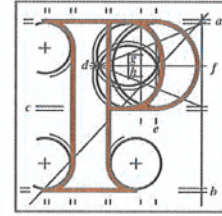
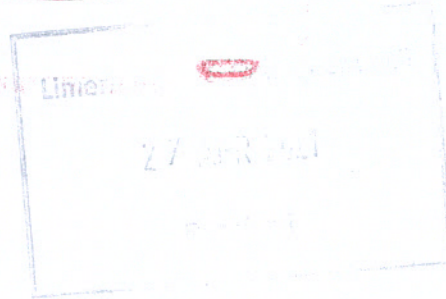


Our Case Number: ABP-306784-20



An
Bord
Pleanála

Mid West, National Road Design Office
Limerick City & County Council
Lissanalta House
Dooradoyle Road
Dooradoyle
Co. Limerick
V94 H5RR



Date: 26 APR 2021

Re: N20 O'Rourke's Cross Road Improvement Scheme Compulsory Purchase Order 2020
Townlands of Ballyfookeen and Cappanafaraha, Co. Limerick

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned case. A copy of the order is enclosed.

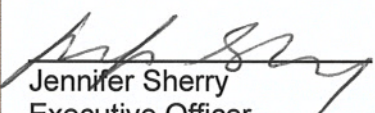
Please be advised that under section 217(5) of the Planning and Development Act, 2000, as amended, a notice of the making of a confirmation order should be published or served as the case may be in accordance with section 78(1) of the Housing Act, 1966 within 12 weeks of the making of the order.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

Overleaf contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

Yours faithfully,


Jennifer Sherry
Executive Officer
Direct Line: 01-8737266

CH20

Teil	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

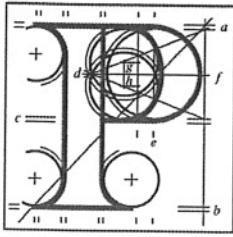
Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

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An
Bord
Pleanála

Board Order
ABP-306784-20

Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2020

Planning Authority: Limerick City and County Council

Application received by An Bord Pleanála on the 2nd day of March, 2020 from Limerick City and County Council 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 2020, for confirmation of a Compulsory Purchase Order authorising compulsory acquisition of lands and entitled **Limerick City and County Council N20 O'Rourke's Cross Road Improvement Scheme Compulsory Purchase Order 2020 – in the townlands of Ballyfookeen and Capanafaraha in the County of Limerick.**

DECISION

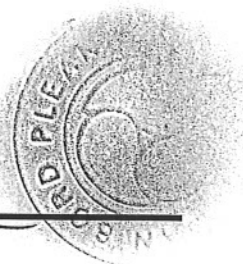
CONFIRM the above Compulsory Purchase Order based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having considered the objections made to the Compulsory Purchase Order for the N20 O'Rourke's Cross Road Improvement Scheme and having regard to the following:

- (a) the purpose of the compulsory acquisition for the N20 O'Rourke's Cross Road Improvement Scheme which has been subject to the provisions of Part XI of the Planning and Development Act, 2000, as amended, and approved under Part 8 of the Planning and Development Regulations, 2001, as amended, and which provides for the replacement of the existing junction between the N20 and the R518 by means of a proposed 4-arm roundabout and the associated realignment of the N20,
- (b) the present substandard and hazardous configuration of the existing junction between the N20 and the R518, the delays that arise in accessing the N20 from the R518, and the virtual absence of pedestrian and cyclist facilities,
- (c) the community need, public interest served and overall benefits, especially in terms of traffic management and road safety, to be achieved from the proposed road improvement works,
- (d) the design of the proposed road improvement works constituting a design response that is proportionate to the identified need,
- (e) the policies and objectives of the Limerick County Development Plan 2010 – 2016 (as extended),
- (f) the written submissions made to the Board and the submissions and observations made at the oral hearing held on the 2nd day of February 2021, and
- (g) the report and recommendation of the Inspector,

It is considered that the compulsory acquisition of the lands and the extinguishment of public and private rights of way, for which the lands are to be acquired as set out in the Compulsory Purchase Order by the local authority are necessary for the purpose stated in the Order and that the objections raised to it cannot be sustained having regard to this necessity.



Dave Walsh

Member of An Bord Pleanála

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

Dated this *23rd* day of *April* 2021