

An
Bord
Pleanála

Board Order ABP-316377-23

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 21st day of April, 2023 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 **Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2023.**

Decision

CONFIRM the above Compulsory Purchase Order based on the reasons and considerations set out below.

Reasons and Considerations

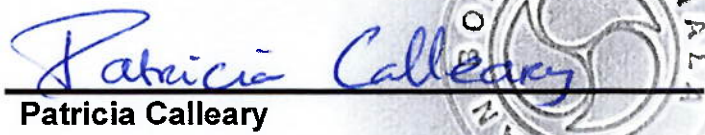
Having considered the objections made to the Compulsory Purchase Order, and not withdrawn in respect of the proposed road scheme, the report and recommendation of the Inspector, the purpose for acquisition of lands, restriction of public rights of way, and acquisition of private rights of way, on a temporary and permanent basis as set out in the Compulsory Purchase Order and on the deposited maps and also having regard to the following:

- (a) the demonstrated need to acquire compulsorily the land and/or rights described in the schedule furnished with the application for the purposes of the construction of the Templeogue/Rathfarnham to City Centre Core Bus Corridor scheme for the purposes of facilitating public transport, and together with all ancillary and consequential works associated with the scheme,
- (b) the proposed road development would provide improved road infrastructure for walking, cycling and public transport to encourage these modes as attractive alternatives to car-based journeys,
- (c) the demonstrated community need, and the public interest that would be served and the overall benefits, including benefits to a range of road users to be achieved from use of the acquired lands,
- (d) the substandard infrastructure provided for along the existing route,
- (e) the strategic nature of the scheme in the context of the need to deliver an efficient, low carbon and climate resilient public transport service, in support of the achievement of Ireland's emission reduction targets,
- (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 national, regional and local planning policy of relevance including the policies and objectives of the Dublin City Development Plan 2022-2028 and the South Dublin County Development Plan 2022-2028,
- (h) the proportionate design response to the identified need,
- (i) the constitutional and Convention protection afforded to property rights,

- (j) the submissions and objections received by the Board and the responses received from the applicant, and
- (k) the report and recommendation of the Inspector,

it is considered that 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 and suitable 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. The Board was also satisfied that the process and procedures undertaken by the National Transport Authority have been fair and reasonable.

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.


AN BORD PLEANÁLA

Patricia Calleary

Member of An Bord Pleanála

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

Dated this 16th day of December 2024