



Liffey Valley to City Centre

Compulsory Purchase Order
and Notice to Treat
Frequently Asked Questions

NTA
Údarás Náisiúnta Iompair
National Transport Authority



Rialtas
na hÉireann
Government
of Ireland

Tionscadal Éireann
Project Ireland
2040



**BUS
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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 like the National Transport Authority (NTA)) to acquire land and/or rights to land with or without the consent of the owner where a compelling case in the public interest (the common good) can be demonstrated. Typically, this occurs 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 some of your property compulsorily must be strictly justified as being for the common good.

The CPO mechanism is being used by NTA, which is a statutory body, to allow the construction of twelve Core Bus Corridors as part of the major roads, public transport, cyclist and pedestrian improvements element of BusConnects Dublin, under section 44 of the Dublin Transport Act, 2008, as amended. NTA provided a clear public interest purpose for the Liffey Valley to City Centre Core Bus Corridor to An Bord Pleanála, the independent statutory authority in respect of deciding on compulsory acquisitions of land. Following its in-depth analysis, An Bord Pleanála confirmed this CPO on 19th of December 2023.

You can read the history and documentation for this CPO at liffeyvalleyscheme.ie.

➤ Why is my land being acquired under this BusConnects CPO?

To build the infrastructure required for BusConnects it is necessary for NTA to acquire some land, permanently or temporarily, by means of a Compulsory Purchase Order. Part of your land, or land in which you have certain rights, has been identified as an essential requirement to build the Liffey Valley to City Centre Core Bus Corridor, which will involve the widening of roads along the Corridor.

This construction project will deliver a major overhaul of Dublin's public transport network including improvements to bus, cycling and pedestrian infrastructure, along with upgrades to the physical and social environment adjacent to it.

The objective of BusConnects is to increase the capacity of the public bus system by improving the speeds, reliability and punctuality of buses by providing bus lanes and other measures to prioritise the movement of buses over general traffic movements and to increase cycling capacity through the provision of safe cycle infrastructure, separated from general traffic where feasible.

➤ What is a Notice to Treat?

For **landowners**, a Notice to Treat is a formal request from NTA, inviting you to negotiate compensation for a portion of specified land or property which you legally own (have title). This piece of land, typically alongside the current road and pathway, is shown on the maps enclosed with the Notice. You can also seek compensation for any legal rights associated with that land, together with other supported elements of loss (explained below).

For **lessees and occupiers**, who do not legally own the specified property, the Notice to Treat indicates NTA's willingness to negotiate with you on compensation for the loss, if any, of any legal rights associated with that land acquisition, together with other supported elements of loss which will arise because of this compulsory purchase (explained below).

Each landowner, lessee or occupier must be able to verify their interest in or title to the land and/or land rights and the compensation they are claiming. The principle of compulsory purchase compensation is to seek to place you, in so far as money can, in no better or worse position than prior to the compulsory purchase.

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 formal transfer of legal rights or purchase of land will take place at a later stage, through normal conveyancing (transfer of ownership), when contracts for sale or land agreements are signed.

➤ **What are the “Accommodation Works” drawings I have received with the Notice to Treat?**

These drawings outline the expected construction works to be done under this Compulsory Purchase Order. These include, for example, temporary works required along the property boundary to mitigate the impacts that may be experienced by a landowner as a direct result of construction, reinstatement of boundary walls, fences, gates, parts of a garden or any other works. These drawings will help to inform you and form the basis of the compensation negotiation with you and/or your representative.

The Accommodation Works will be carried out by NTA appointed, insured, competent contractors, working with you to minimise disruption as much as they can. The details of these works will form part of the compensation negotiation process and will be with your agreement where at all possible. Accommodation Works will always be determined by individual circumstances on a case-by-case basis.

➤ **What period of notice must be given before NTA takes possession of the lands?**

At some time following the service of the Notice to Treat, NTA will deliver a second legal notice called the Notice of Entry. This legally permits NTA and its contractors to take possession and control of the portion of your land that has been identified in the maps provided for the works.

This Notice of Entry legally gives you a minimum of 14 days’ notice of NTA’s intention to take possession of the lands. Depending on the works programme, it may be more than 14 days before NTA actually takes possession.

Possession can be taken before the compensation settlement is agreed. However, whenever a compensation figure is settled, interest on the figure agreed is paid by NTA from that first date of possession.

➤ What are the potential 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 and necessary professional valuation fees and solicitor's fees

➤ What do I do to start the negotiations on my compensation?

As a **landowner**, once you receive your Notice to Treat, contact the BusConnects Team on the number or email below. We will take your contact details and register you with the NTA valuers, Avison Young. The Valuation Team will then contact you directly to arrange an inspection of your property and answer any queries you may have about the process. You can have your own valuer with you (or representing you) at that inspection.

As a **lessee or occupier**, if you think you have a provable claim for compensation, on foot of a Notice to Treat, contact the BusConnects Team on the number below or email your claim to us for assessment.

➤ How do I prepare a compensation claim?

For **landowners**, NTA recommends that you obtain independent, professional property valuation and compensation advice to help you prepare and negotiate your claim for compensation. There are several professional representative bodies with members who specialise in compulsory purchase and compensation. These include the Society of Chartered Surveyors Ireland (SCSI); the Institute of Professional Auctioneers & Valuers (IPAV); the Royal Institution of Chartered Surveyors (RICS); and the Law Society of Ireland.

NTA will in all usual circumstances be responsible for the payment of reasonable and necessary professional fees arising from the compulsory acquisition and negotiation of compensation.

If an agreement on compensation is not agreed with the landowner in good time, the land becomes vested in NTA. An independent Arbitrator (appointed by the Chief Justice, the President of the High Court and the President of the Society of Chartered Surveyors Ireland) will decide upon a reasonable compensation amount to be paid. NTA will not pay any of the landowner's fees relating to any arbitration process.

As a **lessee or occupier**, if you believe that you have an entitlement to compensation related to this compulsory purchase, NTA recommends that you obtain independent, legal advice to assist you in assessing any provable entitlement you have and submitting that claim. Where your claim is successful, NTA will in all usual circumstances pay the reasonable and necessary professional fees arising from that process.

➤ Should I hire a solicitor now?

This is your choice. It is not a requirement for a landowner to hire a solicitor until after an agreement on compensation has been made with you. It is only then that the conveyancing (transfer of ownership) process starts. However, it is always advisable to get your solicitor to ensure that your legal ownership (title) documentation is in order, as only good and marketable title is acceptable. Difficulties and delays in receiving your compensation may arise if clear title or ownership details cannot be confirmed. If you have a mortgage, you could also check with your bank who may hold the original title deeds to your property.

Following agreement on a compensation settlement, a Contract for Sale is agreed with NTA and your solicitor on your behalf, and once signed, the compensation is paid for your land or property acquisition. NTA will provide your solicitor with a BusConnects precedent "property seller's pack" containing templates and advice to complete the property acquisition quickly and easily.

➤ What fees will my valuer and/or solicitors get from NTA?

NTA's approved fee scales provide specific rates for payment to your valuer and solicitor for their professional services. The table below sets out the fee scales for each service type. These approved rates ensure that professionals are paid fairly for their services.

➤ Approved Professional Fee Scale Table

Land Valuation Professional Fee Scale

Description	Fee (excluding VAT)
Compensation payable (excluding accommodation works) is less than or equal to €1.5m	2.5% <i>(Subject to a standard professional fee per legal interest to be acquired of €2,000)</i>
Compensation payable (excluding accommodation works) is greater than €1.5m but less than or equal to €3m	2.5% on first €1.5m plus 1.5% on the balance
Compensation payable (excluding accommodation works) is greater than €3 but less than or equal to €4.5m	2.5% on first €1.5m plus 1.5% on next €1.5m plus 1.00% on the balance
Compensation payable (excluding accommodation works) is greater than or equal to €4.5m	2.5% on first €1.5m plus 1.5% on next €1.5m plus 1.00% on next €1.5m plus 0.75% on the balance
Set professional Fee for negotiation and completion of signed Accommodation Works Agreement	€1,000

Solicitor Professional Fee Scale

Description	Fee (excluding VAT)
Compensation payable (excluding accommodation works) is less than or equal to €1.5m	1% <i>(Subject to a standard professional fee per legal interest to be acquired of €1,500)</i>
Compensation payable (excluding accommodation works) is greater than €1.5m	1% on first €1.5m plus 0.5% on the balance

➤ Next Steps

1. Contact BusConnects at **property@busconnects.ie** or **1800 303 653**
2. Confirm your full contact details with our Team
3. Appoint a professional valuer to work with you on your compensation claim
4. Send in the completed **“Letter of Authority”** in the Notice to Treat Pack. (This is to protect you. NTA will not engage with anyone unless we have your written permission.)
5. Avison Young, the NTA valuers, will contact you or your representative directly to arrange an inspection appointment and discuss the construction phase and the CPO process including:
 - a. The Core Bus Corridor Scheme works related to your property;
 - b. Any Accommodation Works required;
 - c. Identifying all parties with any interest in the land;
 - d. Identifying any previously unknown utilities or other construction matters; and
 - e. Your compensation claim.

Stay up to date with NTA and BusConnects Dublin news and developments by signing up to receive our e-newsletter at: liffeyvalleyscheme.ie/sign-up

