



An  
Bord  
Pleanála

## Inspector's Report ABP-319777-24

---

### Development

Application for consent for compulsory acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act 1990, as amended

### Location

Shamrock Place, Tramore, County Waterford.

### Local Authority

Waterford and City County Council

### Notice Party

Greg Meyers

### Date of Site Inspection

31<sup>st</sup> July 2024

### Inspector

Frank O'Donnell

## **1.0 Introduction**

- 1.1. This case relates to a request by Waterford City and County Council for the consent of An Bord Pleanála to the compulsory acquisition of the subject site at Shamrock Place, Tramore, County Waterford, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

## **2.0 Site Location and Description**

- 2.1. The property which is the subject of this CPO (referred to hereafter as the 'subject property') is located at Shamrock Place, Tramore, County Waterford. The subject property comprises a derelict and vacant two storey building and has a stated area of 0.0117 hectares (117 sqm).
- 2.2. The subject property comprises a partially complete two storey residential structure which fronts onto a private laneway to the west. The external western and southern elevations comprise exposed block walls. The partially complete building is constructed to the site extremities. There are existing residential properties to the immediate north, east and south of the subject property.
- 2.3. The subject property is not listed as a Protected Structure and not listed on the National Inventory of Architectural Heritage (NIAH). It is noted that the property further to the east, no. 22 Queen Street, is listed as a Protected Structure (Ref. WA750255, NIAH Ref. No. 22816142) and that other properties locate further to the north east, no's 23, 24 and 25 Queens Street, are similarly listed as Protected Structures (Ref. No. WA750254 (NIAH Ref. No. 22816204), WA750261 (NIAH Ref. No. 22816205) and WA750267 (NIAH Ref. No. 22816141) respectively). The site is located within the Architectural conservation Area (ACA) for Tramore.
- 2.4. On the day of my site inspection, the property was closed and unoccupied and I was unable to gain entry to the interior. Based on a comparison of photographs attached to the Local Authority's Derelict Sites Compulsory Acquisition Report (dated 13<sup>th</sup> March 2024) I note there is no significant change to the subject property. I specifically note the following:
  - The overall property is in a poor state of repair.

- The 1 no. window opening and 1 no. door opening on the ground floor of the front (west) elevation were blocked up.
- The 3 no. window openings on the upper first floor on the same front (west) elevation were boarded up.
- There were no window sills installed to the windows on the front (west) elevation.
- The external front (west) and side (south) elevation had an un-plastered block finish.
- No guttering or rainwater downpipes were evident.

### 3.0 Application for Consent for Acquisition

3.1. Waterford City and County Council has applied to the Board for consent to compulsorily acquire the site under Section 14/ 16 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to Waterford City and County Council serving a notice under Section 15 of the Act on the Derelict Sites Act, 1990, as amended, (i.e. advising of the Local Authority's intention to acquire compulsorily under the said Act, the derelict site as described).

### 4.0 Application and Objection

#### 4.1. Notice of Intention to Acquire

4.1.1. Notice of Waterford City and County Council's intention to compulsorily acquire the site was served upon the owners/ occupiers (Mars Capital) dated the 20<sup>th</sup> March 2024 and was published in the Munster Express dated 26<sup>th</sup> March 2024. The site was described in the notices, as follows:

- **All that and those** the property known as **Shamrock Place, Tramore, Co. Waterford, covering an area of 0.0291 acres or thereabouts, in the District Electoral Division of Tramore – Waterford City West** and as more particularly delineated on **Map Ref. CPA 2024 – 04.**

4.1.2. I consider the notices were in accordance with the requirements of Section 15 (1) (a) and (b) of the Derelict Sites Act 1990, as amended.

## **4.2. Objection to Acquisition**

- 4.2.1. 1 no. submission (by and on behalf of the property owner/ reputed owner) expressing objection to the proposed acquisition was submitted to Waterford City and County Council.
- 4.2.2. The objection to the proposed acquisition was submitted by email to Waterford City and County Council by Greg Meyers, dated 29<sup>th</sup> March 2024. The objection can be summarised as follows:
- There is a familial connection with the property which dates back to the late 1960's when the late father of Mr. Meyers is stated to have purchased the old Waterford County Council cottage and its garden at Shamrock Place. The footprint of the derelict cottage matching the total area purchased at the time.
  - The following is stated:
    - Building work commenced in c. 1973 but was stopped by the Local Authority as full planning permission had not been obtained.
    - Several attempts were made to secure planning permission but these fell short owing to the lack of a garden and facilities for the drying of washing.
    - The late Uncle of Mr. Meyers used the property to store wood and tooling in the 1980's. After that the property remained unused.
    - The property was mortgaged in c. 2007 and was linked to a larger more valuable property. The mortgages were later sold on. It seems the mortgage attached to this property has been through several financial institutions in the past 4 years, the most recent of which being Mars Capital. Mr. Meyers access and ability to maintain the property during this time was curtailed during the last 4 years, including during Covid. The property is boarded up at present and Mr. Meyers considers it to be off limits to him thereby preventing any remedial work necessary to maintain the fabric of the building.
    - The derelict property was put up for auction by Mars Capital on 13<sup>th</sup> October 2022. A photo capture of the property from a recognised

national property website on 28<sup>th</sup> September 2022 is provided and they are said to be promoting the Auction.

- The online auction seems to have been taken down before it began.
- Mr. Meyers was phoned by an acquaintance on the day of the auction stating that he was contacted the day before and informed that the auction would not proceed and that no reason was provided. Mr. Meyers states that he did not receive any correspondence in relation to the said auction nor has he received any correspondence from Mars Capital as to the reason the auction did not proceed or seeking any clarification from him.
- The reason for the lack of said contact may be that Mars Capital may not possess a clear title to the property, or that some other impediment may exist.
- Mr. Meyers has instructed his Solicitor to research the property with the intention to ascertain the true state of affairs. Mr. Meyers is prepared to furnish documents when they become available in order to establish whether a process exists to resolve the matter.
- Mr. Meyers states that he is in a difficult position and that he can only hope that his appeal is looked favourably upon.

The email was copied to Mr. Meyers Solicitor.

#### **4.3. Local Authority's Application for Consent**

4.3.1. The Local Authority requests the consent of the Board to the compulsory acquisition of the derelict site. The application for consent was received on 22<sup>nd</sup> May 2024 and included the following:

- Copy of a Compulsory Acquisition Map, Scale 1:500, including 1 no. plot (Plot 101), ref. CPA 2024-04, Drawing no. 001.
- Copy of Derelict Sites (Compulsory Acquisition) Report dated 13<sup>th</sup> March 2024 including 1 no. appendix (Ownership Investigations).
- Copy of Chief Executive Order (Derelict Sites Act, 1990) pertaining to the subject property dated 20<sup>th</sup> March 2024.

- Copy of Notice (Derelict Sites Act, 1990 (as amended by the Planning and Development Act, 2000) dated 20<sup>th</sup> March 2024.
- Copy of An Post Registered Post/ Certificate of Posting 2 no. Registered Letters, dated 25<sup>th</sup> March 2024.
- Copy of extract from the Munster Express Newspaper showing the published Notice dated 26<sup>th</sup> March 2024.
- Copy of an of Objection to the proposed Compulsory Purchase received by the Local Authority by email on 29<sup>th</sup> March 2024 from the Owner/ Reputed Owner.
- Copy of an email acknowledgement of the Objection to the proposed Compulsory Purchase from the Local Authority to the Owner/ Reputed Owner dated 02<sup>nd</sup> April 2024.
- Copy of a cover letter from the Local Authority to An Bord Pleanála pertaining to the subject Compulsory Purchase Acquisition dated 22<sup>nd</sup> May 2024.

4.3.2. The **Derelict Site Report** can be summarised as follows:

- The Derelict Site Report is dated 13<sup>th</sup> March 2024, (Derelict Sites Register: DS23073, Property Management Reference: CPA 2024-No. 04).
- The Report relates to the subject property, Shamrock Place, Tramore, County Waterford. It is stated in the Report that the property is not registered on Land Direct. The property is stated to be a long term vacant and derelict two storey property.
- The Local Authority find that having inspected the property, it is a Derelict Site under Section 3 of the Derelict Sites Act, 1990.
- The Report includes the following Recommendation:
  - *‘Having regard to the observed condition of the property at Shamrock Place, Tramore, County Waterford, in particular the neglected, unsightly and objectionable state, it is considered that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict sites Act, 1990, as amended.*

*Subsequently, it is considered reasonable that the local authority seeks to compulsorily acquire the land as outlined in Figure 1, as provided by Section 14 of the Act.'*

- The Report indicates the Owner/ Reputed Owner as Mars Capital, c/o Jonathan Fitzgerald, PO Box 12546, No. 1 Warrington Place, Dublin 2, D02 HH27.
- The site is described as a long term vacant and derelict two storey property. In particular, the following is stated:
  - The property is neglected, unsightly and has an objectionable appearance from the public road (the surrounding commercial and residential areas).
  - The windows and door opening are blocked up and covered by wood sheeting, the house is unpainted and not plastered.
  - There are no rainwater goods on the property.
  - The property, when viewed from the rear, is in a severe state of dereliction.
  - The internal floors have collapsed.
  - The roof appears to be in a very poor state of repair.
  - The external walls appear to be in a reasonable structural condition with no obvious evidence of significant cracking or damage to the external walls.
- The Report is accompanied by 4 no. photos (Images A to D).
- The Report includes a detailed History of the subject Derelict site/ case. In summary, this includes the following main stages:
  - **18<sup>th</sup> July 2023:** A Section 8 (2) Notice (Derelict Sites Act, 1990) was affixed to the property. No response was received to this notice by the Planning Authority. It is stated that no material change to the condition of the property was undertaken.
  - **15<sup>th</sup> August 2023:** A Section 8 (7) Notice (Derelict Sites Act, 1990) was affixed to the property. The Derelict Sites Team received an email

from Mars Capital on 25<sup>th</sup> October 2023 stating that they had an interest in the property, that it was hoped the Local Authority could purchase the property from them by agreement. It is stated in the Report that upon further investigation relevant documentation in terms of proof of ownership was not provided by Mars Capital and that it was decided to proceed with the Compulsory Acquisition of the property.

#### **4.4. Objector's Submission**

4.4.1. No objector's submission was received by An Bord Pleanála.

#### **4.5. Oral Hearing**

4.5.1. No request has been received for an Oral Hearing.

### **5.0 Planning History**

#### **5.1. Planning History**

- None on file for the application site.

### **6.0 Legislation and Policy Context**

#### **6.1. Derelict Sites Act 1990 (as amended)**

6.1.1. The Derelict Sites Act 1990, as amended, makes provision to prevent land being or becoming a derelict site. Amongst other things, it enables local authorities to require landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

6.1.2. Section 3 of the Act defines 'derelict site' as:

“Any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of—

(a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or

(b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or



(c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law.”

6.1.3. Other relevant provisions of the Act are summarised below:

- Section 8 of the Act requires Local Authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/owners of their intention to do so.
- Section 9 of the Act places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site.
- Section 10 of the Act places a similar duty on Local Authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that any land in their functional area does not become or continue to be a derelict site.
- Section 11 of the Act enables Local Authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.
- Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in its functional area.
- Section 15 sets out arrangements for giving notice if the local authority intends to acquire a derelict site compulsorily.
- Section 16 sets out arrangements if the owner/occupier wishes to object to the acquisition and it provides that if an objection is made, then the derelict site shall not be acquired compulsorily by the local authority without the consent of the Board.

## **6.2. Waterford City and County Development Plan 2022 to 2028**

6.2.1. The subject property is within the defined settlement boundary for Tramore and is zoned Town Centre (TC) on the Tramore Land Use Zoning Map, 2022 to 2028. The

relevant zoning objective for Town Centre lands is *‘provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses.’*

6.2.2. The following policy objectives are of relevance to the subject proposal:

#### Economic Policy Objectives

- **ECON 04:** City and Town Centre First Approach. This Policy Objective seeks to *‘support national policy as stated in Town Centre First: A Policy Approach for Irish Towns (DHLG&H/ DRCD) 2022 across Waterford City and County.’* The Policy states that *‘when considering advancing local authority initiatives, and submitted development proposals, we will adopt a city and town and city centre first approach in a manner consistent with the principles of compact growth and mixed-use development, as committed to in ‘Town Centre First’.* It is further stated in the same policy that the council supports *‘Incentivising the regeneration, upgrading and reuse of underused and vacant building stock.’*
- **ECON 07:** Active Land Management. This Policy Objective seeks to *‘carry out the functions of the local authority in a co-ordinated manner in order to assist in the proactive targeting of underutilised, vacant and derelict lands and buildings, and general building stock, in pursuing the achievement of the policy objectives of this Development Plan).* It is stated that the said policy objective will be achieved/ assisted by a series of measures which include, inter alia,
  - *‘Measures to support the change of use from vacant commercial units to residential, using the Council’s statutory powers, where appropriate, under the Derelict Sites Act 1990 (as amended) and the Urban Regeneration and Housing Act 2015 (as amended).*
  - ....
  - *The acquisition by agreement or compulsory purchase, of vacant, derelict or underutilised sites or buildings, in order to address incidents of urban decay and vacancy, ensure revitalisation and conservation of our built heritage; regeneration of underutilised sites/ buildings, and*

*bring about long-term economic and social/ community development and sustainability;*

*....*

- *Targeted collection and appropriate use of the vacant sites levy as a site activation measure to ensure the beneficial (re)use of vacant land....'*

#### Regeneration Policy Objectives

- **H 06:** *We will utilise our legislative power under the Derelict Sites Act 1990, The Urban Regeneration and Housing Act 2015, as amended and general CPO powers to prevent anti-social behaviour and remove dereliction and vacancy where appropriate.*

#### General Placemaking Policy Objective

- **Place 01:** This Policy Objective includes a number of measures which are of relevance to the subject property and include the following:
  - *Identify obsolete and potential opportunity sites within the City and County and encourage and facilitate the re-use and regeneration of derelict land and buildings in the urban centres.*
  - *Work with landowners and development interests to pursue the potential of suitable, available and viable land and buildings for appropriate development/ renewal.*
  - ....*
  - *Use specific powers, such as the compulsory purchase orders (CPO's) and statutory powers under the Derelict Sites Act 1990 and the Urban Regeneration and Housing Act 2015, as amended, to address issues of dereliction, vacancy and underutilisation of lands in settlements across Waterford.*

## 7.0 Assessment

### 7.1. Site Inspection

- 7.1.1. I carried out my site inspection on 31<sup>st</sup> July 2024. Internal access to the building was not available. I inspected the front and side exterior of the property only from the adjacent laneway to the east. I did not inspect the rear of the subject property.

### 7.2. Category of Dereliction

- 7.2.1. Based on the condition of the subject property which I observed during my site inspection I do consider that the site falls within subsection (a), which relates to structures which are in a ruinous, derelict or dangerous condition. Having inspected the site and reviewed the material on the file, I do not consider that the structure(s) are likely to be in a dangerous condition, but I do consider them to be ruinous. I note in particular the stated condition of the interior of the structure wherein the internal floors are stated to have collapsed. I further note that the roof is stated to be in a very poor state of repair and, in this regard, I note image C of the Local Authority Derelict Sites Compulsory Acquisition Report dated 13<sup>th</sup> March 2024, which clearly shows extensive damage to the roof structure. Therefore, I consider that the condition of this structure results in the property being considered to fall under subsection (a).
- 7.2.2. In respect of subsection (b) of Section 3 of the Act I note that no works have been undertaken to address the indicators of dereliction. I further note the general appearance of the property having a neglected, unsightly and objectionable condition and I consider that the site falls within subsection (b) of Section 3 of the Derelict sites Act, 1990. I particularly note that the subject property is located alongside buildings which are for the most part attractive and well maintained.
- 7.2.3. I do not consider the property falls within subsection (c) of Section 3 of the Act as there was no rubbish evident at the time of my inspection.
- 7.2.4. In conclusion, I consider that the property detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, which in my view, renders it derelict under Section 3 of the Act.

### 7.3. Action of Local Authority

7.3.1. The Derelict Sites Compulsory Acquisition Report of the Local Authority dated 13<sup>th</sup> March 2024 sets out the engagement between the Local Authority and the Owner/ Reputed Owner/s of the property. Under the heading of History of Derelict Site Case the chronology of events includes the following:

- **18<sup>th</sup> July 2023:** The Local Authority state that a Section 8 (2) Notice under the Derelict Sites Act, 1990, was served. It is stated that a copy of this notice was affixed to the property. It is stated that the Planning Authority received no response and that no material change to the condition of the property was undertaken.
- **15<sup>th</sup> August 2023:** The Local Authority state that a Section 8 (7) Notice under the Derelict Sites Act, 1990, was served. It is stated that a copy of this notice was affixed to the property.
- **25<sup>th</sup> October 2023:** It is stated that the Derelict Sites Team received an email from Mars Capital on the 25<sup>th</sup> October 2023 stating that they had an interest in the property. In reference to the said email, the Local Authority state that it is hoped that the Council could purchase the property by agreement. It is further stated that on further investigation, Mars Capital, were unable to provide the relevant documentation of proof of ownership and that the Local Authority then decided to proceed with the Compulsory Acquisition of the property.

7.3.2. A Notice of the Local Authority's intention to Compulsorily Acquire the property under Section 14 of the Derelict Sites Act, as amended, dated 20<sup>th</sup> March 2024, was issued to the Owner/ Reputed Owner (Mars Capital) on 25<sup>th</sup> March 2024 and published in the Munster Express Newspaper dated 26<sup>th</sup> March 2024.

7.3.3. Under Section 10 of the Derelict Sites Act 1990, as amended, it is noted that the Local Authority has a duty '*to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any land situate in their functional area does not become or continue to become a derelict site.*'

7.3.4. I note that in using its powers to Compulsorily Acquire the property, as set out in the Compulsory Acquisition Report, the Local Authority quote relevant policy objective from the Waterford City and County Development Plan, 2022 to 2028. I further note

the Local Authority consider that the Compulsory Acquisition is consistent with current round of funding under the Urban Regeneration and Development Fund (URDF) which is specifically designed to address long term vacancy and dereliction in relevant URDF Towns and Cities to accelerate the provision of residential accommodation. The Compulsory Acquisition of the subject property is also considered by the Local Authority to compliment the Housing for All Plan which it is stated seeks to ensure existing vacant homes are brought back into productive use. This is further stated to be a key priority in terms of sustainable development within communities.

7.3.5. I accept that the Local Authority has taken steps in consultation with the Owner/ Reputed Owner of the subject property to bring the property out of dereliction. I note that a period of over 8 months lapsed between the initial Section 8 2) Notice being affixed to the property on 18<sup>th</sup> July 2023 and the issuing of the Section 14 Notice on 25<sup>th</sup> March 2024 and the date of advertisement of same on 26<sup>th</sup> March 2024. It is further understood that that in the interim the property was in the process of being prepared for auction on 13<sup>th</sup> October 2022, a point raised in the objection submission received by the Local Authority from the Owner/ Reputed Owner in the email received on 29<sup>th</sup> March 2024.

7.3.6. Having regard to the foregoing I am satisfied that the Local Authority gave the property owner sufficient time and opportunity to address the dereliction. Therefore, I am satisfied that the efforts of the Local Authority have been fair and reasonable.

#### 7.4. Compliance with Development Plan

7.4.1. I note the Waterford City and County Development Plan, 2022 to 2028, and specifically Policy Objectives ECON 04, ECON 07, H 06 and Place 01, which seek, inter alia, to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment. The subject property is in a derelict state and is understood to have been vacant for a considerable length of time.

7.4.2. I consider that the subject property detracts to a material degree from the character and appearance of the surrounding area. Therefore, I consider that the subject property and a compulsory purchase order (CPO) would be consistent with the policies and objectives of the Development Plan and will ensure that the lands do not continue to be in a derelict condition.

## 7.5. Action of the Owner to Address Dereliction

- 7.5.1. I note the objection to the proposed compulsory acquisition lodged for and on behalf of the Owner/ Reputed Owner (Mr. Greg Meyers) of the property which was received by the Local Authority by email on 29<sup>th</sup> March 2024. The Owner/ Reputed Owner notes that access to the site and his ability to maintain the property has been curtailed and that as the property is currently boarded up and appears to be off limits to him, this is preventing him from carryout out remedial work necessary to maintain the fabric of the building.
- 7.5.2. There is no evidence of any recent significant action having been taken by the Owner/ Reputed Owner (Mr. Greg Meyers) to address Dereliction.

## 8.0 **Conclusion**

- 8.1. I am satisfied that the process and procedures undertaken by Waterford City and County Council have been fair and reasonable, that the Local Authority has demonstrated the need for the land to be acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.
- 8.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising the site and premises situate at and known as Shamrock Place, Main Street, Tramore, County Waterford, containing 0.0117 hectares or thereabouts, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 20<sup>th</sup> March 2024 and on the deposited map CPA 2024-04, Drg. No. 001, pursues, and was rationally connected to, a legitimate objective in the public interest, namely, to ensure that the lands do not continue to be in a derelict condition.
- 8.3. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in the submissions to the Board and am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.

8.4. The effects of the compulsory acquisition on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands would be consistent with the policies and objectives of the Waterford City and County Development Plan 2022-2028, and specifically Policy Objectives ECON 04, ECON 07, H 06 and Place 01, which seek, inter alia, to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment. Accordingly, I am satisfied that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

## **9.0 Recommendation**

- 9.1.1. Having regard to the observed condition of the site, in particular the derelict condition, the unsightly and objectionable condition of the land and the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and there is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.
- 9.1.2. I consider it reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I recommend that the Board grant consent to Waterford City and County Council to compulsorily acquire the site.

## **10.0 Reasons and Considerations**

- 10.1.1. Having regard to the derelict condition, unsightly and objectionable condition of the site, the poor state of repair of the external walls and windows, it is considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in Section 3 b) of the Derelict Sites Act, 1990, as amended, and that the acquisition of the site by the Local Authority is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site. It is also considered that the objection made cannot be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.



*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

---

Frank O'Donnell  
Planning Inspector

23<sup>rd</sup> August 2024