

NOTICE OF A 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

TO BE PUBLISHED IN ACCORDANCE WITH ARTICLE 4(a) OF THE THIRD SCHEDULE TO THE HOUSING ACT, 1966, AS AMENDED BY THE PLANNING AND DEVELOPMENT ACTS, 2000 – 2014.

COMPULSORY ACQUISITION OF LAND

IRISH WATER COMPULSORY PURCHASE (ARKLOW WASTEWATER TREATMENT PLANT PROJECT) ORDER, 2018

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 referred to as “the Board”) for confirmation. If confirmed, the order will authorise the Company to acquire compulsorily:-
 - (a) **Permanently, the lands** described in Part 1 of the Schedule hereto - which lands are shown **shaded grey** on the drawings marked “Irish Water Compulsory Purchase (Arklow Wastewater Treatment Plant Project) Order, 2018”, and numbered IW/10001574/CPO/01 and IW/10001574/CPO/03.
 - (b) **Permanently, the wayleaves** 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 wayleaves are 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, IW/10001574/CPO/05 and IW/10001574/CPO/06.
 - (c) **Permanently, the rights of way** described in Sub-Part A of Part 3 of the Schedule hereto, over the lands described in Sub-Part B, 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 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 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.

- (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 - which said 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, IW/10001574/CPO/04 and IW/10001574/CPO/05.
- (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.

All of the said lands described in the Schedule hereto are situated in the County of Wicklow.

2. Owners, lessees and occupiers of the lands described in the Schedule hereto will receive individual written notice.
3. Any objections to the compulsory acquisition of land and rights over land described in the Schedule hereto should be made in writing to An Bord Pleanala, 64 Marlborough Street, Dublin 1, before 5.30pm on 9th November 2018.
4. The Board cannot confirm a Compulsory Purchase Order in respect of the lands if an objection is made in respect of the acquisition by an owner, lessee or occupier of the lands, and not withdrawn, until it has caused to be held an Oral Hearing into the matter and until it has considered the objection and the report of the person who held the Oral Hearing. However, regard should be had to the provisions of Section 218 of the Planning and Development Act, 2000, as amended which provides that where as a result of the transfer of functions under Section 214, 215, 215A, 215B or 215C of the Planning and Development Act, 2000, as amended, the Board would otherwise be required to hold a local enquiry, public local enquiry or oral hearing, that requirement shall not apply to the Board but the Board may, at its absolute discretion, hold an Oral Hearing in relation to the matter, the subject of the function transferred.
5. A copy of the Order and the deposited 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.

All of which drawings are sealed with the seal of the Company.

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.

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 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							

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	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 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 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							

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 in green 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 Town.							

Dated this 29th of August 2018 Liam O’Riordan, Secretary, Irish Water, Colvill House, 24-26 Talbot Street, Dublin 1