



An
Bord
Pleanála

Inspector's Report ABP-301718-18

Local Authority Project	Compulsory Acquisition of dwelling Waterford Compulsory Purchase Order 2018 (No. 7).
Location	14 William Street, Waterford.
Applicant	Waterford City and County Council
Local Authority	Waterford City and County Council
Objector	Pauline Cullen
Observers	None.
Date of Site Inspection	18 th July 2018
Inspector	Derek Daly

1.0 Introduction

1.1. This report refers to the objection received to a Compulsory Purchase Order made by Waterford City and County Council in respect of the property 14 William Street. The purpose of the CPO is to acquire compulsorily the land described for the purpose of securing and facilitating the development and renewal of the property. The CPO as advertised refers to an individual plot of land and seeks to acquire:

- the acquisition of a plot of land plot no 101 as indicated in the schedule and accompanying map.
- The proposal entails the acquisition of land totalling 0.0204 hectares

An objection is made in respect of the proposed acquisition.

2.0 Statutory Basis

2.1. The application is made by Waterford City and County Council under Section 76 and the Third Schedule to the Housing Act, 1966, as extended by Section 10 of the Local Government Act (No 2) Act, 1960 (as substituted by section 86 of the Housing Act 1966 and as amended by Section 6 and the Second Schedule to the Road Act 1993) and the Planning and Development Acts 2000 to 2015.

3.0 Site Location and Description

3.1. The development consists of a property 14 William Street which is an end of terrace two storied property with garden areas to the front and rear of the property and there is also a side passageway on the site.

3.2. The land in question are located on the western side of William Street at the fringe of central area Waterford City. William Street is part of an important route connecting Waterford City to Dunmore East. The site abuts the western side of the road carriageway and there is a public footpath between the road carriageway and the site. As indicated there is a two storied dwelling which is an end of terrace property comprising 4 similar two storied properties.

- 3.3. The CPO refers to a single plot of land which is illustrated on the submitted drawing no. CPO 2018-07 001.
- 3.4. The plot as indicated occupies the lands from the inner edge of the public footpath and incorporates the building on the site and associated private open space areas to the front, rear and side of the building.
- 3.5. The plot which is the subject of the CPO comprise the following:
 - Plot no. 101.

4.0 Purpose of the CPO

- 4.1. The development underlying the CPO is described in Waterford City and County Council's documents to the Board, which include:
 - The Order of the Chief Executive authorising the making of the CPO (14th May 2018).
 - The CPO map, drawing no CPO 2018-07 001 and schedule (14th May 2018).
 - Planners Report t dated 7th December 2017 referring to the property as vacant and to acquire compulsorily the land described for the purpose of securing and facilitating the development and renewal of the property.
 - Public notices dated the 23rd of May 2018.
 - Copy of CPO notice dated the 21st of May 2018 served on affected owner and certificated of postage.

4.2. Requirement for CPO

The reason for the CPO is to acquire compulsorily the land described for the purpose of securing and facilitating the development and renewal of the property.

4.3. Nature of CPO.

- 4.3.1. The CPO as advertised refers to a plot of land.
- 4.3.2. In relation to land purchase it is proposed to compulsorily purchase the plot of land.

5.0 Policy Context

5.1. Rebuilding Ireland: Action Plan for Housing and Homelessness July 2016

- 5.1.1. This Plan, published by the Department of Housing, Planning, Community and Local Government, states that it will address the needs of homeless people and families in emergency accommodation, accelerate the provision of social housing, deliver more housing, utilise vacant homes and improve the rental sector. In particular, the Plan sets out to deliver 47,000 units of social housing in the period to 2021.
- 5.1.2. The Plan identifies five key pillars, including Pillar 5 which is 'Utilising Existing Housing'. It states, "Ensure that existing housing stock is used to the maximum degree possible – focussing on measures to use vacant stock to renew urban and rural areas".
- 5.1.3. Pillar 2 is to 'Accelerate Social Housing'. Key Actions are listed including "Extensive support for Local Authorities and Approved Housing Bodies". Table 4 lists 'Our Programmes' and includes a programme "Local Authority Construction and Acquisition (also known as the Social Housing Investment Programme (SHIP))". The objective is noted as "to provide funding to local authorities for the provision of social housing by means of construction and acquisition".

5.2. Department of Housing, Planning, Community and Local Government Circular PL 8/2016

- 5.2.1. This Circular followed the publication of 'Rebuilding Ireland' and relates to the identification of planning measures to enhance housing supply. The Circular states that vacant stock represents a potentially very significant resource to assist in meeting the key goals of the Action Plan and that in advance of the approaching work on the vacant homes re-use strategy, planning authorities are requested to initiate preparatory work such as surveys of, for example, the levels of, condition and potential availability of vacant housing stock in key urban areas and/or areas with very high demand for housing.

5.3. Department of Housing, Planning, Community and Local Government Circular PL 7/2017

5.3.1. This Circular followed the Circular PL 8/2016 and relates to the preparation of Vacant Homes Action Plans.

5.4. **Waterford County Development Plan 2011-2017**

5.4.1. On 1st June 2014, Waterford City & County Council was established following the amalgamation of Waterford City Council and Waterford County Council.

5.4.2. The three existing development plans within the amalgamated Council area, Waterford City Development Plan 2013 – 2019, Waterford County Development Plan 2011 – 2017, & the Dungarvan Town Development Plan 2012 – 2018, had their lifetime extended, as per Section 11A of the Planning & Development Act 2000 (as amended) and remain in effect until the new Regional Spatial & Economic Strategy is made by the Southern Regional Assembly, thereafter a new City and County Development Plan will be prepared.

5.4.3. This Plan remains current until it is replaced by a new County Development Plan by virtue of the provisions of the Electoral, Local Government and Planning and Development Act 2013.

5.4.4. The relevant plan is the Waterford City Development Plan 2013-2019.

5.4.5. Under the Waterford City Development Plan 2013-2019, the lands are zoned 'Developed Residential' *'to protect and improve existing residential areas and their amenities and provide for appropriate residential infill opportunities where feasible.'*

5.4.6. As outlined in the Core Strategy in Chapter 2, an estimation of the level of population to be planned for the Plan period is 5,003 persons. Applying an average household size of 2.6 persons per household translates into a housing requirement of 1924 units required over the new Plan period. These figures are based upon a disaggregation of RPG 2010 -2022 population growth estimates figures for the City, in conjunction with utilisation of the 2011 preliminary census results as a baseline figure.

5.4.7. The following objectives are of relevance;

Objective 2.1.4: To require new housing proposals to demonstrate compliance with the core strategy.

Objective 2.1.5: To provide a variety of housing types, tenures and densities reflective of the diverse needs of the people of Waterford, mitigating current leakage and unsustainable travel patterns.

Objective 2.1.7: To protect and enhance the vibrancy and vitality of Waterford City Centre.

Objective 2.1.17: To provide a socially inclusive society.

5.4.8. Chapter 5 of the Plan refers to the City Centre and Section 5.4.1 states that ‘*The City Council will continue to target obsolete/derelict sites within the City Centre for redevelopment and investment.*’

5.4.9. Chapter 8 of the Plan refers Housing, with particular regard to housing policy, section 8.1. refers ‘*The core objective of housing policy is to enable every household to have available affordable residential accommodation, suited to its needs, in a good environment and as far as possible, at the tenure of its choice.*’

6.0 Objection

6.1. An objection is lodged in respect of the CPO.

6.1.1. Pauline Cullen

6.1.2. John P O’Donoghue Solicitors on behalf of Pauline Cullen in a submission dated the 26th of June 2018 refers to;

- No written notice was received by their client with regards to the CPO.
- No work was done to improve the property due to their client’s financial circumstances and die to the ill health of her husband Michael Cullen.

7.0 The Oral Hearing

7.1.1. An oral hearing into the objection lodged to the Compulsory Purchase Order was held in the Tower Hotel Waterford on the 22nd of August 2018. A digital sound recording was made of the Hearing and should be consulted for a full representation of proceedings. The Hearing commenced at 14.00 hours and there follows below a summary of the main areas covered and issues arising.

7.2. Attendees

7.2.1. Representation on behalf of each Party was as follows:

7.2.2. Waterford City and County Council:

- Mr. David O'Connor – Solicitor, Nolan Farrell & Goff.
- Mr. Paul Johnson – Senior Resident Engineer.
- Ms. Jennifer Doran – Property Management.
- Mr. Anton Lennon – Executive Engineer.

7.2.3. Objectors:

7.2.4. Objector, representing Pauline Cullen:

- Mr. Michael Cullen

7.3. The following parties made oral submissions at the hearing:

Waterford City and County Council:

- Mr. David O'Connor – Solicitor, Nolan Farrell & Goff.
- Mr. Paul Johnson – Senior Resident Engineer.

Objector Pauline Cullen:

- Mr Michael Cullen

7.4. Documents submitted to the Board in the course of the hearing are attached to this report

7.5. Submission of Waterford City and County Council

7.5.1. Mr. O'Connor provided a brief overview of the legal background to the CPO.

7.5.2. Mr Paul Johnson, Senior Resident Engineer, read from a written statement (Item 1 – appended), which can be summarised as follows:

- Reference is made to a current ongoing programme to deal with property vacancy that involves 16 CPOs that target 22 individual properties.
- Reference is made to National and Local Policy; to the objectives of *Rebuilding Ireland Action Plan for Housing and Homelessness* which has

targeted five pillars of action and reference is made specifically to pillar Utilising Existing Housing.

- Reference is also made to the *National Vacant Housing Strategy 2018-2021* and in particular to *Planning Circular PL 7/2017* and that in the circular in relation to addressing vacant private housing there is reference to the possibilities of using CPO powers in targeted areas for the purpose of bringing vacant properties into use.
- Reference is made to the *Waterford City and County Council Vacant Homes Action Plan 2017* and that the plan outlines that the Council will use the full range of legislative and regulatory powers to seek to reduce the level of vacant residential units including CPO and that an initial budget of 100,000 euro was provisioned in 2018 for the commencement of a programme to compulsory purchase property.
- Reference was also made by Mr Johnson to the provisions of the current Waterford City Development Plan.
- In relation to justification reference was made to current housing needs and that in December 2017 1,444 households qualified for social housing supports in the City and County. Reference was made to current housing and demand and in particular housing constraints with few properties available for sale or rent and that there is very little residential building activity in Waterford City.
- Reference was made to a current vacancy rate of 10.6% in the city and county and based on national levels this unsustainable. The current proposal to CPO the property is therefore in line with national and local policy to bring underutilised residential property into productive use to address a pressing current need.
- Specifically, in relation to the property itself, it was initially identified and inspected as being derelict on the 6th of March 2012 and further inspections on the 29th of January 2014 and 14th March a notification on the 5th of March 2018 that a mature tree had fallen and come down in the back garden of 15 William Street and damage phone lines.

- The property was purchased in 2007 and has remained vacant since it was purchased and has not been maintained, let alone occupied or tenanted.
- The report refers to the response received and that it is obvious that the property has been vacant and the owner/objector has not given an indication that of a position to realise and provide the assets for housing.
- The confirmation of the CPO is the only way this vacant property can be effectively and timely returned to use and provide much needed housing in Waterford.

7.6. Response by objector.

Mr Michael Cullen in response to the local authority response indicated,

- No objections of the documentation submitted.
- Outlined his position regarding property.
- Property purchased in 2007 ill health and financial circumstances main reasons for inaction.
- Property initially tenanted until 2009 and was subsequently vandalised.

7.7. Questions by inspector

7.7.1. To the Local authority.

In response to other efforts other than CPO the Local Authority made efforts made to reach owner without success even approaching to discuss the property

Intention of Local Authority is to refurbish property.

7.7.2. To Mr Cullen

Accepted by Mr Cullen that property enquired work but previous correspondence was not received. Local authority in relation to this matter indicated correspondence was returned.

In relation to the condition of the property it was indicated that it is difficult to access the property. Mr Cullen has not entered the property for over 3 years.

A son currently residing in the USA possibly returning in January and he may consider refurbish property.

Agreeable to discussions in the future with local authority.

Mr Cullen indicated that circumstance changed for his family since purchasing the property since.

It would be the intention to refurbish the property but will address this with his son.

Mr Cullen was in the construction business and has estimated the costing of refurbishment as between 30,000 to 35,000 euros.

- 7.7.3. Local Authority responding would have no issue with refurbishment estimate but the issue is a definitive timescale for this refurbishment to occur and utilise the property. The Local Authority are in a position to do this and there is a pressing need to address a serious housing need in Waterford.

7.8. Closing Statements.

Mr Cullen

- understands the housing issues but the property is an asset of Michael and Pauline Cullen
- will carry out the refurbishment maybe not as quickly as the local authority but will do so.

David O Connor on behalf of the planning authority

- Council wish to acquire property to address pressing need.
- Reference to housing need and made reference to current national and local policy.
- The council made efforts to contact the owner.
- The development is a pressing need and therefore the necessity of the CPO.

8.0 Assessment

- 8.1. Previous Board decisions and case law have established four key areas upon which a CPO is typically assessed, as follows:

- Does the CPO serve a community need?
- Is the property in question suitable to meet that community need?

- Does the stated purpose / proposed use / works accord with the Development Plan for the area?
- Have alternative means of meeting the community need been explored?

8.2. I will address these in turn below, along with other issues arising from the objections.

8.3. **Community Need**

- 8.3.1. Waterford City and County Council's case for the CPO as originally received by the Board relied largely upon a Chief Executive Order (Order Ref. 2018/1,107) stating that the land and vacant properties are required for the purposes of securing and facilitating the development and renewal of the properties and that it be acquired by Compulsory Purchase Order. A report from Waterford City and County Council was circulated at the Oral Hearing. This report confirmed that the scheme was necessary and that the lands are suitable and necessary for a provision of social dwelling units and which recommended that the land be the subject of a CPO.
- 8.3.2. The report as presented by Mr Johnson at the oral hearing highlighted national guidance in relation a National Vacant Housing Reuse Strategy and a Vacant Homes Action Plan 2017 for Waterford City and County. The overriding aims and objectives of the action plan was to maximise the potential and reuse of empty homes for social and private housing and provide for programmes to meet a range of housing needs whilst providing a choice of accommodation prioritising the areas with the highest housing demand and applying the full range of legislative and regulatory powers to seek to reduce the levels of vacant residential use.
- 8.3.3. I note that it also stated in the report that the minimum housing requirement over the projected period 2016-2020 in Waterford City and suburbs to be 713 units, and that in December 2017 the Housing Agency determined that 1,444 households qualified for social housing supports within Waterford City and County. During the Oral Hearing, issues relating to the community need for the subject CPO were addressed in more detail by the statement of Mr. Paul Johnston, Senior Engineer in respect of the planning policy context stressing the urgent housing need in the city and county and the issues in relation to addressing this in terms of an absence of new housing construction and low availability of residential property for rent and purchase notwithstanding the identified high level of vacant properties.

- 8.3.4. Arising from the above, the key tenets of the Local Authority's position are that there is significant demand for social housing in Waterford City and County, with the 2016 Census Total Population data for the Poleberry area (i.e. the area that the properties are located) showing an increase in population from 1,055 in 2011 to 1,370 in 2016. There appears to have been minimal delivery of units to date through direct-build or the Part V process.
- 8.3.5. While the principal purpose of the CPO is stated to be for purposes of securing and facilitating the development and renewal of the properties, the Local Authority contended at the oral hearing that the property required remedial action; that the property appeared to be in reasonably good condition but that it was detrimental to the area and the inaction of the owner of the property over a period of years determined to date back to at least 2009 to restore the dwelling to a state of habitation and occupancy was detrimental to the area and also impacted on the adjoining property. In relation to the latter there was reference at the oral hearing to damage arising from a fallen tree impacting on the adjoining property.
- 8.3.6. I am of the view that currently the vacant house has a detrimental effect on the streetscape or the residential amenity of the area. I would also be of the view that renovating the house and restoring it back into an active residential use, regardless of whether private or social housing use, could be considered to serve a community need, by making appropriate use of existing serviced dwelling in keeping with national and local policy and would enhance a visual important streetscape which is located on one the main arterial routes into the city centre area. It would also enhance and protect residential amenity in the area by arresting any further deterioration in the condition of the property.
- 8.3.7. Considering the above, I consider that the Local Authority has adequately demonstrated that the subject CPO would serve a community need by addressing an urgent social housing need, and that the protection and improvement of residential amenity and estate management in the area would serve a secondary community need and can be considered to be a material consideration in terms of addressing social housing provision. Notwithstanding this, however, further consideration is required to establish whether an adequate case and justification has been made for the CPO of the subject lands and the interference with private property rights that compulsory acquisition represents. This will be addressed further below.

8.4. Suitability of the Site

- 8.4.1. The subject property is an end of terrace residential dwelling in an established urban housing area. The site is zoned for residential development, and are in close proximity to town centre facilities and amenities and, as such, I consider it to be suitable for use as social housing.
- 8.4.2. No recent internal inspection or structural survey was undertaken by the Local Authority, and I did not enter the property. However, having inspected the site, I would consider that the dwelling is readily capable of being utilised as a habitable residential unit and this is not in dispute by any party. In forming this opinion, I note that the roof appears intact, that windows and doors are intact and that there was no obvious evidence of any significant structural defects to the front elevation. The Local Authority has not provided an estimate in terms of how long the refurbishment works required to return the houses to active use would take, allowing for design and procurement. At the hearing an undisputed estimate of between €30,000 €35,000 was indicated in relation to refurbishment. The Local Authority also stated at the Hearing that Waterford City and County Council has made provision of €100,000 in the 2018 budget to facilitate the commencement of a programme of compulsory purchase of vacant residential units but has not indicated specific estimates in respect to the subject properties.
- 8.4.3. Considering the above, I am therefore satisfied that the site is capable of being renovated for the purposes of providing social housing, and I consider this to be an appropriate use in a zoned and established residential area which is close to a range of services and facilities. It should also be noted, however, that the Objector Mr. Cullen indicated at the Hearing indicated that the Cullen family were examining the refurbishment of the dwelling and that this would be further considered if a son returned home to Ireland. This is addressed further below.

8.5. Accordance with Housing and Planning Policy

- 8.5.1. The Board is referred to Section 5 above, which outlines the housing and planning policy context. There are various National and County level policies promoting the re-use (and acquisition, where necessary) of existing dwellings in order to meet housing need.

- 8.5.2. With regard to the residential zoning of the site and its stated objective, I am satisfied that the acquisition and renovation of the property for social housing accords with the zoning and would contribute to the protection and improvement of the existing residential amenity of the area.
- 8.5.3. The renovation and active use of the dwelling would also ensure their long-term protection and would contribute to the protection and enhancement of the character of the area, within which the house is located.
- 8.5.4. The renovation of the subject dwelling for social housing use would assist in fulfilling Housing Policy 8.1 of the Waterford City Development Plan 2013-2019 which seeks to *'to enable every household to have available affordable residential accommodation, suited to its needs, in a good environment and as far as possible, at the tenure of its choice'*.
- 8.5.5. Notwithstanding, my overall opinion that the acquisition of vacant houses for social housing use accords with various strategic and statutory policy, in this regard I would refer to the National Vacant Housing Reuse Strategy 2018-2012 which however does refer in objective 2 to "bring forward measures to ensure, to the greatest degree possible, that vacant and underused private owned properties are brought back to use". I would note that nowhere is it explicitly stated that such acquisition should be carried out compulsorily neither however does it prohibit such an approach, and having regard to the provisions of Planning and Development Act 2000 and the Housing Act 1966, both as amended, the compulsory acquisition of land is one of a number of statutory provisions at the disposal of Local Authorities to fulfil their functions, including the delivery of social housing.
- 8.5.6. In conclusion, I consider that the compulsory acquisition of the subject property would be in accordance with current housing and planning policy.

8.6. Use of Alternative Methods

- 8.6.1. Given the protection accorded to private property ownership in Ireland, the compulsory acquisition of any property should generally be seen as a last resort having considered other alternatives first. In this regard, I consider that the onus is on the Local Authority to demonstrate that alternative methods are not available to them.

- 8.6.2. As noted in Section 8.3 above, there is significant pressure on the Local Authority to deliver social housing in the Waterford area, due to demand from eligible applicants and targets given to the Local Authority by Central Government. The Local Authority stated at the Oral Hearing that the delivery of social housing units to date had primarily been through the acquisition of units through the CPO process, (with currently sixteen CPO's that target forty four individual properties).
- 8.6.3. The local authority indicated current difficulties in relation to number of properties available in relation to purchase and rent in the city and also a low level of construction activity in relation to the provision of new residential accommodation. Efforts were made to contact the owner without success in relation to addressing the current state of the property without success. The assessment of the Local Authority's Senior Engineer, as expressed to the Oral Hearing by Mr. Johnson, was that the Local Authority decided to utilise its compulsory purchase powers as the properties have been vacant for a considerable time.
- 8.6.4. While I do consider that a less intrusive approach to these properties (such as acquisition by consent or a leasing arrangement) would have been preferable, I do accept that the Local Authority is seeking to meet a wider community need by providing social housing units.
- 8.6.5. While the primary purpose of the proposed compulsory acquisition is to provide social housing units, the Local Authority, has also noted that the acquisition and refurbishment of vacant houses for social housing use is supported and promoted by the Department's Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and associated Circulars PL 7/2017.
- 8.6.6. In terms of other methods available to the Local Authority, and noting the apparently long-vacant nature of the house, the Board may wish to satisfy itself that the provisions of the Derelict Sites Act 1990, as amended, would not have been a more appropriate course of action than the CPO route. In this regard, although the property is vacant since at least 2009 I do not consider that it would meet the definition of a derelict site, as set out in section 3 of the Derelict Sites Act. In my opinion it is not in a ruinous, derelict or dangerous condition, although unsightly in its current state it is not particularly unsightly or objectionable. I therefore do not consider that the provisions of the Derelict Sites Act would be of use in seeking to

ensure that the houses are refurbished or brought back into use through, and in any event, I also note that the purpose of the Derelict Sites Act is not primarily linked to the provision of social housing and the main thrust of the CPO is the refurbishment of the dwelling and to provide additional social housing.

- 8.6.7. I am satisfied that the Local Authority has considered certain alternative means of meeting the community need but there was difficulty in establishing a form of dialogue and the objection has not disputed this and that contact would have proven difficult. I am also satisfied that the acquisition of vacant houses for social housing is supported by housing policy.
- 8.6.8. There remains however the issue of whether the property can be renewed by the objector and this was raised by the objector at the oral hearing and whether this would appear to present an alternative to the acquisition for the formally stated purpose of acquisition as set out in the Order 'for securing and facilitating the development and renewal of property'.

8.7. Issues Raised by Objectors

- 8.7.1. The vacancy of the site is not disputed by the objector. It was indicated that a number of circumstances arose in relation to the property an initial bad tenancy with subsequent damage to the property and subsequently poor financial circumstances and health issues arrested progress in the upkeep of the property.
- 8.7.2. The objector indicated that the refurbishment of the property was being examined and an estimate of the cost was presented at the oral hearing. No definite timeframe was presented but it was indicated that the son of the objector was considering a return to Ireland in January of next year and that the matter could be further considered at that juncture.
- 8.8. The matter to be addressed I consider is the appropriate response for the securing and facilitating the development and renewal of the property under consideration.
- 8.8.1. There is no dispute that the property is vacant for a long period of time; that the property although not derelict is deteriorating; the property forms part of a short terrace of similar properties and its visual appearance is detrimental to the streetscape, adjoining properties and the area. There is clear policy guidance at

national and local level to address vacant properties and secure properties for residential accommodation and to address social needs in relation to housing.

The Local Authority has presented a case whereby securing the property in question will address current policy and that the property can be restored to an appropriate housing use within a defined timeframe. The objector although offering to restore the property is less clear in this regard and it could be contended that having a property vacant for almost ten years with no definitive programme advanced to remedy this would lead to a view that if the property is not acquired by the local authority that the ongoing vacancy could continue for an indeterminate period which would be against current policy of addressing vacant housing accommodation.

9.0 Recommendation

- 9.1. The Local Authority I consider has demonstrated the pressing need for increased social housing provision in the Waterford City area, and the acquisition of vacant properties for such social housing purposes is consistent with both National and County level policies and objectives as expressed in the Rebuilding Ireland Action Plan for Housing and Homelessness 2016, the Waterford City Development Plan 2013-2019, and the property is suitable for use as social housing units. I am satisfied, having regard to the particular facts of this case, that adequate justification has been put forward by the Local Authority for the acquisition of this private property at this time and there is uncertainty in relation to whether the owner of the property which is vacant for a considerable period of time will address the matter to renovate and bring the vacant house back into active use.
- 9.2. I therefore recommend that the Board CONFIRM the Compulsory Purchase Order based on the reasons and considerations set out below.

10.0 Reasons and Considerations

Having considered the objections made to the compulsory purchase order and also having regard to the following;

- (a) The report and recommendation of the inspector;

- (b) The purpose for which the lands are to be acquired as set out in the compulsory purchase order;
- (c) The community need, public interest served and overall benefits to be achieved from the proposed development;
- (d) Waterford City Development Plan 2013-2019;
- (e) Waterford City Vacant Homes Action Plan 2017;
- (f) Stated National policy in Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016, and associated Circular letter PL7/2017; and
- (g) The submissions and observations made at the Oral Hearing held on the 22nd of August 2018

It is considered that, the permanent acquisition of the lands in question as set out in the order, schedule and on the deposited maps, are, necessary for the purposes stated and the objections cannot be sustained having regard to the said necessity.

The Board is therefore satisfied that, in this instance, the acquisition by the Local Authority of the lands in question, as set out in the order and on the deposited map, has been justified and is necessary, at this stage, for the purposes stated.

Derek Daly
Planning Inspector
11th October 2018