

An  
Bord  
Pleanála

## Board Order ABP-314988-22

**Local Government (No. 2) Act, 1960**

**Housing Act, 1966**

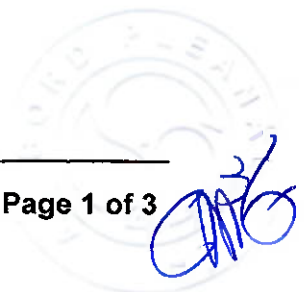
**Planning and Development Acts, 2000 to 2022**

**Planning Authority: Dublin City Council and South Dublin County Council**

**Application** received by An Bord Pleanála on the 28<sup>th</sup> day of October, 2022 from the National Transport Authority pursuant to section 76 of, and the Third Schedule to, the Housing Act, 1966 as extended by section 10 of the Local Government (No. 2) Act, 1960 (as substituted by section 86 of the Housing Act, 1966), and the Planning and Development Acts, 2000 to 2022, for confirmation of a compulsory purchase order authorising compulsory acquisition of lands and entitled **Lucan to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2022**.

### Decision

**CONFIRM** the above compulsory purchase order with modifications based on the reasons and considerations set out below.



## Reasons and Considerations

Having considered the objections made to the compulsory purchase order, the report of the Inspector, the purpose of the compulsory purchase order to facilitate the delivery of BusConnects; sustainable public transport and active travel infrastructure, and having regard to the following:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the substandard infrastructure provided for along the existing route,
- (c) the strategic nature of the scheme in the context of reducing carbon emission and climate change,
- (d) the community need, and public interest served and overall benefits, including benefits to a range of road users to be achieved from use of the acquired lands,
- (e) the proportionate design response to the identified need,
- (f) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the BusConnects sustainable public transport and active travel scheme,
- (g) the policies and objectives of the Dublin City Development Plan 2022-2028 and the South Dublin Council Development Plan 2022-2028,
- (h) the submissions made to the Board, and,
- (i) the report and recommendation of the Inspector,

the Board considered that, subject to the modifications set out below, the acquisition of these lands on a permanent and temporary basis, restriction, acquisition and interference of rights of way, by the National Transport Authority, 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 compulsory purchase order and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

In reaching this conclusion, the Board agrees with and adopts the analysis contained in the report of the Inspector who conducted the assessment of the objections.



## Schedule

The compulsory purchase order shall be modified as follows:

- (1) Plot references 1006(1).1f, 1006(2).2f, 1007(1).1f and 1007(2).2f as set out in the deposit maps and relevant schedules submitted with the compulsory purchase order shall be omitted from the final order.

**Reason:** The extent of land acquisition (temporary and permanent), and private rights of way (to be acquired and to be temporarily restricted or otherwise interfered with) set out in the above listed plot references on the submitted deposit maps would have a disproportionate and excessive effect on the landowner and cannot be justified in the context of the extent/scale of works proposed at this location and the evidence of justification for those works.



**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *29<sup>th</sup>* day of *August* 2024