



An
Bord
Pleanála

Inspector's Report

ABP-320075-24

Development	Compulsory Purchase Order (No. 7) 2024 (Vacant Homes) for a dwelling house and lands (0.1 acre).
Location	649 St. Patrick's Park, Celbridge, Co. Kildare
Planning Authority	Kildare County Council
Applicant	Kildare County Council
Type of Application	Compulsory Purchase Order under Section 216 of the Planning and Development Act, 2000 (as amended)
Objector(s)	<ul style="list-style-type: none">• Ms. Carmel Lennon• Mr. Christopher Skelton• Mr. David Anthony Linning Skelton• Ms. Miriam Burnip• Ms. Noeleen Kenna & Ms. Patricia Cairnduff• Ms. Olive Mangan• Mr. Patrick Mangan

- Ms. Paula Byrne
- Donal Chambers Solicitors on behalf of Paula Byrne & Others
- Mr. Peter Spencer & Ms. Aileen P. Baudrey
- Ms. Sheila Skelton.

Date of Oral Hearing 17 June 2025

Date of Site Inspection 19 May 2025

Inspector Paula Hanlon

Contents

1.0 Introduction	4
2.0 Site Location and Description	5
3.0 Planning History	5
4.0 Policy Context	5
5.0 Objections to the CPO	8
6.0 Response from Kildare County Council	9
7.0 Oral Hearing	9
8.0 Assessment	10
9.0 Conclusion and Recommendation	15
10.0 Reasons and Considerations	16
Appendix 1: Proceedings of the Oral Hearing	

1.0 Introduction

1.1 Overview

- 1.1.1 Kildare County Council is seeking confirmation by the Board of a Compulsory Purchase Order (CPO) entitled the Kildare County Council Compulsory Purchase Order (No. 7) 2024 in respect of Number 649 St. Patrick's Park, Celbridge, Co. Kildare.
- 1.1.2 The CPO relates to the compulsory purchase of a house and land (0.1 acre) at No. 649 St. Patrick's Park, Celbridge, Co. Kildare. The order was made pursuant to Section 76 of the Housing Act, 1966, and the Third Schedule thereto (as amended by the Planning and Development Act, 2000 (as amended)).
- 1.1.3 The Board received eleven written objections to the CPO, all of which were made by or on behalf of grandchildren of the late Ms. Mary Mangan (registered property owner), who became deceased in 1972. An Oral Hearing was held on 17 June 2025. This report considers the issues in the objections submitted to the Board and more generally the application to acquire the property.

1.2 Purpose of CPO

- 1.2.1 According to the documentation submitted with the application, the purpose of the CPO is to acquire the property for the purpose of meeting the County's need for housing, as the property has lay vacant for a considerable amount of time.
- 1.2.2 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*'.

1.3 Accompanying Documents

The application was accompanied by the following documentation:

- The Compulsory Purchase Order, Sealed, and signed by the Chief Executive and Cathaoirleach and dated 14 June 2024.
- The Chief Executive Order (Ref. No. CE53107) for the Compulsory Purchase Order, signed by the Chief Executive on 13 June 2024.

- Compulsory Purchase Order Map (Ref. File No. 24-077), comprising of a single sheet indicating the house and associated land to be acquired for permanent acquisition.
- Certificate dated 14 June 2024 signed by Mr. Alan Dunney, Director of Services, which confirms that the acquisition is in accordance with the objectives of the Kildare County Development Plan 2023-2029.
- Public notice published in the Leinster Leader, dated 25th June 2024.
- Photographic evidence of erected Site Notice on front elevation of dwelling.
- Evidence (postal records) of registered post to both the owner/occupier of 649 St. Patrick's Park, Celbridge and C/O Mary Mangan, 649 St. Patrick's Park, Celbridge.

2.0 Site Location and Description

- 2.1 St. Patrick's Park is a mature residential development of c.1,200 dwellings located within the built-up, urban area of Celbridge. The overall scheme was constructed in phases during the mid-1950's and 1960's approximately. The subject site comprises one of a pair of semi-detached two storey houses and fronts onto a large, mature communal green space. The house features a lawn area to the front with pedestrian access only from adjoining public footpath and a c. 28m long rear garden. Vanessa Close residential scheme lies to the west (rear) of the site and adjoining residences.
- 2.2 On the date of site visit, whilst the front garden was in a small state of neglect, it appeared to have been somewhat maintained and was not fully overgrown. The property's interior was not available for inspection. The dwelling appeared to be in a reasonable condition but was clearly vacant and falling into a state of disrepair.

3.0 Planning History

There is no recorded recent application for this address.

4.0 Policy Context

4.1 Kildare County Development Plan 2023-2029

- 4.1.1. The Kildare County Development Plan 2023-2029 is the current operative plan for the area. By reference, I note that the site is zoned 'Existing Residential' within the Celbridge Local Area Plan 2017-2023, however this LAP has lapsed.
- 4.1.2 Celbridge is designated as a 'Self-Sustaining Town' which is at Level 3 within the County's settlement hierarchy as per the CDP. Self-Sustaining Towns are defined as 'towns with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services, and which require targeted 'catch up' investment to become more self-sustaining' (Table 2.5, Ch 2, CDP). Celbridge is also located within the Dublin Metropolitan Area Strategic Plan (MASP) as set out within the RSES for the Eastern and Midland Region.
- 4.1.3 It is adopted local policy to implement the Housing Strategy to meet the projected population, changing household size and housing needs, including social and affordable housing requirements for County Kildare over the lifetime of the CDP (policy HO P3).

Furthermore, there are supporting objectives within the CDP in support of and promoting the renovation and re-use of vacant homes through a number of measures, including by supporting Government programmes and incentives to bring empty homes into use through various means and to promote the conversion of vacant properties into new social and affordable homes through the availing of schemes (Objective HO O12).

It is also an objective of the Council to meet the county's housing need for social housing provision through a range of mechanisms, including acquisition and the utilisation of existing housing stock (HO O39) and to promote & initiate, where feasible, measures to reduce vacancy and the underutilisation of existing building stock and support initiatives that promote the reuse and refurbishment of existing buildings (Objective CS 06).

4.2 Housing for All – A New Housing Plan for Ireland (2021)

The Housing for All Plan was published by the Irish Government in September 2021. The overall aim of the plan is that everyone in the State should have access to a home to purchase or rent at an affordable price, built to a high standard and in the right place,

offering a high quality of life. The plan sets a goal of 33,000 new homes per annum to 2030. The Plan provides four pathways to achieving four overarching objectives:

- Supporting home ownership and increasing affordability
- Eradicating homelessness, increasing social housing delivery and supporting social inclusion.
- Increasing new housing supply; and
- Addressing vacancy and efficient use of existing stock.

Each of the pathways contains a comprehensive suite of actions to achieve these Objectives.

Pathway 4: Addressing Vacancy and Efficient Use of Existing Stock, seeks to ensure through a range of incentives and other measures that existing housing stock is utilised to the fullest extent possible. The key measures to be introduced to achieve this objective include:

- The implementation of a CPO Programme for vacant properties, the objective of which will see Local Authorities acquire upto 2,500 of the identified vacant properties in their areas and present them to the market.
- The incorporation of activation of vacant properties as key criteria in the Urban Regeneration and Development Fund (URDF) and the Rural Regeneration and Development Fund (RRDF).
- Potential introduction of a vacant property tax, the merits of which will be assessed on receipt of the data from the Local Property Tax returns in November 2021.
- The enhancement of the Repair and Leasing Scheme which targets owners of vacant properties who cannot afford or who do not have access to the funding required to bring the properties up the standard of a rental property.

4.3 Vacant Homes Action Plan 2023 - 2026

The Vacant Homes Action Plan 2023 – 2026, published by the Irish Government in January 2023, builds on Housing for All, the Government's housing plan to 2030. Its focus is premised on bringing vacant and derelict properties back into residential use.

It provides detail on measures that the Department of Housing, Local Government and Heritage will implement so as to bring more vacant and derelict properties back into use.

Chapter 4 outlines a series of actions to address vacancy, including the Compulsory Purchase of vacant properties. This chapter acknowledges the success that a number of local authorities have had using the CPO process to address vacancy and dereliction, bringing properties back into use as social and affordable housing as well as selling these properties on the open market.

5.0 Objections to the CPO

5.1 Initial Objections

There was a total of eleven objections submitted to the subject CPO, all of which were received in July 2024.

Ten of the objections were made by grandchildren of the late Ms. Mary Mangan (the registered property owner), with a separate objection made by Donal Chambers Solicitors on behalf of the family of the late Ms. Mary Mangan.

The objections were made from the following persons (1) Ms. Carmel Lennon, (2) Mr. Christopher Skelton, (3) Mr. David Anthony Linning Skelton, (4) Ms. Miriam Burnip, (5) Ms. Noeleen Kenna & Ms. Patricia Cairnduff, (6) Ms. Olive Mangan, (7) Mr. Patrick Mangan, (8) Ms. Paula Byrne, (9) Donal Chambers Solicitors on behalf of Paula Byrne & Others, (10) Mr. Peter Spencer & Ms. Aileen P. Baudrey and (11) Ms. Sheila Skelton.

In summary, many of the written objections, including one from Ms. Carmel Lennon which is made on behalf of 19 grandchildren of the late Ms. Mary Mangan, primarily refer to the matter of family entitlements to a beneficial share in the property and that the family members realise their inheritance.

Some of the objections detail that it is their preference that the family sell the property rather than being forced into an “unnecessary CPO”. It was suggested by a number of the objectors that the family take responsibility for cleaning up the property before placing it on the market, so as to realise a greater market value. Some objectors outline that they disagree that the house is unfit to be rendered habitable for human habitation and are concerned that the LA will not pay full market value.

5.2 Further Correspondence

Further correspondence submitted by an objector, namely Ms. Carmel Lennon on behalf of 17 family members of the late Ms. Mary Mangan was received on Friday 13 June 2025. It provides written confirmation that Ms. Lennon, as representative of 17 family members is no longer opposed to the CPO of the subject property in principle and understands the public need behind the Council's decision. The submitted correspondence includes a written statement which was stated would form part of the Oral Hearing. It highlights that there was no will made by the late Ms. Mangan (the registered property owner) and no Grant of Administration has issued. It further highlights that all of the late Ms. Mangan's children are also deceased, with 19 of 24 grandchildren still living and that the subject property remains in the late Ms. Mangan's name and her estate is currently unsettled under intestacy law.

In this context, the submitter requests that a number of points be considered, all of which relate to matters outside of the CPO process (including compensatory matters, continual communication with LA and legal & probate costs).

6.0 Response from Kildare County Council

A written submission to the Oral Hearing was made by Kildare County Council (KCC) on the 3 June 2025. The LA confirmed that they propose to acquire the property through CPO and return it to use in line with its objectives to increase the occupancy of existing homes and increase housing supply. It provides justification for same in accordance with referenced national and local policies, demonstrates housing needs based on household figures that qualified for Social Housing Supports within Co. Kildare and provides a site history synopsis on its pre-CPO engagement with interested parties. It concluded that its decision to acquire the property compulsorily was taken so as to bring the property back into residential use, provide much needed housing and to prevent further deterioration of the property condition.

7.0 Oral Hearing

An Oral Hearing (OH) was held on Tuesday 17 June 2025. 6(no) objectors were present, some of which confirmed that they were also representing other family members. Mr. Enda Moran Solicitor, representing Mr. James Mangan & Mr. Michael

Mangan was present and advised that his attendance was as a watching brief only. I note that no written objection was made by either Mr. James Mangan or Mr. Michael Mangan to the Board in respect of the subject CPO. Oral submissions were heard by Ms. Lennon on behalf of 17 of the total 19 grandchildren that are currently living, and by representatives of the LA.

As the presiding Inspector, I commenced proceedings with an opening statement. Participants were informed that the purpose of the OH was an information gathering exercise to assist in the consideration of the merits of the case and in drafting the report and recommendation to the Board in relation to the CPO order. It was explained that the OH would deal with the CPO process only - that is, the merits, or otherwise, of the proposed acquisition of the subject property and lands by the LA. Participants were reminded that the Board has no role or jurisdiction in the determination of compensation.

The proceedings of the OH are summarised in the attached appendix (Appendix 1) of this report and referenced, where necessary, in my assessment below (Section 8.0).

8.0 Assessment

8.1 Overview

My assessment of this case considers the issues raised in the written objections to the Board, the points made at the OH, and the general principles to be applied in assessing CPOs of this nature.

For the Board to confirm the subject CPO, it must be satisfied that KCC has demonstrated that the compulsory acquisition of Number 649 St. Patrick's Park, Celbridge is clearly justified by the "common good" and that its effects on the property rights of the affected landowner(s) are proportionate to the project objective. Case law has determined that in order to satisfy the above, the following minimum criteria are required to be satisfied

- There is a community need that is to be met by the acquisition of the property in question
- The particular property is suitable to meet the community need

- The works to be carried out should accord or at least not be in material contravention of the policy and objectives contained in the statutory development plan relating to the area
- Any alternative method of meeting the community need have been considered but are not demonstrably preferable.

The proposed development is assessed in the context of the tests set out above prior to addressing the specific issues raised in the objections lodged.

8.2 Community Need

8.2.1 National policy on housing provision is, in part, set out in Housing for All, a Housing Plan for Ireland, which was adopted by Government in 2021. The overall aim of the plan is that every citizen in the State should have access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan, recognising the gap between housing supply and demand, estimates that Ireland will need an average of 33,000 new homes per annum until 2030.

The Plan provides four pathways to achieving housing for all:

- Supporting home ownership and increasing affordability
- Eradicating homelessness, increasing social housing delivery and supporting social inclusion
- Increasing new housing supply; and
- Addressing vacancy and efficient use of existing stock.

8.2.2 The pathways contain actions to be taken by government departments, LAs, State agencies and others. Pathway 4, Pathway to addressing Vacancy and Efficient Use of Existing Stock, seeks to ensure through a range of incentives and other measures that existing housing stock is utilised to the fullest extent possible. One of the key measures introduced to achieve this objective is the implementation of a nationwide, LA led, Compulsory Purchase Order scheme to purchase vacant properties.

8.2.3 KCC's written submission and as stated at the OH outlined was that there are currently 7,000 households in Co. Kildare that qualify for social housing supports and that 711

of these households have listed Celbridge as their preferred area of choice. The return to productive use of the subject property would meet the housing need for a household that would otherwise not be realised.

8.2.4 Given the demand for housing across the country, to the demand for Social Housing Supports in the administrative area of KCC, to the public policy responses to the shortage of houses, to the nature of the house the subject of this CPO as a house with front and rear gardens in a residential area close to public services and facilities, I conclude that there is an established community need which the purchase of the house would help to meet.

8.3 Suitability of the Property to Meet the Community Need

8.3.1 The second criterion for considering the CPO is the suitability of the property to meet the identified community need.

8.3.2 The property of concern, notably number 649 St. Patrick's Park, Celbridge comprises a three-bed semi-detached two-storey house, in a mature residential estate and within walking distance of local shops and services.

8.3.3 There are no designations affecting the site and there are no apparent development constraints. In terms of built heritage, the site is not listed as a Protected Structure and it is not within an Architectural Conservation Area or zone of archaeological interest.

8.3.4 The property is currently vacant and appears to have been vacant for a number of years. The LA's written submission to the OH (dated May 2025) details that information received from local knowledge and neighbours outlined that there has been no appreciable action undertaken to address the issues of the property's condition or vacancy. Ms. Carmel Lennon, a grandchild of the late Ms. M. Mangan confirmed during questioning at the OH that her cousin, the late Mr. Thomas Mangan was the last known occupant of the subject property. She outlined that Mr. T. Mangan became deceased approximately 2½ years ago, having resided at a nursing home for approximately 3 years prior to his death. Whilst Ms. Lennon did not have specific dates in regard to the actual timeline associated with the vacancy of the property, she commented that it has been vacant for the past five to six years. When further questioned as to whether there was an intention to bring the property back into use,

Ms. Lennon commented that it would have eventually happened. It was confirmed during the OH that the probate process has not yet commenced. I note again that the property has lay vacant for approximately five to six years and that the registered owner is deceased since 1972. No reasoned justification has been provided for the length of time in which this property has lay vacant and there has been no demonstrated evidence provided to show that any reasoned attempts have been made to provide for its future occupancy.

8.3.5 KCC outlined during questioning at the OH that it was their understanding from neighbours located within the vicinity of the subject property that the upkeep of the external area of the subject property in terms of hedge cutting and mowing of grass was being provided by neighbours and other local residents within the site's vicinity. At the OH, in response to same, the objector Ms. Carmel Lennon, as spokesperson on behalf of 17 family members, provided no certainty as to the person(s) engaged in the maintenance and upkeep of the property. Ms. Lennon confirmed that the property continued to lie idle and that she had not accessed the property for some time.

8.3.6 I am satisfied based on the information provided and my site visit undertaken 19 May 2025 that the property is capable of being rendered fit for human habitation at reasonable expense. It would then be available to serve a household that currently needs accommodation. Accordingly, I am satisfied that the property, subject to refurbishment, is suitable to meet a housing need identified by the LA.

8.4 Compliance with Development Plan Policy

8.4.1 The planning policy context of relevance in this case is set out above within Section 4 of this report.

8.4.2 Chapter 4 of the CDP sets out adopted local policy on housing. The plan has regard to the County's Housing Need & Demand Assessment (HNDA) and Housing Strategy which address issues associated with housing in the county, including housing need. Policy HO P3 of the CDP is relevant in this regard. The HNDA finds that for the period 2023 to 2031, c.30.2% of new households formed will need social housing support while a further 10.6% will fall within the bracket of 'affordability constraint' and therefore will require affordable housing.

- 8.4.3 The Housing Strategy found that social and affordable housing provided under Part V during the strategy period of 2023-2031 will only address social housing needs that will arise during the strategy period of 2023 to 2030 and will not address the considerable demand for such housing that has built up to date. Therefore, the plan recognises that the use of further policy avenues and the availing of schemes that become available would ensure the greatest delivery of social and affordable housing possible and ensure a regionally equitable balance of housing delivery.
- 8.4.4 In terms of regeneration and densification, the plan recognises that the County's existing housing stock is a valuable resource in terms of meeting the needs of a growing population. The renovation and reuse of vacant homes through various measures is supported by local objective HO O12 of the CDP.
- 8.4.5 In relation to Social, Affordable Purchase and Cost Rental Housing, the plan supports the use of a number of mechanisms including acquisition in meeting the demand for social housing nationally and within Co. Kildare (Objective HO O39, CDP).
- 8.4.6 The subject site was zoned 'B - Existing Residential' with an objective to protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services under the now lapsed Celbridge LAP 2017-2023. I am satisfied that the property is within an established mature residential area and that the residential zoning which was previously attached to this area is unlikely to change.
- 8.4.7 In light of the above, it is my opinion that the compulsory purchase of the subject property by the LA, which would provide for its restoration and return to use as a housing unit would accord with the policies and objectives set out within the operative CDP.

8.5 Consideration of alternatives

- 8.5.1 The information provided by the LA details that the subject property was reported as being vacant and in a state of disrepair in May 2024. The LA sought to engage with interested parties through correspondence that was sent to the property address and the erection of a pre-CPO (information request notice) on the property. It confirms that a number of persons claiming to have an interest in the property submitted

correspondence in response to the pre-CPO notice. In its request on when the property would be brought back into use, the LA confirmed that a timeline on when the property would be brought back into use could not be provided and that no information was submitted in relation to title transfer or probate. The LA outlined that a family member of the registered owner confirmed by phone call that there is possibly a number of beneficiaries of the property, however probate had not yet commenced, and they were advised to seek legal advice.

8.5.2 As noted in Section 6 and Section 8.2.3, there is a recognised urgent need for housing provision both nationally and locally, including social housing provision, with in excess of 700 households of the 7,000 households in County Kildare who qualify for social housing, listing Celbridge as their preferred area of choice. I note that the objectors have not progressed probate or addressed the issue of vacancy and the continuing level of disrepair associated with this property, since it was last vacated, in excess of 5 years ago.

8.5.3 Given the submissions received from the objectors and the LA in relation to the continued vacant status of this property, and the apparent lack of any firm proposals or timeframe for addressing this matter, it is apparent to me that the uncertainty and delays experienced to date in regard to same, including the need to address the matter of title 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. The LA has demonstrated that options other than compulsory acquisition have been explored through pre-CPO notice and correspondence with the objectors and ruled out. Overall, I am satisfied that the decision taken by the LA to acquire the property compulsorily in order to bring it back into residential use and provide much needed housing whilst preventing further deterioration of the property is justified.

9.0 Conclusion and Recommendation

9.1 Conclusion

Having regard to all of the above, I am satisfied that KCC have demonstrated a need for the acquisition of No. 649 St Patrick's Park, Celbridge, Co. Kildare. The acquisition

of this house is on the basis of the vacancy of this property for several years and lack of certainty given by the objectors to address same by way of a timeline. No oral objections were raised by any party at the OH in regard to the acquisition of the property compulsorily.

The compulsory purchase of this property would not have a disproportionate impact on the property owner, which may be offset by financial compensation.

9.2 Recommendation

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

10.0 Reasons and Considerations

Having considered the objections made to the Compulsory acquisition and further correspondence received during the Oral Hearing, the submissions received by the Board from the objectors and the acquiring authority (Kildare County Council), the residential purpose for which the subject property and lands are to be acquired and having regard to the following:-

- The constitutional and Convention protection afforded to property rights
- That the property has lay vacant for in excess of 5 years
- The case made by Kildare County Council to justify the compulsory purchase of the property and lands in terms of community need and public interest
- The purpose of the compulsory acquisition to provide for residential use within the urban area of Celbridge
- The policies and objectives of the current Kildare County Development Plan 2023-2029, specifically policy HO P3, and objectives HO O12, HO O39 and HO CS O6 in relation to supporting the development of vacant sites,

the Board is satisfied that, in this instance, the acquisition of the property and lands at number 649 St. Patrick's Park within the built-up urban area of Celbridge, Co. Kildare

as set out in the Order and on the deposited map has been justified and is necessary for the purposes stated.

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.

Paula Hanlon
Planning Inspector
30 June 2025

Appendix 1: Proceedings of the Oral Hearing (OH)

[Note: The following is a brief summary of the proceedings of the OH and the persons in attendance. It is not intended to be a comprehensive overview of the proceedings and should be read in conjunction with the main body of the report above].

1.0 Background

1.1 An OH was held on Tuesday, 17 June 2025 in relation to the proposed compulsory acquisition sought by Kildare County Council of No. 649 St. Patrick's Park, Celbridge - CPO No. 7 of 2024 (Vacant Properties).

1.2 The Hearing was held virtually via MS Teams.

1.3 The following persons were in attendance:

1.3.1 Objectors/Interested Parties:

- (1) Mr. Peter Spencer
- (2) Mr. Patrick Mangan
- (3) Ms. Olive Mangan
- (4) Mr. Christopher Skelton
- (5) Ms. Carmel Lennon
- (6) Ms. Miriam Mangan
- (7) Mr. Enda Moran Solicitor representing Mr. James Mangan & Mr. Michael Mangan.

The following person(s) made submissions / witness statements at the OH:

- Ms. Carmel Lennon on behalf of 17 members of the family of the late Ms. M. Mangan (registered property owner).

Those represented as stated by Ms. Lennon included Mr. Christopher Skelton, Mr. David Anthony Linning Skelton, Ms. Miriam Burnip, Ms. Noeleen Kenna, Ms. Patricia Cairnduff, Ms. Olive Mangan, Mr. Patrick Mangan, Ms. Paula Byrne, Mr. Peter Spencer, Ms. Aileen Baudley, Ms. Sheila Skelton, Mr. Alan Mangan, Mr. Andrew Mangan, Mr. James Mangan and Ms. Ann Byrne.

- Mr. Enda Moran Solicitor advised that his attendance was as a watching brief only and made no further submission/statement to the hearing.

1.3.2 Kildare County Council (KCC):

- (1) Mr. Matt Malone, Harte Solicitors
- (2) Sharon O’Gara Town Regeneration Officer
- (3) Patrick Murphy, Clerk of Works
- (4) Eileen McGrath A/Administrative Officer Town Regeneration Team
- (5) Chloe Healy, Vacant Homes Officer
- (6) Mr. Patrick King Executive Technician.

The following person(s) made a submission/statement on behalf of KCC:

- Mr. Matt Malone, Harte Solicitors
- Ms. Eileen McGrath A/Administrative Officer Town Regeneration Team.

2.0 Opening of Hearing

Following some technical issues resulting in the late arrival of the representatives of KCC, the Inspector formally opened the hearing at 10.12am. The inspector made an opening statement and outlined procedural matters & other introductory remarks. The Local Authority (LA) was then requested to make its formal submission.

3.0 Submission of Kildare County Council

Mr Malone, Solicitor representing KCC, started by setting out the legislative basis for the CPO in accordance with the CDP and the merits of the subject property. Reference was made that compensation will be made to the full market value of the property and that the house and lands will be brought back into use in assisting with the current housing crisis and address vacancy, dereliction and the housing need.

Ms. Eileen McGrath (KCC) subsequently made a submission, outlining the justification as to why the property is being acquired. She outlined that the property has been vacant for a number of years. She stated that it became evident when the LA started their investigations that there were a number of

beneficiaries on the property and legal issues that had yet to be resolved. No timeline could be provided on when the legal issues might be resolved and the property brought back into use.

The decision was taken to CPO the property so as to address the vacancy and address the need for housing in the area and speed up the process.

Mr Malone, Solicitor raised that the objections made primarily relate to matters on compensation which are separate to the OH and not a matter for the Board.

4.0 Submission of the Objector, Ms Carmel Lennon

Ms. Lennon confirmed that she is speaking on behalf of 17 members of the late Mary Mangan, her grandmother and the registered owner of the house at 649 St. Patrick's Park, Celbridge, Co Kildare.

Clarity was given by Ms. Lennon on the family status and legal ownership of the subject property. The late Ms. M. Mangan passed away without leaving a will, all her children who would have been the next of kin are also deceased and the property remains in the name of Ms. Mangan.

The late Ms. M. Mangan had 23 grandchildren of which 19 are still living and 17 of the grandchildren currently agree on how to move forward with the property.

No Grant of Administration has been issued, but the family are in the process of organising one with legal advice.

Ms. Lennon stated that they are not opposing the CPO in principle, and that they understand the public need behind the Council's decision.

5.0 Question between Parties

All objectors were given an opportunity to speak. All persons in attendance at the hearing, save for Mr. Enda Moran Solicitor confirmed that Ms. Lennon was speaking on their behalf.

Mr. Enda Moran Solicitor when questioned, confirmed that his attendance at the hearing was as a watching brief only, with no instructions to lodge an objection.

The objector(s) were afforded the opportunity to question KCC.

Questions

- (1) A number of points in relation to compensation and probate were raised.
- (2) Sought advice on when legal representation would be required.
- (3) Referenced that the Council referred to the house as being inhabitable and disagreed with same and referred to grants available for bringing the house back into habitable condition.
- (4) Who is responsible for the cost involved in refurbishing the property and will the cost be deducted from the market value of the property?
- (5) Will the LA be able to avail of grants available for derelict property?
- (6) Timeline for completion of the process?

Response

Mr. Matt Malone, the appointed solicitor representing KCC outlined details on compensation in a general extent and clarified the Council's position on legal and probate costs.

Ms. Eileen Mc Grath, KCC confirmed that the Schedule of the Compulsory Purchase did not describe the house as being unfit for human habitation and that the property is fit for habitation. She also confirmed that the market valuation will be paid on the property based on its current condition and that a schedule of works will be prepared by KCC after the transfer of title has taken place. The LA cannot avail of grants available for derelict properties, they administer the grants to applicants.

The Inspector confirmed that the CPO order listed the property as habitable.

Ms. Eileen Mc Grath set out the envisaged timeline and referred that the refurbishment of the property may commence early next year if the CPO was to be confirmed.

The LA were afforded the opportunity to question the Objector:

Questions

Mr. Matt Malone, appointed solicitor of KCC queried whether there was a divide within the family in terms of applying for the Grant of Administration and legal representation in terms of sorting out the title.

Response

Ms. Lennon said that she was not sure if it could be called a divide, but that there is some miscommunication within the family which can be easily resolved going forward.

Inspector Questions

The Inspector raised the following questions:

- (1) Confirmation on when the house was last occupied and by whom?
- (2) Was there an intention from the family of the late Ms. Mangan to bring the property back into use?
- (3) Maintenance? Is there someone maintaining the property at present or is it lying idle?
- (4) Confirm when probate commenced on the property?
- (5) Based on a submission made by Ms. Lennon on 13 June 2025, please confirm if the objectors are now open in principle to the acquisition of the property through compulsory purchase.
- (6) Was the property largely occupied following the late Ms. M. Mangan becoming deceased in 1972 and up until Mr. T. Mangan's passing in recent years?

Response

- (1) Ms. Lennon stated that her cousin, Mr. Thomas Mangan last occupied the house approximately 2½ years ago and that he resided in a nursing home for approximately 3 years prior to same. The property has been unoccupied for approximately 5 to 6 years.
- (2) When questioned as to the family's intentions in regard to bringing the house back into use, Ms. Lennon stated that eventually, it would have happened.

- (3) Ms. Lennon stated that she hasn't been in the house for a very long time. Ms. E. McGrath, KCC stated that her understanding was that neighbours and people in the locality were maintaining the property in terms of hedge cutting and mowing of grass. Ms. Lennon referred to the lawn being somewhat like a meadow a couple of days ago. When questioned if there was someone maintaining the property at present or if it was lying idle, Ms. Lennon stated that it was lying idle.
- (4) Ms. Lennon confirmed that probate hasn't commenced yet. They are in the process of engaging a solicitor and once done, the grant of administration will commence.
- (5) Ms. Lennon stated that there are 19 people involved, 17 are in agreement that the CPO process might be easier for everyone concerned, if granted, given the complexity of the case.
- (6) Ms. Lennon confirmed that the property was largely occupied from 1972 up until the passing of Mr. T. Mangan.

6.0 Closing Statements

Ms. Lennon – Queried independent valuations. Thanked the inspector for the hearing and queried when would there be an outcome on the CPO.

KCC – Outlined if the CPO is confirmed, under the CDP and general housing policy, housing need and dereliction, the Council will be able to take possession and bring the house back into use relatively soon/early next year, and meet a demand for housing in the area and meet Council's objective on housing. The entitled party will be entitled to be compensated at the market value at the date of the entry by the Council. The property is falling into further disrepair and given the complexity of probate, it may deteriorate further.

7.0 Closing

The inspector closed the Oral Hearing.