



LOCAL GOVERNMENT ACT 2001 (AS AMENDED)

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 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 ACTS 2000 TO 2022 (INCLUDING PART XIV, SECTION 213, SECTION 213(2), AND SECTION 222 THEREOF); THE ROADS ACTS 1993 TO 2015; THE LOCAL GOVERNMENT ACTS 1925 TO 2022 INCLUDING SECTIONS 11 AND 184 OF THE LOCAL GOVERNMENT ACT, 2001; THE LOCAL GOVERNMENT (NO.2) ACT, 1960; AND THE PLANNING AND DEVELOPMENT ACTS 2000 TO 2022 (INCLUDING PART XIV THEREOF); THE HOUSING ACT 1966 (AS AMENDED) AND ALL OTHER ACTS THEREBY ENABLING

PUBLISHED IN ACCORDANCE WITH ARTICLE 4 (a) OF THE THIRD SCHEDULE TO THE HOUSING ACT, 1966 AS AMENDED BY SECTION 198 OF THE RESIDENTIAL TENANCIES ACT 2004 AND THE PLANNING AND DEVELOPMENT ACTS 2000 TO 2022

COMPULSORY ACQUISITION OF LAND

FINGAL COUNTY COUNCIL COMPULSORY PURCHASE

(R126 PORTRANE ROAD FOOTPATH ENHANCEMENT PROJECT) ORDER 2023

Fingal County Council (hereinafter referred to as “the local authority”) in exercise of the powers conferred on it by 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 as substituted by Section 86 of the Housing Act, 1966 (as amended) and by the Planning and Development Acts 2000 to 2022 (including Part XIV, section 213, section 213(2) and section 222 thereof), the Roads Acts 1993 to 2015 and the Local Government Acts 1925 to 2022 including sections 11 and 184 of the Local Government Act 2001, the Local Government (No.2) Act 1960 and the Planning and Development Acts 2000 to 2022 (including Part XIV thereof); the Housing Act 1966 (as amended) and all other Acts thereby enabling have made a Compulsory Purchase Order entitled as above which is about to be submitted to An Bord Pleanála (hereafter also referred to as “the Board”) for confirmation.

If confirmed, the Compulsory Purchase Order will authorise the local authority to permanently compulsorily acquire, the lands, including the substrata thereof, described in Part I of the Schedule hereto and coloured light grey, and to temporarily compulsorily acquire the lands, including the substrata thereof, described in Part I of the Schedule hereto and coloured dark grey on the map entitled “Fingal County Council Compulsory Purchase (R126 Portrane Road Footpath Enhancement Project) Order 2023” for the purpose of footpath construction, road resurfacing, drainage improvements works, associated infrastructure and all necessary, ancillary and consequential associated works traversing the townland of Ballalease North in the County of Fingal being the lands to which the Compulsory Purchase Order relates.

The Compulsory Purchase Order will also authorise the Local Authority to permanently extinguish a section of the private right of way and a section of the private wayleave described in Part II of the Schedule hereto, and to temporarily extinguish sections of the private rights of way and a section of the wayleave described in Part III of the Schedule hereto for the purposes outlined above.

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

If an objection is made in respect of the said acquisition by an owner, lessee or occupier of the lands, and is not withdrawn, the Board may at its absolute discretion hold an oral hearing in relation to the matter. Before making its decision on an application to confirm the Compulsory Purchase Order, An Bord Pleanála must consider any objection made and not withdrawn, any additional submissions or observations made pursuant to Section 217A of the Planning and Development Acts, 2000 to 2022 and any report of the person who held the oral hearing, if such an oral hearing takes place.

Any objection to the Compulsory Purchase Order must state in writing the grounds of objection and be sent addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902 so as to reach the said Board by July 27th, 2023.

A copy of the Compulsory Purchase Order and of the map referred to in the Compulsory Purchase Order may be seen and inspected from July 6th to July 27th, 2023 at the offices of Fingal County Council, Reception Desk, County Hall, Swords, Fingal, Co. Dublin, K67 X8Y2, Fingal County Council, Reception Desk, Civic Offices, Grove Road, Blanchardstown, Fingal, Dublin 15, D15 W638, Monday-Thursday 9.00am-5.00pm and Friday 9.00am-4.30pm (excluding Bank Holidays) and at Donabate Library,

Donabate Community Centre, Portrane Road, Donabate, Co. Dublin.

The Compulsory Purchase Order and the map referred to in the Compulsory Purchase Order is also available on the Fingal County Council website: www.fingal.ie

Further information may be obtained from Ms Natalie Dineen, Administrative Officer, Property Services Division, Fingal County Council, County Hall, Swords, Fingal, Co. Dublin, K67 X8Y2. Telephone no. 01-8905000, E-mail: Natalie.dineen@fingal.ie

Schedule

Part I (Permanent and temporary acquisition of lands)

The lands to which the Compulsory Purchase Order relates are situated in the townland of Ballalease North, Electoral Division of Nethercross in the County of Fingal shown delineated in red and coloured light grey (permanent acquisition) and dark grey (temporary acquisition) on the map marked “Fingal County Council Compulsory Purchase (R126 Portrane Road Footpath Enhancement Project) Order 2023”.

Part II (Permanent acquisition of a section of a private right of way and section of a wayleave)

The section of private right of way to which the Compulsory Purchase Order relates is situated in the townland of Ballalease North, Electoral Division of Nethercross in the County of Fingal located at the easternmost point of Plot 5 on the map marked “Fingal County Council Compulsory Purchase (R126 Portrane Road Footpath Enhancement Project) Order 2023” providing access to the property at Folio DN190418F.

The section of private wayleave to which the Compulsory Purchase Order relates is situated in the Townland of Ballalease North, Electoral Division of Nethercross in the County of Fingal located

at Plot 18 on the map marked “Fingal County Council Compulsory Purchase (R126 Portrane Road Footpath Enhancement Project) Order 2023” in favour of the property at Folio DN92959F.

Part III (Temporary acquisition of sections of private rights of way and a wayleave)

The first section of private right of way to which the Compulsory Purchase Order relates is situated in the townland of Ballalease North, Electoral Division of Nethercross in the County of Fingal located at the easternmost point of Plot 5 on the map marked “Fingal County Council Compulsory Purchase (R126 Portrane Road Footpath Enhancement Project) Order 2023” providing access to the property at Folio DN190418F.

The second section of private right of way to which the Compulsory Purchase Order relates is situated in the townland of Ballalease North, Electoral Division of Nethercross in the County of Fingal located at the westernmost point of Plot 9 on the map marked “Fingal County Council Compulsory Purchase (R126 Portrane Road Footpath Enhancement Project) Order 2023” providing access to the property at Folio DN4525.

The section of private wayleave to which the Compulsory Purchase Order relates is situated in the townland of Ballalease North, Electoral Division of Nethercross in the County of Fingal located in Plot 18 on the map marked “Fingal County Council Compulsory Purchase (R126 Portrane Road Footpath Enhancement Project) Order 2023” in favour of the property at Folio DN92959F.

Dated this 6th day of July 2023.

**John Quinlivan
Director of Services
Economic, Enterprise, Tourism
& Cultural Development**

