

**An
Bord
Pleanála**

**Board Direction
BD-011103-22
ABP-306199-19**

The submissions on this file and the Inspector's report were considered at Board meetings held on 18/07/2022, 22/07/2022 and 10/08/2022.

The Board decided to approve the protected road scheme, motorway scheme and service area scheme subject to the modifications set out in the Schedule below based on the reasons and considerations set out thereunder.

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 at the oral hearing, the purpose of the schemes, and 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 land;

- 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;
- g) the report and recommendation of the inspector informed by the Biodiversity Assessment Report and Appropriate Assessment Reports dated the 10th of February 2022 prepared by Dr. Maeve Flynn (the Board's senior ecologist) and the Assessment Reports on Soils and Geology, Hydrology and Hydrogeology dated the 14th of February 2022 prepared by Mr. Jer Keohane (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 permission reference number 18/602 on plot 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 23rd 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 Ltd. in the plots 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.

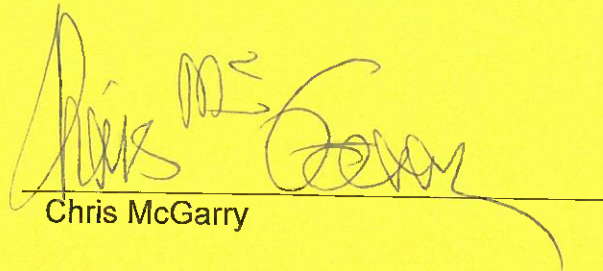
(ii) On Sheet 07 of 13 of the updated deposit maps, apply a minor modification (correction of a typographical error) in the Deposit Map as it relates to Plot 309 (change of plot 309a.110 to 309a.116) in the Rathkeale to Attyflin Motorway Scheme 2019;

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 have been included but is not required.

Board Member


Chris McGarry

Date: 11/08/2022

