



An
Bord
Pleanála

Inspector's Report 24.CH3344

Compulsory Purchase Order

North Quays Development
Compulsory Purchase (for purpose of securing, facilitating or carrying out the development and renewal of areas in need of physical, social or economic regeneration) Order (No. 1) 2017.

Location

North Quays Development

Local Authority

Waterford City and County Council

Objectors

1. Karalla Ltd.
2. Heather Hayden
3. Abbey Precast Ltd. - James Gannon
4. Our Lady of Good Counsel National School
5. Keverflow Ltd.

Date of Site Inspection

5th October 2017

Date of Oral Hearing

24th October 2017

1.0 Compulsory Purchase Order

- 1.1. Waterford City Council made the order on the 14th of July 2017 under section 10 of the Local Government (No. 2) Act, 1960 as substituted by Section 86 of the Housing Act, 1966 as amended by Section 6 and the Second Schedule to the Roads Act, 1993 and by the Planning and Development Act 2000, as amended. It authorised the Local Authority to acquire compulsorily the lands shown on a map marked Waterford City and County Council, North Quays Development, Waterford, lands for the purposes of securing, facilitating or carrying out the development and renewal of areas in need of physical social or economic regeneration. The lands consist of 88 plots outlined as Plots 101A – 126F on Schedule 1. The descriptions of the plots as outlined on Schedule 1 include the following - road network, opportunity site, general business, community facilities, special area of conservation and conservation area. The owners are detailed on Schedule 1.
- 1.2. The Local Authority submitted the order to the board for confirmation on the 19th of July 2017, along with copies of a newspaper notice of the order and a list of persons upon whom notice of the order was served. The submission included a certificate from the Director of Services Economic Planning and Development stating that the stated purpose of the order was consistent with the objectives of the city development plan together with one from the Director of Services Roads, Water and Environment stating that the acquisition of land at the North Quays was necessary and designed in accordance with best engineering practice.

2.0 Background and Context of the CPO

- 2.1. This section introduces the background and context of the CPO with particular emphasis on developments since the Board held the oral hearing on the 24th of October 2017. In this regard I note that there have been significant developments since the oral hearing was held including the withdrawal of objections, the adoption of the SDZ Planning Scheme and the adoption of Project Ireland 2040 National Planning Framework.
- 2.2. The CPO was initially submitted to the Board on the 19th of July 2017. A total of 8 valid objections were submitted from the following parties:

- Abbey Precast Ltd. - James Gannon (Plot 113B)
- Heather Hayden (Plot 113B)
- Our Lady of Good Counsel National School (Plot 114)
- Little Sisters of the Poor (Plot 114)
- Keverflow Ltd. (Plots 124A, 124B, 124C, 124D, 124E, 124F, 124G, 124H, 124J and 125B)
- PJM Distribution Ltd. (Plot 113A and 113B)
- Karalla Ltd. (Plot 121)
- Eddie Lynch (Plot 103)

- 2.3. The objection of Little Sisters of the Poor was withdrawn before the oral hearing (22/10/17).
- 2.4. Project Ireland 2040 National Planning Framework was adopted on the 29th of May 2018. A number of key growth enablers are identified for Waterford including delivery of the North Quays SDZ regeneration project for integrated, sustainable infrastructure, including a new pedestrian bridge or pedestrian public transport bridge over the River Suir.
- 2.5. At the time of the oral hearing, the Waterford North Quays Strategic Development Zone was a Draft Planning Scheme on public display. The draft scheme was subsequently appealed by two parties to An Bord Pleanála and an oral hearing was held on the 6th of June 2018. Both parties withdrew their appeals - one before the hearing and the other (Eddie Lynch) during the course of the hearing. The SDZ is now deemed to be made under Section 169 of the Planning and Development Act as amended.
- 2.6. Mr. Eddie Lynch (Plot 103) formally withdrew his objection to the CPO case by letter dated the 6th of June 2018.
- 2.7. PJM Distribution Ltd. (Plots 113A and 113B) formally withdrew their objection to the CPO by letter dated the 3rd of August 2018. The letter to the Board stated that PJM Distribution Ltd. had sold their interest in their business park to Waterford City and County Council – North Quays Development.

2.8. The remaining valid objections to the CPO are as follows:

1. Abbey Precast (Tenant at Plot 113B – PJM Distribution Ltd.)
2. Heather Hayden (Tenant at Plot 113B – PJM Distribution Ltd.)
3. Our Lady of Good Counsel National School (Plot 114)
4. Keverflow Ltd. (Plots 124A, 124B, 124C, 124D, 124E, 124F, 124G, 124H, 124J and 125B)
5. Karalla Ltd. (Plot 121)

3.0 Description of Site

3.1. The site consists of three distinct areas - firstly an area on Meaghers Quay south of the River Suir. This area is a designated Special Area of Conservation (Lower River Suir) and is currently used as a city centre car park. It is adjacent to the Granville Hotel and the bus station. The second area is located between the River Suir and the railway line to the north of the river. In terms of land uses and activities, most of the former industrial activity on the waterfront has moved on, leaving this area redundant. The third area is located on Dock Road, Fountain Street, and Abbey Road. Uses in this area are very mixed and include industry, retail, schools, restaurant, and a petrol station.

4.0 Objections

4.1. There were 8 No. objections received in respect of the CPO case within the appropriate timeframe. Five objections are outstanding and these can be summarised as follows:

4.2. Karalla Ltd. (Plot 121):

- Order flawed and ineffective as it describes Karalla Ltd. as being in receivership and does not include the 25% interest by O' Brien and O' Flynn.
- Purpose of order is too broad and does not provide a justification.

- Lack of clarity of purpose renders it impossible to discern whether the underlying scheme is a project which would require an Environmental Impact Statement.
- Land borders the Lower River Suir Special Area of Conservation and 2 plots are lying within the SAC. It is not apparent that Appropriate Assessment has been carried out. Nor indeed can AA be carried out unless and until the proposed scheme is adequately identified.

4.3. Keverflow Ltd. (Plots 124A, 124B, 124C, 124D, 124E, 124F, 124G, 124H, 124J, and 125B)

- No information has been provided as to what is proposed and the order may have a massive impact on their business potentially halving the number of car spaces available.

4.4. Our Lady of Good Counsel National School (Plot 114)

- It is difficult to sustain a valid objection on planning or legal grounds when no proposed scheme has been forwarded.
- Concerns in relation to traffic safety and traffic management.

4.5. Heather Hayden (Plot 113B):

- Concern regarding impact on her dog grooming business.
- Alternative development options are available to Waterford City and County Council which would considerably reduce the impact on her existing business compared to the current proposal.
- These would include relocating the entrance and roundabout at the east end of the current proposal.
- The development plan does not support the provision of new roadways with only an upgrade to the Abbey Road noted.

- The Abbey Road could be widened by including some of the car park area at the front of the building and the car park could be relocated to the rear.
- The lands owned by CIE are not included in the CPO and it is submitted that they should be for the purpose of obtaining appropriate access to the proposed North Quays Development.

4.6. Abbey Precast Ltd. – James Gannon (Plot 113B):

- Abbey Precast has been at this address for the past 27 years and James Gannon has owned the business for the last 17 years.
- He is concerned that the plans put his business in danger of being shut down. This is causing him 'huge stress and anxiety'.

5.0 The Oral Hearing

5.1. The hearing opened on the 24th October 2017 at the Tower Hotel in Waterford.

5.2. Mr. Patrick Butler S.C., Mr. Jim O' Mahony, Mr. Paul Daly, and Mr. Tony Dempsey made contributions on behalf of the Local Authority.

5.3. It was stated that the North Quays redevelopment area had been identified as an opportunity site for a number of years in successive plans for Waterford City. The North Quays Area was designated as a Strategic Development Zone in January 2016. The purpose of the CPO is to assemble lands for access into the SDZ to include the provision of an Integrated Transport Hub. Early in the hearing and in response to a question from the inspector, it was stated that no works were proposed at this stage, it was simply a matter of land assembly. Later in the hearing it emerged that there were very definite proposals for a Transport Hub on Eddie Lynch's land.

5.4. In terms of access to the SDZ, it was stated that the existing access points from the Dock Road were considered to be inadequate and two new access points were identified. One at the upper eastern end of the site from a widened Abbey Road, and the other at the lower western end of the site by way of a new junction on the Dock

Road and a new overbridge to the site. In terms of the eastern end from a widened Abbey Road, 3 different junction locations were presented with Option A deemed to be the only feasible option. A total of 3 No. possibilities were examined for the preferred Abbey Road Upgrade with Option 3 - Figure 6.5 of the document presented at hearing being the preferred option.

- 5.5. Mr. Owen Hickey S.C. and Mr. Wessel Vosloo (Planning Consultant) spoke on behalf of Mr. Eddie Lynch (Plot 103). Much of the hearing focussed on this objection regarding the transport interchange. As indicated above, this objection has been withdrawn.
- 5.6. Mr. Donal McCarthy S.C. spoke on behalf of Mr. Denis O' Flynn, Director of Karalla (Plot 121). Contrary to the notices served, Karalla was never in receivership or insolvency. Originally, Karalla acquired the site in 2016 and transferred a 25% share of the site from Karalla to O' Brien and O' Flynn. O' Brien and O' Flynn were not notified according to the CPO schedule. It is therefore contended that the Order is flawed and ineffective. The stated purpose of the Order is *'for purposes of securing, facilitating or carrying out the development and renewal of areas in need of physical, social or economic regeneration at the North Quays, Waterford'*. It was stated that this was far too vague, uncertain and ambiguous and such broad aspirations are entirely inadequate to justify the CPO. The Local Authority advised that they had checked with the companies office and O' Brien and O' Flynn had been in liquidation since the 30th of July 2014. The Local Authority sent notice to the joint receiver for O' Brien and O' Flynn and a copy of the response was submitted to the hearing. In a letter dated the 17th day of July 2017, the joint statutory receiver for O' Brien and O' Flynn forwarded the other joint liquidator of O' Brien and O' Flynn. A letter from the Local Authority dated the 20th of July 2017 stated that they have informed the liquidators under separate cover.
- 5.7. Mr Peter Madden spoke on behalf of PJM Distribution Ltd. He expressed concern in relation to the demolition of his building on Plots 113A and 113B. He owns a business premises at this location which houses 7 businesses, some of which had been there for 25 years. The businesses at this location include a dog grooming business run by Heather Hayden who had objected to the scheme and was represented at the hearing and Abbey Precast run by James Gannon who spoke at the hearing. Other businesses include a coffee shop and a grocery shop which it was

stated serve the local community. Mr. Madden welcomed the strategic development of the quays but considered that the displacement of seven local businesses was unnecessary and other options could be examined. He had employed an engineer to look at other options to avoid demolishing his premises and these options were discussed at the hearing together with other options the Local Authority presented.

5.8. Mr. James Gannon of Abbey Precast spoke briefly at the hearing. His main concern was that his business is 27 years old and he had personally been there for 17 of those years. He was concerned his business would close down and it was unclear where he would end up.

5.9. The hearing closed on the 24th October 2017.

6.0 Policy Context

6.1. National Policy

- The National Planning Framework Project Ireland 2040 identifies a number of key future growth enablers for Waterford including delivering the North Quays SDZ regeneration project for integrated, sustainable infrastructure, including a new pedestrian bridge or a pedestrian public transport bridge over the River Suir.
- National Policy Objective 7 provides for the application of a tailored approach to urban development, that will be linked to the Rural and Urban Regeneration and Development Fund, with a particular focus on Dublin and the four cities of Cork, Limerick, Galway and Waterford.

6.2. Regional Policy

The South-East Regional Planning Guidelines 2010-2022 identify the redevelopment of the North Quays as a specific priority while the provision of a new rail passenger platform and public transport interchange will also be achieved on the North Quays.

6.3. Local Policy

6.4. Waterford City Development Plan 2013-2019

- Zoning: Opportunity sites - section 12.2 Development Plan.
- Flood zones A and B.
- Road Objective to realign and upgrade Abbey Road (Section 7.3.7).
- Objective to expand the network to connect the city centre to any proposed North Quay development with a foot/cycle bridge (OBJ 6.2.3).
- Section 10.4.2- The CPO lands border the Lower River Suir Special Area of Conservation (Site Code 002137) with a number of plots included in the SAC. Section 10.4.2 relates to Natural Heritage.

6.5. North Quays SDZ Planning Scheme 2018

On the 20th of January 2016 the Government designated the North Quays, Waterford City as a SDZ. A Draft Planning Scheme was prepared for the 8.23 hectare site which was on public display from the 18th October 2017 to the 30th November 2017. This was adopted by Waterford City and County Council on the 8th of February 2018. The scheme was appealed by two parties to An Bord Pleanála and an oral hearing was held on the 6th of June 2018. Both parties withdrew their appeals – one before and the other during the course of the oral hearing.

6.6. Waterford Planning Land Use and Transportation Strategy (PLUTS) 2004-2020

Principal features of PLUTS relevant to this CPO include more balanced growth between north and south sides of the River Suir, a new city bridge exclusively for pedestrians and cyclists linking the redeveloped North Quays with the existing City Centre, the provision of a rail passenger platform on the North Quays as part of the

new public transport hub and the provision of a high-quality bus-based public transport system in the city.

7.0 Assessment

7.1. Introduction

The statutory powers of the Local Authority to acquire land are contained in section 213(2)(a) of the Planning and Development Act 2000, as amended. Under its provisions the planning authority *may acquire land compulsorily for the purpose of performing any of its functions including giving effect to or facilitating the implementation of its development plan....* It is accepted that there are four criteria that should be applied where it is proposed to use powers of compulsory purchase to acquire land or property as follows:

- There is a community need, which is met by the acquisition of the property in question.
- The particular property is suitable to meet the community need.
- The works to be carried out accord with the Development Plan.
- Any alternative method of meeting the community need have been considered but are not available.

7.2. The stated purpose of the Order essentially refers to the acquisition of lands for the purposes of securing, facilitating or carrying out the development and renewal of areas in need of physical, social or economic regeneration at North Quays, Waterford. It emerged at the hearing that the CPO was intrinsically linked with the North Quays SDZ and according to the Senior Planner is *'critical to advance the SDZ Planning Scheme and Supporting Infrastructure in order to progress this strategically important development proposal.'* A map indicating all of the infrastructure proposed relating to the SDZ on lands within the SDZ and adjoining the CPO was submitted during the course of the hearing.

7.3. Section 6.5 of this report sets out the background to the North Quays from the designation by Government on the 20th of January 2016 to the oral hearing held by

the Board in June 2018. The Planning Scheme for the SDZ is now deemed to be made under Section 169 of the Planning and Development Act 2000 as amended.

7.4. There are five current objections as follows:

1. Abbey Precast (Tenant at Plot 113B – PJM Distribution Ltd.)
2. Heather Hayden (Tenant at Plot 113B – PJM Distribution Ltd.)
3. Our Lady of Good Counsel National School (Plot 114)
4. Keverflow Ltd. (Plots 124A, 124B, 124C, 124D, 124E, 124F, 124G, 124H, 124J and 125B)
5. Karalla Ltd. (Plot 121)

7.5. **Community Need**

- 7.5.1. The clear purpose of the CPO as it emerged from submissions at the hearing was to facilitate land assembly which would allow for the controlled delivery of the SDZ. I would have no objection to land assembly to facilitate the controlled delivery of the SDZ and consider that this may be appropriate and necessary in certain circumstances. Under Section 167(1) of the Planning and Development Act 2000 as amended 'A planning authority may use any powers to acquire land that are available to it under any enactment, including any powers in relation to the compulsory acquisition of land for the purposes of providing, securing or facilitating the provision of, a site referred to in section 166(1)'.
- 7.5.2. The North Quays has been acknowledged as a key strategic site for economic and social development at National Level. The National Planning Framework Project Ireland 2040 identifies a number of key future growth enablers for Waterford including delivering the North Quays SDZ regeneration project for integrated, sustainable infrastructure, including a new pedestrian bridge or a pedestrian public transport bridge over the River Suir.
- 7.5.3. Section 6.1 of the Waterford North Quays Strategic Development Zone Planning Scheme states that the provision of infrastructure and services in a timely manner is crucial to the achievement of the vision of the North Quays and that critical infrastructure needs to be brought forward in tandem with development. The delivery

and sustainable funding of this infrastructure will be a key focus of Waterford City and County Council in its role as Development Agency. The implementation of development through the Planning Scheme is designed to ensure that critical infrastructure is brought forward in tandem with development. It is further stated that Waterford City and County Council is designated as the Development Agency for the implementation of the Planning Scheme for the North Quays SDZ. In its role as Development Agency, the Council will actively promote the implementation of the specific objectives of the Planning Scheme, including community infrastructure, through collaboration and engagement with all relevant stakeholders, proactive project management and ongoing monitoring of progress, together with consultation and feedback mechanisms.

- 7.5.4. The SDZ site is clearly of strategic importance for reasons of its 'economic and social importance to the State' as deemed by its designation by Government. The CPO lands are required for the sustainable development of the SDZ site. It was highlighted in the evidence from the Local Authority at the oral hearing that the CPO lands 'are necessary to ensure that the SDZ site is developed in a consistent and comprehensive manner as an integral part of the SDZ Plan'.
- 7.5.5. There are five remaining objections to the CPO from adjoining landowners. There is no suggestion that the objectors are opposed to any community need that may arise from the proposed scheme. Grounds of objection are centred around particular aspects that affect the objectors themselves.
- 7.5.6. On balance, however, I would be of the opinion that there is a wider gain to the community associated with the Strategic Development Zone over the injury that would be experienced by the objectors through loss of the land.
- 7.5.7. I would therefore conclude that the need for the CPO is justified and that the community need for the scheme has been established.

7.6. **Extent and Suitability of lands to meet Community Need**

- 7.6.1. I am satisfied that the CPO lands are suitable for their intended use. The purpose of the CPO (as stated at the Oral Hearing) is to assemble lands in the area of the SDZ for infrastructure associated with the SDZ.

- 7.6.2. There were a number of concerns raised at the oral hearing in relation to the suitability of the lands to meet community need and the extent of lands sought.
- 7.6.3. Much of the hearing concerned the extent and suitability of lands on Eddie Lynch's plot 103 for the transport interchange. As this objection has been withdrawn, this matter is no longer before the Board for consideration.
- 7.6.4. Other important infrastructure necessary for the SDZ included two new access points to the site from the Dock Road - one at the upper eastern end of the site from a widened Abbey Road and the other at the lower western end of the site by way of a new junction on the Dock Road and a new overbridge to the site. Access to parking, loading and unloading, waste management and all such development related traffic is proposed from an internal 'spine road.' A sustainable transport bridge capable in width to accommodate pedestrians, cyclists and a City Centre bus service is also proposed from the North Quay to the South Quay in the vicinity of the Clock Tower on the South Quay. A drawing showing all the infrastructure proposed was prepared during the lunchtime of the oral hearing and is attached to the documents on file. The proposed bridge would impact on the Keverflow lands on the South Quays. Access roads were of concern to Karalla, Our Lady of Good Counsel National School, PJM Distribution Ltd. and the tenants of this business park- Abbey Precast and Heather Hayden.
- 7.6.5. Having inspected the site and environs and examined the submitted design documentation, I am of the opinion that the infrastructure proposed is necessary to address the access constraints in the vicinity of the site. The development of the North Quays was described at the oral hearing as 'a once in a lifetime opportunity' and it is critical that access and infrastructure are adequate and suitable for the needs of the site.
- 7.6.6. The Karalla site is located on the other side of a level crossing and it was considered by the Local Authority at the hearing that access into a new north city development could not be at the behest of a signal crossing and level crossing – this was simply not good engineering according to Mr. Tony Demspey, an engineering consultant representing the Local Authority. I would concur with the Local Authority in relation to this.

- 7.6.7. The existing access points to the site from the Dock Road are inadequate. The main contention in relation to access roads related to the need to demolish the industrial premises of PJM distribution Ltd. A number of different businesses are located within this premises including a dog grooming business (Heather Hayden), Abbey Precast (James Gannon), a coffee shop, a grocery store, and a fuel depot. I note that since the oral hearing, Waterford City Council have purchased this business premises and PJM Distribution Ltd. have withdrawn their objection. The objections of Heather Hayden and James Gannon remain valid. Their main concerns were in relation to the loss of their business premises and the difficulty in finding alternative premises. Mr. Gannon of Abbey Precast stated that his business - Abbey Precast, had been at the same location within the business park for 27 years and he had been there for 17 of those years. He stated that he 'had no objection to the development but it was not clear where he would end up.'
- 7.6.8. The hearing was advised by Mr. Dempsey that there had been extensive discussions with the Little Sisters of the Poor school and Our Lady of Good Counsel school in relation to the access roads and the proposed access road had been relocated to suit their particular needs which related to parking and the safety of children at this school. The objection of Little Sisters of the Poor school was satisfied in relation to the relocation of the road and their objection was withdrawn prior to the hearing. I note that the objection of the Our Lady of Good Counsel school remains valid.
- 7.6.9. Mr. Madden of PJM Distribution Ltd. questioned why the road could not be relocated to prevent the demolition of his business premises. It was advised by the Local Authority at the hearing that the roundabout proposed on the premises of PJM Distribution Ltd. would have to be relocated a very significant distance in the order of c.70m and this would cause road geometry problems as the roundabouts and junctions wouldn't work. The junction capacity of the Dock Road and the junction capacity into the SDZ would be affected and as such the junction layout would be inefficient. I concur with the Local Authority and consider that the extent of the landtake to include Plot 113A and Plot 113B is necessary.
- 7.6.10. The Keverflow lands are located to the south of the river and are currently mainly used for carparking. Keverflow were not present at the oral hearing but the main point of their written objection related to the fact that they had no information on what was proposed and the impact this would have on their car parking spaces. It was

clear from the hearing that a sustainable transport bridge was proposed at this location and lands are needed on both sides of the river for same. The location of the bridge is indicated in the Development Plan and the SDZ Planning Scheme and I am satisfied that the purpose of the lands is now clear and that the lands are suitable for the construction of a sustainable transport bridge for direct access to the existing city centre for pedestrians, cyclists and a city centre bus service.

7.6.11. Having regard to the submissions put forward at the Oral Hearing including detailed engineering evidence regarding all of the infrastructure required for the SDZ and details of alternatives considered, I am satisfied that the need for the land take is justified and established. It is also considered that the community need for the SDZ and the infrastructure associated with same has also been established.

7.7. Whether or not the works to be carried out accord with the Development Plan

7.7.1. I have examined the Waterford City Development Plan 2013-2019 and noted the comments of the Senior Planner in respect of compliance with development plan objectives for the area.

7.7.2. The works that form part of the North Quays SDZ Plan constitute necessary infrastructure for the SDZ. The main elements are contained in Section 3a.1 of the access strategy of the Waterford North Quays SDZ Planning Scheme and are as follows: two new access points, one from a widened Abbey Road and the other by way of a new junction on the Dock Road and a new overbridge to the site, together with a spine road within the site for access to parking, loading and unloading, waste management etc. and a new sustainable transport bridge capable in width to accommodate pedestrians, cyclists and a City Service bus service from the North Quay to the South Quay in the vicinity of the Clock Tower on the South Quay.

7.7.3. The works discussed at the oral hearing to facilitate the North Quays SDZ include the provision of a foot/ cycle bridge connecting the North Quays with the South Quays and the upgrade of Abbey Road. Objective 6.2.7 of the Development Plan provides for the provision of an appropriately designed and constructed pedestrian river crossing located in the vicinity of the Clock Tower to provide accessibility to the North Quays and facilitate future development. The Abbey Road upgrade is identified on the Transport Objectives Map and the Zoning Objectives Map.

- 7.7.4. The lands are primarily zoned as Opportunity sites with the schools on Abbey Road zoned as 'community facilities.' In principal, the development of the subject lands for the purposes advised might reasonably be considered as complying with the requirements of the Waterford City Plan.
- 7.7.5. The Development Plan supports the widening of Abbey Road and a new City Centre Pedestrian Bridge through its objectives. It also supports the Waterford Planning and Land Use Strategy, the principle features of which include more balanced growth between north and south sides of the River Suir, a new City Centre bridge exclusively for pedestrians and cyclists linking the redeveloped North Quays with the existing City Centre, the provision of a rail passenger platform on the North Quays as part of a new public transport hub and the development of a high-quality bus-based public transport system in the City. Section 5.3.4 of the Development Plan notes that 'any future master plan for the North Quays must investigate the feasibility of providing the bridge in conjunction with the development and must take into account the requirements of Iarnród Éireann in relation to the operation and development of rail services on and through the site.' The North Quays SDZ Plan goes further than both the Development Plan and the PLUTS in terms of new access points and the connection of the city centre bus service from the North Quays across the bridge which is indicated as pedestrian only in the Development Plan. I also note that the National Planning Framework Project Ireland 2040 identifies a number of key growth enablers for Waterford including a new pedestrian bridge or a pedestrian public transport bridge.
- 7.7.6. Having regard to the above, I am satisfied that the proposed development is substantially in compliance with Development Plan policies and objectives.

7.8. **Consideration of Alternatives**

- 7.8.1. Two main items of infrastructure were discussed at the hearing – firstly the provision of an Integrated Transport Hub and secondly the roundabout proposed on the lands of PJM Distribution Ltd. for access into the SDZ.
- 7.8.2. The issue of the Transport Hub related to lands in the ownership of Eddie Lynch. As previously noted, the objection of Eddie Lynch was withdrawn on the 6th of June 2018. The proposed roundabout would result in the demolition of the business park

where Heather Hayden and James Gannon are tenants. I note that PJM Distribution Ltd., the owner of the business park has sold the site to Waterford City Council and their objection was withdrawn on the 3rd of August 2018.

- 7.8.3. The access strategy for the SDZ was considered in detail at the hearing with particular emphasis on the access from the upper eastern end of the site from a widened Abbey Road. Abbey Road requires to be upgraded to address existing substandard alignment and cross section, and to facilitate access to the North Quays SDZ and the development of zoned lands at Abbeylands. The presentation from Waterford City and County Council firstly gave consideration to alternative locations for the Abbey Road/ R711 Fountain Street junction alignment outlined as Option A, Option B and Option C in Figure 6.1 of the document. Option C presented by the Local Authority to the hearing was ruled out because there is insufficient space for the Abbey Road realignment or SDZ access road to ramp up over the Port of Waterford Railway line and so would require a level crossing. A level crossing would not provide the necessary capacity or certainty of access for Abbey Road and the North Quays SDZ traffic resulting in excessive queuing. The main problem identified with Option B from an engineering perspective was that it would result in three junctions very close together. It was also stated in the presentation that it could compromise operations at the Bus Depot. The case was made at the hearing that the bus depot at this location was simply for the servicing of buses and could be moved anywhere in the city rather than demolishing the premises of PJM Distribution Ltd. and 7 local businesses within same. Option A, the existing junction was considered the optimum location where there is adequate space for a suitable junction upgrade. Section 6.2 outlined three options for the Abbey Road realignment. Option 1 involves a new connection onto the existing Abbey Road immediately south of the R711 and from here Abbey Road would be suitably widened. It was considered that this option would compromise the safety of schoolchildren in the area. Option 2 allows for the retention of a section of the existing Abbey Road as a parallel access road in front of the two schools and the cluster of accesses at this location. This arrangement includes a roundabout that provides for a suitable transition from the widened four lane carriageway at the junction with the R711 Fountain Street to the existing two lane carriageway that continues to the southeast.

Option 3 is a further development of option 2 and it was considered that this was the optimum option in terms of traffic engineering and safety.

- 7.8.4. I note that two schools on Abbey Road had originally objected to the CPO but it was detailed at the hearing that discussions had taken place between the Local Authority and the schools on a number of occasions prior to the hearing and they were satisfied with arrangements made to accommodate them and the safety of school children and their objections were withdrawn. For clarification, I note that the two schools are at the same location (Plot 114) and both submitted separate objections originally but only one of the schools has submitted a letter to the Board withdrawing their objection (Little Sisters of the Poor). The objection of Our Lady of Good Counsel National School has not been withdrawn and remains valid.
- 7.8.5. Mr. Madden of PJM Distribution Ltd. had employed an engineer to outline other alternatives with a brief to avoid the knocking down of his industrial premises. These alternatives were discussed in detail at the hearing and in the written response from the Local Authority, and I am satisfied that these options would not be acceptable for reasons of traffic safety. Having regard to the withdrawal of the objection from Mr. Madden and the sale of these lands to Waterford City Council, I consider that the examination of alternatives is relevant in so far as it impacts on existing tenants at this location - Mr. Gannon of Abbey Precast and Heather Hayden.
- 7.8.6. No alternative was offered in the context of the lands in the ownership of Karalla. The Karalla lands are on the other side of a level crossing and there is a right of access to the Karalla lands and two other properties across the level crossing. The argument made by the Local Authority at the oral hearing in relation to these lands was that the SDZ was a once in a lifetime opportunity and access into them could not be at the behest of a level crossing. I am satisfied that this would not be good engineering and as such the examination of alternatives in relation to these lands is not necessary in my view.
- 7.8.7. Karalla made the point at the oral hearing that the interest of O' Brien and O' Flynn (25% ownership/ Karalla 75% ownership) had not been included in the order. The Local Authority stated that they had checked with the companies office and O' Brien and O' Flynn have been in liquidation since July 2014. The Local Authority sent notice to the joint receiver for O' Brien and O' Flynn. This was forwarded to the joint

liquidator. As such, I am satisfied that the liquidator in control of the company has received the appropriate documentation.

- 7.8.8. No alternative was offered in terms of the lands owned by Keverflow, however, it was pointed out at the hearing that land was needed on both the north and south quays for the construction of a bridge and that the location of the proposed bridge was identified in the Development Plan.
- 7.8.9. I am satisfied that the issue of alternatives generally was examined robustly at the hearing with a significant number of alternatives examined.

8.0 Recommendation

- 8.1. Having regard to the objections made to the compulsory purchase order together with the information provided in support of the CPO and the relevant policy and guidance documents, I consider that the proposed acquisition of lands would be in the public interest and that it has been demonstrated by Waterford City and County Council that the land take is necessary, suitable and proportionate. I recommend, therefore, that the Board CONFIRM the above Compulsory Purchase Order based on the reasons and considerations set out below.

9.0 DECISION

- 9.1. I recommend that the Board confirm the Compulsory Purchase Order based on the reasons and considerations set out below.

9.2. REASONS AND CONSIDERATIONS

- 9.3. Having regard to the objections made to the Compulsory Purchase Order, the report of the person who conducted the oral hearing into the objections, the purpose for which lands are proposed to be acquired, as set out in the Compulsory Purchase Order, and also, having regard to the following:

- (a)** The identification in the National Planning Framework Project Ireland 2040 of the delivery of the North Quays Strategic Development Zone regeneration project for integrated, sustainable development together with supporting infrastructure, including a new pedestrian bridge or a pedestrian/ public transport bridge over the River Suir as a key future growth enabler for Waterford.
- (b)** The policies and objectives of the Waterford City Development Plan 2013-2019.
- (c)** The Waterford North Quays Strategic Development Zone Planning Scheme 2018.
- (d)** The purpose of the Compulsory Purchase Order clarified at the Oral Hearing, that is for assembly of lands for the provision of a Transport Hub and access into the North Quays Development Strategic Development Zone.
- (e)** The submissions received and the submissions and observations made at the Oral Hearing held on the 24th of October 2017.

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

Emer Doyle

Inspector

5th October 2018