

Appendix 1.3

**Compulsory Purchase Order Letter, Notice to Treat &
Land Parcel Schedule and Map**

Comhairle Contae Chorcaí Cork County Council

National Roads Office,
Richmond,
Glanmire,
Co. Cork.
Tel: (021) 4821046 • Fax: (021) 4866209
Web: www.corkcoco.ie
An Oifig um Bhóithre Náisiúnta,
Richmond,
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An Bord Pleanála
64 Marlborough St
Rotunda
Dublin 1
D01 V902

26th June 2025

Re: Application by Indaver for the development of a Waste to Energy Facility in Ringaskiddy

Dear Colleagues,

Cork County Council understand that an application for the development of a Waste to Energy facility in Ringaskiddy was submitted by Indaver in January 2016.

An Bord Pleanála approved the M28 Cork to Ringaskiddy Project Motorway Scheme 2017, the M28 Cork to Ringaskiddy Protected Road Scheme 2017 and the M28 Cork to Ringaskiddy Project Service Area Scheme Compulsory Purchase Order on the 31st of May 2017 and the scheme (with modifications) became operative on the 28th of September 2018.

Cork County Council served a Notice to Treat dated the 26th of March 2021 on Indaver to acquire Indaver's interest in the lands more particularly specified in the map attached hereto.

These lands have been transferred to Cork County Council under Deed of Transfer dated 14th February 2023 and have been registered in the Land Registry in the ownership of Cork County Council under Folio reference CK192956F.

Cork County Council have been made aware that the redline boundary on the application which is being remitted by Indaver includes the lands which have been transferred to Cork County Council under the CPO.

Cork County Council confirms it has no objection to the land which was subject to the CPO being included within the redline boundary for the remitted application. However, in the interest of transparency, Cork County Council wish for An Bord Pleanála to note that these lands are now owned by Cork County Council and will not be available for private

development, with the exception of any utility connections to be made along the public road that are associated with the proposed Indaver development.

Yours Faithfully,

A handwritten signature in blue ink, appearing to read 'Sean Callery', with a stylized flourish at the end.

Signed:

Sean Callery Chartered Engineer FIEI
Innealtóir Sinsearach | Senior Engineer
National Roads Office
Cork County Council



COMHAIRLE CONTAE CHORCAÍ
Cork County Council

M28 Cork to Ringaskiddy Project Motorway Scheme 2017
M28 Cork to Ringaskiddy Project Protected Road Scheme 2017
M28 Cork to Ringaskiddy Project Service Area Scheme 2017

NOTICE TO TREAT

Pursuant to
Roads Act, 1993 (as amended) including Section 52 thereof
Planning and Development Act, 2000 (as amended) including Section 217 thereof
Housing Act, 1966 (as amended) including Section 79 thereof
Acquisition of Land (Assessment of Compensation) Act, 1919
(as amended)

Indaver Ireland Ltd.
The Highline
1st Floor, Bakers Point
Pottery Road
Dun Laoghaire
Co. Dublin

File Reference Number: 214

***And all other persons claiming any Interest in the premises/lands
Specified in the Scheme Approvals.***

WHEREAS the above named Motorway Scheme, Protected Road Scheme and Service Area Scheme made on the 31st Day of May, 2017 were approved and confirmed (with modifications) by An Bord Pleanála, and which became operative on the 28th day of September, 2018 in respect of the compulsory acquisition of land to which the Schemes relate.

and

WHEREAS by virtue of the approved, confirmed and operative Motorway Scheme, Protected Road Scheme and Service Area Scheme, Cork County Council (hereinafter referred to as "the Council"), is authorised to acquire compulsorily the premises/land (or any substratum of land) and any rights in land to which the Scheme Approvals relate.

WHEREAS in accordance with Section 217[6A][b] of the Planning and Development Act 2000, as amended, an Order was made by the High Court on the 1st day of December 2020 extending the time for service of Notice to Treat for a period of 90 days after the date on which legal proceedings bearing High Court Record Number 2018 No. 708 JR challenging the Scheme Approvals concluded.

WHEREAS the said legal proceedings bearing High Court Record Number 2018 No. 708 JR concluded on 1st day of March 2021, when the Supreme Court issued a Determination refusing an application for leave to appeal.

TAKE NOTICE that the Council is willing to treat for the purchase of the several interests in the said premises/land authorised to be compulsorily acquired by the said operative Motorway Scheme, Protected Road Scheme and Service Area Scheme from you and which are more particularly described in the attached extract from the Schedule to the Motorway Scheme, Protected Road Scheme and Service Area Scheme, as the case may be, and delineated and described on the map attached hereto [together with all and any other rights or easements on, in or over the said premises/land except so far as may be otherwise agreed between the Council and the person entitled to the right or easement in question].

The Council **HEREBY REQUESTS** you to furnish to Mr. Richard Keating, Senior Executive Officer, Property Section, Cork County Council, Floor 11, County Hall, Cork, within 2 months of the date of this letter, the following information:-

1.
 - (a) The nature of the interest or interests claimed by you.
 - (b) Particulars of any income derived by you from any of the premises/land, identifying the persons from whom such income is derived.
 - (c) Particulars of all rent, interest, rates, taxes, charges and/or outgoings paid by you in respect of any of the premises/land, identifying the persons to whom such payments are made.
 - (d) Particulars of any other persons (other than those mentioned above) who to your knowledge have any interest in or charge on the premises/land.
 - (e) Any other matters which may be relevant or of assistance to the Council in considering any offer which may be made to you by way of compensation for and on the acquisition of the premises/land.
2. The original or a copy of such lease, agreement or grant if you hold any of the premises/land under lease or tenancy agreement or under any fee farm grant.
3. Particulars of Claim stating the exact nature of the interest in respect of which compensation is claimed, details of the compensation claimed under each heading, the amount claimed under each heading and how each such amount claimed is calculated.

On receipt of the above information the Council will consider and assess your claim and in due course make such offer by way of compensation as considered appropriate. Such an offer will be subject to the production of satisfactory evidence of title.

Should you fail to furnish the required information within the time provided or if agreement cannot be reached between you and the Council, any question of disputed compensation will be referred to arbitration by one of the property arbitrators appointed under the Property Values (Arbitration & Appeals) Act, 1960.

Dated this 26th day of March, 2021



**SENIOR EXECUTIVE OFFICER,
CORPORATE SERVICES**

M28 Cork to Ringaskiddy Project

Explanatory Memorandum for Compulsory Acquisition Procedure – this is issued for guidance purposes only and is not a legal interpretation of the relevant legislation.

What is a Notice to Treat?

A Notice to Treat is a formal legal notice served by the County Council on landowners, lessee's and occupiers stating that the Council is willing to enter into negotiations regarding compensation and invites affected parties to submit details of their claim. The Notice to Treat is not considered a binding contract and does not in itself have the effect of passing any interest or estate in land to the acquiring authority. The transfer of legal interest(s) in lands occurs at a later stage.

The Council has specified a period of 2 months from the date of the Notice in which landowners are invited to submit their claim for compensation and to set out their interest in the lands.

It is usual for landowners to engage a professional valuer/agronomist to prepare and submit the claim for compensation on behalf of the landowner.

What is Notice of Entry?

On or after service of a Notice to Treat, the Council has the power to enter on and take possession of the lands to be acquired as described in the Compulsory Purchase Order provided a notice in writing or a Notice of Entry is given at least 14 days beforehand to the owner and occupier.

Accordingly, while possession of the land can be taken before compensation is agreed, interest will be payable on the compensation eventually determined. Such interest will be payable from the date of entry onto the lands by Cork County Council and will be calculated at the Local Loans Fund Rate (set by the Department of Finance) which pertains on the date of entry.

How is the Compensation Assessed?

Where the entitlement to statutory compensation exists, each case is on its own merits. The assessment of compensation and those items that can be considered in the assessment are governed by legislation and assessed on the basis of the principle of equivalence i.e. the landowner is placed in the same position after the Compulsory Purchase of their lands, in so far as money can do it, to that which they were before the Compulsory Purchase Order. A suitably qualified and experienced professional should be able to advise on the elements to be included.

Typical heads of claims may include:

- The market value of the land / property being acquired;
- Severance or other Injurious Affection which relates to devaluation to retained lands, if any, caused as a direct result of the acquisition;
- Disturbance costs or any other allowable loss sustained, or expenses incurred by owners as result of the compulsory acquisition of land apart from the value of land taken and reduction in value to the retained lands if any.

In addition, Cork County Council will normally contribute towards the cost of professional fees incurred by you, as owner, after the Notice to Treat is issued, in dealing with the conveyancing of the land/property. Details of the fee structure operated by Cork County Council is set out below.

Rules of the assessment of compensation are set out in the various statutes and Court decisions. Furthermore, the introduction of the IFA (Irish Farmer's Association), Transport Infrastructure Ireland and Department of Transport, Tourism and Sport Agreement in February 2016, as amended, may also apply.

It is important to note that compensation is based on market value and is determined by reference to market values at the date of Notice to Treat, even though monies may not be paid until sometime later.

What Happens Next?

When the compensation claim has been submitted, it is normal for negotiations to take place between the land valuers appointed to act on behalf of Cork County Council and the owners' valuer. If agreement is reached, the ownership of the land / property will be transferred by your legal advisors to the appropriate local authority and the compensation paid.

Accommodation Works

Accommodation works will be discussed during the negotiation process. Sometimes a monetary contribution can be agreed in lieu of the provision of various works items. Otherwise the accommodation works will generally be completed prior to or during the main construction contract.

If Compensation cannot be agreed

Where it is not possible for the claimant and the local authority to reach agreement on the compensation payable, the law provides for an independent arbitration process whereby an arbitrator, after hearing the evidence from the respective parties determines the amount payable. The decision of an arbitrator is binding on both parties.

Either the owner or the County Council can apply for the appointment of a property arbitrator.

Following issuing of the Notice to Treat, property owners may claim for professional fees (rates as set out below) relating to the following or as appropriate:

- Solicitor's costs for conveyancing;
- Valuer's / Agronomists fees to cover negotiations on compensation;
- Other professional fees but only where previous agreement in writing is received from Cork County Council.

Fees:**Valuers/ Agronomist/Consultant:**

1. On settlements up to €1.5m (excluding goodwill & accommodation works) – 2.5% of the agreed compensation amount;
2. On settlements > €1.5 but ≤ €3m (excluding goodwill & accommodation works) – 2.5% of the agreed compensation amount on first €1.5m + 1.5% of the agreed compensation on the balance above €1.5m;
3. On settlements > €3.0m but ≤ €4.5m (excluding goodwill & accommodation works) – 2.5% on first €1.5m + 1.5% of next €1.5m + 1% on the balance;
4. On settlements > €4.5m (excluding goodwill & accommodation works) – 2.5% on first €1.5m + 1.5% next €1.5m + 1% on the next €1.5m + 0.75% on the balance;
5. Minimum fee payable €1,500;
6. Half road/roadbed only cases – not in excess of €1,000 per claimant;
7. Professional fees for negotiations of accommodation works if applicable- €750.

Legal Fees:

1. Minimum fees of €1,250;
2. On settlements up to €1.5m (excluding goodwill & accommodation works) – 1% of the agreed compensation amount;
3. On settlements > €1.5m (excluding goodwill & accommodation works) – 1% of the agreed compensation amount up to €1.5m + 0.5% of the agreed compensation above €1.5m;

Engineer's Fees:

Where warranted, fees are paid at €100 per hour.

Fees and rates outlined above are exclusive of VAT.

Engaging consultants outside of the Valuer/Agronomist and Solicitors will be done at landowners' own risk. Prior written agreement from Cork County Council is required before additional fees will be paid.

A **Project Liaison Officer (PLO)** will be appointed to liaise between the Design Team and landowners / other parties. The PLO can be contacted at the National Roads Office, Richmond, Glanmire, or on 021-4821 046.

Claim for Compensation:

The claim for compensation should be submitted in the following format and should be provided in addition to the information requested in the formal Notice to Treat:

Road Scheme: M28 Cork to Ringaskiddy Project

Name of claimant: _____

Plot Reference Number:
(see CPO drawing) _____

Hectares to be Acquired: _____

Claimant's interest in land*:
(e.g. owner, occupier, leasee) _____

Compensation:

Land Value claimed: _____
(land value includes all buildings)

Injurious Affection/
Severance Claimed: _____

Disturbance Claimed: _____

TOTAL COMPENSATION CLAIMED: _____

Signed on behalf of Claimant: _____

Date: _____

*Proof of title to be attached to claim.



