

COMHAIRLE CONTAE CHIARRAÍ

KERRY COUNTY COUNCIL



IN THE MATTER OF THE PLANNING AND DEVELOPMENT ACTS 2000-2016 including Part XIV thereof
AND IN THE MATTER OF THE HOUSING ACT, 1966 [AS AMENDED],
LOCAL GOVERNMENT (NO. 2) ACT, 1960
HOUSING ACTS 1966-2016
ROADS ACTS 1993 TO 2015
LOCAL GOVERNMENT ACTS 1925-2016 including Sections 11 and 184 of the Local Government Act 2001
AND ALL OTHER ACTS THEREBY ENABLING

FORM OF NOTICE 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 PUBLISHED IN ACCORDANCE WITH ARTICLE 4(a) OF THE THIRD SCHEDULE TO THE HOUSING ACT, 1966, AS AMENDED BY THE PLANNING AND DEVELOPMENT ACTS, 2000-2016.

N69 LISTOWEL BYPASS PROPOSED ROAD DEVELOPMENT COMPULSORY PURCHASE ORDER OF 2017

(TOWNLANDS OF Billeragh, Coolnaleen Lower, Coolnaleen Upper, Garryantanvally, Gortcurreen (Ed Listowel Rural), Scartleigh (Ed Ennismore), Islandganniv North, Curraghatoosane, Listowel, Ballygologue (Ed Listowel Urban).

The County Council of the County of Kerry (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 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 Section 6 and the Second Schedule of the Roads Acts, 1993-2015 and the Planning and Development Acts, 2000-2016 and all other enabling legislation have made an Order entitled as above which is about to be submitted to An Bord Pleanála for confirmation. If confirmed, the Order will authorise the Local Authority to acquire compulsorily the land described in Part II of the Schedule thereto and coloured grey or yellow on the maps entitled 'N69 Listowel Bypass Proposed Road Development Compulsory Purchase Order of 2015 Deposit Maps A - F' for the purpose of constructing:

A 5.95km western and northern bypass of Listowel Town comprising approximately 3.65km of Type 1 Single Carriageway new road and 2.30km of Urban All Purpose Single Carriageway on-line improvement linking the N69 Tralee - Limerick Road North and South of Listowel Town Centre via the R553 Ballybunnion Road and all ancillary and consequential works.

In the Townlands of Billeragh, Coolnaleen Lower, Coolnaleen Upper, Garryantanvally, Scartleigh (Ed Ennismore), Gortcurreen (Ed Listowel Rural), Islandganniv North, Curraghatoosane, Listowel, Ballygologue (Ed Listowel Urban), Co. Kerry.

Owners, lessees and occupiers of the land described in Part II of the Schedule hereto (entitled Schedule Part II) will receive individual written notice.

The Order will also authorise the Local Authority to extinguish the public rights-of-way described in Part III of the Schedule hereto (entitled Schedule Part III), by order made by them after they have acquired the land, where the said public rights-of-way are over the land so acquired or any part thereof, or over land adjacent to or associated with the land so acquired or any part thereof. Any objections to the extinguishing of the said public rights-of-way should be made in writing to the Strategic Infrastructure Division, An Bord Pleanála, 64 Marlborough Street, Dublin 1, before 5:00p.m. on Friday 7th July 2017.

Any objections to the Order must state the grounds of objection and must be addressed to The Strategic Infrastructure Division, An Bord Pleanála, 64 Marlborough Street, Dublin 1, so as to reach the Board before 5:00p.m. on Friday 7th July 2017.

An Bord Pleanála may, at its discretion, decide not to 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 or 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 caused to be held an oral hearing into the matter and until it has considered the objection and the report of the person who held the oral 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.

An Environmental Impact Statement has been prepared for this scheme and submitted to An Bord Pleanála for approval in accordance with Section 51 of the Roads Acts 1993-2007 and the Planning and Development Acts 2000-2016. A Natura Impact Statement has also been prepared in respect of the proposed development under Part XAB of the Planning and Development Acts 2000-2016 for the purposes of Article 6 of the Habitats Directive. A separate notice has been published in this newspaper in respect of these.

Evidence in relation to:-

- the likely effects on the environment of the proposed road development;
- the likely consequences for proper and sustainable development in the area in which it is proposed to situate the proposed road development;
- the likely effects of the proposed road development on any European sites; may also be heard at the oral hearing, if held.

An Bord Pleanála has an absolute discretion under Section 218 of the Planning and Development Act, 2000 (as amended) as to whether 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.

A person may question the validity of any determination 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 2000-2015. Further information can be obtained from An Bord Pleanála, 64 Marlborough Street, Dublin 1 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 Lo Call 1890777121 or + 353 21 4521600 for details of the locations and operating hours of your local Citizens Information Centre.

A copy of the Order and of the Maps referred to in it may be seen at:

- **The Operations Health and Safety Department, Room 115, Kerry County Council, County Buildings, Rathass, Tralee, County Kerry;**
- **Kerry National Road Design Office, Kerry County Council, The Island Centre, Castleisland, County Kerry;**
- **Listowel Municipal District Office, Áras an Phiarsaigh, Kerry County Council, Listowel, County Kerry.**

between the hours of 9:30 a.m. to 1:00 p.m. and 2:00 p.m. to 4:30 p.m. on working days between Friday 19th May 2017 and Friday 7th July 2017, both dates inclusive.

Dated this 18th day of May 2017

**Liam Quinlan/Liam Ó Caoineáin,
Senior Executive Officer/Feidhmeannach Sinsearach,
Corporate Affairs/Gnóthaí Corparáideacha.**