



# N11 Gorey to Arklow Link

## Newsletter No. 2



Issue No. 1

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### Introduction

The "N11 Gorey to Arklow Link Newsletter No. 2" outlines the current situation with regard to ongoing investigations and is a guideline to future procedures such as the Compulsory Purchase Order (CPO).

### Consultations with Property Owners

Over the last few months the design team have been meeting land and property owners on an individual basis to discuss the route and its implications. Almost everyone directly affected by the proposed route has been met (and given a map showing the route as it goes through their land) but there has been some difficulty in contacting the remaining few landowners either due to inaccurate contact details or conflicting working hours. If possible, it would be appreciated if people interested in a consultation, who have as yet not been successfully contacted, could get in touch to enable the arrangement of a suitable time for discussion.

From these consultations, it was found that most of the property owners involved had the same concerns. These issues are addressed below:

### Procedures

Two separate statutory procedures are carried out simultaneously. These are:

- 1) Submission of an Environmental Impact Statement (EIS) to An Bord Pleanála for approval under the 1993 Roads Act and
- 2) Submission of a Compulsory Purchase Order (CPO) under the 1996 Housing Act.  
(both acts being amended by the Planning and Development Act 2000)

The **EIS** addresses the impacts on the environment and assesses them under the following headings:

• Flora • Fauna • Human Beings • Soil • Water • Air • Climate • The Landscape  
and the interaction between any of the foregoing: • Material assets • Cultural heritage

The **CPO** is the statutory process which gives the Local Authority powers to acquire the lands compulsorily when they cannot obtain it by agreement. The process is necessary to ensure the scheme can proceed. The procedure for a CPO is as follows:

- Preparation of the design to determine the Landtake required.
- Determination of Land Ownership usually by Land registry search.
- Preparation of Drawings of lands and properties to be acquired.
- Publication of Schedule of drawings in Local Press.
- Issue of *\*CPO notices\** to land and property owners.
- Drawings and schedules placed on public display for one month.
- Objections to be made to An Bord Pleanála during display period.
- Where objections are made a public inquiry to be held.
- Objective of An Bord Pleanála to make *\*determination\** within 18 months.
- Decision becomes operative 3 weeks after confirmation by An Bord Pleanála.
- Local Authority serves *\*Notice to Treat\** to each landowner listed in the schedule.
- Local Authority serves *\*Notice to Enter\** to each landowner listed in the schedule.
- Landowners to submit claim within one month of Notice to Treat.
- Negotiations commence between Valuers acting on behalf of the landowners and the Local Authority.

*\*CPO notices\** - inform the landowners that their lands are subject to a CPO.

*\*Determination\** - The making of a decision by An Bord Pleanála to confirm, amend or reject the scheme.

*\*Notice to Treat\** - Issued not less than 3 weeks after CPO comes into operation. It is in effect notice to the landowner that the Local Authority wish to begin negotiations for the purchase of the land listed in the CPO. Also has the effect of setting the valuation date for the land/property to be acquired.

*\*Notice to Enter\** - Can be served any time after 14 days after CPO comes into operation. Allows Local Authority to take possession of the lands any time. Normally issued at the same time as the Notice to Treat although Local Authority do not take possession for as long as possible to allow normal use of the land/property until such time as it is required to be handed over to the contractor. It may be 12-18 months from the issue of the notice to the actual taking of possession. Entry is not constituted by surveys which may be carried out on the lands during this time. Landowners will be notified of these and compensation is payable for any damage caused.

### Property Valuation

The question of the current market value of land and houses is a very complex issue taking the current trend for property prices into consideration. It is a matter of deep concern for everyone involved as there is a fear that a fair price will not be received. Once the Notice to Treat is issued, anyone included in the CPO can appoint a Valuer (at the expense of Wexford Co. Co.) to represent them and submit a claim on their behalf. This Valuer will then negotiate the level of compensation with the Valuer appointed to act on behalf of Wexford Co. Co.. When agreement is reached between the Valuers, the purchase agreement can be finalised. If no agreement can be reached the matter may be referred to an independent court of arbitration where arguments are heard from both sides and a final sum is decided upon. It must be noted that settlement in most cases is reached between the Valuers and arbitration is seen as a last resort when both parties after much negotiation cannot reach an agreement. Also, in the case where a purchase agreement has not been settled prior to entry by the contractor, interest is payable on the final settlement and calculated from the date of entry to the date of completion of the purchase contracts.

### Fence Type

There seems to be a lot of concern over the type of permanent fencing to be erected as part of the scheme. Whilst timber post and rail fencing is the desired standard, many landowners have expressed their preferred choice to be concrete fencing. We are aware of the level of concern on the issue and discussions are currently ongoing between the NRA and the IFA. It must be noted that fencing is covered under the heading of accommodation works, a separate agreement for which will be issued for each individual landowner at a later date.

### Site Engineer

During construction there will be representatives of Wexford Co. Co. on site. Property owners will be given contact details to enable them to relay any problem they are having to one of these representatives, who will then ensure that it is rectified satisfactorily.

### Access

To enable the continuation of the EIS it will be necessary for some archaeologists and other experts to survey certain areas of the existing ground. So far, the following have been listed:

- Archaeology – Margaret Gowan & Co. Ltd.
- Flora & Fauna – Natural Environment Consultants
- Visual Effects – Brady Shipman Martin
- Noise & Vibration – Moir, Hands & Associates
- Agriculture – Crop Husbandry Advisory Services
- Socio-economics – Patrick J Newell Consulting Engineers
- Air Quality – AWN Consulting

Others may be introduced as they are required. All of these visitors should be able to identify themselves with a letter from Wexford Co. Co.. Also, further site investigation is necessary. This involves the assessing of the soil and rock types at certain points along the scheme. There is compensation payable for any disturbance caused due to the site investigation, an agreement for which will be issued prior to entry onto the land. Landowners involved will be contacted prior to entry onto the land for any of these works to enable us to agree a suitable time and access point. Your cooperation in this matter is appreciated.

### **Continuing Public Consultation**

Public Consultation is an intrinsic part of road scheme development. Through these newsletters we hope to make the public aware of what is happening with the N11 Gorey to Arklow Link.

Public comments and queries will be accepted throughout the road design process. These comments should be addressed to either of the following offices:

Wexford County Council  
Road Design Section  
County Hall  
Wexford  
Ph : 053 42211  
Fax : 053 24852

Tramore House  
Regional Design Office  
Pond Road  
Tramore  
Ph : 051 390130  
Fax : 051 390699  
E-Mail : [natroads@thrdo.com](mailto:natroads@thrdo.com)