

Summary of Steps

Involved in Road Planning, Design and Acquisition of Land

1. Planning for Roads

The basis for planning for roads is contained in a number of Government and NRA policy documents, including the National Roads Needs Study (1998), the National Development Plan (2000-2006) and the NRA's National Roads Improvement and Maintenance Plan 2000-2006.

2. Constraints Study

This is the first phase in selecting a route and design for a road or motorway. No route options are proposed at this stage.

3. Route Options

The next phase is a detailed technical and environmental evaluation of a number of route options for the proposed road. It includes the *First Public Consultation*.

4. Route Selection

A draft *Route Selection Report* is presented to the elected members of the Local Authority and the public as part of a *Second Public Consultation*. Following this, the Route Selection Report, with a road design and route, called the *Emerging Preferred Route*, is submitted to the Local Authority and published. The Route Selection Report is finalised and presented to the National Roads Authority for approval with the final recommended road design and route. The Local Authority may also amend the County Development Plan to reflect the selected road design and route.

5. Design

Next, a design for the road scheme is prepared which allows for an accurate outline of the land required to be established. Environmental issues are also examined in detail.

6. Statutory Land Acquisition

The County Manager makes the Compulsory Purchase Order/Motorway Scheme. The following steps in the statutory process then begin-

- Publication of the CPO/Motorway Scheme
- Publication of the Environmental Impact Assessment Report (EIAR)
- Objections or submissions to the CPO/Scheme, or EIAR, to An Bord Pleanála
- An Bord Pleanála may hold an Oral Hearing
- If the CPO/Motorway Scheme is confirmed, a Confirmation Notice is published
- A period is allowed to challenge the CPO/Motorway Scheme to the High Court
- The CPO/Motorway Scheme is then confirmed.

7. Notice to Treat

A Notice to Treat must be served on each landowner affected within 18 months of confirmation of the CPO/Motorway Scheme. This Notice requests landowners to submit their claim for compensation for lands being taken under the CPO/Motorway Scheme. Land values etc. are assessed with reference to the date of this Notice.

8. Notice of Entry

Once the CPO/Motorway Scheme is confirmed, the Local Authority can take possession of the lands provided each landowner is served with a Notice of Entry. While a Local Authority can take possession without paying compensation, interest accrues on the amount of the final settlement from the date of possession up until the claim is finally paid.



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9. Assessment of Compensation

Landowners are entitled to claim compensation under three broad headings-

- Open market value of the land being acquired
- Severance and other injurious affection to other lands of the owner
- Disturbance and other matters

IFA has negotiated major improvements to the CPO process and significant increases in CPO compensation for landowners affected by road developments. Refer to IFA's separate information note, *Charter of Rights for Landowners affected by compulsory acquisition of land for roads*.

10. Accommodation Works

These works, which include fencing, drainage, planting, underpasses etc. are usually agreed with the Local Authority and carried out as part of the road scheme.

11. Arbitration

In the event that agreement cannot be reached between the landowner and the local authority, either side can seek a hearing before a Property Arbitrator to determine the amount of the claim. The amount of the Arbitrator's award cannot be challenged to the courts other than on very narrow grounds on a point of law. There is a danger that a landowner will bear the costs of the arbitration where the award is less than the amount of an *unconditional offer* made by the local authority in advance of the arbitration hearing.

12. Professional Fees

Landowners costs incurred before the CPO/Motorway Scheme has been confirmed are usually not recoverable. Once Notice to Treat has been served, landowners can claim for-

- Solicitors costs for conveyance, reference to arbitration
- Valuers costs
- Other professional fees by agreement with the local authority.

