates particular land uses with their accessibility requirements.
 - Larger scale, trip intensive developments, such as offices, retail and education, will be focused into central and other locations highly accessible by sustainable transport modes.
 - Develop a 10-minute neighbourhood framework for all new and existing urban areas across Waterford and map and identify infrastructural requirements to facilitate its implementation.
 - Support the development of a low carbon transport system by continuing to promote modal shift (as per modal ambitions and potential as set out in Table 5.1 and Table 5.2) from private car use towards increased use of more sustainable forms of transport such as cycling, walking and public transport.

- Designing and develop permeable links for walking and cycling in new development areas and retrospectively implement accessible, safe walking and cycling facilities and infrastructure into existing neighbourhoods, particularly at peripheral locations of our urban areas, where feasible and practicable. This will be done through the provision of appropriate pedestrian and cycle facilities. All work to the public realm must take into account the ‘whole journey approach’ which refers to all elements that constitute a journey from the starting point to destination. All developments must ensure that universal design approach to the built environment is taken into account, including but not limited to footpaths, tactile paving, cycle paths, roads, pedestrian crossing points, town greenways and bus stops/shelters.

5.1.8. Policy Objective Trans 04: Local Transport Plans – It is a Policy Objective to prepare Local Transport Plans (LTPs) (using the Area Based Transport Assessments (ABTAs) method) in tandem with the preparation of Local Area Plans (LAPs) and also prepare LTPs for key strategic land banks within adopted LAPs, if required, subject to the availability of funding and in accordance with the NTA and TII Guidance Note on Area Based Transport Assessments 2018 or any subsequent updates thereof. The Council will prepare LAPs and LTPs for Dungarvan and Tramore within one year of adoption of the Development Plan.

5.1.9. Policy Objective Trans 07: Supporting Active Travel – We will promote walking and cycling as efficient, healthy and environmentally friendly modes of transport by delivering a comprehensive network of safe walking and cycling routes, and investigate the potential for quiet routes which will be a high quality, fully connected and inclusive, across the Waterford City and County with associated placemaking, green infrastructure corridors and public realm improvements in accordance with best accessibility practice and promotion of the initiatives contained within Smarter Travel, A Sustainable Transport Future 2009 – 2020 or any update thereof. All proposals shall ensure no adverse impacts on ecological integrity including the Natura 2000 Network.

5.1.10. Policy Objective Trans 08: Priority Routes – In order to develop a network of safe walking and cycling routes, we will put in place priority footways and cycleways on rural roads, when the opportunity arises and sufficient road width and route options

exists so as to provide for improved pedestrian access to and from villages/towns and public transport and to counteract rural isolation.

- 5.1.11. Policy Objective Trans 09: Connectivity and Permeability – Ensure that all developments can provide full connectivity/permeability to the adjacent road network (pedestrian, cycle and vehicular) and/or to adjacent lands which are zoned for development and lands which may be zoned for development in the future. Access should be also provided to adjoining amenities such as Greenways, Walkways and other recreational areas and have regard to ‘Ireland’s Government Road Safety Strategy 2021–2030.
- 5.1.12. Policy Objective Trans 33: Road and Street Network – We will ensure that the planning, design and implementation of all road/street networks across the city and county accord with the principles set out in the Design Manual for Urban Roads and Streets (2020), the National Cycle Manual (2010) and other relevant standards where appropriate, or any future update thereof.
- 5.1.13. Policy Objective Trans 38: Road and Street Network – We will implement traffic calming measures on roads/streets in appropriate location in urban areas across the County, to reduce the speed of traffic in the interest of public safety, traffic safety and residential amenity. We will ensure that all streets and street networks within urban areas are designed to passively calm traffic through the creation of a self-regulating street environment. Proposals for new development should provide for appropriate traffic calming measures.
- 5.1.14. Chapter 7 refers to Housing & Sustainable Communities
- 5.1.15. General Housing Policy Objective – In granting planning permission, we will ensure new residential development:
- Is appropriate in terms of type, character, scale, form and density to that location.
 - Is serviceable by appropriate supporting social, economic and physical infrastructure. Is serviceable by public transport and sustainable modes such as walking and cycling.
 - Is integrated and connected to the surrounding area in which it is located; and,

- Is designed in accordance with the applicable guidance and standards of the time

5.1.16. Volume 3, Appendix No: 2 – Specific Development Objectives

- 5.1.17. General Policy Objective POD03 – As opportunities arise and where appropriate, the Council shall provide traffic calming measures, and new footpath/ cycle path through settlements. Development proposals, where appropriate, shall ensure that new development is set back to allow for the provision of new paving/footpath.

5.2. **National Planning Framework - Project Ireland 2040 – First Revision – April 2025**

- 5.2.1. The National Planning Framework (NPF) provides policies, actions and investment to deliver 10 National Strategic Outcomes (NSO) and priorities of the National Development Plan. These NSOs include compact growth, enhanced regional accessibility, sustainable mobility and transition to a low carbon and climate resilient society. Compact growth can be delivered by improving 'liveability' and quality of life, enabling greater densities and ensuring transition to more sustainable modes of travel.
- 5.2.2. Enhanced regional accessibility will be achieved by enhancing connectivity between centres of population of scale. In particular, more effective traffic management within and around cities and re-allocation of inner-city road space in favour of bus based public transport and walking/ cycling facilities should be enabled.
- 5.2.3. NSO 1 refers to Compact Growth. From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people. Combined with a focus on infill development, integrated transport and promoting regeneration and revitalisation of urban areas, pursuing a compact growth policy at national, regional and local level will secure a more sustainable future for our settlements and for our communities.
- 5.2.4. NSO 5 refers to Sustainable Mobility. The National Sustainable Mobility Policy, published in 2022, provides the means for achieving the provision of a well-

functioning, integrated sustainable transport system (walking, cycling and public transport), enhancing competitiveness, sustaining economic progress and enabling sustainable mobility choices for citizens, supports the overall Framework objectives.

- 5.2.5. NSO 7 refers to Enhanced Amenities and Heritage. It seeks to provide ease of access to amenities and services supported by integrated transport systems and green modes of movement such as pedestrian and cycling facilities. Appealing places are also defined by their character, heritage and sense of community. This includes attractive buildings and street layouts, civic spaces and parks and regeneration of older areas and making places feel safe through active use and design.
- 5.2.6. The NTA's Active Travel Investment Programme is delivering integrated walking and cycling solutions and road space reallocation. This includes the development of segregated cycle lanes and widened footpaths, new walking and cycling bridges, and new pedestrian crossings. Sustainable mobility is also supported by demand management measures that seek to reduce traffic congestion and reallocate road space in favour of walking, cycling and public transport. A focus on Transport Orientated Development that promotes the provision of homes, jobs, services and amenities along high-capacity public transport will also be key in supporting sustainable mobility in cities and surrounding metropolitan areas.
- 5.2.7. NPO 37 seeks to 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.
- 5.2.8. NPO 93 seeks to improve air quality and help prevent people being exposed to unacceptable levels of pollution in our urban and rural areas through integrated land use and spatial planning that supports public transport, walking and cycling as more favourable modes of transport to the private car.
- 5.2.9. NPO 104 refers to the use of CPO powers. Planning Authorities will use compulsory purchase powers to facilitate the delivery of enabling infrastructure to prioritised zoned lands, to accommodate planned growth.

5.3. Southern Regional Assembly Spatial and Economic Strategy (RSES)

5.3.1. Dungarvan is designated as a Key Town in the (RSES). It has a significant sub regional role and a synergy with East Cork. The policies in the RSES are under Regional Policy Objectives (RPOs) and Metropolitan Area Strategic Plan (MASP) Policy Objectives.

5.3.2. RPO 11 - Key towns

- a. Local Authorities are supported in targeting growth of more than 30% for each Key Town subject to capacity analysis and sustainable criteria under Section 3.3 A Tailored Approach, RPO 3 Local Authority Core Strategies and the sustainable requirements under the following sub sections of RPO 11 Key Towns. The appropriate level of growth is to be determined by the Core Strategy of Development Plans;
- b. It is an objective to seek investment in holistic infrastructure inclusive of utilities, transportation, social and community, digital infrastructure and smart technologies environmental (including facilitation of climate change mitigation and of biodiversity promotion), climate change adaptation and future proofing infrastructure including flood risk management measures and flood defence schemes, recreational, arts and cultural that will deliver sustainable growth in Key Towns subject to the outcome of the planning process and environmental assessments;
- c. It is an objective that a Local Transport Plan will be prepared for all the Key Towns, on the basis provided for in RPO Local Transport Plans in Chapter 6;
- d. To support and promote vibrant, culturally-rich and revitalised Key Towns with enhanced social inclusion, engaged and active voluntary, non-profit and social enterprise sectors, sustainable neighbourhoods and a high level of environmental quality to ensure an excellent quality of life for all;
- e. To support and promote placemaking in all Key Towns to include public realm regeneration and urban renewal initiatives and public private partnership approaches for town centre regeneration;

5.3.3. RPO 24 - Dungarvan

- a. To strengthen the role of Dungarvan as a strategically located urban centre of significant influence in a sub-regional context and in its sub-regional role as a Gaeltacht Service Town, leveraging its strategic location along the Waterford Cork N25 Route and to build upon its inherent strengths including historical, cultural and architectural heritage, digital connectivity, skills, innovation and enterprise, tourism (in particular the Waterford Greenway and its potential sustainable expansion), culture and retail services. In respect of its importance to the environment, to tourism, to fishing, and to aquaculture (niche industries supporting rural employment), this RSES supports the environmentally sustainable development and treatment of Dungarvan Harbour and coastline;
- b. To seek improvements and upgrading of the N25 Waterford to Cork route, the N72 Dungarvan to Mallow and the R672 linking the Key Towns of Clonmel and Dungarvan;
- c. To support the development of Dungarvan as the Gaeltacht Service Town for Gaeltacht na nDéise”
- d. To support for enhanced provision of bus services to enable improved intra-regional and inter-regional connectivity to attract more passengers to public transport and away from use of private motor cars;
- e. To support the continued development of cycling and walking infrastructure as part of Go Dungarvan Smarter Travel Programme and to support the accessibility of the public realm for vulnerable road/ path users and persons with disabilities;
- f. To support the delivery of the infrastructural requirements identified for Dungarvan (including amenities and facilities for the community and voluntary sector) subject to the outcome of the planning process and environmental assessments;

- g. Support the development of Dungarvan as a sub-regional centre for education and training, including lifelong learning, by building on existing links with international third-level education providers and WIT;
- h. Support investment in flood defence measures.

5.3.4. RPO 151 – Integration of Land Use and Transport

5.3.5. The following principles of land use and transport integration will guide development:

- a. For urban-generated development, the development of lands, within or contiguous with the existing urban areas will be prioritised over development in less accessible locations;
- b. Residential development will be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport—including infill and brownfield sites – are prioritised;
- c. Larger scale, trip intensive developments, such as offices and retail, will be focused into central locations highly accessible by sustainable transport modes;
- d. 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.

5.4. **Climate Action Plan 2025/2024**

- 5.4.1. Under the Climate Action and Low Carbon Development Act, 2015, as amended, Irelands national climate objective requires the State to transition to a resilient, biodiversity rich, environmentally sustainable and climate neutral economy by no later than the end of 2050. This national climate objective meets Irelands obligations under EU and international treaties, including the Paris Agreement (2015), the European Green Deal and the EU's objective to reduce GHG emissions by at least 51% by 2030 (compared to 2018) and achieve climate neutrality by 2050.
- 5.4.2. To meet its targets and obligations CAP 24 sets a course for Ireland to halve emissions by 2030 and reach net-zero no later than 2050.

- 5.4.3. The CAP 2025 builds upon previous plans by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with CAP 2024.
- 5.4.4. Chapter 14 considers transport. No change has been made to the key performance indicators provided in Table 15.5 of CAP24, to set out the level of change required to meet a 50% compliant pathway. Key targets include: 20% reduction in total vehicle kilometres travelled relative to business-as usual, 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share.

5.5. Transport Sectoral Adaptation Plan (T-SAP II) 2025-2030

- 5.5.1. Section 2.2.2 refers to Land Transport – Active Travel
- 5.5.2. Delivering active travel facilities, greenways and initiatives such as bike sharing schemes is embedded into national policy to encourage their uptake to meet national mitigation goals, reduce traffic congestion and increase activity levels. Active travel projects are funded by the Department of Transport through the NTA's Active Travel Programme and are managed and delivered by local authorities. TII is the Approving Authority for National and Regional Greenways and is responsible for the development of the National Cycle Network (NCN) and National Road Active Travel Infrastructure.
- 5.5.3. NCN - Aligned with NTA's CycleConnects programme, NCN aims to provide a 3,500 km cycle network linking cities and towns with populations over 5,000. The network will connect more than 200 settlements and serve approximately 2.8 million people

5.6. Design Manual for Urban Roads and Streets - 2019

- 5.6.1. The manual deals with street design in urban areas. It recognises that the design of the road should be influenced by where the road is located and that the needs of all users has to be balanced. Alternatives to private car use is to provided to create connections. Roads are to be designed to reduce road speeds. Walking and cycling are to be made more attractive, particularly for local trips.
- 5.6.2. Urban relief roads should direct traffic away from cities, towns and villages and should integrate into the surrounding street network. Moderate speeds reduce noise

and pollution. A speed in excess of 50 kph should not apply to streets where pedestrians are active. Ideally, traffic speeds should be self-regulating, via design.

6.0 Planning History

- 6.1.1. Reg. Ref. WFD-C-C15-12 & ABP 316542-23 – Application for inclusion of a parcel of lands at Abbeyside, Dungarvan, Co. Waterford on the Residential Zoned Land Tax Map. An appeal was made under section 653J (1) of the Taxes Consolidation Act 1997, as amended. The Board decided that the lands identified under reference number WFD-C-C15-12 meet the qualifying criteria set out in Section 653B of the Taxes Consolidation Act, 1997, as amended, and there are no matters arising that warrant their exclusion from the map. These lands form part of the lands subject to the current CPO (Plot 102) at Monang, Dungarvan, Co. Waterford.
- 6.1.2. Reg. Ref. 05510084 (ABP Appeal Ref. No. NOT AVAILABLE): Applicant Messrs. Ruden Homes – Permission was granted by the Planning Authority and was refused following a third party appeal for a scheme comprising 175 No. dwelling houses, 1 No. creche with 4 No. overhead apartments.
- 6.1.3. Reg. Ref. 04510033: Applicant John Queally – Permission was refused for a scheme comprising 125 no. dwellings.
- 6.1.4. Reg. Ref. 21/684 & ABP 312822-22 – Permission was granted for 6 no. detached two storey houses and 1 no. detached two/one storey house, access roads and ancillary site works. The site is located immediately to the north of the lands subject of the CPO. This scheme is currently under construction. Condition no. 3 (a) attached by the Board specified - 3(a) Prior to the commencement of development, the developer shall submit for written agreement of the Planning Authority a revised site layout plan providing an 11m setback minimum from the opposite side of the road at the development entrance (6.0m road & 3.0m cycleway/footpath & 2.0m widened footpath on opposite side of the road).

7.0 Objections

- 7.1. There were 2 no. objections to the order.
- 7.2. (1) John Queally

- An objection on behalf of John Queally was submitted by Joseph P. Gordon & Co. Solicitors.
- The objection is made on the basis that the acquisition of land appears to be surplus to the scheme requirements.
- It is submitted that inadequate drainage details have been provided along the proposed new roadway. Concern is raised that drainage from the road would negatively impact their property
- There is a lack of clarity in relation to access proposals to the objectors' lands during and post construction.
- Inadequate detail has been provided in relation to the type of boundary to be provided along the area proposed for CPO.
- Inadequate detail has been provided in relation to the impact on services.
- There is a lack of detail provided in relation to the footpath and cycleway provision.
- It is submitted that there has been a lack of proper consultation or engagement with practically no information in relation to the road design details.
- In relation to the road widening, no details have been provided regarding the road widening on the remainder of the south end of the Old Hospital Road to the N25 roadway. The CPO relates to a land acquisition as far as the entrance to Southways Estate and no further. It is stated that pedestrians and cyclists from the northern end of the Old Hospital Road will have no similar footpath or cycle path from the Southways Estate entrance to the N25 roadway and would be left with no other alternative but to use the existing road. A Masterplan is requested to show how it is planned to provide a similar footpath and cycle path for the remainder of the south end of this roadway to the N25 roadway.
- Other relevant matters that may arise when more detailed design information is made available.

7.3. (2) Kevin & Elaine Queally

- An objection on behalf of Kevin & Elaine Queally was submitted by Joseph P. Gordon & Co. Solicitors.
- The contents of this objection mirror those set out in the objection on behalf of John Queally which was submitted by Joseph P. Gordon & Co. Solicitors as detailed above.

8.0 **Assessment**

8.1. **Overview**

I consider that the criteria which are relevant to the determination of the Commission in this CPO case may be summarised as follows:

- that it serves a community need and the acquisition is necessary
- that the lands are suitable and proportionate
- that the development to be served accords with planning policy and the development plan
- that alternatives have been considered and that there is no alternative which is demonstrably preferable
- additional issues raised by the objectors

8.2. **Community Need**

8.2.1. The CPO is being made to acquire lands at Monang, Dungarvan, Co. Waterford. The purpose of the acquisition is to facilitate the widening of the L3165, the Old Hospital Road to accommodate a widened 2.0m existing footpath on the western side of the road, a new 6.0m wide road and a new 3.0m wide footpath/cycleway.

8.2.2. The community need for the acquisition of the subject lands was set out by Waterford City and County Council in their submission to the oral hearing. Aisling O'Sullivan, Senior Planner, Waterford City and County Council in her submission outlined that the compulsory purchase of the subject plots of land are necessary. It was detailed that there is a recognised infrastructure deficit along the Old Hospital

Road which serves existing residential development and zoned residential land. It was highlighted that traffic movements have increased in recent years. The Council submitted that this creates impediments to future residential development.

- 8.2.3. Specifically, it was detailed that the road currently lacks sufficient width to provide safe pedestrian connectivity and that the deficit in pedestrian infrastructure at this location means that pedestrian movement occurs somewhat in the live carriageway. Sean Gormley, Senior Executive Engineer, Waterford City and County Council in his submission to the hearing stated that the existing road is substandard having a width of 5.8m and the existing footpath is less than a metre in places which is also substandard. It was further detailed that there is partial provision of footpath and no cycleway along the Old Hospital Road.
- 8.2.4. The matter of whether the road widening at Monang, Dungarvan, Co. Waterford would require approval under Part 8 of the Planning and Development Regulations, 2001, (as amended) and the procedure set out in Part 11, Section 179 of the Planning and Development Act, 2000 (as amended) was raised in the questioning at the hearing. Aisling O'Sullivan, Senior Planner, Waterford City and County Council in response to the matter confirmed that there will be a Part VIII because the works will be over the value of €126,000.00. Accordingly, I would highlight to the Commission that the subject CPO has been submitted to the Commission before the subject road widening has received Part VIII approval.
- 8.2.5. Notwithstanding the fact that approval under the Part VIII process has not been sought prior to this CPO, I would highlight to the Commission that the requirement for the subject road widening at Monang, Dungarvan, Co. Waterford has been established and indeed has been made an objective under the provisions of the Waterford City and County Development Plan 2022-2028 (as varied) where there is a transport objective for a Road Reservation along the Old Hospital Road. Accordingly, the specific community need for this infrastructural scheme has therefore been established and was subject to the sanction of the elected Members of Waterford City and County Council in their making of the Waterford City and County Development Plan 2022-2028 (as varied).
- 8.2.6. Furthermore, in relation to the matter of community need, having visited the location of the subject CPO, I would agree that the acquisition of the subject lands would be

beneficial for the above stated reasons. Mr. Sean Gormley outlined that given the deficiencies in the road and pedestrian layout that it is in the interest of public safety and improvement of traffic safety that the community need has clearly been demonstrated to improve the road network.

8.2.7. In addition, I note that there are currently no cycle facilities in place along the Old Hospital Road (L3165). The upgrade and improvement of pedestrian and cycle facilities along the Old Hospital Road (L3165) will provide a safe route for all users along the road and may also encourage uptake of more sustainable modes of travel within the area.

8.2.8. Accordingly, I conclude that need for the CPO can be justified by the exigencies of the common good and that the community need for the scheme has been established.

8.3. Suitability of lands to Serve Community Need and Proportionality and Necessity for the Level of Acquisition Proposed

8.3.1. The lands at Monang, Dungarvan, Co. Waterford which are the subject of this CPO are located on the eastern side of the L3165, the Old Hospital Road. The acquisition is sought to facilitate road widening at Monang. The location of the lands which are the subject of the CPO are subject to a transport objective for a Road Reservation along the Old Hospital Road under the provisions of the Waterford City and County Development Plan 2022-2028 (as varied). The acquisition of the subject lands would serve to facilitate the road widening at Monang for which there is an identified community need which is underpinned by transport objective for a Road Reservation.

8.3.2. Aisling O'Sullivan, Senior Planner, Waterford City and County Council submitted at the hearing that acquisition of the lands subject of the CPO are proportionate and achieve the public good in the providing the land required to facilitate the road widening at Monang which are necessary to secure and provide public infrastructure. It was set out that the land acquisition is proportionate in that it is limited in scale and is directly confined to the lands strictly required. Aisling O'Sullivan concluded in her submission to the hearing that the subject land acquisition will deliver significant and enduring public benefit in terms of road safety, accessibility and sustainable growth.

- 8.3.3. The matter the proportionality of the acquisition was raised in the written objections to the CPO by both objectors John Queally and Kevin & Elaine Queally. Sean Gormley, Senior Executive Engineer, Waterford City & County Council at the hearing noted that the matter of surplus land acquisition was raised in the objections. In response to the matter, he stated that the Council are seeking to acquire the minimum amount of land required to facilitate the subject road widening. He outlined that the cross section of the widened road with future road widening accommodated would comprise a widened 2m footpath, a 6m wide road and a 3m wide footpath/cycleway with a total cross section of 11m.
- 8.3.4. Having regard to the details set out above, I am satisfied that the CPO lands are suitable for their intended use to facilitate the road improvement works and provision of active travel measures. I am also satisfied that the extent of land take is justified in principle, that it is proportionate because it has been kept to the minimum to facilitate the works and minimise impacts on the site. I conclude that the lands comprised in the CPO are suitable to meet the identified community need.

8.4. Compliance with Planning Policy/Development Plan

- 8.4.1. The Waterford City and County Development Plan 2022-2028 (as varied) is the relevant statutory development plan for the CPO lands. Under this Development Plan, there are a number of general and more specific objectives which either directly or indirectly support the provision of road widening at Monang, Dungarvan, Co. Waterford which would be facilitated by the subject CPO.
- 8.4.2. The northern plot (101) which comprises a linear section of the front garden of a two-storey detached dwelling is zoned Objective 'RS' – Existing Residential. The objective seeks to provide for residential development and protect and improve residential amenity. The southern plot (102) comprises a linear section of the field which runs along the boundary with the eastern side of the Old Hospital Road for approximately 190m. The lands are zoned Objective to 'R1' – New Residential. The objective seeks to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.
- 8.4.3. There is a transport objective for a Road Reservation along the Old Hospital Road under the provisions of the Waterford City and County Development Plan 2022-2028

(as varied). This is indicated on the Development Plan mapping as extending along the eastern side of the Old Hospital Road from the section of the road at Pinewood Lawn south to the entrance to the Southways Estate. Accordingly, this Road Reservation extends along the lands which are the subject of this CPO.

- 8.4.4. Chapter 5 of the Waterford City and County Council Development Plan 2022-2028 (as varied) refers to Transport and Mobility. As set out in Chapter 5 it is a Strategic Objective to provide public and active transport infrastructure and services to meet the needs of neighbourhoods, towns and villages and rural areas in facilitating the “10 minute” city and town concept, to achieve this development of permeability measures in Tramore, Dungarvan and Waterford will be a priority of this Development Plan.
- 8.4.5. The following policy objectives in the Development Plan refer to active transport specifically cycling and walking and they are supportive of the scheme. Policy Objective Trans 01 refers to Integration of Land Use Planning and Transport Policy Objectives. It seeks to ensure that land use zonings are aligned with the provision and development of high quality/capacity public transport systems in a manner that reduces reliance on car-based travel, promotes more sustainable transport choice and co-ordinates particular land uses with their accessibility requirements. It seeks to develop a 10-minute neighbourhood framework for all new and existing urban areas across Waterford and map and identify infrastructural requirements to facilitate its implementation. It seeks to promote modal shift from car use towards increased use of more sustainable forms of transport such as cycling, walking and public transport. It also seeks to design and develop permeable links for walking and cycling in new development areas and retrospectively implement accessible, safe walking and cycling facilities and infrastructure into existing neighbourhoods, particularly at peripheral locations of our urban areas, where feasible and practicable. This will be done through the provision of appropriate pedestrian and cycle facilities.
- 8.4.6. Policy Objective Trans 07 refers to Supporting Active Travel. It seeks to promote walking and cycling as efficient, healthy and environmentally friendly modes of transport by delivering a comprehensive network of safe walking and cycling routes, and investigate the potential for quiet routes which will be a high quality, fully connected and inclusive, across the Waterford City and County with associated

placemaking, green infrastructure corridors and public realm improvements in accordance with best accessibility practice and promotion of the initiatives contained within Smarter Travel, A Sustainable Transport Future 2009 – 2020 or any update thereof.

- 8.4.7. Policy Objective Trans 08 refers to Priority Routes. It states that in order to develop a network of safe walking and cycling routes, we will put in place priority footways and cycleways on rural roads, when the opportunity arises and sufficient road width and route options exists so as to provide for improved pedestrian access to and from villages/towns and public transport and to counteract rural isolation.
- 8.4.8. Policy Objective Trans 09 refers to Connectivity and Permeability. It seeks to ensure that all developments can provide full connectivity/permeability to the adjacent road network (pedestrian, cycle and vehicular) and/or to adjacent lands which are zoned for development and lands which may be zoned for development in the future. Access should be also provided to adjoining amenities such as Greenways, Walkways and other recreational areas and have regard to 'Ireland's Government Road Safety Strategy 2021–2030.
- 8.4.9. Policy Objective Trans 33 refers to Road and Street Network. It seeks to ensure that the planning, design and implementation of all road/street networks across the city and county accord with the principles set out in the Design Manual for Urban Roads and Streets (2020), the National Cycle Manual (2010) and other relevant standards where appropriate, or any future update thereof. Policy Objective Trans 38 refers to Road and Street Network. It states that we will implement traffic calming measures on roads/streets in appropriate location in urban areas across the County, to reduce the speed of traffic in the interest of public safety, traffic safety and residential amenity. We will ensure that all streets and street networks within urban areas are designed to passively calm traffic through the creation of a self-regulating street environment.
- 8.4.10. These policy objectives set out above are all directly relevant to this CPO. The Development Plan objectives all seek to provide and improve vehicular, pedestrian and cycling infrastructure with the overarching aim of providing sustainable land use and integrated transport for existing and future communities. Accordingly, I consider

that this CPO aligns with these policy objectives of the Waterford City and County Development Plan 2022-2028 (as varied).

- 8.4.11. Volume 3, Appendix No: 2 of the Development Plan contains Specific Development Objectives. General Policy Objective POD03 states that as opportunities arise and where appropriate, the Council shall provide traffic calming measures, and new footpath/ cycle path through settlements. Development proposals, where appropriate, shall ensure that new development is set back to allow for the provision of new paving/footpath. This policy objective is directly relevant to this CPO on the basis that the subject road widening will tie into the road setback which will be provided at the housing scheme under construction directly to the north under Reg. Ref. 21/684 & ABP 312822-22. Condition no. 3(a) of the permission specifies that a 11m setback minimum from the opposite side of the road at the development entrance be provided to facilitate 6.0m road & 3.0m cycleway/footpath & 2.0m widened footpath on opposite side of the road.
- 8.4.12. The matters of Policy Objective CS 08 and Policy Objective Trans 04 of the Waterford City and County Development Plan 2022-2028 (as varied) were raised in the questioning at the hearing. Core Strategy Policy Objective CS 08 refers to Local Area Planning it states that land use zoning objectives and other policy objectives of this Development Plan, will be supplemented through the provision of Local Area Plans (LAPs) for areas of Waterford City, Dungarvan/ Ballinroad, Tramore, Dunmore East, Portlaw, Lismore and Gaeltacht na nDéise (including Sean Phobal). Policy Objective Trans 04 refers to Local Transport Plans it sets out that it is a Policy Objective to prepare Local Transport Plans (LTPs) (using the Area Based Transport Assessments (ABTAs) method) in tandem with the preparation of Local Area Plans (LAPs) and also prepare LTPs for key strategic land banks within adopted LAPs, if required, subject to the availability of funding and in accordance with the NTA and TII Guidance Note on Area Based Transport Assessments 2018 or any subsequent updates thereof. The Council will prepare LAPs and LTPs for Dungarvan and Tramore within one year of adoption of the Development Plan.
- 8.4.13. The Council were requested to clarify whether these plans were being prepared. Aisling O'Sullivan, Senior Planner, Waterford City and County Council in response to the matter stated that in relation to the preparation of a Local Area Plan for

Dungarvan that the RSES is currently being prepared and that the Council will be reviewing the Waterford City and County Development Plan in advance of that. She stated that the Council cannot start a Local Area Plan process because it would be falling under the provisions of two different Planning and Development Acts. The Planning and Development Act, 2000 (as amended) and the Planning and Development Act, 2024. In relation to the preparation of a Local Transport Plan for Dungarvan, it was confirmed at the hearing that the Council have commissioned its preparation. Aisling O'Sullivan stated that the contents of the plan would confirm the need for the active travel measures that are being sought to be provided with the compulsory acquisition of the subject lands. It was confirmed at the hearing that the Local Transport Plan is currently being prepared by consultants, and the Council anticipate that a draft would be available in summer 2026.

- 8.4.14. In relation to objective CS 08 which refers to Local Area Planning and the requirement for the Council to provide a Local Area Plan for Dungarvan, I note the response from the Council on the matter. As detailed by Aisling O'Sullivan in her evidence, having regard to the current changes in legislative provisions referring to Development Plans and Local Area Plans the Council are not progressing the Dungarvan Local Area Plan at this time. I am satisfied that their response addresses the matter.
- 8.4.15. In relation to objective Trans 04 which refers to Local Transport Plans and specifically that a LTP is required to be provided for Dungarvan, I would highlight to the Commission that as detailed in the evidence from the Council a draft LTP for Dungarvan is currently being prepared. The contents of this plan will inform the provision of new and improved vehicular, pedestrian and cycling infrastructure within the town which directly correlates with the aims of this road widening scheme to provide active travel measures.
- 8.4.16. In respect of the National policy context Project Ireland 2040 – National Planning Framework – First Revision – April 2025, provides strategic outcomes and priorities. Specifically of relevance are the National Strategic Outcomes and Priorities of achieving compact growth and sustainable mobility. National Strategic Outcome 1 refers to Compact Growth and mechanisms to achieve this include through urban regeneration and tailored funding. Specifically, in relation to the subject scheme it

would serve to improve accessibility and transition to more sustainable modes of travel. National Strategic Outcome 5 refers to Sustainable Mobility and it seeks to expand attractive public transport alternatives to car transport to reduce congestion and emissions and enable the transport sector to cater for the demands associated with longer-term population and employment growth in a sustainable manner through a number of measures including to develop a comprehensive network of safe cycling routes in metropolitan areas as well as towns and villages. National Strategic Outcome 7 refers to Enhanced Amenities and Heritage, and it seeks to improve ease of access to amenities and services supported by integrated transport systems and green modes of movement such as pedestrian and cycling facilities.

8.4.17. National Policy Objective 37 seeks to 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. National Policy Objective 93 seeks to improve air quality and help prevent people being exposed to unacceptable levels of pollution in our urban and rural areas through integrated land use and spatial planning that supports public transport, walking and cycling as more favourable modes of transport to the private car. National Policy Objective 104 refers to the use of CPO powers. It states that Planning Authorities will use compulsory purchase powers to facilitate the delivery of enabling infrastructure to prioritised zoned lands, to accommodate planned growth.

8.4.18. The subject scheme would align with these national policy objectives.

8.4.19. The provisions of the Regional Spatial and Economic Strategy for the Southern Region (RSES) are also of particular relevance. Dungarvan is designated as a Key Town in the (RSES). In terms of its strategic attributes Dungarvan has a significant sub regional role and a synergy with East Cork. Regional Policy Objective (RPO) 24 refers to Dungarvan. Part (e) is particularly relevant, it sets out that it is an objective 'To support the continued development of cycling and walking infrastructure as part of Go Dungarvan Smarter Travel Programme and to support the accessibility of the public realm for vulnerable road/ path users and persons with disabilities.' RPO 11 refers to Key Towns and Part (b) is particularly relevant it sets out that it is an objective to (b) to seek investment in holistic infrastructure inclusive of utilities,

transportation, social and community, digital infrastructure and smart technologies environmental (including facilitation of climate change mitigation and of biodiversity promotion), climate change adaptation and future proofing infrastructure including flood risk management measures and flood defence schemes, recreational, arts and cultural that will deliver sustainable growth in Key Towns subject to the outcome of the planning process and environmental assessments. RPO 151 refers to Integration of Land Use and Transport and Part (b) is particularly relevant. It sets out that residential development will be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport, including infill and brownfield sites are prioritised.

8.4.20. In relation to the Climate Action Plans 2024 and 2025, the subject scheme which comprises road widening at Monang, seeks to facilitate improved vehicular, pedestrian and cycle access in Dungarvan which is in accordance with the central tenet of the Plans which seeks to achieve a shift to transport modes with zero or low carbon emissions such as active travel, with the provision of walking and cycling networks. It is acknowledged in the Plans that the provision of safe and accessible walking and cycling infrastructure is key to encouraging modal shift away from private car use towards walking and cycling. Table 15.5 of the 2024 Plan refers to Key Metrics to Deliver Abatement in Transport. The Climate Action Plan 2025 does not change the key performance indicators provided in Table 15.5 of CAP24. Key targets include: 20% reduction in total vehicle kilometres travelled relative to business-as usual, 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share.

8.4.21. The Transport Sectoral Adaptation Plan (T-SAP II) 2025-2030 is also of relevance. Section 2.2.2 of the Plan refers to Active Travel. It sets out that it is policy to deliver active travel facilities, greenways and initiatives such as bike sharing schemes which are embedded into national policy to encourage their uptake to meet national mitigation goals, reduce traffic congestion and increase activity levels. It is detailed in the plan that Active travel projects are funded by the Department of Transport through the NTA's Active Travel Programme and are managed and delivered by local authorities. It was stated by Sean Gormley, Senior Executive Engineer, Waterford City & County Council at the hearing that the provision of an active travel

scheme at this location would be subject to funding from the NTA (National Transport Authority) following the acquisition of the subject lands by the Council. Accordingly, the CPO is sought in the context of the Council seeking to provide active travel which is a fundamental policy commitment in the Climate Action Plans 2024 and 2025 and the Transport Sectoral Adaptation Plan (T-SAP II) 2025-2030.

- 8.4.22. Accordingly, in relation to compliance with policy, I conclude on this basis that the CPO complies generally with national and regional policy set out in the National Planning Framework First Revision – April 2025, the Climate Action Plan 2024 and 2025, the Transport Sectoral Adaptation Plan (T-SAP II) 2025-2030, Regional Spatial and Economic Strategy for the Southern Region and with the objectives listed above from the Waterford City and County Development Plan 2022-2028 (As varied). In relation to the provisions of Waterford City and County Development Plan 2022-2028 (As varied), the transport objective for a Road Reservation along the Old Hospital Road is of direct relevance to this CPO. It specifies that there is a clear objective for the road widening at Monang, Dungarvan, Co. Waterford which underpins the making of this CPO.

8.5. Consideration of Alternatives

- 8.5.1. The matter of consideration of alternatives was discussed at the hearing. Sean Gormley, Senior Executive Engineer, Waterford City and County Council in his submission to the hearing stated the consideration of alternatives included the retention of the existing road configuration. He detailed that the existing road, the Old Hospital Road is already substandard having a width of 5.8m. It was highlighted that the existing footpath is less than a metre in places which is also substandard. It was further detailed that while there is an existing partial delivery of the footpath, it is too narrow and there is currently no cycleway.
- 8.5.2. Mr. Gormely detailed at the hearing that in relation to voluntary agreements, there was engagement with the landowners at an early stage to seek agreements prior to the CPO process, however such agreements were not reached.
- 8.5.3. The matter of alternatives was further explored during the questioning at the oral hearing. I questioned Waterford City and County Council at the hearing and requested that they elaborate upon the exploration of alternatives. In response to the

matter, Sean Gormley reiterated his earlier statement that the existing road is 5.8m wide which is deficient and that the existing footpath on the western boundary is between 0.8m and 1m in width and is also deficient. Therefore, in order to provide safe vehicular, pedestrian and cycling infrastructure to serve area in accordance with the principles of proper planning and sustainable development it is necessary to provide the road widening at this location. Therefore, the option not to carry out the road widening at this location would not be acceptable.

- 8.5.4. Mr. Gormley stated that it is the most obvious solution to improve the existing route from Cruachán and Pinewood into the town serving existing houses is to provide the footpath on the eastern side of the road, where it is a greenfield for a long section of over 200m. He outlined then there are route options beyond at the Southways Estate to either to go into the Southways Estate for some of the route or to go along the Old Hospital Road. He concluded that it is the only option that is available to the Council and that it is quite clear when you are on site that there really isn't any alternative there or other routes available.
- 8.5.5. In his submission to the hearing on behalf of the objectors Mr. Corr referred to the housing development currently under construction on the adjoining lands to the north. He noted that a condition attached to that permission required the developer to put walking/cycling facilities within the immediate vicinity of the site. That refers the permission granted under Reg. Ref. 21/684 & ABP 312822-22 for 6 no. detached two storey houses and 1 no. detached two/one storey house, access roads and ancillary site works. The site is located immediately to the north of the lands subject of the CPO. Condition 3(a) of the permission specified that prior to the commencement of development, the developer shall submit for written agreement of the Planning Authority a revised site layout plan providing an 11m setback minimum from the opposite side of the road at the development entrance (6.0m road & 3.0m cycleway/footpath & 2.0m widened footpath on opposite side of the road). Mr. Corr stated at the hearing that an alternative to the CPO would have been that the developer of the lands to the north of Kevin & Elaine Queally's property could have dealt directly with them to facilitate the road widening rather than the Council having to make a CPO.

- 8.5.6. In relation to this matter Aisling O'Sullivan, Senior Planner stated that the development which is under construction was subject to a grant of permission by An Coimisiún Pleanála and that a condition was attached to the permission requiring a footpath to the front of the development. She stated that it was done with a view of linking into future pedestrian access along the Old Hospital Road. Accordingly, the Council expressed the point that the road widening was being carried out by that developer at the front of their site as was required under the permission granted and that the intention would be for it to connect to future pedestrian infrastructure to be provided. Regarding this matter I would note that the suggestion made by Mr. Corr that the developer of the lands to the north of plot no. 1 the Quelly's property could have dealt directly with the landowners to facilitate the road widening. While I would note that this suggestion could possibly facilitate road widening within the extent of that property, however it would not address how further road widening to the south along the Old Hospital Road could be achieved.
- 8.5.7. The matter was raised at the hearing by Mr. Hutchinson during the questioning on behalf of John Queally that there is a Roads Objective in the Development Plan to build a road through the lands owned by John Queally. Aisling O'Sullivan, Senior Planner in response to the issue stated that yes there is a long-standing objective to provide a road on those lands to facilitate residential development. In relation to the provision of the road Aisling O'Sullivan highlighted that in the absence of central funding being provided that it would have to be developer led. Mr. Hutchinson questioned whether if this road were built that it would have active travel measures. Aisling O'Sullivan stated that yes active travel measures would be provided she further stated that the development of that road would not necessarily alleviate the requirement for active travel measures along the Old Hospital Road. She detailed that the development of a road to service those residential zoned lands would effectively take traffic away from the town centre. Mr. Hutchinson questioned the requirement for the subject road widening along the Old Hospital Road with the provision footpaths and cycleways when this could be provided on the new road to serve the residential zoned lands to the east. In response to the matter Aisling O'Sullivan stated the new road was required as well as active travel measures and that the upgrading of the Old Hospital Road is also required regardless of whether that separate new road were built.

- 8.5.8. Mr Hutchinson questioned that if the new road is built and accessible to all those houses then there would be no need for people living in the new development to be travelling on the Old Hospital Road. In response to the matter, Aisling O'Sullivan stated if people were travelling via the other road, then they would be further away from town and that the Old Hospital Road is the closest link to town. She further highlighted that there are other existing houses where the most direct access is on the Old Hospital Road. She concluded on that matter that irrespective of any new infrastructure in that area, connectivity along the Old Hospital Road is still required and that objective has been there in tandem with the new infrastructure in terms of the new road reservation.
- 8.5.9. The issue was raised at the hearing that the objectors Kevin and Elaine Queally would have preferred to have the alternative option of ongoing consultation with the Council in relation to the acquisition of the subject lands rather than a CPO process being initiated on the basis that the adjoining land owner did not agree to voluntarily sell the lands to the Council. In response to the matter Vicky Butler, Head of Property Management, at the hearing stated that she acknowledged that Kevin Queally did consult and cooperate with the Council. She outlined that the CPO is a statutory process, and that it would have been unfit for the process to proceed with one landowner and not the other landowner. It is the position of the Council that it would not be possible to proceed with the required road widening along the Old Hospital Road to provide the active travel scheme and receive the funding from NTA in the absence of acquiring the entire lands required. Having regard to the process involved in terms of the requirement of the Council to acquire the lands prior to the funding being available for the advancement of an Active Travel Scheme it is clear that the ad hoc acquisition of the required lands would not serve the purposes of advancing the subject road widening. It was highlighted by the Council at hearing that the design of the scheme would be done by the active travel team along with the Roads Section following the acquisition of the subject lands and the subsequent provision of funding from NTA.
- 8.5.10. Accordingly, I consider that in the course of the hearing including the questioning at the hearing that the matter of alternatives has been fully explored and that there are no other suitable alternatives. I conclude that alternatives with respect to the design

of the scheme have been fully considered and that there is no alternative which is demonstrably preferable.

8.6. Additional Issues Raised

- 8.6.1. Design issues have been raised in the written objections and also at the oral hearing. Specifically, it was set out in the written objections that inadequate details were provided in relation drainage proposal and services along the new section of road. That there was an absence of detail regarding access arrangements to the objectors' lands during and post construction. It was set out in the objections that inadequate detail was provided in relation to boundary treatment and that there was a lack of detail in relation to the footpath and cycleway and overall road design.
- 8.6.2. Regarding the proposed road widening at Monang, the objections raised the matter of how the subject road widening along the section of the Old Hospital which is the subject of the CPO would then tie into the existing road and pedestrian layout to the south.
- 8.6.3. In response to the matters raised in the written objections, Sean Gormley, Senior Executive Engineer stated at the hearing that the issues raised referring to drainage, access, boundary treatment and services would be dealt with under the detailed design of the scheme after the acquisition of the land. He confirmed that general consultation in relation to the design of the footpath and cycleway would occur after the acquisition of the land. In conclusion he stated that the objections are noted they will be dealt with fundamentally at design stage.
- 8.6.4. At the hearing the subject of design details was further explored in respect of the objectors Kevin and Elaine Queally. The submissions to the hearing on behalf of the objectors raised concerns in relation to the uncertainty regarding the extent of the land acquisition and the boundary treatment which would be provide post the acquisition. The matter was responded to by Mr. John Lennard, former District Engineer, Waterford City and County Council at the hearing. He confirmed that he had visited the property and along with Mr. Kevin Queally had staked out the extent of the land take. He stated that the existing boundary wall would be setback behind the new kerb line of the cycleway. Mr. Lennard outlined that drawings indicating the

area of the proposed land take were issued to both Kevin & Elaine Queally and John Queally.

8.6.5. The matter was further discussed during the questioning at the hearing. Sean Gormley stated that in terms of the road itself, that Kevin Queally had asked for a design/layout. John Lennard sent him an over lay of the future road in an email showing on a CAD map which was dimensionally correct. The land take line was marked on it. I note the maps submitted with the CPO which indicate the land take. I also note the maps, drawings and diagrams included in the submission from the Council in relation to the subject road widening. These include an existing and proposed cross section of the road and copies of the drawings which were provided to the Objectors. I am satisfied that these drawings reflect the land take and also the discussions referring to the land take which took place at the hearing.

8.6.6. Sean Gormley set out the proposed widened road configuration at Kevin & Elaine Queally's property at the hearing. He stated that facing north towards the Cruachán Estate that on the left-hand side of the road the footpath would go from 1m to 2m. There would be a 6m wide road which would be standard and then there would be a 3m footpath in front of Kevin & Elaine Queally's house. Then there is an existing boundary wall or hedging which would be set back behind that line and then the wall would be rebuilt. Regarding the matter of the detail of the proposed boundary, Sean Gormley stated that the future look of their wall would come as part of the valuation. That the objectors would detail exactly what they would want. Whether it was a stone-faced wall, a half metre high wall etc. that would be all be part of the valuation that they would submit to the Council, along with a landscape plan. Therefore, he concluded that process would address all those issues. I consider that the Council has provided a satisfactory response to the objectors Kevin & Elaine Queally in relation to their concerns regarding the future boundary treatment at the front of their property.

8.6.7. The matter of how the subject road widening would tie in the existing road and pedestrian layout to the south was discussed at the hearing. Mr. Corr on behalf of the objector John Queally stated that he had concerns regarding the logic of the current design and the land take that the Council are proposing. He stated that the widened road with footpaths and cycleway would have a total width of 11m and he

questioned how the widened road at the southern end would tie in with the existing road layout. He stated that he considered that there is a potential hazard with the cycleway being on an incline travelling south and then joining a different road/carriageway configuration and that could create a risk effectively for cyclists.

- 8.6.8. The Council responded to the matter at the hearing. Aishling O'Sullivan, Senior Planner stated that she noted the point made in relation to the how the widened section of the Old Hospital Road would tie in with the existing road layout to the south. She highlighted that there is an existing uninterrupted footpath the remainder of the way into the town. In relation to an extension of the cycleway/footpath, it was outlined that the route would go through the Southways estate and that it would exit the Southways estate at the pedestrian crossing. Sean Gormley, Senior Executive Engineer confirmed at the hearing that the preferred option is to go through the Southways Estate. He outlined that there is still potential to use the Old Hospital Road by using a yield system using different parts of the road where cars pull in to allow the footpath to be wider and then have one lane at certain sections. He concluded that there is a lot of detailed design to be done including to determine whether the route should go through the Southways Estate versus using the existing road infrastructure. I would consider that it is reasonable that those design details will be provided at a later stage following an examination of the two options on the basis that which ever option is chosen it would not alter the requirement for the subject road widening on the Old Hospital Road. Furthermore, it is clear from the evidence presented by the Council that the subject road widening and active travel measures will be designed to tie into either an altered road layout to the south on the Old Hospital Road or a new section of active travel infrastructure which will be located to the south-east of the Old Hospital Road through the Southways Estate.
- 8.6.9. Accordingly, having regard to the details set out above, I consider that the design issues raised have been satisfactorily addressed by Waterford City and County Council.

9.0 Recommendation

- 9.1. I recommend that the Commission CONFIRM the Compulsory Purchase Order, as submitted by Waterford City and County Council on the 31st of December 2025, based on the reasons and considerations set out below.

10.0 Reasons and Considerations

Having considered the objections made to the compulsory purchase orders, the report of the person who conducted the oral hearing into the objections, the purpose of the compulsory purchase order and also having regard to:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the purpose of the compulsory acquisition for road widening at Monang, Dungarvan, Co. Waterford, for which there is a transport objective for a Road Reservation along the Old Hospital Road under the provisions of the Waterford City and County Development Plan 2022 – 2028 (as varied),
- (c) the community need, public interest served and overall benefits, especially in terms of traffic management and road safety, to be achieved from the proposed road,
- (d) the provisions of the National Planning Framework (First Revision – April 2025), the Climate Action Plan 2024 and 2025, the Transport Sectoral Adaptation Plan (T-SAP II) 2025-2030, the Southern Regional Assembly Regional Spatial and Economic Strategy and the policies and objectives of the Waterford City and County Development Plan 2022 – 2028 (as varied), and
- (f) the submissions and observations made at the oral hearing, and
- (g) the report and recommendation of the Inspector,

It is considered that, the acquisition by Waterford City and County Council of the lands in question, as set out in the compulsory purchase order and on the deposited maps, is necessary for the purpose stated, which is a legitimate objective being pursued in the public interest, and that the CPO and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good. In reaching this conclusion, the Commission agrees with and adopts the analysis contained in the report of the person who conducted the oral hearing into the objections.

11.0 Schedule

The Compulsory Purchase Order shall be Confirmed in accordance with the documentation submitted by Waterford City and County Council on the 31st of December 2025.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Siobhan Carroll
Planning Inspector

18th of June 2026

Appendix A

12.0 Proceedings of Oral Hearing

12.1. An Oral Hearing (OH) was held on 30th April 2026 in relation to the proposed Compulsory Purchase Order (CPO) for Road widening at Monang, Dungarvan, Co. Waterford, Compulsory Purchase Order 2025 No. 4. It was held remotely at the offices of An Bord Pleanála using Microsoft Teams Software. The following were in attendance and made submissions at the Oral Hearing.

1. On behalf of Waterford City & County Council (WCCC)

- Aishling O’Sullivan, Senior Planner
- Vicky Butler, Head of Property Management
- Sean Gormley, Senior Executive Engineer in the District of Dungarvan Lismore.
- Ciaran Curran, Lanagan & Curran Solicitors

Also in attendance:

- John Lennard, Former District Engineer

2. Submission on behalf of the Objector John Queally

- Kieran O’Connell, Solicitor, Joseph P. Gordon & Co. Solicitors.
- Paul Hutchinson, BL
- Tom Corr, Property Advisor.

3. Submission of behalf of the Objectors Kevin and Elaine Queally

- Kieran O’Connell, Solicitor, Joseph P. Gordon & Co. Solicitors.
- Paul Hutchinson, BL
- Tom Corr, Property Advisor.
- Kevin Queally

12.2. Opening of Oral Hearing

12.2.1. The Inspector formally opened the hearing at 10.06am.

12.3. Submission by Limerick City & County Council

- The Council presented a brief overview of the CPO. Justification for land acquisition with reference to alternatives considered.
- A brief introduction was provided by Aisling O'Sullivan, Senior Planner.
- Lands subject of the CPO located on the eastern side of the Monang Road. There is a recognised infrastructure deficit along this existing local road network which serves existing residential development and zoned residential land. The road currently lacks sufficient width to provide for safe pedestrian connectivity, and it creates impediments to future residential development.
- Future road widening accommodating a widened 2m footpath, a 6m wide road and a 3m wide footpath/cycleway with a total cross section of 11m is what is proposed. The widening of this section of the Monang Road will tie in with the road widening and site arrangements for a residential development site of condition no. 3(a) of the permission granted by An Bord Pleanála on the adjoining site to the north.
- The CPO process was presented by Vicky Butler, Head of Property Management
- The Chief Executive Order authorising the CPO was signed on the 4th of December 2025.
- The notice to the landowners was sent on the 8th of December 2025.
- The advertisement was placed in the Observer on the 12th of December 2025 to publicise the process.
- Submission from Aisling O'Sullivan, Senior Planner. The road currently functions as a local access route. It serves established housing, circa 350 houses. It also serves lands designated for significant future residential development, circa 800 units. The revised NPF targets for Waterford have

increased our housing target numbers up to 1,100 per annum. This bank of land that the footpath would serve will therefore serve the needs of future residents. From a planning perspective there is a deficit in pedestrian infrastructure, pedestrian movement occurs somewhat in the live carriageway and traffic movements have increased significantly in recent years. There be will future increases associated with any new residential development. This represents a clear infrastructural deficit in an urban edge location that is designated for consolidation and growth.

- The proposed CPO is consistent with National Planning Framework and the Southern Regional Economic Strategy. There are a number of objectives both in the NPF and in the Regional Strategy which support CPO's of this nature. NPO 9 – Delivery at least 30% new homes that are targeted in settlements other than the five cities one of which Waterford is to be delivered in their suburbs within their existing built-up footprints and to ensure compact and sequential patterns of growth.
- NPF37 – To integrate safe and convenient alternatives to the car into the design of our communities by prioritizing walking and cycling accessibility to both existing and proposed developments. NPO 104 Planning Authorities will use compulsory purchase powers to facilitate the delivery of enabling infrastructure to prioritise zoned lands to accommodate growth. Similar policies are in the Regional Plan supporting compact growth, accessible walking and cycling networks and to align the delivery of infrastructure with zoned lands.
- The proposed road and footpath scheme enables the development of lands around Monang and ensures that development will be carried out in line with Regional and National objectives for sustainable mobility and infrastructure led projects.
- In terms of the Waterford City and County Development Plan 2022-2028 (As Varied) the plans provide very strong support for the proposed CPO. The Monang area is located within the built-up footprint of Dungarvan and is identified as lands for residential development. The Development Plan aims to consolidate the growth of the town while ensuring adequate infrastructure provision. There are a number of objectives in the Development Plan namely Trans O1 which refers to design and develop permeable links and retrospectively implement accessible and safe walking and cycling facilities and infrastructure into neighbourhoods.

- There is a Transport Objective in the Development Plan along the Old Hospital Road for a Road Reservation. That Road Reservation fronts onto the subject lands.
- There are also policies in relation to connectivity and permeability which ensure that all development can provide full connectivity and permeability to the adjacent road network for pedestrians and vehicular modes of transport and to adjacent lands which are zoned for development and for lands which may be zoned for development in the future. Access should also be provided to adjoining amenities such as greenways. The development of a footpath here will provide for the safe access to the Waterford Greenway.
- In terms of a local planning context supporting active travel, developing priority routes and to ensure that we enhance access and optimise the use of public transport where available planned and sustainable modes of transport such as walking and cycling in order to achieve the delivery of a ten-minute neighbourhood.
- A Strategic Objective of the Development Plan is to provide public and active transportation infrastructure and services to meet the needs of neighbourhoods, towns and villages and rural areas in facilitating the ten-minute city and town concept. To achieve this the development of permeability measures in Tramore, Dungarvan and Waterford will be a priority of this Development Plan. The lands at Monang are within ten minutes' walk of the Square in Dungarvan. The provision of a footpath here will facilitate the achievement of the ten-minute objective in the Development Plan.
- The Roads justification was presented by Sean Gormley, District Engineer.
- From the aerial view you can see the zoned lands to the north. A 4.5m setback is proposed to provide for the new cycle/footpath. Ruden developments have a similar setback in their scheme. From Kevin Queally's property there is a narrow carriageway of 5.8m with no footpath to the left-hand side. The footpath on the right-hand side is only 800mm-1m. it is a narrow footpath. There is an existing active travel scheme where a raised pedestrian crossing was provided to the south of the subject CPO location. Footpath along the eastern side of the road facilitate the joining to the existing active travel.
- Regarding the cross section there is a 1m wide footpath and little stone wall, the carriageway is under 6m, approximately 5.8m, there is a very narrow verge and hedge. What is proposed is to widen the footpath to 2m, increasing

the carriageway width to 6m. The centreline would move with the footpath/cyclepath then 3m with a small verge to accommodate the widths of the road with stock fencing provided as boundary treatment to be confirmed at design stage.

- In relation to the matter of consideration of alternatives the retention of the existing configuration was one consideration. The road is already substandard width at 5.8m and the existing footpath is less than a metre in places which is also substandard. Partial delivery of the footpath infrastructure is what we have already. We have partial footpath there is no cycleway. It is too narrow.
- In relation to voluntary agreements, there was engagement made early on to try and look at could agreements be made before the CPO process. The alternatives were determined to be inadequate as they would fail to deliver a safe pedestrian environment or address longstanding road safety concerns. The scheme cannot be delivered without acquisition.
- Objections are noted about surplus land. They Council are only looking at acquiring the minimum required. The 2m footpath to provide for a road width of 6m and then a 3m footpath with a narrow verge back into the original hedge line.
- The other items raised in the objections, drainage, access, boundary treatment and services they would all be dealt with under detailed design after the acquisition of the land. Regarding the footpath and cycleway general consultation regarding the design will happen after the acquisition of the land. The objections are noted they will be dealt with fundamentally at design stage.
- A conclusion was presented by Aisling O'Sullivan, Senior Planner. In terms of public interest and proportionality the proposed CPO is necessary to secure and provide public infrastructure. It is proportionate in that it is limited in scale and is directly confined to the lands strictly required. It delivers significant and enduring public benefit in terms of road safety, accessibility and sustainable growth. There is a considerable population currently living along the Old Hospital Road that would use that road. There is considerable zoned land located there for future development. It complies with National, Regional and Local planning objectives and it is justified by the overriding public interest. It is consistent with established CPO principles. In conclusion, this CPO is essential to address the existing infrastructure deficiencies. It is required to support existing and future residential development. It is fully aligned with the National Planning Framework, the RSES and the Waterford City and County Development Plan 2022-2028. It serves a clear and identifiable public interest. It creates safe and accessible networks. It is in the interest of the proper

planning and sustainable development of Dungarvan and accordingly it is submitted that the Compulsory Purchase Order should be confirmed.

12.4. Submission by Objector – Paul Hutchinson, Barrister, submission on behalf of the Objector, John Queally.

- Mr. Hutchinson, requested that Mr. Corr provide his evidence to the hearing first on behalf of both the property owners. Mr. Corr is a property consultant.
- In evidence presented by Mr. Corr he corrected the record and confirmed that he is a property valuer and not an engineer.
- Mr. Hutchinson, asked Mr. Corr you have been out to visit the site and spoken to both the property owners, would you tell us your observations and what are the concerns you would like to bring to the attention of the Inspector.
- Mr. Corr stated one of his main concerns is that he can see the logic of the current design and the land take that the Council are proposing with a total width of 11m but at the southern end what is actually going to happen there at John Queally's lands. Is there a potential hazard with the cycleway being on an incline travelling south and then joining a different road/carriageway configuration and that could create a risk effectively for cyclists. Where is the new footpath and cycleway going to tie in? Is there a safe section of footpath or cycleway provided to the south of the CPO location.
- Mr. Hutchinson stated in the absence of other further acquisitions from land owners along that route it is essentially a cycleway to nowhere. Mr. Corr stated that it appears to him to be that way.
- Mr. Hutchinson asks Mr. Corr what other issues occurred to him. Mr. Corr stated that it is very difficult for a property owner to deal with a Compulsory Purchase Order if there is a lack of design. It is common on big schemes for the acquiring authority not to want to do a detailed design because there is considerable expense in a big scheme. More could have been done here by the Council to clarify exactly what was being proposed. Mr. Corr does not consider that it is appropriate to not have a detailed design at this stage. Is the detailed design going to be done by the contractor or the Council? For a scheme of this scale the Council could have done some design that would have helped the owners Kevin and Elaine Queally in relation to what was happening because it is a section of their front garden. The lack of detailed design is an issue for the objectors Kevin and Elaine Queally.
- There seems to been a breakdown in communication between the Council and John Queally in particular. The objector John Queally ended up not committing to selling land. That was after a process which he was not happy

with. John Queally has previously worked with the Council, therefore it is disappointing that at the end of the consultation he was not happy with the process.

- In relation to Kevin Queally and Elaine Queally, even though the Council came to the view that they were going to go to Compulsory Purchase they still could have consulted better with Kevin Queally and Elaine Queally and explained to them exactly why they were going to go to CPO. In addition, they could have provided more information particularly in relation to design. Kevin Queally and Elaine Queally wanted details of what would happen and they wanted to fully engage with the Council.
- Mr. Hutchinson, stated one of the points made by Kevin Queally in the written submission was that the area proposed for CPO is to the front of their house and they would be looking at it everyday. Therefore, the questions arise where would the infrastructure end and what would the appearance of it be. It would appear that no one was able to answer that question. There was a breakdown in providing detail and arising out of that Kevin Queally had serious reservations in agreeing to sell an unknown portion of land with an unknown barrier and an unknown finish. Also, what sort of privacy would be provided from the new infrastructure, i.e. hedges, fences, ditches would there be a wall. You can't have meaningful engagements with landowners and ask them to sell portions of their gardens without details of the proposed design. At one point there was an effort to put stakes in the front garden of Kevin Queally's property to illustrate the end of the land acquisition. However, it turned out that it was the end of the surface and it was not clear what would be inside that surface.
- Mr. Corr agreed with Mr. Hutchinson's statement. He stated that the most basic thing would have been to agree the boundary. Also, the detailed in relation to the footpath is fairly basic. It is difficult to see how some detail could not have been given at an earlier stage.
- Mr. Corr stated that an issues with CPO's in general is that all the detail is left to detailed design stage. This is problematic for the property owner to deal with what is being proposed. Leaving everything to detail design stage is inappropriate for such a small scheme.
- Mr. Corr questions how the new infrastructure is being funded. As an alternative to the CPO could the developer north of Kevin Queally's property dealt directly with the owners rather than the Council having to make a CPO.
- Mr. Hutchinson stated that the Council are seeking to put in services for an extensive development on a neighbouring plot. The conditions attached to the

development to the north required the developer to put walking/cycling facilities within the immediate vicinity of the site. The Council appears to have undertaken the responsibility of linking what is going to be built there with what is proposed to be acquired here and subject to where does it go to the south beyond the location of the proposed CPO.

- Mr. Corr stated that the footpath/cycleway and carriageway improvements are necessary and one of the conditions of the grant of permission of that development.
- Mr. Corr stated that there is a cost involved in the use of Compulsory Purchase Order powers for the Council and there is executive time. Mr. Corr considered that the more appropriate approach would have the developer dealing directly with the neighbouring landowners. Then Compulsory Purchase would not have been necessary.

12.5. Submission by Objector – Paul Hutchinson, Barrister, submission on behalf of the Objectors, Kevin & Elaine Queally.

- Mr. Hutchinson introduced Mr. Kevin Queally stating that his background is in engineering.
- Mr. Queally stated that Mr. Hutchinson & Mr. Corr covered a lot of the issues he wanted to discuss. Mr. Queally stated this piece of land is significant for his front garden. There is a patio at the front the house which looks out onto the land subject of the CPO. There is a lot of uncertainty and anxiousness around what could potentially happen. It would result in a significant loss of privacy in our home. Mr. Queally stated that his biggest concern refers to what was the land take. He looked for the CAD drawings to understand exactly where their boundary would start and finish. He stated that he was frustrated to not received details of that. Mr. Queally asked John Lennard from the Council to put pegs in the ground to illustrate the area in question. Which he was satisfied with when it was put down. That became apparent those pegs illustrated the inside face of whatever retaining wall or boundary was going to be in place. It left further ambiguity as to what subsequent land take would be required inside that.
- It is the uncertainty given the circumstances and uncertainty around the land take which was the cornerstone of our concerns. We still don't have that resolved. Mr. Queally stated that he was very concerned at the pushing out of

the detailed design post CPO because they are in the dark as to what is going to happen.

- Mr. Hutchinson asks Mr. Queally was he happy to continue to engage with the Council, albeit that he wasn't excited about the prospect of losing a piece of garden. Mr. Hutchinson confirms that Mr. Queally was happy to constructively engage with the Council if he had been provided with those detailed plans.
- Mr. Queally stated that when the planning application was submitted to the Council on the adjoining lands that they didn't object to that development.
- Mr. Queally stated that his other concern is where does this proposed road widening end. It doesn't seem to go anywhere. In the presentation from Waterford City and County Council, and paragraph Trans 09 it talks about connectivity between building infrastructure and town and the greenway. The proposal gives a fantastic footpath and cycleway to a certain point in the road but it does not have that connectivity to that area. Mr. Queally stated that he is uncertain as to what is the subsequent plan to provide that connectivity. Mr. Queally stated that he does not see it.
- Mr. Hutchinson stated that the Council in the hearing referred to this area being walkable to the town centre, the town square in Dungarvan taking about ten minutes. Mr. Hutchinson asked Mr. Queally being a local whether that is accurate or not. Mr. Hutchinson stated that whether it is walkable in ten minutes or not the matter is that you wouldn't be walking on a footpath for all of it. Mr. Queally stated that you would be walking on an interrupted footpath there is no interrupted cycle path with the current plan right now.
- Mr. Queally stated that he was fully cooperative with the Council when they came with informal dealings before the CPO process. He was advised that the Council didn't want to go down the CPO process. Mr. Queally stated that when they built their house they anticipated that in time there would be development around them and they accepted that. He stated that the dealings with Mr. John Lennard from the Council were very constructive and therefore Mr. Queally stated that he did not think it should have gone to CPO. When the

CPO arrived in their letterbox having had prior consultation with the Council, he was very upset over it. Because they got no warning that it was coming.

- Mr. Hutchinson asked Mr. Queally that from his perspective was the door open for further discussions with the Council and to look for more information and drawings. Mr. Queally confirmed that absolutely that was the case. Mr. Hutchinson asked Mr. Queally was it the case that representatives and staff of the Council were calling in unannounced to discuss the matter. Mr. Queally confirmed that was the case. Mr. Hutchinson asked Mr. Queally was there ever any invitation to any formal meeting or any indication that you should get some advisors to look to set up a meeting in a hotel or in the Council offices. Mr. Queally replied no that did not happen. Mr. Hutchinson asked was all of the engagement that happened ad hoc? Mr. Queally confirmed that it was all informal. Mr. Queally stated that the first formal engagement was when they received the CPO letter.

12.6. Response from Waterford City and County Council

- Response from Waterford City and County Council. Aishling O'Sullivan, Senior Planner stated that she will respond to some of the issues raised. In relation to the development that is under construction that was the subject of the Coimisiún Pleanála grant, a condition is attached to that development for a footpath to the front to serve that development. That was done with a view of linking into future pedestrian access along the Old Hospital Road.
- It is incorrect to say that they are using public funds to do the CPO while the section of footpath at the lands to the north was done privately through the application process. That developer would have been charged development contributions and as part of the development contributions there is a roads contribution. So, there would have been a cost on that developer for that development.
- Irrespective of any future development the existing development including a number of estates out past the subject lands have no way of safely accessing the town by foot or by cycling. This refers to circa 400 people.
- There is also the matter of serving future development. It is not for any particular developer but rather it is for that whole landbank at Monang. To

enable its development. The lack of infrastructure means that those lands cannot be developed in any meaningful way.

- Aishling O'Sullivan states that she takes the point where does the proposed road layout go after the entrance to Southways. There is uninterrupted footpath the remainder of the way into the town. The idea is that it would go through Southways because it was to go directly straight it would reach the roundabout which is not a safe way to approach the town. The route would exit Southways at the pedestrian crossing. She was advised this from the Senior Engineer in Roads.
- Response from Sean Gormley, Senior Executive Engineer. The preferred option is to go through Southways. It does not discount the fact that there is still potential to use the L3165 by using a yield system using different parts of the road where cars pull in to allow the footpath to be wider and then have one lane. There is a lot of detailed design to be done on that to look at a route through Southways versus using the existing road infrastructure as we may have to use the other side of the road.
- There was a question over funding. There is funding available for active travel. But the land must be purchased first. Active travel doesn't fund land acquisition.
- Mr. John Lennard, a former District Engineer is in attendance at the hearing. The area to the front of house of Kevin Queally, John Lennard did stake that out. The existing boundary wall would be setback behind the new kerb line of the cycleway. So, it would be like for like.
- The design of the scheme would be done by the active travel team along with Roads.
- In relation to the land take they are looking to take the minimum land take to widen the road. Widen the footpath on the southern side and on the Queallys side the minimum 3m with the hedge setback. Drawings were sent to Kevin Queally and Joh Queally of the area of the land take and it was discussed. It is Sean Gormley's understanding that both were asked to get a valuation of the area.
- Response from Vicky Butler, Head of Property Management. She acknowledged that Kevin Queally did consult and cooperate with the Council. With the CPO, we handle it from the paperwork side and apologies if it appears clinical. The CPO is a statutory process, and it would have been unfit for the process to proceed with one and not the other. Vicky Butler stated that she acknowledged the point raised by Kevin Queally on not getting advance notice of the CPO.
- John Lennard addressed some of the issues raised. He stated that he had discussions with John Queally and Miriam Queally in relation to the road and left the matter with them as to whether they were agreeable to it. They did come back and stated that they were not willing to sell. There was no

discussion about valuation. Mr Lennard states that he met with them at their property to discuss the scheme the proposed road widening and the justification for the scheme. He gave them maps and asked them to think about it and get back to him. They did get back to confirm that they did not agree to sell and at that stage the CPO process was issued.

- Response from Vicky Butler that John Queally and Miriam Queally were advised even though the CPO process had begun the option for dialogue had not closed. Vicky Butler stated that it is much more preferable to go down the dialogue route and the agreement route because they do recognise the difficult and emotional process that this represents for anybody. From the outset it is something that the Council is cognisant of. It is a difficult process, and the Council have to balance that with their obligations statutorily and developmentally. Vicky Butler stated that still and from this point dialogue is not closed.

12.7. Questioning – On behalf of John Queally Objector to the Waterford City and County Council

- Mr Hutchinson stated that in relation to the matters generally, perhaps Aisling O'Sullivan is the best person to deal with this. The submission from the Council referred to National Government policy and devolved policy in terms of planning in relation to the Development Plan 2022-2028 and various other matters. Mr Hutchinson asks if Aisling O'Sullivan would be familiar with the Development Plan in so far as it applies to this area. In relation to the current Development Plan that reflects a planning objective of potentially building a road through John Queally's land. It would be broadly perpendicular to the local road we are looking at.
- Aisling O'Sullivan stated that is correct.
- Mr Hutchinson stated that has been policy for some time now to erect a road at that location. Aisling O'Sullivan stated that is correct.
- Mr Hutchinson stated if that road is built it will also be built in terms of Active Travel. Aisling O'Sullivan stated that is correct.
- Mr Hutchinson asked what is the plan in relation to building that road?
- Aisling O'Sullivan responded that it is a long-standing objective of Waterford City and County Council to open up the remainder of those land for development. In the absence of any central funding that will have to be

developer led as and when those lands are developed. Yes, those lands will have to have Active Travel measures. But those lands will be bringing a lot of that vehicular traffic out to beyond Garvey's Supervalu. It is not necessarily going to alleviate the requirement for pedestrians and cycle paths along the Old Hospital Road. It will be an addition to the area to open those lands for development. It will effectively be taking traffic away from the town centre.

- Mr Hutchinson asked how will that tie in with the scheme in relation to the CPO. Is there going to be a one-way system a yielding system or something like that which was discussed or whether or not a further development of additional walkways is going to be looked at or whether it would be diverted up through other lands. This was being suggested as the preferred option.
- In response Aisling O'Sullivan stated that there are two issues. One was the point made where does the cycle path go to. That is the cycle path going back towards town. What you are referring to is a road reservation for a very large land bank which would serve about 1,000 houses. We need an actual road as well as the Active Travel measures. There are two different elements to this.
- Regardless of the new road reservation and if that was built it still doesn't negate the necessity for a cycle path and footpath along the Old Hospital Road.
- Mr Hutchinson asked would it be envisaged that if this new road is built that it would be accessible to the current development that happening. Would you be able to access that current development through a different road or through this road.
- In response Aisling O'Sullivan stated that she is not going to Masterplan the area now. Any applications that the Council will receive they will take into consideration the permeability of the area.
- Mr Hutchinson asked wouldn't it be common sense that if that road were built with cycle lanes and footpaths that it would want it to link in with the vastly populated area that is being developed right beside it. Aisling O'Sullivan stated that she agreed with that statement.
- Mr Hutchinson asked if that road is built and accessible to all those houses at that point there would be no need for anyone living in the new development to be going up and down the Old Hospital Road. Aisling O'Sullivan stated if you

are going through the other road, you would be further away from town and that the Old Hospital Road is the closest link to town. There are other houses where the most direct access is on the Old Hospital Road. Irrespective of any new infrastructure in that area, we will still need connectivity along the Old Hospital Road. That objective has been there in tandem with the new infrastructure in terms of the new road reservation.

- Mr Hutchinson asked that it was stated by Aisling O'Sullivan in her submission to the hearing that the acquisition of these lands the subject of this intended CPO, were the lands therefore required regardless of any additional building or new development. Therefore, that it is required for existing residential demand in this area.
- Aisling O'Sullivan stated that is correct absolutely. National and local policy is to upgrade infrastructure to accommodate active travel. That is commonplace.
- Mr Hutchinson asked in terms of timing the Queallys are living there a long time these are longstanding properties, particularly in the case of John Queally. It happens at the moment when development is taking place in an adjacent field that the Council is saying that the justification of acquiring the land is not to do with the construction of these new houses but as a policy we retrospectively acquire land and put in these facilities. It just so happens that we are doing it at the point that we are building 800 houses next door.
- In response Aisling O'Sullivan stated firstly we are not building 800 houses next door. There is land zoned to accommodate 800 houses. What is being currently built, what has permission is six houses. There are no other permissions for those lands. It is all notional. There is the concept of providing infrastructure to serve future development, this is a very good and clear planning concept. It is not to serve a particular developer it is to serve access to those lands. There will be no development of those lands if we can't get a footpath because we cannot allow 800 houses with no way of getting to and from the town in a safe manner. It is not about facilitating houses that are being built. It is about facilitating houses that are already there. The existing houses in the existing estates and to open up the land bank. There is a need for housing and Kevin Queally indicated that he had no objection to the notion of a footpath it might have been more the detail of it. From a planning

perspective all of this has been laid out in long standing policy carried through from many development plans at this stage.

- Mr Hutchinson stated that one of the things you said a moment ago was that there is only currently planning in place for six houses and that appeared to be a very intentional caveat. Has the Council been advised of any intention to develop beyond six houses on this or adjacent sites?
- In response to Aisling O'Sullivan stated it is not a very intentional caveat it is a fact. The Council cannot really divulge any preplanning. There is permission for six houses on the adjoining site. The developer has been required to put in a footpath along the extent of the boundary. The extent of the boundary which is all that he has control over. We can't force somebody to acquire someone else's land. That is a function of the Local Authority.
- There is land zoned and it is zoned by the elected members of Waterford City and County Council. We have objectives to develop that land. The land to be developed will need public infrastructure a footpath and cycleway.
- Aisling O'Sullivan stated that she would not make any comment on the status of any pre-planning. Six houses are being built and further land is zoned for a significant amount of houses.
- Mr. Hutchinson stated that he didn't consider there was any legal basis for the Council not to provide details on the intention to build future housing.
- Aisling O'Sullivan clarified that preplanning is confidential. It is not public information until such time as a planning application is lodged.
- Mr. Hutchinson asked are the Council aware of the intention of a developer to build additional houses.
- Aisling O'Sullivan stated that six houses are under construction the land is zoned. At this moment in time, we do not have an application in for development. Preplanning is not a matter for public discussion until such time as an application is submitted on foot of same. Aisling O'Sullivan stated that she would anticipate that land will be the subject of development in the next few years.
- Mr. Hutchinson stated that he was not asking for information as to what happened at preplanning meetings.

- Aisling O’Sullivan reiterated that the land is zoned, there are policies in the Development Plan where land is zoned to provide this infrastructure. That is the policy that the Council are relying on the purpose of the CPO.
- Mr. Hutchinson stated that he didn’t understand why the Council was not in a position to say that development is imminent. He stated that he appreciates confidentiality and commercial sensitivity, but he doesn’t think that it is unreasonable to inquire about it.
- Aisling O’Sullivan stated that she failed to see the purpose of the question.
- Mr. Hutchinson stated that it is for the Inspector and the Commission to see the purpose or otherwise.
- Mr. Hutchinson asked in terms of the decision of what is going to happen in terms of the preferred routes beyond the end of this cycle lane, who’s decision will that be and when will that be made.
- Aisling O’Sullivan stated that decision is for the Director of Transport the Director of Roads. They are not sure what the actual time frame for that decision is. Unless we get this part of it, we need all parts of it to link up. It would be following on in a timely fashion.
- Sean Gormley stated that the NTA will not fund until the land is purchased to move on with the process. Whether it goes through Southways it would need to be connected anyway or go down the L3165 there are options for both. We still need to connect Southways in one way or another to help have connectivity for that estate as well. So, it would be dual. They may be widening of the footpath. There had to be detailed design, but we have options. This is part of the process we can look at those proposals and options further. Either way this proposal serves houses in Cruachán, Pinewood Lawn, the one-off houses that are out there and the six new houses. It is part of the overall infrastructure that is required for connectivity.

12.8. Questioning – Waterford City and County Council to the Objector John Queally

- Aisling O’Sullivan stated that they did not have any questions for the Objector John Queally.

12.9. Questioning – Kevin & Elaine Queally to Waterford City and County Council

- Mr. Hutchinson stated that it was Sean Gormley who spoke about design of the cycleway/footpath and what the view from the house would be.
- Sean Gormley stated yes there are cross sections of what it would look like from widening the footpath. Looking out towards Cruachán the left-hand side the footpath would go from 1m to 2m. There would be a 6m wide road which would be standard and then there would be a 3m footpath in front of Kevin Queally's house. Then there is existing boundary of wall or hedging which would be set back behind that line and then the wall would be rebuilt.
- Mr. Hutchinson asks did I understand that how the layout is going to be configured is something that the Active Travel team within the Council are involved in the design or planning?
- Sean Gormley responded that fundamentally this section will be the footpath, road widening and the 3m footpath. The hedge will be setback or a wall will be setback along that section and the overall widening of that 11m. Either side of that doesn't have an effect on what this CPO process is.
- Mr. Hutchinson asks if this proceeds and the Council acquires this strip, will someone either inside or outside of the Council be preparing detailed drawings?
- Sean Gormley responded yes absolutely there will be a more detailed design done. All the details of the design would be done in consultation with Kevin Queally. If the level of the garden rises potentially that wall may have to be a concrete retaining wall. Or along John Queally's land boundary there is an existing hedge. That will be setback and potentially if they carry stock in that field there will be a stock fence or some type of fencing behind the hedging to replace what the Queally's would have setback.
- Mr. Hutchinson asked is that addressed internally or externally with the Council? Is someone working for the Council preparing it?
- Sean Gormley responded the Active Travel team would prepare that. They work on projects throughout the County particularly in Dungarvan.
- Mr. Hutchinson asked within the Council are there resources to prepare the necessary drawings that will be required to give effect to whatever the

ultimate plan is in terms of finishing both inside and outside of walls, hedges, levelling heights, retaining walls all of that.

- Sean Gormley responded yes once this process concludes and the land was acquired the Active Travel team can then start working on the project. They cannot start until the actual land is acquired.
- Mr. Hutchinson asked why is that?
- Sean Gormley responded that the NTA won't fund purchasing the land. The funding comes after. The funding is a separate pot.
- Mr. Hutchinson asked the people who are designing it are part of the Active Travel group or unit within the Council. They work for the Council they are public workers. Sean Gormley confirmed that.
- Mr. Hutchinson asked what does general funding or Active Travel funding have to do with the design by the Council's own workers of a project?
- Sean Gormley responded that it is the delivery of it. It is the process. The land is acquired then once the land is acquired the team start to work on it. They don't work on projects which don't have the land. The land is acquired first then Active Travel get assigned to that project.
- Mr. Hutchinson asked the NTA they are funding the actual delivery. They are funding sending people to do everything that is required. The people doing the drawings work within the Council.
- Aisling O'Sullivan responded that the Council wouldn't be progressing detailed design if we didn't have the road. We have enough of a design for the actual land takes what is the subject of the CPO. Detailed design will come later. We wouldn't be engaging in detail design unless we knew we had the road. Detailed design can be discussed post confirmation of the CPO.
- Mr. Hutchinson stated that the point is that for lay people that are living in their own house and who's front garden is going to be acquired, if they could see roughly what they would be looking at the end of that it might make it easier for them to envisage what they are actually dealing with and what the Council intend to build in their front garden.
- Sean Gormley stated that Mr. John Lennard met on site and staked out. Fundamentally it is a footpath widening. Everything you have will go behind

that new boundary line. The road and footpath will be wider, and the existing garden will be setback.

- Aisling O'Sullivan stated that the Council would be very willing to discuss the boundary treatment.
- Mr. Hutchinson stated that Mr. Queally has been asking for that since he was approached.
- Aisling O'Sullivan stated that is very reasonable and it is something the Council would be willing to discuss with the Queallys.
- Mr. John Lennard stated that when he called to Kevin Queally they did meet on site and mark the proposed land take. The road cross section outside their house would involve widening the existing footpath on the far side to 2m. The provision of a new road of 6m combined with a cycleway and that aligns with the adjoining development. We would have discussed this and said will we mark it out to see exactly the imposition on your property. They measured back 11m face to face. The face of the boundary to the far side to the face of the proposed new wall is 11m. Then there is the width of the wall and landscaping. We marked that out. With that when you setback that wall back 11m you are improving your sightlines. The existing sightlines at that property are poor. In terms of the road itself, Kevin Queally had asked for a design/layout. John Lennard sent him an over lay of the future road in an email showing on a CAD map which was dimensionally correct. The land take line was marked on it. This lines up with the land take line on the map you received. It was quite clear the amount of land which would be acquired. The existing trees would have to be removed. You would have to set all that back and redesign the boundary. Then the detail of the proposed boundary, the future look of your wall that would all come as part of the valuation. You would detail exactly what you would want. Whether a stone-faced wall, a half metre wall etc. That would be all be part of the valuation that Kevin Queally was going to submit to the Council. Along with a landscape plan. That would iron out all those issues. With the other landowner John Queally, John Lennard stated that he sat with John and Miriam and discussed with them the future layout of the road and left it with them to come back. John Lennard stated that he did mention to them at the time that the Council would likely go down the

CPO route to widen the whole road. The John and Miriam did come back and said for various reasons that they didn't want to sell. John Lennard stated that he would have had discussions with Gabriel Heinz his Director on the matter. John and Miriam Queally had an initial discussion with Gabriel Heinz on the matter. Regarding the discussion with Kevin Queally, John Lennard stated that they were positive discussions. Then he got a letter stating that the Council were pursuing the CPO even though we were having a positive engagement. In terms of future design, the road is going to significantly change. It will be widened by 3m and will connect to Southways. It will end at Southways. Potentially from Southways to the N25 we can potentially widen on the opposite side of the road. So, there is an existing footpath and a widened footpath from Southways into town by 2m then it ends and narrows towards the N25. Potentially we will widen on the opposite side to provide a cycleway/footpath that's an option. That certainly will connect the new development to the N25.

12.10. Questioning – Waterford City and County Council to the Objectors Kevin & Elaine Queally

- Aisling O'Sullivan stated that they did not have any questions for the Objectors Kevin & Elaine Queally.

12.11. Questioning by the Inspector

Question: Can the Local Authority give a summary of the examination of reasonable alternatives, specifically to explain how the current proposal which entails the acquisition of these properties is demonstratively preferable to all the other alternatives.

- Response from Sean Gormley, from this perspective as discussed earlier on, the existing road is 5.8m it needs to be widened. The existing footpath on the western boundary is 1m. The alternative is on the other side of the road it is a greenfield for a long section its over 200m. It doesn't affect any properties. It is the most obvious solution to improve the existing route from Cruachán and Pinewood into the town serving existing houses. Then you have options beyond at Southways to either to go into Southways for some of it or to go along the Old Hospital Road. It is the only option that is available to us. It is

quite clear when you are on site that there really isn't any alternative there or other routes.

- **Question by the Inspector**

Question: There is an objective CS08 of the Waterford City and County Development Plan 2022-2028 which refers to the provision of a Local Area Plan for Dungarvan and objective TRANS 04 states the policy objective to prepare local transport plans in tandem with the preparation of the Local Area Plans. Are these plans being prepared? Are there current plans what is the status of this?

- Response from Aisling O'Sullivan, Inspector as you are aware the Planning and Development Act 2024 is being invoked at the moment. The RSES is currently being done we will be reviewing our Development Plan and in advance of that we can't start a Local Area Plan process because we are going to be falling under the stool of two different Acts. In terms of a Local Transport plan, we have a Local Transport Plan being commissioned at present and it would confirm the need for the active travel measures that we have been speaking about under this CPO process. The Local Area Plan is on hold, not through any fault of our own but through the implementation of the new Planning and Development Act.
- Inspector, to clarify regarding your Local Transport Plan do you have a draft of that, where are you in that process?
- Response from Aisling O'Sullivan, we are going to have a draft some time in the summer it is with Consultants and it is being drafted at the moment. Inspector, it is not available for public view as of yet is that correct?
- Response from Aisling O'Sullivan confirmed that was correct.

- **Question by the Inspector**

Question: Is there a road design which informs this CPO? Does this project require Part VIII approval?

- Response from Aisling O'Sullivan. Yes, there will be a Part VIII because the works will be over the value of €126,000.00. So that will have to go into Part VIII process.

- Response from Sean Gormley. In relation to the road design, there are longitudinal sections in the presentation of what was existing. The width of 1m footpath the 5.8m carriageway and where the existing hedge line is and then we have the whole section of the 2m the 6m and the 3m and back to boundary lines. Yes, there is a cross section. Is there a full detailed design done no.
- Inspector, just to clarify what you are saying is that the roads design it just specifically relates to the extent of the CPO and not beyond it because this issue was raised by the objectors in terms of the tie in between the section that is subject of the CPO and beyond that.
- Response from Sean Gormley, on the Southways end it is tying into an existing active travel scheme that was completed a number of years ago. Where the belisha beacon and the raised table is that was a previous active travel scheme. They had some additional funding, and they widened the footpath for approximately 50-100m towards the town. So, it is tying into an existing active travel scheme. On the site adjacent to the Ruben development site that setback has already been setback by Ruben developments to allow this scheme to tie into it. There is tie in at either end to existing scheme albeit that they are not finished.
- Response from John Lennard just to add to that on the Southways end it is tying into a footpath and not a cycle path.
- Response from Sean Gormley, there are options there to go through Southways or on the Old Hospital Road that's where the detailed design comes in. But it is actually tying into what was an active travel scheme to improve what they could within the location to create that crossing to go from the new footpath to the 1m footpath which is not ideal. What is there at the minute is substandard. It is the best that could be achieved. What we are trying to do is to provide a safer route for everybody.
- Inspector, to return the issue of Part VIII approval can you clarify what is the status of that. Has there been any engagement with that?
- Response from Aisling O'Sullivan. No, the Part VIII process has not commenced in relation to this.

12.12. Closing comments

12.12.1. Closing comments on behalf of the Objector – John Queally

- Mr. Hutchinson, in relation to John Queally from his perspective he is familiar with the whole process of CPO and the nature of the engagement with the Council. Mr. Hutchinson stated that he does know whether it was clear to John Queally that in indicating a wish not to sell his property to the Council voluntarily that it would manifest in a CPO. His enthusiasm may have been low but to part with an integral part of the property all the road frontage essentially which is a significant strip. That is in a context where he is not someone who is used to dealing with CPO's these sort of engagements where there is informal contact from the Council in relation to it which then escalates from very informal to extremely formal and by way of this statutory process. From his perspective he probably would have benefited from being invited to a more formal meeting and with advisors who could have advised of the stakes that were at play. And advice as to what the alternatives were from the Council perspective and how likely CPO was being considered. What could and could not be done in the circumstances and to explain how this ties into a broader planning approach. Including from his perspective the roads objective being shown what was intended to adjoin his property. The objective in the Development Plan which has been in previous Development Plans for approximately twenty years has never taken effect. A person in that context who was then asked by the Council to does he want to sell a strip to the front of his property at the roadside to the Council and then indicates that he isn't interested in that and given the lack of attention or initiative that had been taken in acquiring the strip which is going to form a road through his land in the intervening twenty years or so he was entitled to assume given his limited experience of the Council that there was no imminent threat of a CPO in relation to this land. Given the interest that had been shown in the other land and in the absence of any steps taken to do anything in that regard.
- In terms of cooperation and alternatives his engagement with the Council has to be seen in that specific context. Particularly where that road is being shown for very many years and nothing had been done on foot of that.
- It is a source of significant frustration for any landowner to be faced with the acquisition of a significant portion of the front garden of their properties and the roadside frontage of their properties which is going to alter existing planting on mature sites and would impede with the quality of living. Also, the proximity to the relevant roadway in an area where there is a relatively limited distance between the properties in question and the roadside.

12.12.2. Closing comments on behalf of the Objectors – Kevin and Elaine Queally

- In respect of Kevin and Elaine Queally it is particularly shocking that a CPO has now be initiated in respect of their property where it has been readily acknowledged already at this hearing by the Council that they were engaging

fully in the process, and they had indicated a willingness to engage further. They had sought specific detail and what was going to be entailed. They sought material we were told that would only come about at the design phase.

- But again, one would have to question persons in the employ of the Local Authority who engage in this work on a routine basis could have been deployed on a reasonable basis to provide some detail regarding what was going to be envisaged albeit that the land hadn't been acquired. In terms of public interest, the cost involved in maintaining this process and bringing it to the point it is at, this stage should have been weighed against whatever internal cost may have been incurred. It was a reasonable request from people who were engaging in the process to seek information in relation to the design. Kevin Queally stated that he sought information in relation to the impact on their patio and their outdoor area to the front of the house. All of that would be constrained to a significant degree if the Council proceed with this. It is considered completely unreasonable that those people were not facilitated and given that advice and information which would have allowed them to continue to engage and that the Council instead opted to proceed by way of CPO. A more fundamental problem arises that the Council in seeking to rely on the CPO in relation to Kevin and Elaine Queally that it has been acknowledged here in evidence that because they couldn't prevail upon John Queally to sell his land to them voluntarily that therefore the same fate would happen to Kevin Queally and he was going to be subject to a CPO. They are separate individuals with their own inherent property rights which are constitutional protected. You cannot as a matter of law or as a matter of course conclude that because it is difficult to deal with one neighbouring property owner that we will CPO all of the land and set your rights at naught and set your engagement at naught and acquire the land compulsorily and ask the Commission to approve it. Such a result would not be acceptable.

12.12.3. Closing comments from Waterford City and County Council –

- Comments from Aishling O'Sullivan to support the closing comments reference is made to an email from Gabriel Heinz, Director of Services to Kevin Queally dated Monday 12th of January 2026 which states that he apologises if there was any remaining outstanding information and if they required further drawings or clarification we would be happy to provide same

where possible and they could be obtained through the District Engineer. He states “I fully appreciate and understand your concerns regarding the progression towards compulsory purchase order. Unfortunately, due to the inability to make progress with the adjoining landowner who has indicated that he does not wish to engage in negotiations Waterford City and County Council has been left with limited options and has to pursue with the CPO process. Notwithstanding this I remain very keen that discussions continue and I am hopeful that agreement can still be reached by consent. I would encourage you to continue your engagement with John Lennard and once you have received your valuation, I will be very willing to meet with you and formally explore whether a mutually acceptable agreement can be reached outside of the CPO process. Experience has shown that meaningful progress is more readily achieved once both parties have their own valuations. Under the compulsory purchase process, you are entitled to engage both a property valuer and a solicitor and all reasonable professional costs incurred will be borne by the Council. It further states my contact details are outlined below and should you require any additional clarification or wish to discuss this matter further please feel free to contact me.”

- In terms of the process for CPO, I want to conclude with that the Council remain open to discussing the finer details of the project with the respective landowners.
- From a planning perspective this CPO is necessary, it is proportionate in that it is limited in scale, and it is directly confined to the lands that are required. It delivers significant and enduring public benefits to both existing residents of the area and to future residents of the area. It complies with national, regional and local policy and it is justified by an overriding public interest and is consistent with the CPO principles. So, to conclude Waterford City and County Council is asking that An Coimisiún Pleanála would confirm the CPO in this regard.

12.13. Closing of Oral Hearing

- The Inspector made some brief final comments and closed the Oral Hearing.