



Comhairle Contae Chiarraí Kerry County Council

N70 Waterville to Ballybrack Road Improvement Scheme

Compulsory Purchase Order of 2025

COMHAIRLE CONTAE CHIARRAÍ

KERRY COUNTY COUNCIL



LOCAL GOVERNMENT ACT 2001 (AS AMENDED)

FORM OF COMPULSORY PURCHASE ORDER MADE UNDER SECTION 76 OF
AND THE THIRD SCHEDULE TO THE HOUSING ACT, 1966,
AS AMENDED BY SECTION 198 OF THE RESIDENTIAL TENANCIES ACT, 2004,
AS EXTENDED BY SECTION 10 OF THE LOCAL GOVERNMENT (NO. 2) ACT, 1960 (SUBSTITUTED BY SECTION 86 OF THE HOUSING ACT,
1966) AND
AMENDED AND EXTENDED BY THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) (INCLUDING PART XIV, SECTION 212,
SECTION 213 AND SECTION 222 THEREOF);
THE ROADS ACTS 1993 AS AMENDED (INCLUDING SECTION 6
AND THE SECOND SCHEDULE TO THE ROADS ACTS 1993 AS AMENDED);
THE LOCAL GOVERNMENT ACTS 1925 TO 2019
INCLUDING SECTIONS 11 AND 184 OF THE LOCAL GOVERNMENT ACT, 2001 AS AMENDED;
THE LOCAL GOVERNMENT (NO.2) ACT, 1960;
THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED
AND ALL OTHER ACTS THEREBY ENABLING

COMPULSORY ACQUISITION OF LAND

N70 WATERVILLE TO BALLYBRACK ROAD IMPROVEMENT SCHEME
COMPULSORY PURCHASE ORDER OF 2025

(THROUGH THE TOWNLANDS OF WATERVILLE, BALLYBRACK AND EIGHTERCUA IN THE COUNTY OF KERRY)

WHEREAS in pursuance to section 10 of the Local Government (No 2) Act, 1960 as substituted by Section 86 of the Housing Act, 1966 (as amended) and as amended by Section 6 and the Second Schedule to the Roads Acts 1993 as amended and by the Planning and Development Act 2000 (as amended) (including Part XIV, section 212, section 213 and section 222 thereof) and the Local Government Act 2001 as amended, and in exercise of the powers conferred on it by the above mentioned legislation and all other Acts thereby enabling, Kerry County Council (hereinafter referred to as "the Local Authority") has decided to effect the acquisition of the lands to which this Order relates under the Housing Act 1966 (as amended, substituted and extended by the above entitled enabling legislation).

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 purpose of providing a road development which gives effect to and facilitates the implementation of the County Development Plan 2022-2028 and the Kenmare Municipal District Local Area Plan 2024-2030 and related policy at national and regional levels, consisting of the construction of the N70 Waterville to Ballybrack Road Improvement Scheme comprising a 1.4km (approximately) online improvement of the N70 to an all-purpose road with a cycle and pedestrian facility and bridge and all ancillary and consequential works, the lands described in Part II of the Schedule hereto and
- (b) To acquire compulsorily, on a temporary basis, for the purpose of constructing the N70 Waterville to Ballybrack Road Improvement Scheme the lands described in Part III of the Schedule hereto.

All of which lands are shown on Deposit Map A marked:

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and sealed with the seal of the Local Authority and deposited at the Local Authority's offices at:

- Room 115, Kerry County Council, County Buildings, Tralee, County Kerry, V92 H7VT.
- Kerry National Roads Office, Kerry County Council, The Island Centre, Castleisland, County Kerry V92 T0CP.
- Kerry County Council, Cahersiveen Area Office, The Courthouse, New Market Street, Cahersiveen, County Kerry, V23 A304.

2. The lands described in the Schedule hereto and coloured grey and blue on the said Maps are lands 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.

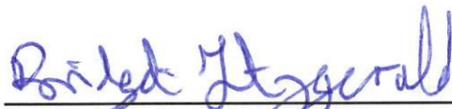
3. Subject to any necessary adaptations, the provisions of

- (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 Act 2000 (as amended)) and the Planning and Development Act 2000 (as amended) as modified by the Third Schedule to the Housing Act 1966 (as amended and substituted), are hereby incorporated in this Order and the provisions of those Acts shall apply accordingly.

4. This Order may be cited as:

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Present when the Seal of Kerry County Council was affixed hereto:



Cathaoirleach or Nominated Employee
of Kerry County Council

this 15th day of December 2025