

Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

17 May 2024

Frank Urell
Tramore House
Tramore Road
Cork
Co. Cork
T12WFW2

By post and by email to frank@tektron.ie

Our Ref: 1,190,386/0986/GAV/BF

**Re: Cork City Council - Lehenaghmore Roads Improvement Scheme Acquisition Order
No. 2 of 2022**

Dear Sirs,

I act on behalf of Cork City Council and I am instructed to forward the Council's response to the Objections/Observations sent to An Bord Pleanála by you.

I attach a copy of the Council Response to the said Objections/Observations.

Cork City Council has been advised by An Bord Pleanála to make a formal application to An Bord Pleanála on the 22nd May 2024 to amend the Schedule Part 1 to remove Plot 94 from the CPO.

I note that this has been communicated to you by Infrastructure Development. This correspondence is by way of up date and information.

Yours faithfully,

BRID FLYNN
SOLICITOR



We are Cork.

**Lehenaghmore Road Improvement Scheme
(Cork City Council Compulsory Purchase Order No. 2
of 2022**

ORAL HEARING

**Lehenaghmore Road Improvement Scheme
Response to Submissions**

Mark Condron

May 2024

Mr. Frank Urell – CPO Plot Ref. 94

The objection raises issues relating to the following areas:

1. *Suggestion of inefficient use of public funds and interference to retaining structures.*

Response: *Mr. Urell's lands have subsequently been removed from the CPO. All works are confined to an area of the public road bed, within his ownership, but that do not require CPO for works to the public road to take place. There will be no interference with the retaining wall or the railing.*



2. The proposed acquisition would require substantial modifications to the drainage scheme that currently exists on the site, a former quarry that boundaried the West Cork Railway. The surface water from parts of the site would be retained by any proposed intrusion into the boundary anywhere along the (undefined) proposed area. This would give rise to major flooding in the car park. Any such alterations to the drainage risks changes to the sub-ground levels and subsidence of the main building and the entire retaining wall.

2. *Suggestion of potential interference with drainage of landowner's lands and suggestion of risk of flooding in car park on retained lands or consequential potential for subsidence of structures.*

Response: *No modifications to the on-site surface water drainage system are required as part of this scheme. All of the construction activity will take place on the public road side of the physical boundary. We can confirm that that the proposed works will not block or interfere with the drainage of surface water from Mr. Urell's property.*

3. Internally, the site has a major asset in the parking area that is provided inside the boundary involved. The proposed intrusion into this continuous parking line, would disrupt internal traffic flow, make the turning capability of large vehicles impossible, disrupt future plans for the site and consequently cause substantial devaluation of the property. In fact due to its size, any reduction whatever, in the area of this site, would cause a disproportionate reduction in the value of the property.

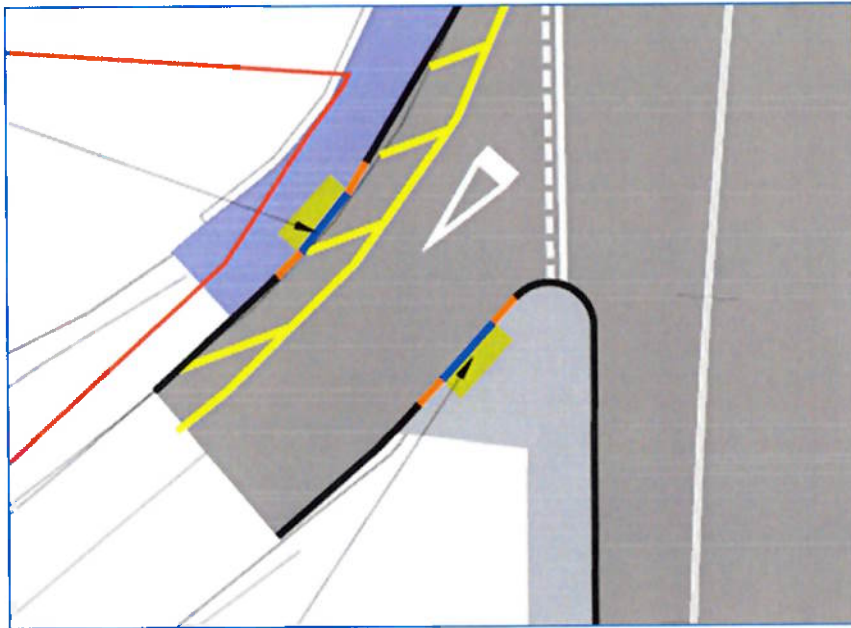
3. Suggestion of possible interference with parking area on lands of Mr. Urell

Response: The proposed scheme will not interfere with the 'major asset in the parking area'. Mr. Urell's lands inside (and including) his palisade fence are not now being acquired. All of the works are being undertaken on the public road side of the existing boundary.

4. The purpose of this acquisition would appear to be the unnecessary provision of a parking space for service vehicles such as those attending the traffic control signage adjacent. Any such vehicles have always been granted unlimited access to our car park, often several vehicles at a time. Similarly, any other road improvement vehicles, broadband installers, utility companies and even driver instructors have been allowed access at all times to facilitate their essential duties.

4. Suggestion that the lands were being acquired to provide parking for service vehicles while Mr. Urell permits such vehicles to park in his parking area.

Response: The purpose of the acquisition was to provide improved facilities for pedestrians in the area. A new uncontrolled pedestrian crossing is being provided at the top of the N40 eastbound off-ramp to Pouladuff Road. The tactile paving and dropped kerbs associated with this uncontrolled crossing will be provided on the public road side of Mr. Urell's boundary fence. The existing footpath will be rebuilt but will not extend into Mr. Urell's parking area as bounded by his fence..



5. Further suggestion of parking for service vehicles on slip road or on wrong side of road.

Response: The purpose of the acquisition initially proposed from Mr. Urell was to provide improved facilities for pedestrians in the area. A new uncontrolled pedestrian crossing is being provided at the top of the N40 eastbound off-ramp to Pouladuff Road. There are no plans to provide traffic control signage or parking for service vehicles at this location or anywhere else as part of the proposed Lehenaghmore Road Improvement Scheme

6. The documentation provided with this order is impossible to understand and unacceptable. In this case it states "Starting at a point at the southeast of the commercial building of Tramore House, thence for 13 metres in a south westerly direction, thence in a north westerly and north easterly direction for 16 metres approximately back to the starting point". This is a physically impossible thing to do because the third boundary is parallel to the first. It basically describe 3 sides of an un-dimensioned rectangular shape. It cannot enclose an area. Furthermore, the starting point is not defined, nor is it dimensioned in the enclosed map. So, it is not an area and where is it? This is a flagrant omission of detail, to which a property owner is entitled. It does not define an area or the location of the proposed area. This is not be acceptable, under any circumstances, particularly for Land Registry and it cannot be acceptable for land acquisition. Consequently, this order is challenged and being unintelligible and ill-defined, not acceptable in legal terms or in engineering or mapping terms.

6. *Suggestion of lack of clarity in extent and location of land to be acquired from Mr. Urell*

Response: *Mr. Urell's lands have subsequently been removed from the CPO. All works are confined to an area of the public road bed, within his ownership, but that do not require CPO for works to the public road to take place. The Council do not need to acquire lands either permanently or temporarily.*