



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313373-22

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<b>Development</b>	Compulsory Purchase Order No. 3 of 2022, 53 South Green, Arklow, Co. Wicklow
<b>Location</b>	53 South Green, Arklow, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Applicant(s)</b>	Wicklow County Council
<b>Type of Application</b>	Compulsory Purchase Order under Section 216 of the Planning and Development Act, 2000, as amended
<b>Objector</b>	Henry Barber
<b>Date of Site Inspection</b>	19 <sup>th</sup> August 2022
<b>Date of Oral Hearing</b>	16 <sup>th</sup> September 2022
<b>Inspector</b>	Ian Boyle

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## 1.0 Introduction

- 1.1. This is an application by Wicklow County Council (WCC) for confirmation by the Board of a Compulsory Purchase Order (CPO) for a property at No. 53 South Green, Arklow, Co. Wicklow (Y14 XR96).
- 1.2. The order was made pursuant to Section 11 of the Local Government (No 2) Act 1960 as substituted by section 86 of the Housing Act 1966 as amended by section 6 of the Second Schedule of the Roads Act 1993 as amended by the Planning and Development Acts 2000 to 2021.
- 1.3. The Board received a single objection to the CPO from the landowner, Henry Barber. This report considers the issues raised in the objection submitted to the Board and more generally the application to acquire the property.
- 1.4. There is a concurrent CPO for the adjoining property west (No. 53A South Green, Arklow, Co. Wicklow), and this is within the same ownership as the subject site.
- 1.5. No. 53A was built onto the side of No. 53 some years ago and is also vacant. It has never been occupied.

## 2.0 Site Location and Description

- 2.1. The subject site is at No. 53 South Green, Arklow, Co. Wicklow (Y14 XR96), roughly 200m east of Arklow town centre (Main Street). It is within a residential area and accommodates a two-storey, mid-terrace house, which is one of a series in a row. The dwelling was vacant at the time of the site inspection. The roof looked to be intact. There was no evidence of fire damage or of the property being left open or unsecure thus making it vulnerable to trespass.
- 2.2. The front (north side) of the property faces onto a residential street and the rear of the house (south) is on to a narrow laneway. The front gate to the property was decaying, in poor condition and hanging off its hinges at the time of inspecting the site. It was also unlocked and left open.
- 2.3. The front garden was in reasonable condition with no evidence of significant damage or deterioration. However, it is evident that it has been left idle for a prolonged period. The space was untended and covered with thick weeds and various other

pieces of discarded debris. The footpath leading to the front door was also partly damaged and overgrown.

- 2.4. There is a small garden at the rear of the house which is enclosed by a block concrete wall. The garden was not accessible at the time of completing a site inspection.

## **3.0 Policy Context**

### **3.1. Arklow and Environs Local Area Plan 2018 - 2024**

#### **Zoning**

The subject site is zoned 'RE – Existing Residential' under Arklow and Environs Local Area Plan 2018 – 2024 ('LAP'), which seeks 'to protect, provide and improve residential amenities of existing residential areas'.

The description for this zoning is that it seeks to provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity.

### **3.2. Wicklow County Development Plan 2016-2022**

#### **Chapter 3 - Settlement Strategy**

The Development Plan identifies Arklow as a Large Growth Town II (Level 3) under Chapter 3 of the Wicklow County Development Plan 2016 -2022.

Under the heading 'role and function' it is stated that traditionally, Arklow has been an economically active town with a high dependence on manufacturing and construction. However, employment in these sectors has been affected by the economic downturn of recent times. The town also has a strong commuter-based workforce, travelling principally to Dublin. With completed and planned infrastructure improvements including the N11 upgrade and forthcoming new Arklow Wastewater Treatment Plant, the town is poised for development.

## **Chapter 4 - Urban Regeneration and Housing**

### *Objective HD19*

*In many settlements in the County, there are sites and areas in need of development and renewal, in order to prevent:*

- a) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,*
- b) urban blight and decay,*
- c) anti-social behaviour, or*
- d) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses*

*It is an objective of this plan to encourage and facilitate the appropriate development of such sites / lands and all available tools and mechanisms, including the Vacant Site levy, may be utilised to stimulate such development.*

### **3.3. Draft Wicklow County Development Plan 2021-2027**

#### **Background**

The Draft Wicklow County Development Plan 2022 – 2028 was adopted at a special Council meeting on the 12<sup>th</sup> September 2022.

At the time of writing this report, the Draft Development Plan (2022 – 2028) was expected to take effect near the end of October 2022.

Objective HD19 (see above) of the current Wicklow County Development Plan (2016 -2022), and which is referenced by the Local Authority in their submission in support of the proposed CPO, is included in the Draft Wicklow County Development Plan (2021-2027) as Objective CPO 6.3.5 (see below).

#### **Chapter 4 Settlement Strategy**

##### *Objective CPO 4.6*

*To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.*

Objective CPO 4.9

*Target the reversal of town and village centre decline through sustainable compact growth and targeted measures that address vacancy, dereliction and underutilised lands and deliver sustainable renewal and regeneration outcomes.*

**Chapter 5 Placemaking for Town and Village Centres**

Objective CPO 6.3.5

*In many settlements in the County, there are sites and areas in need of development and renewal, in order to prevent:*

- e) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,*
- f) urban blight and decay,*
- g) anti-social behaviour, or*
- h) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses*

*It is an objective of this plan to encourage and facilitate the appropriate development of such sites / lands and all available tools and mechanisms, including the Vacant Site levy, may be utilised to stimulate such development.*

**3.4. Wicklow Vacant Home Action Plan 2017**

- 3.4.1. The Wicklow Vacant Home Action Plan 2017 was made by Wicklow County Council following the issuing of Circular PL7/2017 (see Section 3.4 below). In the introduction section, it is recognised that *‘a key strand of central government policy on dealing with the current Housing Crises is action to deal with vacant homes with the objective of bringing vacant properties back into occupation’.*
- 3.4.2. The main objective of the Action Plan is to increase the supply of housing across all sectors – private rented accommodation, owner occupied and social housing. The incentives available to assist in bringing vacant homes back into use include:

- Repair and Leasing Scheme – provides up to €40,000<sup>1</sup> to an owner to bring a home which has been vacant for at least 12 months, up to the standard required by the Housing (Standards for Rented Houses) Regulations 2017 in exchange for leasing the property to the Council for up to 20 years (depending on level of funding supplied) for social housing.
- Rental Accommodation Scheme
- Housing Assistance Payment

### 3.5. **Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016**

- 3.5.1. 'Rebuilding Ireland' was published by the Department of Housing, Planning, Community and Local Government in 2016. It states that it intends to 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.
- 3.5.2. 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'.
- 3.5.3. 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'*.
- ### 3.6. **Department of Housing, Planning, Community and Local Government Circular, PL8/2016, 2016**
- 3.6.1. The Local Government Circular followed the publication of 'Rebuilding Ireland' - and relates to the identification of planning measures to enhance housing supply.

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<sup>1</sup> Wicklow County Council confirmed during the Oral Hearing that This figure has since been increased to €60,000.

3.6.2. 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.

3.7. **Department of Housing, Planning, Community and Local Government Circular, PL7/2017**

3.8. This Circular reminded local authorities of the overall strategy of bringing vacant homes back into use as quickly as possible.

3.9. The circular advised the adoption of Vacant Home Action Plan and includes the option of using the CPO process to acquire suitable homes as part of a strategy to address the matter of vacant private houses.

4.0 **Application of CPO**

4.1. The stated purpose of the CPO is to acquire compulsorily a residential property for the purposes of renovating and using it as a social dwelling.

4.2. The subject property is described in the schedule to the CPO as 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. In other words, according to the CPO, the house is in reasonable condition and generally fit for human habitation.

4.3. The house is 2-storey dwelling and the overall property is approximately 178sqm.

4.4. The dwelling has been vacant for over twenty years, and it appears to be in good repair. It is in an area of high housing demand within walking distance of Arklow town centre and its many amenities.



## 5.0 **Objection**

### Context

- 5.1. The objector is the owner of the house, Mr Henry Barber, and he is represented by W.R. Joyce and Co. Solicitors.
- 5.2. Mr. Barber is also the owner of the adjoining property, 53A South Green, and which is also the subject of a concurrent CPO process that has been initiated by the Local Authority.

### Objection

- 5.3. The main issues raised are as follows:
  - There is a specific plan for both houses. Both the objector and his wife are 87 years of age and are living approximately 4 to 5 miles outside Arklow town; their age and state of health is such that they are nearing the point where it will be no longer feasible for them to reside outside the conurbation and will have to live close to services.
  - Their plan is to return to live in No. 53A South Green and their daughter, who is currently living in Edinburgh, will return and live in No. 53 South Green. This is to be at hand to assist her parents in their twilight years.
  - The objection is lodged under these circumstances. I.e. The house will be shortly required for his own use and occupation.
  - No. 53A has a wet-room toilet connected to a downstairs bathroom, which makes it appropriate for people with mobility issues.

## 6.0 **Response to the Objection**

- 6.1. The Local Authority made the following points in their response to objection:
  - The objector states that it is his intention to move into the subject property, No. 53A South Green, in the near future. This is to be closer to the various facilities and amenities available in Arklow town centre, which would be within walking distance.

- The objector states that his daughter intends to move into No. 53 South Green in the future, so that she can provide care for her parents (Mr and Mrs Barber). However, it is unclear if and when this will occur. The Local Authority has engaged with Mr. Barber in connection with the vacancy of the dwelling over several years. It remains unoccupied, which is tantamount to land hoarding and, therefore, contrary to public policy having regard to the pressing demand for housing in the area.
- The compulsory purchase of the subject dwelling is consistent with government and local policy, including the Arklow and Environs Local Area Plan 2018-2024 and the Wicklow County Development Plan 2016 – 2022.
- The Local Authority is actively advancing measures in respect of similarly vacant properties and is currently in the process of acquiring 15 no. other vacant dwellings. 8 no. of these are now entering the possession of Wicklow County Council. The rest are at various stages of negotiation to purchase by agreement from receivers or are scheduled for Oral Hearings with An Bord Pleanála.
- There is a pressing community need for housing that could be met by the acquisition of the subject property. There are no alternative vacant houses in Arklow that are suitable, except for those which are also in the process of being acquired by the Local Authority.

## 7.0 Assessment

This assessment considers the issues raised in the written objection submitted to the Board, the points made at the Oral Hearing (OH), and the four general principles to be applied in assessing CPOs of this nature, which are:

- There is a **community need** to be met by the acquisition of the property.
- The particular **property is suitable** to meet the community need.
- The works carried out accord with the **relevant Development Plan** made in accordance with the Planning and Development Act(s).
- Any **alternative methods** of meeting the community need.

## 7.1. Community Need

- 7.1.1. The Local Authority states that there is significant demand for social housing in County Wicklow. This was outlined in their submission during the Oral Hearing where it was stated that there is a distinct lack of available housing in Arklow and within the county, generally.
- 7.1.2. By way of providing background information regarding the number of households nationally who qualify for social housing, I refer to the 'Summary of Social Housing Assessments 2021 (Key Findings)', which states that in total the number of households qualified for social housing support was 59,247 nationally.
- 7.1.3. The Mid-East (Louth, Kildare, Meath and Wicklow) had 7,953 households identified as being qualified for social housing support. This figure was down by 4.4% (370 households) on the 2020 assessment. This region continues to account for 13.4% of the national figure. However, the decrease in qualified households for Wicklow dropped only from 2,192 no. to 2,128 no. households (- 64 no.), which is a slight reduction in the order of 2.9%. Accordingly, it is clear to me that there is a demonstrable and urgent need for social housing provision both nationally and in the Mid-East region.
- 7.1.4. In relation to national policy, I note that housing needs are, in part, set out in the Action Plan for Housing and Homelessness adopted by the Government in 2016. This policy recognises that there is a chronic lack of housing supply in the State. The Plan states that its core objective is to 'ramp up of delivery of housing from its current under-supply across all tenures to help individuals and families meet their housing needs, and to help those who are currently housed to remain in their homes or be provided with appropriate options of alternative accommodation, especially those families in emergency accommodation'.
- 7.1.5. There are several pillars supporting the objective of bringing up additional housing supply. Pillar 5 is particularly relevant as it seeks to ensure that existing housing stock is used to the maximum degree possible – focusing on measures to use vacant stock to renew urban and rural areas. Pillar 2 states that it is an objective to provide funding to local authorities for the provision of social housing by means of construction and acquisition. The reference to 'acquisition' is particularly relevant in the context of this proposed CPO case.

- 7.1.6. The National Vacant Housing Reuse Strategy 2018-2021 also includes several objectives, including to bring forward measures to the greatest degree possible that vacant and underused privately owned properties are brought back to use. One step in achieving this objective is for local authorities to adopt a Vacant Homes Action Plan. Such a Plan should examine the potential for greater use of legislative powers available to local authorities to reactivate vacant dwellings, including compulsory purchase orders.
- 7.1.7. I note that Wicklow County Council adopted a Vacant Homes Action Plan in 2017. The Plan lists incentives that are available to homeowners of vacant properties to bring them back into use, including the provision of financial supports under the repair and leasing scheme, the buy and renew scheme, the purchase of vacant homes under CPO legislation, the rental accommodation scheme, and housing assistance payments.
- 7.1.8. However, the Objector has decided not to pursue any of these options. This is despite multiple contacts from the Local Authority by telephone and through written correspondence over the past three to four years, inclusive. He has been made aware of the Repair and Leasing Scheme, for example, but is not interested in availing of the programme. [The stated reason for this is that the property may be needed by him, or a family member, at short notice given his advancing years. See 7.2.6 – 7.2.9 below for further details.]
- 7.1.9. The Local Authority's submission at the Oral Hearing was that as of the 15<sup>th</sup> of August 2022, there were 1,084 households with live applications for social housing who had indicated Arklow as their first, second or third preferred area. The housing need for three-bed family accommodation is 191 no. households.
- 7.1.10. The Council also stated that most households have been awaiting allocation of social housing for years, in many cases over a decade. For example, the household at the top of the waiting list for allocating a 2-bedroom house in Arklow has a waiting time of roughly 13 years.
- 7.1.11. In summary, I conclude that there is a lack of available housing to meet existing community housing needs across the country and that each local authority, including Wicklow County Council, is required by national policy to pursue measures in tackling this deficit in supply.

- 7.1.12. Wicklow County Council has therefore put in place the local policy framework to implement national guidance. This includes the Wicklow Vacant Home Action Plan 2017 and I note that a Vacant Homes Officer has been appointed to help deliver its various actions arising.
- 7.1.13. In my view, there is severe shortage of housing supply that is suitable for households classified as vulnerable in the Arklow area and that, despite this, the subject property has remained vacant for a sustained and very substantial period of time. The property, because of its relatively large size as a three-bedroom house with a front and rear garden and its proximity to Arklow town centre would be appropriate for vulnerable household. I reiterate that contemporary national policy has issued a mandate to local government to reverse the dual problems of housing undersupply and long-term property vacancy within the State, and that introducing the property back into viable use would be consistent with each of these policy objectives.
- 7.1.14. Therefore, having regard to the public policy response to the shortage of housing, the particular level of homelessness in the administrative area of Wicklow County Council, and the type, location and nature of the house that is the subject of this proposed CPO, it is my opinion that there is a clear and established community need for which the purchase of this house would help meet. I note also that this particular house (No. 53A) has been vacant for a very significant period of time – almost twenty years – and has never actually been occupied since its construction.

## 7.2. Suitability of the House

- 7.2.1. A second criteria for considering the CPO is the suitability of the house to meet community need.
- 7.2.2. The subject property is approximately 200m east of Arklow town centre. It is within an established residential estate and zoned 'RE – Existing Residential' under Arklow and Environs Local Area Plan 2018 – 2024 ('LAP'), which seeks *'to protect, provide and improve residential amenities of existing residential areas'*.
- 7.2.3. There are no special designations affecting the site and there are no apparent development constraints. In terms of built heritage, there are no Protected Structures, National Monuments or ACAs in the vicinity, and no sites / zones of archaeological interest.

- 7.2.4. The Local Authority confirmed following questioning during the Oral Hearing that a structural survey has not been completed for the subject property. Neither is there a conditional survey available to definitively establish whether the property is capable for being rendered fit for human habitation at reasonable expense. However, I note that the Local Authority has identified the property to be in 'good condition' as stated within the report prepared by the Council's Vacant Housing Officer (signed 14<sup>th</sup> February 2022) and this tallies with my own physical inspection undertaken on 19<sup>th</sup> August 2022.
- 7.2.5. I further note that in response to the question regarding the approximate cost of restoring and refurbishing the property for habitable use, the Vacant Homes Officer of the Local Authority stated that the estimated cost of refurbishment would likely be in range between €30,000 - €40,000 and that mainly only cosmetic works would be required to bring the residential unit back into use. Again, I have no reason to believe otherwise and note that the house and wider property appeared to be in reasonable condition.
- 7.2.6. Therefore, if the subject property were to be acquired by the Local Authority, it could be restored to a habitable condition relatively easily in my view. It would then form part of the Council's social housing stock and serve a household that currently needs accommodation. Accordingly, the property would be appropriate for the use proposed by the Local Authority, subject to its restoration and refurbishment. I also note that it is the intention of the objector, Mr. Barber, to restore and refurbish the subject property.
- 7.2.7. However, considering the information before me, both on the file and of that presented during the Oral Hearing, there appears to be little or no progress made in terms of delivering on this plan and for any such move between places of residence actually occurring. Furthermore, the anticipated time for which Mr Barber and his wife intend to move into No. 53A is undetermined. There is no specified timeframe, other than that he has stated he is rapidly reaching the point of needing to move house and that this will possibly occur in the next two or three years.
- 7.2.8. In relation to the issue of whether either house could have been rented out or occupied temporarily over the past number of years, I note that Mr Joyce (the Objector's solicitor) stated that it was Mr Barber's intention to have the house

available at short notice, should he and his wife need to move into it urgently. In this regard, and in response to questioning during the Oral Hearing, I note that a limited amount of preparatory works has taken place that might ready No. 53A for persons with mobility or disability issues. No handrails, access ramps, stair lift, etc. have been installed. I also note that no evidence or verbal admissions relating to the purchase of materials to carry out maintenance or repairs of the property were referenced during the Hearing and that the mainstay of the objector's argument remained centred on the somewhat vague plan of moving from the current house and into subject property at some future point ('roughly two to three years').

- 7.2.9. I acknowledge that the objector stated during the Oral Hearing that any efforts to renovate the property were undermined by various personal and family related illnesses over the past few years and by the intervention of the Covid-19 related restrictions. However, I note that the property has been vacant for many years and well in advance of the emergence of C19. The Local Authority has also made regular contact with the objector over a three to four-year period, making him aware of various financial schemes and grants that would assist in bringing the dwelling back into use. Therefore, I do not accept that the intervention of Covid-19 was a significant obstruction to implementing any remedial works as both houses were basically in the same condition before as after the pandemic.
- 7.2.10. Having inspected the site, I would agree that the dwelling, whilst in need of restoration work, is in good condition generally and capable of being made habitable with a moderate level of investment from the Local Authority. I am, therefore, satisfied that the site is capable of being made good for the purposes of providing a social housing unit, and I consider this to be a wholly appropriate use of this dwelling unit, which is in a zoned and established residential area.
- 7.2.11. I conclude that given the relatively tranquil nature of the street, the proximity of the house to community facilities, amenities (including educational facilities and a small playground) and transport infrastructure, and the privacy of a terraced house with a front and rear garden, that the house is suitable to meet the housing need as identified by Wicklow County Council.

### **7.3. Compliance with Government Housing Policy and Local Policy**

- 7.3.1. I refer the Board to Section 3 above, which outlines the planning policy context for the subject property. There are various strategic and statutory policies that support bringing vacant residential sites back into viable use.
- 7.3.2. Having 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 purposes would accord with the zoning by protecting, providing and improving the residential amenities of existing residential areas.
- 7.3.3. The proposed CPO would also be in accordance with Objective HD19 of the Wicklow County Development Plan (2016 -2022)<sup>2</sup>, which states that ‘in many settlements in the County, there are sites and areas in need of development and renewal to prevent a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses’. The objective seeks to prevent any adverse effects on existing amenities in such areas, particularly as a result of the neglected condition of any land or because of urban blight and decay. It also states that the Council should encourage and facilitate the appropriate development of such sites / lands and that all available tools and mechanisms, including the Vacant Site levy, may be utilised to stimulate such development.
- 7.3.4. The renovation of the house for social housing would contribute to Objective CPO 4.9 of the Draft Wicklow County Development Plan (2021 – 2027), which seeks to target the reversal of town and village centre decline through sustainable compact growth and targeted measures that address vacancy, dereliction and underutilised lands and deliver sustainable renewal and regeneration outcomes.
- 7.3.5. There is also a clear endorsement and mandate from central government, across several national policy documents, which supports the compulsory purchase of vacant properties and the utilisation of existing building stock to help resolve the housing crisis.

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<sup>2</sup> The Draft Wicklow County Development Plan 2022 – 2028 was adopted at a special Council meeting on the 12<sup>th</sup> September 2022. At the time of writing this report, the Draft Wicklow County Development Plan (2022 – 2028) was expected to take effect near the end of October 2022.



- 7.3.6. While I acknowledge the Objector has a plan for himself and his wife to move into the unit at some future point, I reiterate that this timeframe remains open-ended and that there is no firm strategy in place for when this transition might occur. There is no doubting the bona fides of the Objector and his stated intent to relocate from his current place of residence, which is outside of the town. However, the fact cannot be ignored that the subject property has been left unoccupied for a significant and sustained period of time, and that no real progress, of any kind, has been made by either the Objector, or his family members, in terms of commencing or facilitating a move.
- 7.3.7. In my opinion, having regard to the residential zoning of the site and various objectives outlined in both the current and Draft versions of the County Development Plan, which seek to address vacancy, dereliction and underutilisation of lands, and that of that set out in national policy documents, I consider that the purchase of the subject property by the local authority, and bringing it up to a habitable standard, would accord with the relevant settlement and urban regeneration policies outlined in the County Development Plan.

#### **7.4. Alternative Methods Assessed**

- 7.4.1. Given the protection afforded to private property ownership in Ireland, the compulsory acquisition of any property should generally be seen as a last resort. The Local Authority should, therefore, be required to show how they have considered other alternatives first and prior to initiating the CPO process. In this regard, the onus is on the Local Authority to demonstrate that alternative methods are not available to them. This was explored at the Oral Hearing.
- 7.4.2. As noted in Sections 7.1.1 to 7.1.4 above, the Local Authority is under significant pressure to deliver social housing across the County. It is clear that there is an urgent need for social housing provision both nationally and across the county. In relation to Arklow itself, I note that it is recognised as an area of high demand where a total of 191 no. households have live applications in train / are waiting for social housing provision.
- 7.4.3. In response to whether the Local Authority had considered using other powers available to them to provide social housing, the response was that given the demand

for social housing the Local Authority had attempted to use a range of measures to bring the property in question back into occupation. This includes attempts by the Council's Vacant Housing Officer to reach agreement with the owner to purchase the subject house, and to bring it back into use, by implementing various schemes and initiatives, including the repair and lease scheme. This was unsuccessful, however, and the owner was not interested in pursuing such options.

- 7.4.4. It was also noted by the Council that there are no other alternative vacant houses in Arklow that are suitable for compulsory acquisition, except for those which are already in the process of being acquired by the Local Authority – the rest being at various stages of negotiation to purchase by agreement.
- 7.4.5. The Local Authority emphasised the point during the OH that the proposed CPO is fully consistent with national and local planning policy and particularly noted Sections 4.3 and 4.9 of the Government's 'Housing for All' policy document which advocates for a major programme of compulsory purchase orders to be activated by Local Authorities. This is to purchase vacant properties and with a view to resolving the housing crisis and that consideration should be given to every viable and sustainable option that is available.
- 7.4.6. The Local Authority also noted during the Hearing that there are limiting factors for new housing construction in the Arklow due to the lack of a wastewater treatment plant serving the town. A new treatment plant will not be commissioned until 2025. The point was made, however, that both properties (Nos. 53 and 53A) are connected to the public water and wastewater networks.
- 7.4.7. Given the various discussions and submissions made at the Oral Hearing in relation to the continued vacant status of the property, and the apparent lack of any firm progress or timeframe for readying the house for the purposes of being inhabited, it would appear to me that the uncertainty and delays experienced to date show no immediate signs of resolution. It is under these circumstances that I accept that the proposed acquisition of the subject property is the most reasonable route to progress matters, particularly as the Local Authority has demonstrated that options other than CPO have been explored and ruled out.
- 7.4.8. In summary, I am satisfied that there is no other viable alternative method available which would help meet the pressing need for housing in this case.

## 8.0 Recommendation

8.1. I recommend that the Board confirm the Compulsory Purchase Order based on the reasons and considerations set out below.

## 9.0 Decision

9.1. Having considered the objection made to the Compulsory Purchase Order, the report and recommendation of the Inspector who conducted the Oral Hearing into the objection, the purposes for which the subject house is to be acquired and having regard to the following.

- The Action Plan for Housing and Homelessness ('Rebuilding Ireland') (Department for Housing, Planning, Community and Local Government July 2016),
- The National Vacant Housing Reuse Strategy 2018-2021 (Department for Housing, Planning, Community and Local Government July 2018),
- The Wicklow County Development Plan 2016-2022,
- The Arklow and Environs Local Area Plan 2018 – 2024, and
- The Wicklow Vacant Homes Action Plan 2017,

the Board is satisfied that, in this instance, the acquisition of the property at No. 53 South Green, Arklow, Co. Wicklow as set out in the Order and on the deposited map has been justified and is necessary for the purposes stated.

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Ian Boyle  
Planning Inspector

21<sup>st</sup> September 2022

## **Appendix 1: Proceedings of the Oral Hearing**

### **Background**

An Oral Hearing (OH) was held on 16<sup>th</sup> September 2022 in relation to the proposed compulsory acquisition of No. 53 South Green, Arklow, Co. Wicklow (Y14 XR96). It was held remotely at the offices of An Bord Pleanála using Microsoft Teams Software. The following were in attendance and made submissions at the Oral Hearing.

#### **1. On behalf of Wicklow County Council (WCC)**

##### Submissions made by:

- Liam O'Connell – Barrister at Law (BL), representing WCC
- John Dunphy – Chartered Engineer – Vacant Homes Officer (WCC)

##### Also in attendance:

- Helena Fallon – Senior Engineer – Housing & Corporate Estate (WCC)
- Dorothy Kennedy – Law Agent (WCC)

#### **2. Submissions on behalf of the Objector**

- Richard Joyce – WR Joyce & Company Solicitors, representing Henry Barber
- Henry Barber (Objector and property owner)
- Catherine Barber
- Sarah Barber

#### **3. Opening of Oral Hearing**

The Inspector formally opened the hearing at 10.02am.

Following some introductory remarks, it was requested that the Local Authority make its formal submission.

#### **4. Submission by Wicklow County Council**

- Mr. O'Connell, BL for the Local Authority, and Mr. Dunphy (WCC) opened by indicating who was present to give evidence on behalf of the Local Authority.

- Mr O’Connell (barrister representing WCC) went on to set the context for the CPO and explained that it is for purposes of renovating the subject property / dwelling to utilise it for social housing as per the Housing Acts (1966-2014). It was stated that the house is in an area with a high housing demand and within walking distance of Arklow town centre, with the amenities and services it offers, including a shopping centre, schools, shops, post office, GP medical centre, sporting facilities and religious places of worship.
- Mr O’Connell described the formal CPO process undertaken to date, including the formal notice procedure undertaken, and briefly summarised the objector’s grounds of objection / concerns. The community need for social housing both in Arklow and the wider County was described.
- It was stated that there is no development or building works proposed to be carried out to the property, other than interior renovations to bring it up to the necessary standard to accommodate tenants.
- Mr O’Connell then proceeded to outline the various legislation and policy documents which support the acquisition of vacant homes for social housing purposes, including national policy and strategy documents, Local Government Circulars, the Wicklow County Development Plan 2016 – 2022 and the Arklow Environs Local Area Plan 2018 – 2024. Reference was also made to the Draft Wicklow County Development Plan 2022 – 2028 and that this was adopted at a special Council meeting on the 12<sup>th</sup> September 2022.
- In particular, ‘Rebuilding Ireland (2016)’ was noted as the basis of public policy in relation to vacant homes with a view to securing the delivery of 47,000 social housing units by 2021. Pillars 2 and 5 of this national policy require local authorities to identify vacant homes and to bring them back into use. The ‘National Vacant Houses Re-Use Strategy (2018 – 2021)’ requires local authorities to adopt a specific policy in relation to getting vacant homes back into use. WCC stated that the CPO process is one of the powers available to local authorities to acquire identified vacant homes. Additionally, vacant homes are acquired by Wicklow County Council through voluntary agreement. Chapter 4 of the County Development Plan refers to Urban Regeneration and Housing and Policy HD19 was referenced (see Section 3.2 above).

- In terms of alternative methods, Mr O’Connell noted that there limiting factors for new housing development in the Arklow area due to the lack of a wastewater treatment plant serving the town. It was highlighted that a new treatment plant at North Quay Arklow is currently under construction but will not be commissioned until 2025. Therefore, it was stated that the proper utilisation of existing housing in Arklow is of particular importance, particularly where there is a pressing housing need. It was confirmed that the subject properties are connected to the public water and wastewater networks.
- Other vacant houses have also been looked at the Council and the subject property has not been singled out. All properties that are suitable for social housing in Arklow, and which are vacant, are being pursued and the Council has initiated a CPO process where it has been deemed appropriate to do so. The Council has attempted to reach agreement with the owner to purchase the subject house and to bring the unit back into use by implementing various schemes and grant initiatives, including the repair and lease scheme, but this has proven unsuccessful.
- The Inspector questioned the status of the Draft Wicklow County Development Plan 2022 – 2028. WCC confirmed that the Plan had been adopted by the Council’s elected members on Monday, 12<sup>th</sup> September 2022. The Inspector then questioned if Policy HD19 of the current CDP had been retained under the forthcoming CDP. WCC confirmed that this was the case but that the objective had been retitled to ‘Objective CPO 6.3.5’ (Chapter 6).

## **5. Submission by Objector**

- Mr. Joyce opened after the break and confirmed that the objector’s daughter, Sarah Barber, intends to move into No. 53 South Green at a future point to assist her parents (Mr and Mrs Barber) who, as set out in the objection, are nearing a point where living on a large property outside the town is no longer feasible.
- No. 53A, which is the intended property for Mr and Mrs Barber to move into, had been specifically designed to include a wet-room toilet that is connected to a downstairs bathroom. This makes it appropriate for people with mobility issues.

- Mr Barber is in a financial position to put both houses into repair.
- The two houses have been designed and occupied to allow people to live side-by-side.
- The objector intends to move into the house in the next two to three years and should be permitted to retain the houses for this reason.
- Mr Barber stated that it has always been his plan to move into the town. It was also stated that after a burglary at No. 53A it was felt that it would not be sensible to renovate the house as several items has been stolen. It was felt that this could happen again.
- Mr Barber stated that it now is becoming apparent that he is nearing a point where physically he would need to move close to town and that he is in funds to renovate both houses to the required standards.
- Mr Barber confirmed that the CPO process has focused his mind and convinced him that he now needs to start making the houses ready for his intended move.
- Ms Sarah Barber confirmed that she intends to move into No. 53 and that given her circumstances, and job as a self-employed artist, her relocation to this property from abroad could happen very quickly. The intention being to look after her parents in their advancing years.

## **6. Questioning between Parties**

- Mr Joyce confirmed no further questions.
- Mr O'Connell (WCC) confirmed no further questions.
- Mr Dunphy (WCC) noted that another property on the street (No. 30 South Green) had become vacant in 1997 and that WCC were required to CPO it to bring it back into use after a prolonged period of vacancy. In response, Mr Joyce stated that every case is different and that the example provided by WCC is a separate case, which should have no bearing on the current proposal.

## **7. Closing Comments**

- Mr Joyce closed with saying that Mr Barber has put in place a plan for old age and to suit his needs. If the CPO is confirmed, and he is required to move into the town, he will have to find another suitable house, which would be almost impossible given the lack of supply and his particular requirements. Despite the needs of the greater community, which are fully understood and accepted, the balance of needs would have to come down in favour of Mr Barber and his wife for the reasons outlined.
- WCC closed with reiterating the national policy theme in that there is an urgent need to address the chronic lack of housing supply and levels of vacancy across residential properties within the State. This is apparent in Arklow town centre, and the Local Authority are responding accordingly. There is a clear and demonstrable housing need in the locality. The site is near the town centre, transport links and services. The CPO is consistent with various public policy documents, the Wicklow Vacant Home Action Plan, and Chapter 4 of the current Wicklow County Development Plan. Vacant properties are damaging to the wider area, particularly urban areas, and allowing them to contribute to the housing stock in this area meets Government housing policy.
- The objector appears to have a bona fide intention of moving into the property at a later stage. However, policy does not support such a use of property in this manner, which is the equivalent of land-hoarding, in an urban centre. There is no defined timeframe for when the move may take place and the property has been vacant for over two decades.
- Both properties (Nos. 53 and 53A) have layouts and characteristics making them suitable for use as separate residential units. However, there is also a pressing need for four and five-bedroom houses for social housing purposes and it would be possible to combine the units at a reasonable cost.

## **8. Closing of Oral Hearing**

- The Inspector made some brief final comments and closed the Oral Hearing.