

FORM OF NOTICE OF THE MAKING OF A 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, TO BE SERVED ON OWNERS, LESSEES AND OCCUPIERS IN ACCORDANCE WITH ARTICLE 4(b) OF THE THIRD SCHEDULE TO THE HOUSING ACT, 1966, AS AMENDED BY THE PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED) AND SECTIONS 212 AND 213 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) AND SECTION 184 OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED).

LIMERICK CITY AND COUNTY COUNCIL
CASTLECONNELL FLOOD RELIEF SCHEME
COMPULSORY ACQUISITION OF LAND 2026

To: Stephen Hearn, Lottie Hearn, Island House, Castleconnell, Co. Limerick

1. Limerick City and County Council (hereinafter referred to as “the Local Authority”) in exercise of the powers conferred upon them by Section 76 of the Housing Act, 1966, and the Third Schedule thereto, as extended by 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 Act, 1993 (as amended) and as amended by the Planning and Development Act, 2000 (As Amended) (including Part XIV, sections 213, 213(2), 222 thereof) and pursuant to the provisions of the Local Government Act 2001 (as amended), and all other enabling legislation, has made an order entitled as above which is about to be submitted to An Coimisiún Pleanála for confirmation.
2. If confirmed, the Order will authorise the Local Authority to compulsorily acquire the land described in the schedule to this notice for the purposes of the Castleconnell Flood Relief Scheme, to which the Compulsory Purchase Order relates, which was approved by An Coimisiún Pleanála on 3rd November 2025 ABP-321350-24.
3. A copy of the Order and of the Deposit Maps referred to in it may be seen at the offices of Limerick City and County Council located at Merchant’s Quay, Limerick V94 EH90 and at Dooradoyle, Limerick, V94 WV78 between the hours of 9.00 a.m. to 5.00 p.m. on working days from 3rd July 2026 to 21st August 2026.
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 Commission makes an order to confirm the Compulsory Purchase Order, unless:
 - a. The objection is withdrawn, or
 - b. The Commission is satisfied that the objection relates exclusively to matters which can be dealt with by the Arbitrator by who the compensation may have to be assessed.
5. The Commission cannot confirm -

- (a) a compulsory purchase order in respect of the land if an objection is made in respect of the acquisition by an owner, lessee or occupier of the land, and not withdrawn,
- (b) an order which authorises the extinguishment of a public right of way if there is an objection to the extinguishment, which is not withdrawn, until it has considered the objection(s).
6. An Coimisiún Pleanála may at its absolute discretion, hold an oral hearing into the matter.
 7. Before making its decision on an application to confirm the Order, the Commission must consider any objection made and not withdrawn, any additional submissions or observations made pursuant to a request by the Commission under Section 217A of the Planning and Development Act 2000 (as amended) and any report of the person who held the oral hearing, if such an oral hearing takes place.
 8. An Coimisiún Pleanála may confirm the Compulsory Purchase Order or any part thereof with or without modifications or may annul the Compulsory Purchase Order or any part thereof.
 9. A person may question the validity of any determination by An Coimisiún Pleanála to confirm a Compulsory Purchase Order by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts as provided for in Section 50 of the Planning and Development Act 2000 (as amended). Further information can be obtained from An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1 (Eircode D01 V902) in respect of the judicial review procedure. Further information in respect of the Judicial Review process can also be found on www.citizensinformation.ie. Contact 0818074000 or +353(0)212298178 for details of the locations and operating hours of your local Citizens Information Centre.
 10. The Castleconnell Flood Relief Scheme, to which the Compulsory Purchase Order relates was approved by An Coimisiún Pleanála on 3rd November 2025 ABP-321350-24.
 11. Any objection to the order must state in writing the grounds of objection and be sent addressed to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, D01 V902, so as to reach the said Commission before 5.30pm on 21st August 2026
 12. If no objection is received to the proposed compulsory acquisition of land or the objection is withdrawn or the Commission 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 Commission shall inform the Local Authority, which may then confirm the Order within or without modification or refuse to so confirm it.
 13. If the land to which the Order, as confirmed by either the Commission or by the Local Authority, relates is acquired by the Local 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.
 14. In the opinion of the Local Authority, 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 to which the Order relates is acquired by the Local Authority, compensation will be assessed in accordance with Part II 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 as amended.

15. 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.
16. 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).
17. An extract from the Schedule and Map indicating lands and/or rights in which you may have an interest is attached.
18. If you have any questions or queries in relation to the above or attached map, or if you no longer have an interest in this property or are aware of anyone else who has an interest in this property, please contact Customer Service, Limerick City and County Council, Merchants Quay, Limerick V94 EH90, at customerservices@limerick.ie or on 061 556000.

Dated this 3rd July 2026

Signed



Patricia Liddy
Director of Services

Transportation & Mobility Directorate

SCHEDULE PART I – LANDS BEING PERMANENTLY ACQUIRED

- (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. The land included in the Schedule is situated in the functional area of Limerick City and County Council.
- (ii) Permanent Acquisition described in Part I of the Schedule hereto and coloured grey and outlined in red on the deposited map. The land included in the Schedule is situated in the functional area of Limerick City and County Council.

Schedule Number on Map Deposited at the Office of the Local Authority	Quantity, description and situation of the land	Description	Owner or Reputed Owner	Lessees or Reputed Lessees	Occupiers (except tenants for a month or a period less than a month)
9.1P	Area Ha: 0.0160 Folio: Not registered Type: Land from business/dwelling Townland: Cloon and Commons / Coolbane ED: Limerick City East County: Limerick	LANDS BEING PERMANENTLY ACQUIRED	Marie Maher, Sinéad Maher, Coolbane, Castleconnell, Co. Limerick; Stephen Hearn, Lottie Hearn, Island House, Castleconnell, Co. Limerick	None	Owner or Reputed Owner

SCHEDULE PART II – WAYLEAVE TO BE PERMANENTLY ACQUIRED

Sub-Part A – Description of Wayleave

- (i) The right for “the Local Authority”, its successors in title, assigns, tenants, servants or agents, contractors or other licensees: (a) to pass and repass at all times, (b) to construct, lay, keep, operate, maintain, repair, and inspect the flood defence works on or under the land specified in Sub-Part B below, together with the right, (c) to enter with all necessary vehicles, plant, and machinery upon the said land always for any of the said purposes.
- (ii) 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. The land included in the Schedule is situated in the functional area of Limerick City and County Council.

(iii) Permanent Wayleave described in Part II of the Schedule hereto and coloured yellow and outlined in red on the deposited map. The land included in the Schedule is situated in the functional area of Limerick City and County Council.

Sub-Part B – Description of Land

Schedule Number on Map Deposited at the Office of the Local Authority	Quantity, description and situation of the land	Description	Owner or Reputed Owner	Lessees or Reputed Lessees	Occupiers (except tenants for a month or a period less than a month)
9.1W	Area Ha: 0.0563 Folio: Not registered Type: Land from business/dwelling Townland: Cloon and Commons / Coolbane ED: Limerick City East County: Limerick	WAYLEAVE TO BE PERMANENTLY ACQUIRED	Marie Maher, Sinéad Maher, Coolbane, Castleconnell, Co. Limerick; Stephen Hearn, Lottie Hearn, Island House, Castleconnell, Co. Limerick	None	Owner or Reputed Owner

SCHEDULE PART III – RIGHT OF WAY TO BE PERMANENTLY ACQUIRED

NOT APPLICABLE

SCHEDULE PART IV– LANDS BEING TEMPORARILY ACQUIRED

- (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. The land included in the Schedule is situated in the functional area of Limerick City and County Council.
- (ii) Temporary Acquisition described in Part IV of the Schedule hereto and coloured green hatch and outlined in red on the deposited map. The land included in the Schedule is situated in the functional area of Limerick City and County Council.

Schedule Number on Map Deposited at the Office of the Local Authority	Quantity, description and situation of the land	Description	Owner or Reputed Owner	Lessees or Reputed Lessees	Occupiers (except tenants for a month or a period less than a month)
9.1T	Area Ha: 0.0838 Folio: Not registered Type: Land from business/dwelling Townland: Cloon and Commons, Coolbane ED: Limerick City East County: Limerick	LANDS BEING TEMPORARILY ACQUIRED	Marie Maher, Sinéad Maher, Coolbane, Castleconnell, Co. Limerick Stephen Hearn, Lottie Hearn, Island House, Castleconnell, Co. Limerick	None	Owner or Reputed Owner

SCHEDULE PART V– RIGHTS OF WAY TO BE EXTINGUISHED

NOT APPLICABLE

