



**AN BILLE RIALTAIS AITIUIL (TALAMH FOIRGNIOCHTA),  
1982**

**LOCAL GOVERNMENT (BUILDING LAND), BILL, 1982**

**EXPLANATORY MEMORANDUM**

The purpose of the Bill is to enable Local Authorities to designate land required for development and to enable a Local Authority to acquire land at existing use value in the forthcoming five years.

This land may include agricultural land which will come into the urban area in addition to existing land which will be required for redevelopment.

The boundaries of the designated areas will be put on public exhibition and after a period of time, in which the public will be invited to make their observations and objections, the members of the Local Authority will define the final boundaries of the designated areas. Once an area has been confirmed in whole or in part by the Minister for the Environment then only the Local Authority is empowered to buy land in that area. The Local Authority may, if it so decides, dispose of the land which it purchases in order to promote development in an orderly and comprehensive manner.

Where the owner of the land and the Local Authority cannot arrive mutually at an agreed price both parties will have recourse to a Lands Tribunal which it is proposed to establish under this Bill. That Tribunal will be chaired by a High Court Judge and would be staffed by professional personnel.

The basis of valuation would be the existing use value of the land which is being acquired. Provision is made to enable the Tribunal to award to a tenant or owner/occupier such amounts of compensation to accommodate the movement of the owner/occupier from the land which is being acquired. The Local Authority may acquire land and subsequently dispose of that land to private or public concerns engaged in development, if such a sale is in the view of the Authority is in accordance with the overall needs for development in the area.

Section 4 defines what area can be included in a designated areas order and specifically lists those lands which are to be excluded. Subsection (5) specifically excludes land owned by religious denominations in order to meet the provisions of the Constitution.

Section 5 provides for the review of a designated areas order and enables a Local Authority to review and amend such an order after the initial period of five years has expired.

Section 6 outlines the kind of land which a Local Authority may include in a designated areas order and indicates that such an order must have regard for the Development Plan for the area thereby providing for the integration of development planning with the acquisition of land in the area.



*Section 7* makes provision for the preparation of a draft designated areas order.

*Section 8* sets out the procedures whereby a Local Authority must contact the various bodies and owners affected by such a draft designated areas order including the provision for public inspection and the receipt of objections or amendments.

*Section 9* provides for the confirmation with or without amendments by the Minister for the Environment of such an order. In addition the Minister may refuse to confirm the order.

*Section 10* enables the Local Authority to refuse the granting of planning permission for the development of land in an area which is encompassed within the designated areas order.

*Section 11* deals with the acquisition of land contained within a designated areas order and sets out procedures whereby land is to be acquired.

*Section 13* indicates that where the owner of any land within a designated areas order is unable to reach agreement with the Local Authority on the price the procedures for the acquisition of that land are the same as those for the Compulsory Purchase Acquisition in all respects, save that of the basis of valuation and compensation.

*Sections 14 and 15* proposes the establishment of the Lands Tribunal and the schedule at the end of the Bill details the form and composition of that Tribunal.

*Section 16* provides for the determination of compensation by the Tribunal for the acquisition of land by a Local Authority from the owner where no agreement can be reached.

*Sections 17 to 22* deal with the composition and establishment of the Lands Tribunal including the provision of finances, the arrangements for accounts and audits, the position of employees, the provision of a scheme for superannuation for employees of the Tribunal and the question of membership of either House of the Oireachtas or of Local Authorities by employees of the Tribunal. In addition the position of consultants and advisers who may be hired by the Tribunal is set out and established in *section 22*.

*Section 23* establishes under ten points the basis upon which the compensation for land acquired under this Act is to be assessed by the Tribunal.

In essence existing use value is the basis for the acquisition of lands. No allowance is being made on account of the acquisition being compulsory.

Provision is made in *subsection (9)* to enable the Tribunal to award resident owners or tenants adequate compensation to cover the costs and expenses incurred in their removal to other premises.

*Section 24* enables the Local Authority to dispose of land acquired in a designated area to various categories of people and to establish conditions attached to the disposal of such land to those people.

*Section 25*. The Local Authority is empowered in this section to dispose of land for a greater or lesser price than it originally cost to acquire it in order to either promote development which it considers to be desirable or alternatively to retain some of the commercial



value which the development of that land will produce as a consequence of an overall community and urban development in adjoining areas.

*Schedule: the Lands Tribunal.*

Section 15 establishes the Lands Tribunal and the Schedule details the shape and form that the Tribunal will take. The Tribunal will consist of five members and the conditions and qualifications of all five members and their terms of employment are set out in the Schedule. Provision is made for the declaration of interest by any member of the Tribunal in lands which are being arbitrated by them.

The Schedule also makes provision for the resignation and removal of members by the Minister.

*An Teachta Ruairí Ó Cuinn,  
Bealtaine, 1982*

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Limit of duration of planning permissions.
3. Power to vary appropriate period.
4. Power to extend appropriate period.
5. Power to declare subjects, approvals and applications withdrawn.
6. Validity of certain permissions and applications.
7. General policy decisions as to planning and development.
8. Alteration of certain penalties under Principal Act or Act of 1976.
9. Certain offences may be tried summarily.
10. Fines.
11. Regulations.
12. Amendment of section 8 of Principal Act.
13. Amendment of section 10 of Principal Act.
14. Section 11 of Principal Act.
15. Repeals.
16. Short title, commencement and extent of this Act.

Wt. 134478/F/5. 1,325. 5/82. Cahill. (6658). G.16.



