

FORM OF COMPULSORY PURCHASE ORDER UNDER

The Water Services Acts, 2007 to 2013 (and, in particular, Section 7 of the Water Services (No. 2) Act, 2013 and Parts 2 and Sections 31 & 32 and Part 7 and Section 93 of the Water Services Act, 2007, as amended)

The Planning and Development 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,
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 Housing Act, 1966 (and in particular Part V, Sections 76 and 78 and the Third Schedule)

The Lands 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 (Arklow Wastewater Treatment Plant Project) Order, 2018

To: [Landowner Name]

Of [Landowner Address]

1. **WHEREAS IRISH WATER** (hereinafter referred to as “the Company”) 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 and rights over land 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 Arklow Wastewater Treatment Plant Project:
 - (a) Permanently, the lands described in Part 1 of the Schedule hereto - which lands are shown **shaded grey** on the drawing marked “Irish Water Compulsory Purchase (Arklow Wastewater Treatment Plant Project) Order, 2018” and numbered IW/10001574/CPO/01, which lands are situated in the County of Wicklow;
 - (b) Permanently, the wayleave described in Sub-Part A of Part 2 of the Schedule hereto, over the lands described in Sub-Part B of Part 2 of the Schedule hereto - which wayleave is shown coloured **yellow** on the drawings marked “Irish Water Compulsory Purchase (Arklow Wastewater Treatment Plant Project) Order, 2018”, and numbered

IW/10001574/CPO/01, IW/10001574/CPO/02, IW/10001574/CPO/03 and IW/10001574/CPO/05, which lands are situated in the County of Wicklow;

- (c) Permanently, the rights of way described in Sub-Part A of Part 3 of the Schedule hereto to pass and re-pass over the said ways for the purposes of ingress and egress to and from the public road at all times and for all purposes and by all means in connection with the use and occupation by the Company, its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen in common with all others who have the like right of the lands and rights over land acquired by it in connection with the Arklow Wastewater Treatment Plant Project – which lands are shown **hatched in red** on the drawing marked “Irish Water Compulsory Purchase (Arklow Wastewater Treatment Plant Project) Order, 2018”, and numbered IW/10001574/CPO/01, which lands are situated in the County of Wicklow;
 - (d) Temporarily the rights described in Sub-Part A of Part 4 of the Schedule hereto over the lands described in Sub-Part B of Part 4 of the Schedule hereto for the purpose of carrying out the construction, works, services, structures as defined in the Water Services Act, 2007, facilities and other things as are necessary or expedient in relation to or are ancillary thereto or form part of such construction on the lands described in paragraph (a), (b) and (c) above, which lands are shown coloured **green** on the drawings marked “Irish Water Compulsory Purchase (Arklow Wastewater Treatment Plant Project) Order, 2018”, and numbered IW/10001574/CPO/01, IW/10001574/CPO/02, IW/10001574/CPO/03 and IW/10001574/CPO/05, which lands are situated in the County of Wicklow;
 - (e) Temporarily the construction rights described in Sub-Part A of Part 5 of the Schedule hereto over the lands described in Sub-Part B of Part 5 of the Schedule hereto, which lands are shown **hatched in green** on the drawing marked “Irish Water Compulsory Purchase (Arklow Wastewater Treatment Plant Project) Order, 2018”, and numbered IW/10001574/CPO/05, which lands are situated in the County of Wicklow;
3. A copy of the Order and of the drawings referred to in it may be seen at the following locations:
- (a) Irish Water, Colvill House, 24-26, Talbot Street, Dublin 1 between 9:00-17:00hrs from Monday to Friday;
 - (b) Wicklow County Council, Arklow Municipal District Office, Castle Park, Arklow, Co. Wicklow between 9:00-16:00hrs from Monday to Friday and
 - (c) Wicklow County Council, County Buildings, Station Road, Whitegates, Wicklow Town, Co. Wicklow between 9:00-15:30hrs from 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 land, 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 **on or before the 9th November 2018.**
6. 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.
7. If no objection is received to the proposed compulsory acquisition of land or right over land, 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.
8. If the land or right over land 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.
9. In the opinion of the Company, no part of the land 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 land or right over land 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.
10. 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.
11. 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 the drawing deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Irish Water , 24-26 Talbot Street Dublin 1; Wicklow County Council, Arklow Municipal District Office; Wicklow County Council, County Buildings, Wicklow							

PART 2 – PERMANENT WAYLEAVE

Sub-Part A – Description of Wayleave

The right for the Company, its successors in title, assigns, tenants, servants or agents, contractors or other licensees:

- (i) to construct, lay, keep, operate, maintain, renew, repair and inspect waste water works as defined in the Water Services Act, 2007 and all associated pipelines and all other associated physical elements used for collection, storage or treatment of waste water and such other works, services, facilities and other things as are necessary or expedient in relation thereto or are ancillary thereto or form part of such waste water works, in, on or under the land specified in Sub-Part B below, together with the right,
- (ii) to enter with all necessary vehicles, plant and machinery upon the said land at all times for any of the said purposes.

Sub-Part B – Description of Land

Plot Number coloured yellow on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Less ees or Reputed Less ees	Occupie rs
		Area in Hectar es	Locatio n	Description of Property			
Irish Water , 24-26 Talbot Street Dublin 1; Wicklow County Council, Arklow Municipal District Office; Wicklow County Council, County Buildings, Wicklow Town							

PART 3 – PERMANENT RIGHT OF WAY

Sub-Part A – Description of Rights

The right for the Company, its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen, to enter upon and to pass and re-pass over the lands specified in Sub-Part B below with or without all and any vehicles, plant and machinery necessary or desirable for the purpose, for the purpose of ingress and egress to and from the public road at all times, for all purposes of and by all means in connection with the use and occupation by the Company, its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen, of any lands (including rights over land and the wayleaves described in Part 2 of this Schedule).

Such right shall include

- the right to lay and maintain a suitable roadway and works ancillary thereto over the lands specified in Sub-Part B below

- the right to do in, on, under or over the lands specified in Sub-Part B below anything reasonably necessary for or ancillary or incidental to the construction, repair, maintenance and alteration of the Scheme on any land (including rights over land and the wayleaves described in Part 2 of this Schedule).

Sub-Part B – Description of Lands

Plot Number hatched in red on the drawing deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners	Lessees	Occupiers
		Area in Hectares	Location	Description of Property	or Reputed Owners	or Reputed Lessees	
Irish Water , 24-26 Talbot Street Dublin 1; Wicklow County Council, Arklow Municipal District Office; Wicklow County Council, County Buildings, Wicklow Town							

PART 4 – TEMPORARY WORKING AREA

Sub-Part A – Description of Rights

The temporary right for the Company, assigns, tenants, licensees, servants or agents, contractors and workmen in common with all others who have the like right to use the land specified in Sub-Part B below to enter with all necessary vehicles, plant and machinery upon the said lands and to use the land to pass and re-pass over same for the purpose of ingress and egress to and from the public road at all times, for all purposes of and by all means in connection with the use and occupation by the Company its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen in common with all others who have the like right of lands and rights

over land acquired by it for the purposes of the Arklow Wastewater Treatment Plant Project. Such rights include the right to do anything reasonably necessary for or ancillary or incidental to the construction of the structures and the waste water works as defined in the Water Services Act, 2007 to be laid, erected, or constructed on the lands described in Part 1 of this Schedule and the wayleaves described in Part 2 of this Schedule in, on, under or over the lands specified in Sub-Part B below.

Sub-Part B – Description of Lands

Plot Number coloured green on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Irish Water , 24-26 Talbot Street Dublin 1; Wicklow County Council, Arklow Municipal District Office; Wicklow County Council, County Buildings, Wicklow Town							

PART 5 – TEMPORARY CONSTRUCTION RIGHTS

Sub-Part A – Description of Rights

The temporary right for the Company, its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen, to enter upon and to pass and re-pass over the

lands specified in Sub-Part B below with or without all and any vehicles, plant and machinery necessary or desirable for the purpose, for the purpose of ingress and egress to and from the public road at all times, for all purposes of and by all means in connection with the use and occupation by the Company, its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen, of any lands (including rights over land and the wayleaves described in Part 2 of this Schedule) for purposes of construction and commissioning of the Scheme. Such right shall

- Include the right to lay and maintain a suitable roadway and works ancillary thereto over the lands specified in Sub-Part B below.
- Include the right to do in, on, under or over the lands specified in Sub-Part B below anything reasonably necessary for or ancillary or incidental to the construction of the Scheme on any land (including rights over land and the wayleaves described in Part 2 of this Schedule).
- Terminate on final commissioning of the scheme following completion of its construction.

Sub-Part B – Description of Land

Plot Number hatched	DRAWING No.	Quantity, Situation and Description of the Land	Owners or	Lessees or	Occupiers
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in green on the drawing deposited at		Area in Hectares	Location	Description of Property	Reputed Owners	Reputed Lessees	
Irish Water , 24-26 Talbot Street Dublin 1; Wicklow County Council, Arklow Municipal District Office; Wicklow County Council, County Buildings, Wicklow Town							

Dated this 29th August 2018

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