

An  
Bord  
Pleanála

**Board Order  
ABP-306199-19**

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**Roads Acts, 1993 to 2015**

**Planning and Development Acts, 2000 to 2021**

**Planning Authority: Limerick City and County Council**

**APPLICATION** received by An Bord Pleanála on the 16<sup>th</sup> day of December, 2019, from Limerick City and County Council pursuant to section 47 of the Roads Act, 1993, as amended, for approval of a scheme entitled “**Foynes to Rathkeale Protected Road Scheme, 2019 (forming part of the Foynes to Limerick Road (including Adare Bypass)), Rathkeale to Attyflin Motorway Scheme, 2019 (forming part of the Foynes to Limerick Road (including Adare Bypass)) and Foynes Service Area Scheme, 2019 (forming part of the Foynes to Limerick Road (including Adare Bypass)).**”

### **Decision**

**APPROVE** the said, motorway scheme, protected road scheme and service area scheme subject to the modifications set out in the Schedule below based on the reasons and considerations set out under.

## REASONS AND CONSIDERATIONS

Having considered the objections made to the protected road scheme, motorway scheme and service area scheme, the report of the Inspector who considered the written objections, and objections made or elaborated on at the oral hearing, the purpose of the schemes, and also having regard to:

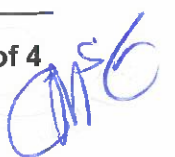
- (a) the demonstrated need to deliver the 'core' and 'comprehensive' dual layers of the road infrastructure as part of the Trans-European Transport (TEN-T) Network in County Limerick under Regulation (EU) No. 1315/2013 of the European Parliament,
- (b) the demonstrated need to improve road-based connectivity between the local, regional and national road network and with Shannon-Foynes Port, a port of National Significance (Tier 1) on the TEN-T Network,
- (c) the demonstrated community need, the public interest that would be served and the overall benefits, including benefits to a range of road users, to be achieved from the use of the acquired lands,
- (d) European, national, regional and local planning and related policy of relevance,
- (e) the proportionate design response to the identified need,
- (f) the submissions and objections made to the schemes in written format and at the oral hearing by affected land and/or property owners, and
- (g) the report and recommendation of the Inspector informed by the Biodiversity Assessment Report and Appropriate Assessment Reports dated the 10<sup>th</sup> day of February 2022 prepared by the Board's Senior Ecologist and the Assessment Reports on Soils and Geology, Hydrology and Hydrogeology dated the 14<sup>th</sup> day of February 2022 prepared by a geotechnical specialist and hydrogeological engineer (external consultant),

it is considered that, subject to the modifications as set out in the schedule below, the acquisition by the road authority of the lands in question and the extinguishment of public and private rights of way prohibiting direct access and modifying Planning Register Reference Number: 18/602 on plot number 308a.701, as set out in the protected road scheme, motorway scheme and service area scheme and on the deposited maps, are necessary for the purpose stated and that the objections cannot be sustained having regard to the said necessity.

## SCHEDULE

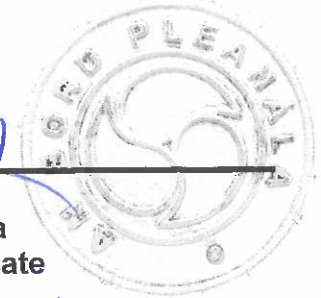
1. The Schemes shall be modified in accordance with the revised schedules and associated deposited maps submitted by the road authority to An Bord Pleanála at the oral hearing on the 23<sup>rd</sup> day of February 2021, as follows:
  - (i) Update Schedule 1 (Part 1), Schedule 1 (Part 2) and Schedule 4 of the 'Foynes to Rathkeale Protected Road Scheme 2019' to reflect the interest of the Cragg Barrigone Group Water Scheme Limited in the plot numbers indicated as follows:
    - Schedule 1 (Part 1): 109a.102, 109a.110, 109a.113, 109a.114, 110a.102.
    - Schedule 2 (Part 2): 109a.104, 110a.103.
    - Schedule 4 109a.104, 109a.401, 110a.401, 110a.402, 110a.103.
  - (ii) On Sheet 07 of 13 of the updated deposit maps, apply a minor modification (correction of a typographical error) in the Deposit Map as it relates to Plot 309 (change of plot number 309a.110 to 309a.116) in the Rathkeale to Attyflin Motorway Scheme 2019.

**Reason:** To take account of updated information in respect of land ownership.



2. The Rathkeale to Attyflin Motorway Scheme, 2019 shall be modified by omitting plot number 435a.101.

**Reason:** To the extent of acquisition where it is considered that land surplus to the identified purpose of the Rathkeale to Attyflin Motorway Scheme, 2019 has been included but is not required.



**Chris McGarry**  
Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.

Dated this 3<sup>rd</sup> day of August 2022