

NOTICE OF A COMPULSORY PURCHASE ORDER UNDER THE WATER SERVICES ACTS, 2007 TO 2013 (AND, IN PARTICULAR, SECTIONS 7 AND 11 OF THE WATER SERVICES (NO. 2) ACT, 2013 AND PART 2 AND SECTIONS 31 & 32 AND PART 7 AND SECTION 93 OF THE WATER SERVICES ACT, 2007, AS AMENDED)

THE PLANNING AND DEVELOPMENTS ACTS, 2000 TO 2014 (AND, IN PARTICULAR, PART XIV AND SECTIONS 213 AND 217 OF THE PLANNING AND DEVELOPMENT ACT, 2000)

SECTION 184(2) OF THE LOCAL GOVERNMENT ACT, 2001, THE HOUSING ACT, 1966 (AND IN PARTICULAR PART V, SECTIONS 76, 78 AND 83(2) AND THE THIRD SCHEDULE)

SECTION 10 OF THE LOCAL GOVERNMENT (NO. 2) ACT, 1960 (AS SUBSTITUTED BY SECTION 86 OF THE HOUSING ACT, 1966 AND AS AMENDED BY SECTION 6 AND THE SECOND SCHEDULE OF THE ROADS ACT, 1993 AND BY SECTION 222 OF THE PLANNING AND DEVELOPMENT ACT, 2000)

THE LAND CLAUSES ACTS

THE ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION) ACT, 1919 AS RESPECTS ALL OR PART OF THE LAND TO WHICH THIS COMPULSORY PURCHASE ORDER RELATES

COMPULSORY ACQUISITION OF LAND

Irish Water Compulsory Purchase (Regional Biosolids Storage Facility Project) Order, 2018

To: [Landowner Name]
[Address]

1. Irish Water (hereinafter referred to as “the Company”) as a Water Services Authority for the purposes of the Water Services Act, 2007, proposes, for the purposes of the Water Services Acts, 2007 to 2013 and in exercise of its powers under Sections 32 and 93 of the Water Services Act, 2007, to acquire compulsorily the lands hereinafter described and has made an order entitled as above which is about to be submitted to An Bord Pleanála (hereinafter “the Board”) for confirmation.
2. If confirmed, the Order will authorise the Company to compulsorily acquire, for the purposes of the Water Services Acts, 2007 to 2013 and of the Regional Biosolids Storage Facility Project:

Permanently, the lands described in Part 1 of the Schedule hereto - which lands are shown **shaded grey** on the map marked “Irish Water Compulsory Purchase (Regional Biosolids Storage Facility Project) Order, 2018” and numbered IW/RBSF/CPO/100;

NOTE: Such acquisition will by Section 83(2) of the Housing Act, 1966, by operation of law and subject to a right of compensation operate to vest in the Company without any conveyance or transfer, the rights described in Part 2 of the Schedule hereto, which rights are over the land hatched yellow on the map marked “Irish Water Compulsory Purchase (Regional Biosolids Storage Facility Project) Order, 2018” and numbered IW/RBSF/CPO/100.

All of which lands are situate in the County of Dublin and within the functional area of Fingal County Council.

Which map is sealed with the seal of the Company.

3. A copy of the Order, deposited map, Engineer’s Report, Site Selection Report, Planning Report and Managing Director’s Order, may be seen at the following locations:-

- (a) The offices of Fingal County Council, Planning Counter, County Hall, Main Street, Swords, Co. Dublin, between the hours of 9.00 a.m. to 5.00 p.m. Monday to Thursday and between the hours of 9.00 a.m. to 4.30 p.m. on Friday;
- and
- (b) The offices of Fingal County Council, Planning Counter, Grove Road, Blanchardstown, Fingal, Dublin 15, between the hours of 9.30 a.m. to 4.30 p.m. Monday to Thursday and between the hours of 9.30 a.m. to 4.00 p.m. on Friday;
- and
- (c) The offices of Dublin City Council, Planning Counter, Ground Floor, Civic Offices, Wood Quay, Dublin 8, between the hours of 9.00 a.m. to 4.30 p.m. Monday to Friday.
4. The Housing Act, 1966, as amended, provides that if an objection is made with respect to the proposed compulsory acquisition of lands, the land in respect of which an objection is duly made by any of the persons upon whom notices of the making of the Order are required to be served, shall not be acquired compulsorily unless the Board makes an order to confirm the Compulsory Purchase Order, unless: -
- (a) the objection is withdrawn, or
 - (b) the Board is satisfied that the objection relates exclusively to matters which can be dealt with by the Arbitrator by whom the compensation may have to be assessed.
- Prior to a decision on confirmation or otherwise of a Compulsory Purchase Order, the Board may at its absolute discretion, hold an oral hearing in relation to the matter.
5. Any objection to the Order must state in writing the grounds of objection and be sent addressed to An Bord Pleanála at 64 Marlborough Street, Dublin 1 so as to reach the said Board **before 5.30 p.m. on the 31st day of July 2018.**
6. An Environmental Impact Assessment Report, for which separate public notice has been given, has been prepared in respect of the development which it is proposed to carry out on the lands. A Natura Impact Statement has also been prepared as to the possibility of significant effects of the proposed development on European sites. Copies of the Environmental Impact Assessment Report and the Natura Impact Statement are available for inspection or purchase at the locations listed in point 3 above and may be downloaded from www.ringsendwtpupgrade.ie. Submissions or observations as to the effects on the Environment and/or on European Sites may be made in writing to the Board **before 5.30.p.m on the 31st July, 2018.** Evidence in relation to the likely effects on the environment of the proposed development and the Natura Impact Statement, may also be heard at the Oral Hearing, if any.
7. The Board, if it thinks fit, may in one or more stages annul the Compulsory Purchase Order or confirm the Order, with or without modification.
8. If no objection is received to the proposed compulsory acquisition of lands, or the objection is withdrawn or the Board is satisfied that the objection relates exclusively to matters which can be dealt with by the Arbitrator by whom the compensation may have to be assessed, the Board shall inform the Company, which may then confirm the Order with or without modification, or refuse to so confirm it.
9. If the lands to which the Order, as confirmed by either the Board or the Company, relates is acquired by the Company, compensation for the land will be assessed in respect of the acquisition as the value of the land at the date that the relevant Notice to Treat is served.

10. In the opinion of the Company, no part of the lands in which you have an interest consists of a house or houses which is/are unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense. If the lands to which the Order relates is acquired by the Company, compensation will be assessed in accordance with Part 11 of the Fourth Schedule to the Housing Act, 1966, and the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919 as amended by the Acquisition of Land (Reference Committee) Act, 1925, the Property Values (Arbitrations and Appeals) Act, 1960, and the Local Government (Planning and Development) Act, 1963 (as applied by section 265(3) of the Planning and Development Act, 2000), subject to the modifications contained in the Third Schedule to the Housing Act, 1966.
11. Any dispute in relation to compensation shall be referred to and determined by a Property Arbitrator appointed under the Property Values (Arbitrations and Appeals) Act, 1960.
12. A claimant for compensation may at any time after the expiration of fourteen days from the date on which the relevant Notice to Treat is served, send to the Secretary, the Land Values Reference Committee, C/o High Court, Four Courts, Dublin 7 an application in writing for the nomination of a property arbitrator for the purpose of determining the compensation to be paid. The application should be made in accordance with the Property Values (Arbitrations and Appeals) Rules, 1961 (S.I. No. 91 of 1961).

SCHEDULE

PART 1 -LAND ACQUISITION

Land other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense

Plot Number shaded grey on map deposited at the offices of Fingal County Council (Swords & Blanchardstown) and the offices of Dublin City Council (Wood Quay)	Drawing No.	Quality, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			

PART 2 –RIGHTS

The right of [Landowner Name], the registered owner of Folios DN9948 and DN93232F, his executors, administrators, mortgagees, transferees and assigns, the owners and occupiers for the time being of the lands comprised in Folios DN9948 and DN93232F to the free and uninterrupted passage and running of surface water from the property comprised in Folios DN9948 and DN93232F, through a surface water drain laid and installed by [Landowner Name] on part of the property described in Part 1 of the Schedule hereto above shown hatched yellow on the map marked “Irish Water Compulsory Purchase (Regional Biosolids Storage Facility Project) Order, 2018, and numbered IW/RBSF/CPO/100, together with the full right and liberty at all reasonable times upon giving reasonable notice to enter upon the property set out in Part 1 of the Schedule hereto for the purpose of connecting to, inspecting,

maintaining, improving, replacing, repairing, cleansing or clearing obstruction in the said surface water drain and to make any excavations necessary for same.

Plot Number hatched yellow on map deposited at the offices of Fingal County Council (Swords & Blanchardstown) and the offices of Dublin City Council (Wood Quay)	Drawing No.	Quality, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			

Dated this 1st Day of June 2018

Signed:

Liam O’Riordan
Company Secretary
Irish Water
Colvill House
24-26 Talbot Street
Dublin 1