

KILKENNY COUNTY COUNCIL
COMHAIRLE CHONTAE CHILL CHAINNIGH



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 (As Amended) INCLUDING SECTION 213 OF THE PLANNING AND DEVELOPMENT ACTS, 2000 (As amended); LOCAL GOVERNMENT ACTS, 1925 - 2019 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 (As amended)

COMPULSORY ACQUISITION OF LAND

**Kilkenny County Council Compulsory Purchase Order No. 6 of 2026
Graigenamanagh Tinnahinch Flood Relief Scheme**

(Statutory form explaining your rights in relation to the making of the Compulsory Purchase Order).

To :
of :

Owner or Reputed Owner CPO Plot Ref: 1

Occupier CPO Plot Ref:

1. Kilkenny 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) and amended by the Planning and

Development Acts, 2000 (As Amended) have made an order entitled as above which is about to be submitted to An Comisiun Pleanála for confirmation.

2. If confirmed, the order will authorise the local authority to acquire compulsorily the land described in the Schedule hereto for the purposes of the construction and maintenance of the **Graiguenamanagh Tinnahinch Flood Relief Scheme**.

3. A copy of the order and of the map referred to in it may be inspected during office hours from Wednesday the 5th day of August to the Wednesday the 16th day of September (Inclusive of both dates):

- Planning Department, Kilkenny County Council, County Hall, John Street, Kilkenny City. A95A397. From 9am to 1pm & 2pm to 4pm Monday to Friday (Excluding Public Holidays).
- Thomastown Municipal District Offices, Ladyswell, Thomastown,, Co. Kilkenny R95 TX68, from 9am to 1pm & 2pm to 5pm Monday to Friday (Except Public Holidays).
- Muinebheag Municipal District office, McGrath Hall, Muinebheag, Co. Carlow. (by appointment only) Contact : 059-9172415
- The offices of An Comisiun Pleanála, 64 Marlborough Street, Dublin 1 between the hours 9:15am and 5:30pm Monday to Friday (Excluding Public Holiday)

Your submission in response to this notice must be received by the Commission not later than 5.30 p.m. on the date specified above.

A copy of the order and the map referred will also be available to view between Wednesday the Wednesday the 5th day of August to the Wednesday the 16th day of September (Inclusive of both dates) on the Kilkenny County Council's Webpage at <https://consult.kilkenny.ie>

4. The Housing Act, 1966, as amended, provides that if an objection is made 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 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.

An Coimisiún Pleanála has an absolute discretion under section 218 of the Planning and Development Act 2000 (as amended) to hold an oral hearing. Before making its decision on an application to confirm the Compulsory Purchase Order, An Coimisiún Pleanála

must consider any objection made and not withdrawn, any additional submissions or observations made pursuant to a request by An Coimisiún Pleanála under section 217A of the Planning and Development Act (as amended), and any report of the person who held the oral hearing if such an oral hearing takes place. The person conducting any oral hearing that may be held in relation to the Compulsory Purchase Order which relates to a development under section 177AE of the Planning and Development Act 2000 (as amended) is entitled to hear evidence on the likely effects on the environment, the likely consequences for proper planning and sustainable development and the likely significant effects on a European Site.

5. Any objection to the order must state in writing the grounds of objection and be addressed to An Comisiun Pleanála, at 64 Marlborough Street, Dublin 1, D01 V902, so as to reach the said Board before 5:30pm on Wednesday 16th September 2026.

6. A Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR) has been prepared in respect of the development which it is proposed to be carried out on the land. Evidence in relation to the likely effects on the environment of the proposed development may also be heard at the oral hearing, if any.

7. 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.

8. 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 local authority, which may then confirm the order with or without modification, or refuse to so confirm it.

9. If land to which the order, as confirmed by either the Board or 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 that the relevant notice to treat is served.

10. 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 Acts, 2000 (As Amended), subject to the modifications contained in the Third Schedule to the Housing Act, 1966.

11. Any dispute in relation to compensation shall be referred to and be determined by a property arbitrator appointed under the Property Values (Arbitrations and Appeals) Act, 1960.

12. 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, Four Courts, Dublin, 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).

Dated: 28th July 2026

Signed:

**Mary Mulholland,
Director of Services, Kilkenny County Council,
Kilkenny County Council.**