

KILKENNY COUNTY COUNCIL

COMHAIRLE CHONTAE CHILL CHAINNIGH



FORM OF COMPULSORY PURCHASE ORDER UNDER SECTION 76 OF AND THE THIRD SCHEDULE TO THE HOUSING ACT, 1966, AS EXTENDED BY SECTION 10 OF THE LOCAL GOVERNMENT (NO. 2) ACT, 1960 AND AMENDED AND EXTENDED BY THE PLANNING AND DEVELOPMENT ACTS, 2000-2018 INCLUDING SECTION 213 OF THE PLANNING AND DEVELOPMENT ACT, 2000; LOCAL GOVERNMENT ACTS, 1925-2014 INCLUDING LOCAL GOVERNMENT (NO.2) ACT, 1960; ROADS ACTS 1993-2015, AND ALL OTHER ACTS.

SECTION 10 OF THE LOCAL GOVERNMENT (IRELAND) ACT, 1898, AS AMENDED BY SECTION 11 OF THE LOCAL GOVERNMENT (NO. 2) ACT, 1960 AND SECTION 213 OF THE PLANNING AND DEVELOPMENT ACTS, 2000-2018

WHEREAS in pursuance of section 10 of the Local Government (No. 2) Act, 1960, as substituted by section 86 of the Housing Act, 1966 as amended by section 6 and the Second Schedule to the Roads Acts, 1993-2007 and by the Planning and Development Acts, 2000-2018, the Kilkenny County Council (hereinafter referred to as "the local authority") has decided to effect the acquisition of the land to which this order relates under the Housing Act, 1966:

NOW THEREFORE it is hereby ordered that—

1. Subject to the provisions of this order, the local authority is hereby authorised—

- (a) to acquire compulsorily for the purposes of the construction of the Proposed N24 Tower Road Junction Improvement Scheme (Garrynarea to Belline and Rogerstown) through the townlands of Tibberaghny, Garrynarea, Belline and Rogerstown with ancillary works, the land described in Part I of the Schedule hereto which land is shown on maps marked **Kilkenny County Council Compulsory Purchase Order No. 3 of 2019 Proposed N24 Tower Road Junction Improvement Scheme (Garrynarea to Belline and Rogerstown)** and sealed with the seal of the local authority and deposited at the offices of the local authority (hereinafter referred to as "the deposited maps"), and
- (b) to extinguish the public rights of way described in Part II of the Schedule hereto by order made after the acquisition of the land, where the said public right of way is over the land so acquired or any part thereof, or over land adjacent to or associated with the land so acquired or any part thereof.

2. The land described in Part I of the Schedule hereto and coloured grey on the said maps is 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.

3. Subject to any necessary adaptations, the provisions of —

(a) the Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act, 1845, and article 20 of the Second Schedule to the Housing of the Working Classes Act, 1890), and

(b) 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 Acts, 2000-2018), as modified by the Third Schedule to the Housing Act, 1966, are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.

4. This order may be cited as the **Kilkenny County Council Compulsory Purchase Order No. 3 of 2019 Proposed N24 Tower Road Junction Improvement Scheme (Garrynarea to Belline and Rogerstown)**.

SCHEDULE

PART I

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.

No. on Map Deposited at the Offices of the Local Authority	Quantity, Description and Situation of the Land			Owners/Reputed Owners	Lessees or Reputed Lessees	Occupiers (except tenants for a month or a less period than a month)
	Area (Ha)	Townland	Electoral Division			
101a	0.4208	Garrynarea	Whitechurch	Public Road	Kilkenny County Council County Hall, John Street, Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
101b	0.2822	Garrynarea	Whitechurch	Public Road	Kilkenny County Council County Hall, John Street, Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
101c	1.6425	Tibberaghny	Whitechurch	Public Road	Kilkenny County Council County Hall, John Street, Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
101d	0.0292	Tibberaghny	Whitechurch	Public Road	Kilkenny County Council County Hall, John Street, Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
101e	0.0050	Belline and Rogerstown	Piltown	Public Road	Kilkenny County Council County Hall, John Street, Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
101f	2.8869	Belline and Rogerstown	Piltown	Public Road	Kilkenny County Council County Hall, John Street, Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
101g	0.0161	Tibberaghny	Whitechurch	Public Road	Kilkenny County Council County Hall, John Street, Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny

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	Area (Ha)	Townland	Electoral Division			
101h	0.0690	Belline and Rogerstown	Piltown	Public Road	Kilkenny County Council County Hall, John Street, Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
101i	0.0055	Belline and Rogerstown	Piltown	Monument	Kilkenny County Council County Hall, John Street, Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
101j	0.2135	Belline and Rogerstown	Piltown	Public Road	Kilkenny County Council County Hall, John Street, Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
101k	1.4274	Belline and Rogerstown	Piltown	Public Road	Kilkenny County Council County Hall, John Street, Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
102a	0.1071	Tibberaghny	Whitechurch	Agricultural Land	Robert Dowley Tybroughney Castle, Carrick-On-Suir, Co. Tipperary	Robert Dowley Tybroughney Castle, Carrick-On-Suir, Co. Tipperary
103a	0.0649	Garrynarea	Whitechurch	Agricultural Land	Joseph Malone Belline Farm, Piltown, Co. Kilkenny	Joseph Malone Belline Farm, Piltown, Co. Kilkenny
103b	0.1347	Tibberaghny	Whitechurch	Agricultural Land	Joseph Malone Belline Farm, Piltown, Co. Kilkenny	Joseph Malone Belline Farm, Piltown, Co. Kilkenny
103c	0.9247	Belline and Rogerstown	Piltown	Agricultural Land	Joseph Malone Belline Farm, Piltown, Co. Kilkenny	Joseph Malone Belline Farm, Piltown, Co. Kilkenny
103d	0.0852	Belline and Rogerstown	Piltown	Private Access	Joseph Malone Belline Farm, Piltown, Co. Kilkenny	Joseph Malone Belline Farm, Piltown, Co. Kilkenny

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	Area (Ha)	Townland	Electoral Division			
103e	0.8098	Belline and Rogerstown	Piltown	Agricultural Land	Joseph Malone Belline Farm, Piltown, Co. Kilkenny	Joseph Malone Belline Farm, Piltown, Co. Kilkenny
103f	0.0533	Belline and Rogerstown	Piltown	Public Road	Joseph Malone Belline Farm, Piltown, Co. Kilkenny	Joseph Malone Belline Farm, Piltown, Co. Kilkenny
103g	0.2249	Belline and Rogerstown	Whitechurch	Public Road	Joseph Malone Belline Farm, Piltown, Co. Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
103h	0.0034	Belline and Rogerstown	Piltown	Agricultural Land	Joseph Malone Belline Farm, Piltown, Co. Kilkenny	Joseph Malone Belline Farm, Piltown, Co. Kilkenny
103i	0.0127	Tibberaghny	Whitechurch	Agricultural Land	Joseph Malone Belline Farm, Piltown, Co. Kilkenny	Joseph Malone Belline Farm, Piltown, Co. Kilkenny
103j	0.0027	Tibberaghny	Whitechurch	Public Road	Joseph Malone Belline Farm, Piltown, Co. Kilkenny	Joseph Malone Belline Farm, Piltown, Co. Kilkenny
103k	0.0020	Belline and Rogerstown	Piltown	Public Road	Joseph Malone Belline Farm, Piltown, Co. Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
103l	0.0128	Belline and Rogerstown	Piltown	Agricultural Land	Joseph Malone Belline Farm, Piltown, Co. Kilkenny	Joseph Malone Belline Farm, Piltown, Co. Kilkenny
104a	0.0161	Garrynarea	Whitechurch	Public Road	Michelle Foley and Keith Foley Belline, Piltown, Co. Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny

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	Area (Ha)	Townland	Electoral Division			
105a	0.0615	Tibberaghy	Whitechurch	Agricultural Land	-	Daphne Dowley Tybroughney, Carrick-On-Suir, Co. Kilkenny
106a	0.0229	Tibberaghy	Whitechurch	Public Road	-	Glennonor Developments Limited, Ardclone, Piltown, Co. Kilkenny
107a	1.1424	Belline and Rogerstown	Piltown	Agricultural Land	-	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny
107b	0.0034	Belline and Rogerstown	Piltown	Cattle Holding Pen	-	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny
107c	0.0095	Belline and Rogerstown	Piltown	Agricultural Land	-	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny
107d	0.0366	Belline and Rogerstown	Piltown	Farm Access Road	-	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny
107e	0.0588	Belline and Rogerstown	Piltown	Agricultural Land	-	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny
107f	0.2246	Belline and Rogerstown	Piltown	Agricultural Land	-	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny

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	Area (Ha)	Townland	Electoral Division			
107g	0.0283	Belline and Rogerstown	Piltown	Farm Access Road	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny
107h	0.0489	Belline and Rogerstown	Piltown	Agricultural Land	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny
107i	0.1904	Belline and Rogerstown	Piltown	Agricultural Land	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny
107j	0.0619	Belline and Rogerstown	Piltown	Agricultural Land	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny	Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny
108a	0.0512	Belline and Rogerstown	Piltown	Agricultural Land	James & Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny	James & Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny
108b	0.0910	Belline and Rogerstown	Piltown	Agricultural Land	James & Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny	James & Catherine Byrne Tower Hill, Piltown, via Carrick on Suir, Co. Kilkenny
109a	0.0034	Belline and Rogerstown	Piltown	Agricultural Land	Michael & Jacinta Gaynor Tybroughney Road, Piltown, Co. Kilkenny	Michael & Jacinta Gaynor Tybroughney Road, Piltown, Co. Kilkenny
110a	0.0529	Belline and Rogerstown	Piltown	Public Road	Nigel & Michaela Back Tower Road, Piltown, Co. Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny

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	Area (Ha)	Townland	Electoral Division			
111a	0.0079	Belline and Rogerstown	Pilltown	Public Road	Anthony & Rose Cooney Tower Road, Pilltown, Co. Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
112a	0.0017	Belline and Rogerstown	Pilltown	Public Road	John & Muireann Malone Tower Road, Pilltown, Via Carrick On Suir, Co. Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
113a	0.0071	Belline and Rogerstown	Pilltown	Public Road	Bridget Kinsella Belline, Pilltown, Co. Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
114a	0.0447	Belline and Rogerstown	Pilltown	Public Road	Mary Bernadette O'Brien Tower House, Pilltown, Co. Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
115a	0.0217	Belline and Rogerstown	Pilltown	Public Road	Richard Denton Belline House, Belline and Rogerstown, Pilltown, Co. Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny
116a	0.0137	Tibberaghny	Whitechurch	Public Road	Conor & Claire Carroll, Tibberaghny, Pilltown, via Carrick on Suir, Co. Kilkenny.	Kilkenny County Council County Hall, John Street, Kilkenny
117a	0.0031	Tibberaghny	Whitechurch	Public Road	Andrew & Carol McCarthy Tibberaghny, Pilltown, via Carrick on Suir, Co. Kilkenny.	Kilkenny County Council County Hall, John Street, Kilkenny
118a	0.0197	Tibberaghny	Whitechurch	Agricultural Land	Enda Dowley Threebridges House, Carrick-On-Suir, Co. Kilkenny	Kilkenny County Council County Hall, John Street, Kilkenny

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	Area (Ha)	Townland	Electoral Division	Description			
119a	0.0131	Garrynarea	Whitechurch	Public Road	Robert Desmond Blackmore Garrynarea, Carrick-On-Suir, Co. Kilkenny / Kilkenny County Council County Hall, John Street, Kilkenny	-	Robert Desmond Blackmore Garrynarea, Carrick-On-Suir, Co. Kilkenny / Kilkenny County Council County Hall, John Street, Kilkenny
119b	0.0193	Garrynarea	Whitechurch	Public Road	Robert Desmond Blackmore Garrynarea, Carrick-On-Suir, Co. Kilkenny / Kilkenny County Council County Hall, John Street, Kilkenny	-	Robert Desmond Blackmore Garrynarea, Carrick-On-Suir, Co. Kilkenny / Kilkenny County Council County Hall, John Street, Kilkenny
119c	0.0216	Garrynarea	Whitechurch	Public Road	Robert Desmond Blackmore Garrynarea, Carrick-On-Suir, Co. Kilkenny / Kilkenny County Council County Hall, John Street, Kilkenny	-	Robert Desmond Blackmore Garrynarea, Carrick-On-Suir, Co. Kilkenny / Kilkenny County Council County Hall, John Street, Kilkenny

PART II

Description of public rights of way proposed to be extinguished.

1. The section of National Road N24 in the Townlands of Garrynarea, Tibberaghny and Belline & Rogerstown between the lines 1 – 1 and 1A – 1A, for a distance of 664m.
2. The section of Local Primary Road LP1038 in the Townlands of Garrynarea and Belline & Rogerstown, between the lines 2 – 2 and 2A – 2A, for a distance of 254m.
3. The section of National Road N24 in the Townlands of Belline and Rogerstown between the lines 3 – 3 and 3A – 3A, for a distance of 670m.
4. The section of Local Tertiary Road LP42221 in the Townland of Tibberaghny, between the lines 4 – 4 and 4A – 4A, for a distance of 28m.
5. The section of Local Primary Road LP4222 in the Townlands of Belline and Rogerstown, between the lines 5 – 5 and 5A – 5A, for a distance of 190m.
6. The section of Local Primary Road LP1039 in the Townlands of Belline and Rogerstown, between the lines 6 – 6 and 6A – 6A, for a distance of 78m.
7. The section of National Road N24 in the Townlands of Belline & Rogerstown between the lines 7 – 7 and 7A – 7A, for a distance of 475m.

The official seal of the local authority was affixed hereto this

21 day of October 2019,

in the presence of: —



CHIEF EXECUTIVE



COUNTY SECRETARY



CATHAOIRLEACH

