

**NOTICE OF A COMPULSORY PURCHASE ORDER FOR THE PURPOSES OF
THE HOUSING ACT, 1966, TO BE SERVED ON OWNERS, LESSEES AND
OCCUPIERS IN ACCORDANCE WITH ARTICLE 4 (b) OF THE THIRD
SCHEDULE TO THE SAID ACT, AS AMENDED BY THE PLANNING AND
DEVELOPMENT ACT, 2000**

**Comhairle Chontae Chill Chainnigh
Kilkenny County Council**



COMPULSORY ACQUISITION OF LAND

**Kilkenny County Council Compulsory Purchase Order No 04 of 2022
Lands at Waterbarrack / The Butts, Kilkenny**

To: Cantwell Family [Descendants of Patrick Cantwell], Date: 4/2/2022
c/o Carol Murphy
Kearney, Roche & McGuinn,
Solicitors,
9 The Parade,
Kilkenny
R95 YF53

Kilkenny County Council (hereinafter referred to as “the housing authority”) in exercise of the powers conferred upon them by [section 76](#) of the [Housing Act, 1966](#), and the Third Schedule thereto (as amended by the [Planning and Development Act, 2000](#)), have made an order entitled as above which is about to be submitted to An Bord Pleanála for confirmation. If confirmed, the orders will authorise the housing authority to acquire compulsorily the land described in the Schedule for the purposes of the [Housing Act, 1966](#).

A copy of the order and of the maps referred to in it will be available for inspection, or purchase at a fee not exceeding the reasonable cost of making a copy, from **Friday 11th February 2022 to Tuesday 15th March 2022** inclusive at:-

- the [Planning Department, Kilkenny County Council](#), County Hall, Johns Street, Kilkenny City - *from 9am to 1pm & 2pm to 4.00pm Monday to Friday (Except Public Holidays) by appointment only*. To make an appointment please contact: 056 7794010 or email: planning@kilkennycoco.ie

A copy of the orders and maps can also be viewed at: <https://consult.kilkenny.ie/> at all times.

The [Housing Act, 1966](#), as amended, provides that if an objection is made in respect of the proposed compulsory acquisition of land, the land in respect of which the objection is 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- (a) the objection is withdrawn, or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.

The Board cannot confirm the order in respect of the land until it has held an oral hearing into the objection and until it has considered the objection and the report of the person who held the oral hearing. An Bord Pleanála has an absolute discretion under Section 218 of the Planning and Development Act, 2000 (as amended) to hold an oral hearing.

Any objection to the order must state in writing the grounds of objection and be sent should be addressed to An Bord Pleanála, 64, Marlborough Street, Dublin so as to reach the Board before **5.30pm on the 15th March 2022**.

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.

If no objection is received to the proposed compulsory acquisition of 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 housing authority, which can then confirm the order with or without modification or refuse to so confirm it.

If land to which the order, as confirmed by either the Board or the housing authority relates is acquired by the housing authority, compensation for the land will be assessed in respect of the acquisition as the value of the land at the date the relevant notice to treat is served.

In the opinion of the housing authority, the land in which you have an interest consists of a house which is unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense. If the land to which the order relates is acquired by the housing authority, compensation will be assessed in accordance with Part I of the Fourth Schedule of the Housing Act 1966, and the provisions of the Acquisitions 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.

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.

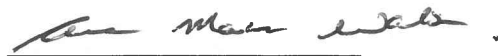
A claimant for compensation may, at any time after the expiration of fourteen days from the date on which the relevant notice to treat is served, send to the Secretary, the Reference Committee, the Four Courts, Dublin 7 an application in writing for the nomination of a property arbitrator for the purpose of determining the compensation to be paid. The application should be made in accordance with the Property Values (Arbitrations and Appeals) Rules 1961 (SI No. 91 of 1961)

SCHEDULE

PART II

Number on map deposited at the offices of the housing authority	Quantity, description and situation of the land	Owners or reputed owners	Lessees or reputed lessees	Occupiers (except tenants for a month or a less period than a month)
04/2022 WB.TB	0.19hectares/ 0.49 acre	Descendants of Patrick Cantwell (deceased)	Nil	Nil

Is mise le meas,



Anne Maria Walsh,
County Secretary, Kilkenny County Council.

