



Comhairle Contae Thiobraid Árann
Tipperary County Council

TIPPERARY COUNTY COUNCIL

TIPPERARY TOWN CLOSED LANDFILL REMEDIATION SCHEME

COMPULSORY PURCHASE ORDER (ENVIRONMENT) 2023

COMPULSORY PURCHASE ORDER



TIPPERARY TOWN CLOSED LANDFILL REMEDIATION SCHEME

COMPULSORY PURCHASE ORDER (ENVIRONMENT) 2023

FORM OF COMPULSORY PURCHASE ORDER MADE 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 (AS SUBSTITUTED BY SECTION 86 OF THE HOUSING ACT, 1966 AS AMENDED) AND AMENDED AND EXTENDED BY THE PLANNING AND DEVELOPMENT ACTS 2000 – 2022, THE LOCAL GOVERNMENT ACTS 1925 - 2019 INCLUDING SECTIONS 11 AND 184 OF THE LOCAL GOVERNMENT ACT, 2001, THE HOUSING ACTS 1966-2019, AND PART XIV OF THE PLANNING AND DEVELOPMENT ACTS, 2000 – 2022 INCLUDING SECTION 213 OF THE PLANNING AND DEVELOPMENT ACT, 2000, AND ALL OTHER ACTS THEREBY ENABLING.

WHEREAS **TIPPERARY COUNTY COUNCIL** (hereinafter referred to as "the Local Authority") propose for the purposes of the Housing Act, 1966, to acquire compulsorily the land hereinafter described:

NOW THEREFORE it is hereby ordered that -

1. Subject to the provisions of this Order, the local authority is hereby authorised to acquire compulsorily for the purposes of the Housing Act 1966, the land described in Part II and Part III of the Schedule hereto which land is shown on a map marked '**Tipperary Town Closed Landfill Remediation Scheme, CPO of Portions of Lands from Folios TY27848, TY18396, TY27823 and Lands Not Registered 01 & 02 situated in the Townlands of Carrownreddy & Spittal-Land, Co. Tipperary**' and '**Drawing Numbers P0563-CPO-0000 through to P0563-CPO-0006**' and sealed with the seal of the local authority and deposited at the offices of the local authority:

- Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary E91 N512

(hereinafter referred to as "**the deposited maps**").

2. The land described in Part II of the Schedule hereto, *Land to be Permanently Acquired*, and coloured grey on the deposited 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.

The land described in Part III of the Schedule hereto, *Land to be Temporarily Acquired*, and coloured green and blue respectively on the deposited 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 (Arbitration 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 - 2022), and the Planning and Development Acts 2000 - 2022,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:

**Tipperary Town Closed Landfill Remediation Scheme
Compulsory Purchase Order (Environment) 2023**

**SCHEDULE PART II LAND TO BE PERMANENTLY ACQUIRED
SCHEDULE PART III LAND TO BE TEMPORARILY ACQUIRED
AS ANNEXED HERETO**

SCHEDULE
PART II
LAND TO BE PERMANENTLY ACQUIRED

**Schedule Part II
Land to be Permanently Acquired**

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

Number on map deposited at the offices of the Local Authority	Quantity, description and situation of the land	Owners or reputed owners			Lessees or reputed lessees	Occupiers (except tenants for a month or a lesser period than a month)
Portion from folio 'TY27848' on drawing P0563-CPO-0001	Area: 3,182 m ² Type: Agricultural land and marsh Land Townland: Carrownreddy ED: Tipperary East Urban & Tipperary Rural County: Tipperary	Trustees of St. Ailbe's School Parents Trust Paul O'Callaghan Kevin O'Reilly John Blackburn Murgasty Glenpadeen Ballinalard Tipperary County Tipperary Tipperary County Tipperary County Tipperary			None	Owner
Portion from folio 'TY18396' on drawing P0563-CPO-0002	Area: 3,078 m ² Type: Marsh land Townland: Spital-Land (Tipperary Rural) ED: Tipperary Rural County: Tipperary	Patrick Noel Fitzgerald and Mary Fitzgerald Moanvaun Cappawhite County Tipperary			None	Tipperary County Council Tipperary Civic Offices Clonmel County Tipperary E91 N512
Portion from lands 'Not Registered 01' on drawing P0563-CPO-0003	Area: 15,413 m ² Type: Marsh Land Townland: Carrownreddy ED: Tipperary Rural County: Tipperary	Unknown			None	Tipperary County Council Tipperary Civic Offices Clonmel County Tipperary E91 N512

Schedule Part II
Land to be Permanently Acquired

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Portion from folio 'TY27823' on drawing P0563-CPO-0004	Ha: 1,463 m ² Type: Agricultural land and marsh land Townland: Carrownreddy ED: Tipperary Rural County: Tipperary	Ahmed Manzoor E.N.T. Limited 21 Ashmount Church Road Raheen Limerick	None	Owner
Portion from lands 'Not Registered 02' on drawing P0563-CPO-0005	Ha: 32m ² Type: Roadbed Townland: Carrownreddy ED: Tipperary East Urban County: Tipperary	Unknown	None	Tipperary County Council Tipperary Civic Offices Clonmel County Tipperary E91 N512

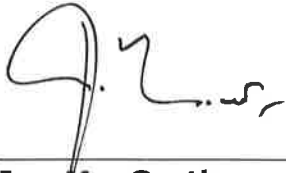
SCHEDULE
PART III
LAND TO BE TEMPORARILY ACQUIRED

**Schedule Part III
Land to be Temporarily Acquired**

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Portion from folio 'TY51557F' on drawing P0563-CPO-0006	Ha: 273 m ² Type: Agricultural land Townland: Carrownreddy ED: Tipperary East Urban County: Tipperary	Housing & Sustainable Communities Agency Cumberland House Fenian Street Dublin 2			None	Owner

The **Official Seal** of **Tipperary County Council** was affixed hereto by:



Joe MacGrath
Chief Executive

Authenticated by:



Eamon Loneragan
Director of Services
Nominated Officer

Dated on this 21st **day** of APRIL **2023**



Comhairle Contae Thiobraid Árann
Tipperary County Council

PUBLIC NOTICE

TIPPERARY TOWN CLOSED LANDFILL REMEDIATION SCHEME COMPULSORY PURCHASE ORDER (ENVIRONMENT) 2023

NOTICE OF A COMPULSORY PURCHASE ORDER FOR THE PURPOSES OF THE HOUSING ACT, 1966, PUBLISHED IN ACCORDANCE WITH ARTICLE 4 (a) OF THE THIRD SCHEDULE TO THE SAID ACT, AS AMENDED BY THE PLANNING AND DEVELOPMENT ACT 2000 COMPULSORY ACQUISITION OF LAND

TIPPERARY COUNTY COUNCIL (hereinafter referred to as "the local authority") in exercise of the powers conferred upon it by Section 76 of the Housing Act, 1966, and the Third Schedule thereto (as amended by the Planning and Development Act, 2000), has made an order entitled as above which is about to be submitted to An Bord Pleanála (hereafter "the Board") for confirmation.

If confirmed, the order will authorise the local authority to acquire compulsorily the land described in the Schedule for the purposes of the Housing Act, 1966 for the Tipperary Town Closed Landfill Remediation Scheme.

A copy of the order and of the map referred to in it is on public display and may be seen at all reasonable hours (9:30am to 4:30pm Monday to Friday, and excluding Saturdays, Sundays and public holidays) from Friday 12th May 2023 until Friday 30th June 2023 at:

- Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary, E91 N512, and
- Tipperary-Cahir-Cashel Municipal District, Rosanna Road, Tipperary, Co. Tipperary, E34 WD51.

A copy of the order and the deposit maps referred to in it may be inspected on our consultation portal at <https://consultations.tipperarycoco.ie/consultations>

Owners, lessees and occupiers of the land described in the Schedule will receive individual written notice.

Unknown owners and unknown lessees of the land described in the Schedule will be notified by way of a copy of this notice being erected on the lands.

Any objections to the order, to the compulsory acquisition of lands described in the Schedule Part II Land to be Permanently Acquired and Schedule Part III Land to be Temporarily Acquired, should be addressed in writing to An Bord Pleanála,

64 Marlborough Street, Dublin 1, D01 V902, so as to reach the Board before 5:30pm on Friday 30th June 2023.

The Board cannot confirm 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.

An Bord 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, the Board must consider any objection(s) made and not withdrawn, any additional submissions or observations made pursuant to a request by the Board under Section 217A of the Planning and Development Act, 2000 (as amended) and in the event of an oral hearing being held, any report of the person who conducted the hearing. An Bord 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.

A person may question the validity of any decision by An Bord 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 Acts 2000-2021. Further information can be obtained from An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902 in respect of the judicial review procedure.

Further information in respect of the Judicial Review process can also be found on the Citizens Information web site at www.citizensinformation.ie and phone services at 0818 07 4000 or at your local Citizens Information Centre during its usual (opening) hours of operation.

An application is also being made to An Bord Pleanála under Section 177AE of the Planning and Development Act 2000 (as amended), for which separate notice has been given, and for which a Natura Impact Statement has been prepared in respect of the development which is proposed to be carried out on the lands.

Submissions and observations in relation to that application in relation to the implications of the proposed development for proper planning and sustainable development of the area concerned, the likely effects on the environment and the likely significant effects on a European Site, should be addressed in writing to An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902, to be received no later than 5:30pm on Friday 30th June 2023.

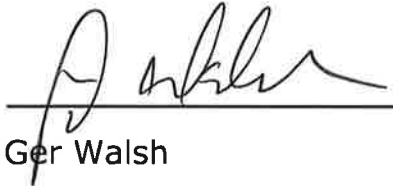
The person conducting any oral hearing that may be held in relation to the Compulsory Purchase Order which relates to a development under Section 177AE of the Planning and Development Act 2000 (as amended) is entitled to hear evidence on the likely effects on the environment, the likely consequences for

proper planning and sustainable development and the likely significant effects on a European Site.

SCHEDULE PART II LAND TO BE PERMANENTLY ACQUIRED AND SCHEDULE PART III LAND TO BE TEMPORARILY ACQUIRED ARE ANNEXED HERETO.

Dated this 27th day of April 2023

Signed:



Ger Walsh

Senior Executive Officer

Corporate Services

Schedule Part II
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SCHEDULE PART II LAND TO BE PERMANENTLY ACQUIRED AND SCHEDULE PART III LAND TO BE TEMPORARILY ACQUIRED ARE ANNEXED HERETO.

Dated this 27th day of April 2023

Ger Walsh, Senior Executive Officer, Corporate Services

SCHEDULE PART II

Land to be Permanently Acquired

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SCHEDULE PART III

Land to be Temporarily Acquired

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