



An  
Bord  
Pleanála

## Inspector's Report ABP 305628-19

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<b>Compulsory Purchase Order</b>	Application for confirmation of compulsory purchase order of house and land, for the purposes of the Housing Act 1966, as amended.
<b>Location of Lands:</b>	Beladd, Stradbally Road, Portlaoise, Co. Laois.
<b>Local Authority</b>	Laois County Council
<b>Local Authority Ref.</b>	CPO Order No. 15 of 2019.
<b>Objector</b>	Brendan J. Dully
<b>Dates of Site Inspection</b>	21 <sup>st</sup> October 2020 and 20 <sup>th</sup> May 2021
<b>Inspector</b>	Brendan Coyne

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## 1.0 Introduction

- 1.1. On the 1<sup>st</sup> October 2019, Laois County Council made a Compulsory Purchase Order (No. 15 of 2019) under section 76 of the Housing Act, 1966, and the Third Schedule thereto (as amended by the Planning and Development Acts, 2000 – 2017) for the compulsory acquisition of land and dwelling house at Beladd, Stradbally Road, Portlaoise, Co. Laois.
- 1.2. On the 09<sup>th</sup> October 2019, Laois County Council applied to An Bord Pleanála for confirmation of the above mentioned compulsory purchase order (CPO). If confirmed by the Board, the order will authorise Laois County Council to acquire compulsory the land and house for the purposes of the Housing Act, 1966.
- 1.3. On the 08<sup>th</sup> November 2019, An Bord Pleanála received a letter from Brendan Dully, the owner of the subject property, objecting to the Compulsory Purchase Order.
- 1.4. On the 29<sup>th</sup> January 2020, in consideration of the objection received to the CPO, the Board decided under section 218 of the Planning and Development Act 2000, as amended, to hold an oral hearing. Arrangements were made by An Bord Pleanála for the oral hearing to be held on the 25<sup>th</sup> February 2020 at the Midlands Park Hotel, Jessop Street, Portlaoise, Co. Laois. Due to personal circumstances, the objector was not able to attend the scheduled oral hearing. The arrangement for this oral hearing was altered and new arrangements were made for an oral hearing to be held on the 23<sup>rd</sup> April 2020 at the same location. The rescheduled oral hearing did not convene due to restrictions arising from the Covid-19 pandemic.
- 1.5. On the 28<sup>th</sup> October 2020, An Bord Pleanála wrote to the objector Brendan Dully requesting an indication whether or not he wished the Board to hold an oral hearing into the CPO. The objector was informed that any oral hearing in relation to the case would be held in virtual format (i.e. online) due to ongoing Covid-19 restrictions. The objector's agent Nial Dully responded on the 12<sup>th</sup> November 2020 confirming Brendan Dully's wished to hold an oral hearing into the CPO but that he does not have the capacity to participate in an online oral hearing. The response therefore did not indicate a preference for either of the options which the Board proposed i.e. proceeding without an oral hearing or conducting a hearing online. An Bord Pleanála has an absolute discretion under Section 218 of the Planning and Development Act 2000, as amended, to hold an oral hearing. Having regard to the objector's refusal to

participate in a virtual oral hearing, and in the context of public policy relating to the ongoing movement and social gathering restrictions arising from Covid-19 and the level of information available on the file, the Board decided that there was sufficient written evidence on file to enable an assessment of issues raised, and therefore that an oral hearing should not be held.

- 1.6. On the 26<sup>th</sup> January 2021, An Bord Pleanála wrote to Laois County Council requesting Further Information in order to facilitate full consideration of the CPO. A report was received from Joe Delaney, Director of Services of Laois County Council, dated the 23<sup>rd</sup> February 2021 addressing the Further Information requested by the Board. Further to the submission received by Laois County Council, this submission was circulated to Brendan Dully, the owner of the subject land and house for observation, if any. Brendan Dully responded with the submission of an observation to the Board on the 27<sup>th</sup> April 2021.

## **2.0 Site Location and Description**

- 2.1. The site (0.15 Ha) is located on the northern side of a T-shaped cul-de-sac road serving 8 no. dwellings, c. 1km to the east of Portlaoise town centre. The T-shaped road is accessed off the northern side of the N80 Portlaoise to Stradbally Road. The site contains a large detached two-storey house, which is vacant and has never been occupied. The house is unfinished whereby just the exterior elevations and roof of the dwelling have been completed. The elevation finishes are rendered and painted white. Windows are finished with pvc framed glazing. A single storey double bay garage adjoins the western side of the house. The dwelling is not connected to services and interior works including plastering, plasterboards, electrics, plumbing, doors and flooring have not been completed, as stated by the owner. The land surrounding the house is unsurfaced and overgrown with grass and vegetation. A timber post and wire fence defines the front roadside boundary of the site. An occupied detached two storey dwelling is located on lands adjoining the site to the east and an unfinished vacant detached two storey dwelling is located on adjoining lands to the west. This unfinished vacant house is the subject to a concurrent CPO (Order No. 16) by Laois County Council and is in the ownership of the owner of the subject CPO lands, i.e. Brendan Dully. Lands adjoining the site to the north are agricultural / greenfield.

### **3.0 Application for Confirmation of CPO**

- 3.1. This CPO of the subject land and house at Beladd, Stradbally Road, Portlaoise, is made under the Housing Act 1966, as amended. The stated purpose of the CPO is for “the purposes of the Housing Act, 1966”.
- 3.2. The CPO states that the land described in Part I of the Schedule and coloured pink on the deposited map consists of a house unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense. The CPO states that the land described in Part II of the Schedule and coloured grey on the deposited map is land other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense.
- 3.3. Each field within Part I of the Schedule of the CPO is recorded as ‘Nil’, while Part II describes a “Dwelling house and land of 1546.76 sq.m. (0.1547 ha approx.)”, with the owner or reputed owner listed as being Brendan J. Dully of Glenside, Portlaoise, County Laois. Lessees or reputed lessees and occupiers are listed as ‘Not Known’.
- 3.4. The official seal of the housing authority was affixed to the Order on the 01<sup>st</sup> day of October 2019, signed by Laois County Council’s County Secretary and a Nominated Member. The order was issued to Brendan J. Dully with an address at Glenside, Portlaoise, County Laois on the 7<sup>th</sup> October 2019. A copy of the order and of the maps referred to in it were made available to be seen at the offices of Laois County Council Council, Áras an Chontae, Portlaoise, Co. Laois between the hours of 9.00 a.m. and 5.00 p.m. on working days between the 8<sup>th</sup> October 2019 and the 8<sup>th</sup> November 2019 and on the Council’s website. The notice of compulsory purchase order, for the purposes of the Housing Act 1966, was published in the Leinster Leader on the 08<sup>th</sup> of October 2019. Notice of the CPO was erected on the site on the same date.
- 3.5. Documentation forwarded to the Board by the Local Authority include the following:
  - Copy of initial report from Gerry Ryan A/Administrative Officer of the Housing Department, endorsed by Michael Rainey, Director of Services.
  - Copy of Chief Executive’s Order No. 806 / 2019 authorising the making of the CPO.
  - 1 original signed and sealed plus 2 copies of map CPO-LS-BD001 on which the land is shown.

- 1 original signed plus 2 copies of the Notice of the Compulsory Purchase Order.
- Photos of Notices erected on site.
- Copy of newspaper advert.
- Evidence of postage of Notice of the CPO on the Registered Owner of the property.

## 4.0 Planning History

**P.A. Ref. 98687** Permission GRANTED in November 1998 to Mr. Brendan Dully for the construction of 2 no. dwellings.

## 5.0 Policy Context

### 5.1. National Policy

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

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.

The Plan identifies five key pillars, including 'Pillar 2: Accelerate Social Housing'. This Pillar seeks to 'Increase the level and speed of delivery of social housing and other State supported 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 'to provide funding to local authorities for the provision of social housing by means of construction and acquisition'.

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

- 5.3.1. This Circular followed the publication of 'Rebuilding Ireland - Action Plan for Housing and Homelessness' 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.

#### 5.4. **Development Plans**

#### 5.5. **Laois County Development Plan 2017-2023**

**Zoning** The site is zoned 'Residential 1' which seeks 'To protect and improve the amenity of developed residential communities'.

**Policy CS10** Provide for active and efficient use of derelict sites, vacant premises, neglected lands, disused (brownfield) or underused lands that are zoned and served by existing public infrastructure and facilities, to consolidate the urban form, improve streetscapes, support housing delivery and smarter travel as well as strengthen the vitality and vibrancy of urban areas, by way of the development management process and other mechanisms including the imposition of levies under the Urban Regeneration and Housing Act 2015 and Derelict Sites Act 1990, the preparation of opportunity site briefs and the consideration of incentives in the preparation of Development Contributions Scheme(s).

**Policy CS11** Encourage the re-use of the existing building stock in an appropriate manner in line with standard conservation principles and the Council's policy on sustainable development in order to integrate proposed development into the existing streetscape and to reduce potential construction and demolition waste.

**Policy CS12** It is an objective of this Council to increase the delivery of housing units in areas of need and to encourage and facilitate the appropriate development and renewal of areas that are in need of regeneration in order to prevent (i) Adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land (ii) Urban blight or decay (iii) Anti-social behaviour, or (iv) A

shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.

### **Section 3.1: Housing Strategy**

**Section 3.3.1** Vacant Housing Sites states under sub-section (c) that 'cited area of choice on social housing waiting list (September 2016) indicate housing need in these Towns – Portlaoise (944), Portarlington (377), Mountmellick (322), Graiguecullen (63). Note: up to 3 choices of area per household relates.

**Objective HP1** Facilitate the provision of housing units to sufficiently cater for social and specialist housing needs over the plan period, as established in the County Housing Strategy.

**Objective HP10** Explore mechanisms to address the issue of incomplete developments through a variety of mechanisms including dialogue with developers, existing/adjoining residents, financial institutions, NAMA, State and Semi-State Agencies.

**Objective HP14** Encourage the conversion of suitably located derelict properties and disused buildings such as former schools to residential use and in so doing, provide additional residential units in areas suitable and attractive for such development.

**Appendix 3: Laois Housing Strategy 2017-2023** – details the following:

**Table 3.11** Summary of Projected Social (and Affordable) Housing Need, County Laois 2012-2025. A summary of total social need for County Laois is set out in Table 3.11, which evidences that there is an anticipated per annum social housing shortfall, or requirement, of between 16.66% and 19.26% over the period of the plan.

There is a requirement to deliver 549 social housing units up to and including the end of the plan period in 2023, which equates to an anticipated average shortfall of 16.83%. Within the plan period itself, 380 housing units are required, which equates to an average shortfall of 17.79%.

**Section 4.6** Meeting Social and Affordable Housing Demand – states that as set out in Section 3 of this strategy, there is an identified need for approximately 379 social housing units over the plan period 2017-2023.

At present, Laois County Council maintains a total of 2179 occupied social housing units. There are currently roughly 1,700 people on the County Council waiting list.



In light of intended change to housing support mechanisms, deriving from the Government's Housing Policy Statement in 2011, it is considered necessary to assess options which may influence delivery over the development plan period. There are a number of avenues available to Local Authorities to address the identified demand for, and delivery of, social housing.

#### **Section 4.6.6 Purchase of New or Second-Hand Dwellings**

### **5.6. Portlaoise Local Area Plan 2018 - 2024**

#### **Section 8.5.1 Housing / Residential Land Availability**

**Objective H O3:** Facilitate the provision of housing in a range of locations to meet the needs of the population, with particular emphasis on facilitating access to housing to suit different household and tenure needs, in a sustainable manner.

**Objective H O5:** To utilise the provisions of the Urban Regeneration and Housing Act 2015 (Vacant Site Levy) to facilitate the appropriate development of vacant sites (residential zoned lands) that are in need of renewal or regeneration.

**Objective H O8:** To encourage appropriate housing development on infill and brownfield sites subject to preservation of existing residential amenity, the provision of a high quality design respecting the established character, density and layout, compliance with all traffic safety, quantitative and qualitative standards of the Laois County Development Plan 2017 – 2023.

**Objective TCR O4:** Encourage and facilitate the reuse and regeneration of derelict and vacant sites and disused buildings, especially upper floors.

#### **5.6.1. Chapter 13 Housing**

### **6.0 Objections**

One objection was received from Brendan Dully, the owner of the subject property. The issues raised in the objection, dated the 7<sup>th</sup> November 2019, relate also to the land and house on the adjoining lands to the west of the subject site, which are in the ownership of Brendan Dully and subject to a separate compulsory purchase order (No. 16 of 2019) by Laois County Council. The issues raised are summarised as follows;

- Brendan Dully objects to the CPO of the subject house and land by Laois County Council on the grounds that it would be an unfair penalty on him, given his unique situation at this time, and would be a denial of his right to his home.
- At this time, Brendan Dully had not been able to complete the house by reason that he was providing full-time care and support for his elderly mother.
- Brendan Dully resides with his mother, in her own home, in order to be able to provide full time care.
- Brendan Dully's intention was to live in the subject house and his parents live in the house on the adjoining lands to the west, where he could provide care for them in their later years.
- The subject house was never occupied and services were not connected.
- The exterior of the house is complete with a roof, windows and exterior doors.
- The interior of the house is incomplete without the provision of plasterboards, plastering, electrics, plumbing, doors and flooring.
- The house was left incomplete due to Brendan Dully's need to care for his terminally ill father.
- Brendan Dully placed the welfare of his family over the completion of the dwelling.
- The collapse of the economy also played a significant part in not completing the house.
- It was never the Brendan Dully's intention to rent out the house.
- Reference made to Laois County Council's purchase of the former County Hotel on Lower Main Street on Portlaoise with the view to provide social housing, and the delays that this has entailed.
- Should Laois County Council require urgent social housing, there are enough recently finished developments waiting to come on to the market in the town, that are easily and more readily available.

6.1. Supporting documentation submitted includes the following:

- A letter from the Dr. Gerald White, dated the 4<sup>th</sup> November 2019, detailing the following;

- The medical condition of Brendan Dully's mother, Celine Dully.
- Brendan Dully provides 24/7 care for his mother with no outside care, assistance or help.
- Celine Duffy is totally dependent on the care provided by her son Brendan Dully.
- A photograph showing the front elevation of the house.

## **7.0 Assessment**

7.1.1. The statutory powers of the Local Authority to acquire land are contained in section 213(2)(a) of the Planning and Development Act 2000, as amended. Under its provisions the local authority may, for the purposes of facilitating the implementation of its development plan or its housing strategy, acquire land, permanently or temporarily, by agreement or compulsorily.

7.1.2. Previous Board decisions and case law, as documented in "Compulsory Purchase and Compensation in Ireland: Law and Practice" (Mc Dermott and Woulfe, 1992 pg. 52), have established that there are four criteria that should be applied where it is proposed to use powers of compulsory purchase to acquire land or property. These criteria are as follows;

- There is a community need which is to be met by the acquisition of the property in question.
- The particular property is suitable to meet that community need.
- The works to be carried out accord with the Development Plan under the Local Government (Planning and Development) Acts.
- Any alternative methods of meeting the community needs have been considered but are not available.

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

## **7.2. Community Need**

7.2.1. Laois County Council's case for the CPO, as noted in the Order itself, was for the purposes of the Housing Act 1966. As received by the Board, the Chief Executive's

Order (No. 806/2019) confirmed that the CPO is necessary and that the property which is the subject of the CPO is suitable and necessary for the provision of social housing. The Chief Executive's Order recommended that the property be acquired by Compulsory Purchase Order for that purpose. The Chief Executive's Order made reference to a report from Nicola Lawler, A/Senior Executive Officer, Housing Department, approved by Michael Rainey, Director of Services, dated the 27<sup>th</sup> August 2019, which details that it is considered necessary that the Council use its powers under Compulsory Purchase legislation to acquire the subject property and the property on the adjoining lands. The property on the adjoining lands is subject to a separate CPO (Order No. 16 of 2019) by Laois County Council. The report states that there is potential for a number of housing units on the combined sites of the existing unfinished vacant dwellings. The report confirms that the compulsory acquisition of the said property accords with the provisions of the Laois County Development Plan 2017 – 2023, in particular policy objectives CS10, CS11 and CS12 and general Government policy as set out in the Action Plan for Housing and Homelessness, with particular regard to the stated policy objective to acquire vacant homes for social housing.

7.2.2. In response to a request for Further Information by An Bord Pleanála, clarifying how the compulsory purchase of the said land and house would serve a community need, a report received from Joe Delaney, Director of Services, dated the 23<sup>rd</sup> February 2021, details the following:

- The vacant property was identified as a long term vacant property located close to the town centre and general social amenities of the area – school's campus and hospital campus.
- The vacant property is in a prominent location on the N80, which is one of the main routes into Portlaoise.
- The house was granted planning permission in 1998, has not been completed, has never been occupied and has for some time being registered as a Derelict Site.
- The house is falling into disrepair and in its current state is detrimental to the quality and amenity of the surrounding area.
- The use of the land for housing purposes appropriate to the needs of the community would enhance the local neighbourhood in terms of passive supervision and improving the streetscape and local visual amenity along the approach road –

the Stradbally Road / N80 into Portlaoise, as well as providing a potentially fast and cost effective way to assist in meeting current housing needs in an area of high demand.

- Laois County Council's Vacant Homes Action Plan prioritises actions to address vacancies arising in the private housing stock and in particular, properties that are in areas of high need and are having a negative social and visual impact on the community.
- Portlaoise is an area of high demand for housing with 1,296 approved applicants for social housing support on the 17<sup>th</sup> February 2021, with Portlaoise as an area of choice.
- Given the size and current state of the property, the Local Authority considers it appropriate to demolish the existing large unit on the site and to construct a number of new units of appropriate size to meet the current housing need in Portlaoise as part of an overall masterplan for regeneration / accessibility within the immediate area.

7.2.3. In response to the Local Authority's Further Information submission, the owner of the property Brendan Dully contends that the Council is exercising an extreme power for the purposes of the demolition of his property and redevelopment of his lands. Mr. Dully puts forward that the proposal to demolish an existing house and construct a number of new units would be contrary to the Council's own planning policy.

7.2.4. Upon site inspection, I noted that the subject dwelling has a neglected, unsightly and derelict appearance. Elevation materials and finishes have been subject to weathering and decay. The property appears to have been subject to some vandalism with a large window ope on its front elevation at ground floor level beside the main entrance door smashed completely open, enabling access to its interior. The interior walls of the house have been subject to some graffiti. The land surrounding the house is undeveloped and completely overgrown. While the Local Authority states that the subject property is registered on their Derelict Site Register, details of this have not been submitted. Furthermore, at the time of writing I note that the Derelict Site Register is not available to view of the Local Authority's website. Notwithstanding this, in the absence of refute to this by the owner and in the absence of evidence to prove

otherwise, I accept the bona fide statement of the Local Authority that the property is registered on their Derelict Site Register.

- 7.2.5. Having regard to the above, I consider the Local Authority has adequately demonstrated that the subject CPO would serve a community need by assisting in the provision of social housing units, and that the demolition of the existing unfinished derelict house and its replacement with new housing units as part of an overall masterplan for regeneration would serve a secondary community need and can be considered to be a material consideration. Notwithstanding this, however, further consideration is required to establish whether an adequate case and justification has been made for the CPO of the subject property and the interference with private property rights that compulsory acquisition represents. This will be addressed further below.

### **7.3. Suitability of the Site**

- 7.3.1. The subject property contains an unfinished detached two-storey house on lands zoned for residential development. The site is located in close proximity to Portlaoise town centre and nearby facilities and amenities along the Stradbally Road including schools, retail and neighbourhood facilities.
- 7.3.2. No internal inspection or structural survey of the house was undertaken by the Local Authority. The report from Gerry Ryan, A/Administrative Officer, Housing Department, endorsed by Michael Rainey, Director of Services, dated the 27<sup>th</sup> August 2019, details that the subject property is unfinished, has never been occupied and has been vacant for over 10 years. In response to Further Information requested by the Board, Laois County Council clarify that given the size and current state of the property, the Local Authority consider it appropriate to demolish the existing large unit on the site and to construct a number of new units of appropriate size to meet the current housing need in Portlaoise as part of an overall masterplan for regeneration / accessibility within the immediate area.
- 7.3.3. The original submission from the owner confirms the subject house is unfinished and has never been occupied. In response to the Local Authority's Further Information submission, the owner puts forward that the Local Authority has not adequately demonstrated the need to demolish the subject house and neighbouring house to the

west due to their size and current state. The owner contends that a cost benefit analysis or examination has not been carried out to support this view.

7.3.4. The owner Brendan Dully does not detail when the subject property was constructed to its current state. Given that the subject dwelling was granted permission in November 1998 under P.A. Ref. 98687, I consider it reasonable to conclude that the subject unfinished house has been in situ for over 17 years, since the date of expiry of its permission in 2003. The owner Brendan Dully has provided no indication of his intention to fully complete and occupy (or otherwise) the house, and a timeline for such works. Furthermore, Mr. Dully has not provided confirmation and/or details of financial means to complete the house.

7.3.5. Having inspected the site, I concur with the Local Authority that the subject unfinished dwelling, which the Local Authority confirms is a registered Derelict Site detracts from the visual and residential amenity of the surrounding area. The exterior of the dwelling has a neglected, unsightly and derelict appearance. The property appears to have been subject to some vandalism with a large window ope smashed on its front elevation at ground floor level and its interior subject to some graffiti. The land surrounding the house is undeveloped and completely overgrown. Given a) the residential zoning objective of the site, b) the location of the site in close proximity to Portlaoise town centre and nearby amenities c) the size of the subject site and the site on adjoining lands to the west which is subject to a concurrent CPO by the Local Authority d) the unfinished and derelict state of the subject property which has been in-situ for over 17 years and e) the absence of evidence from the owner of intention (and timeline there-of) to compete the unfinished derelict property, it is my view that the subject site is suitable for the provision of social housing. This would involve the demolition of the subject derelict property to enable the construction of a number of new units of appropriate size to meet the current housing need in Portlaoise as part of an overall masterplan for regeneration within the immediate area, as put forward by the Local Authority. On this basis, I consider the acquisition of the subject property to be reasonable and proportional in these circumstances.

#### **7.4. Accordance with Housing and Planning Policy**

- 7.4.1. 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 acquisition, where necessary, of existing dwellings in order to meet housing need.
- 7.4.2. With regard to the residential zoning of the site and its stated objective, I am satisfied that the acquisition of the subject property for social housing accords with the zoning objective of the site and would contribute to the protection and improvement of the existing visual and residential amenity of the area. The acquisition of the property would allow for the regeneration of a property which has been subject to vacancy and dereliction for over 10 years, as stated by the Local Authority. On this basis, I consider that the compulsory acquisition of the subject property would be in accordance with housing and planning policy.

#### **7.5. Use of Alternative Methods**

- 7.5.1. Given the protection afforded 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.
- 7.5.2. As noted in Section 7.2 above, there is significant pressure on the Local Authority to deliver social housing with 1,296 approved applicants for social housing support on the 17<sup>th</sup> February 2021, and Portlaoise an area of high demand for such social housing. In response to a Further Information request by the Board, the report received from Joe Delaney, Director of Services, dated the 23<sup>rd</sup> February 2021, details alternative methods of meeting the community need which were considered and / or pursued by the Local Authority, as follows;
- 15 no. houses were acquired in Portlaoise in 2020.
  - Regeneration schemes within the town centre will deliver approx. 129 units.
  - Local Authority and AHB (Approved Housing Body) deliveries in 2020 in the Portlaoise area yielded 37 units for family needs, older people and persons with special needs.



- There are currently Local Authority and AHB projects underway which will deliver 143 units over 2021 and 2022.
- There are further Local Authority and AHB proposals being considered with the potential for in excess of 340 units.
- Two Part V units were delivered in the Portlaoise area during 2020 with a further 7 units agreed for later delivery.

7.5.3. While the primary purpose of the proposed compulsory acquisition is to provide social housing units, the Local Authority has also noted that the acquisition of the subject property for social housing purposes accords with the provisions of housing and planning policy as promoted under the Rebuilding Ireland – An Action Plan for Housing and Homelessness (2016), the National Planning Framework – Project Ireland 2040, the Laois County Development Plan 2017- 2023 and the Portlaoise Local Area Plan 2018 – 2024.

7.5.4. In terms of other methods available to the Local Authority and noting the long term unfinished and vacant nature of the property and its listing on the Derelict Site Register, as confirmed by the Local Authority, 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. However, I wish to advise the Board that the purpose of the Derelict Sites Act 1990 (as amended) is not primarily linked to the provision of social housing.

7.5.5. In consideration of the above, I am satisfied that the Local Authority has considered certain alternative means of meeting the community need (i.e. the provision of social housing), and I am satisfied that the acquisition of this derelict, unfinished and vacant property will facilitate the provision of social housing in an area of high demand

## **8.0 Recommendation**

8.1. The Local Authority have demonstrated a pressing need for the increase of social housing provision in the Portlaoise area, and the acquisition of long-standing unfinished, vacant and derelict 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 Laois County Development Plan 2017-2023 and the Portlaoise Local Area Plan 2018 - 2024. The proposed acquisition would allow for a comprehensive redevelopment and regeneration of an area subject to vacancy and dereliction. I am satisfied, having regard to the facts of this case, that adequate justification has been put forward by the Local Authority for the purpose nature and extent of the acquisition of this private property. I am satisfied that the process and procedures undertaken by the Local Authority have been fair and reasonable and that Laois County Council has demonstrated the need for the CPO and that the property being acquired is both necessary and suitable. I consider that the proposed acquisition of the subject property would be in the public interest and the common good and would be consistent with the policies and objectives of both strategic and statutory planning policy.

- 8.2. In summary, I am satisfied that the subject property is required by the Local Authority for the purposes of performing its statutory functions, that it is needed for the purposes of the Housing Act 1966 namely, and that the requirements of the Third Schedule have been complied with. I therefore recommend the Board CONFIRM the Compulsory Purchase Order based on the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having considered the objection made to the compulsory purchase order, the purpose for which the lands are being acquired as set out in the compulsory purchase order and also having regard to the following:

- The documentation on file including the case made by the Local Authority;
- Laois County Development Plan 2017-2023.
- Portlaoise Local Area Plan 2018 – 2024.
- Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016 and associated Circular letters PL8/2016 and PL7/2017;

The Board is satisfied that, in this instance, the acquisition by the Local Authority of the property 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.

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Brendan Coyne  
Planning Inspector

21<sup>st</sup> May 2021