

# Compulsory Purchase Order and Notice to Treat Frequently Asked Questions

## Website version

### Questions

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### What is a Compulsory Purchase Order (CPO)?

A Compulsory Purchase Order (CPO) is a legal mechanism which allows the State (or a statutory body) to acquire land and/or rights to land with or without the consent of the owner where a compelling case in the public interest can be demonstrated, normally for improvements in roads, railway, housing or other public services. You have a constitutional right to own and enjoy property and, so, the State's requirement to purchase of some of your property compulsorily must be strictly justified as being for the common good.

The NTA has issued Notice to Treat letters to those listed in the Liffey Valley to City Centre Core Bus Corridor Scheme. The letters contained Compulsory Purchase Order (CPO) for the purchase of the interest in the described lands and/or rights.

### What is a Notice to Treat?

A Notice to Treat is a formal invitation issued by the NTA to affected property owners/ occupiers to submit detailed claims for compensation for the permanent/ temporary loss of the lands identified in the Approved Compulsory Purchase Order or any legal rights associated with that land.

The Notice to Treat indicates NTA's willingness to buy the interests of the landowner, lessee and occupiers and provide compensation. The principle of compulsory purchase compensation is to seek to place the impacted party, in so far as money can, in no better or worse position than prior to the compulsory purchase.

Each landowner, lessee or occupier must verify their interest in or title to the land and/or land rights and the compensation they are claiming, within six weeks of the delivery of the Notice to Treat.

Importantly, the Notice to Treat is not a binding contract and does not, on its own, transfer any legal interest or ownership of the land and/or land rights to NTA. The actual transfer of legal rights or purchase of land takes place at a later stage, when sales contracts or settlement agreements are signed.

Following the confirmation of the Compulsory Purchase Order (CPO) by An Bord Pleanála, the Acquiring Authority (The NTA in this case) serves a Notice to Treat to all property interests (owners/occupiers) affected the land take set out (CPO). This notice is a formal request, requesting the affected property to submit a detailed claim to compensation this proposed temporary/ permanent land take.

### What are the elements to a claim for compensation?

The elements of a compensation claim can include the following:

- Market value of lands to be acquired

- Reduction in value of retained lands/property caused by the purchase
- Disturbance
- Loss of profit or goodwill (commercial businesses only)
- Loss or depreciation of stock in trade (commercial businesses only)
- Reasonable professional valuation fees and solicitor's fees

### **I have received my Notice to Treat, what do I do now?**

If you have received the Notice to Treat, please contact the BusConnects Team by telephone or email if you have not already done so.

### **How can owner/occupiers subject to CPO prepare a compensation claim? Who can help?**

Owner/occupiers may wish to obtain independent professional advice and representation in preparing and negotiating a claim for compensation and there are many firms that can represent you if you so choose.

The NTA will in all usual circumstances be responsible for the payment of the **reasonable professional costs** arising from the compulsory acquisition and preparation of compensation claims, including reasonable and properly incurred surveyors or agent's fees and legal costs.

Should an agreement not be reached in the compensation claim process, it may be referred to an Independent Property Arbitrator who will assess the case and determine a final compensation package.

For the avoidance of doubt the NTA **would not be responsible** for your costs in objecting to the Compulsory Purchase Order.

### **Do owner/occupiers have to hire legal representation?**

It is not a requirement to hire legal representation, however, owner/occupiers choose this option, there are several professional bodies that will be capable of representing you throughout this process. These include the Society of Chartered Surveyors Ireland (SCSI); Institute of Professional Auctioneers & Valuers (IPAV); Royal Institution of Chartered Surveyors (RICS); and the Law Society.

### **My land will be acquired temporarily for the project; what happens to my land during and after construction?**

During construction, the land in question will be acquired on a temporary basis for this scheme. The purpose of the acquisition is to facilitate the construction of the permanent works.

All temporarily acquired lands will be returned to the owner/ occupier in the same condition as received. This could include repairing of fences, driveways and or landscape reinstatement.

### **My land is being permanently acquired for the project; what happens to my land during and after construction?**

During construction, the permanently acquired land will be used for the construction of the permanent works of the Scheme.

After completion, ownership transfers to the relevant local authority i.e. Dublin City Council/ Fingal County Council which will maintain it as part of the public infrastructure for the relevant BusConnects corridor.

NTA will not retain any ownership of these lands.

### **What are Accommodations Works?**

Accommodation Works means any construction works arising out the CPO process including reinstatement of boundary walls/ fences gates/ garden reinstatement or any other works along the realigned property boundary.

### **I am a tenant. Will I receive compensation, or will only the property owner be compensated?**

Tenants are also potentially eligible for a claim. Any individual who can demonstrate an interest in the affected property (including tenants) can submit a compensation claim.

**What is a 'Notice to Enter'?**

Once the CPO is confirmed and the Notice to Treat is served, the NTA will serve a notice on the owner/occupiers to enter onto the lands and take possession to commence work for the project.

The party in question will be given 14 days prior notice and this will be well communicated to you in advance of this date.

**Where can I find more information?**

For further information you can head to our website, [BusConnects.ie](http://BusConnects.ie), call our free phone number on 1800 303 653 or email us via [property@busconnects.ie](mailto:property@busconnects.ie).