



An
Bord
Pleanála

Inspector's Report ABP-321010-24

Development	Compulsory Purchase Order (No. 1) 2024 (Vacant Homes)
Location	65 Brindley Park Road, Ashbourne, Co. Meath, A84 C522.
Planning Authority	Meath County Council
Applicants	Meath County Council
Type of Application	Compulsory Purchase Order under Section 216 of the Planning and Development Act, 2000 (as amended)
Objector	Aisling Sutton
Date of Oral Hearing	2 nd May 2025
Date of Site Inspection	10 th April 2025
Inspector	Margaret Commene

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1.0 Introduction

1.1. Overview

- 1.1.1. Meath County Council is seeking confirmation by the Board of a Compulsory Purchase Order (CPO) entitled the Compulsory Purchase Order (No. 3) 2024 (Vacant Homes) - 65 Brindley Park Road, Ashbourne, Co. Meath, A84 C522.
- 1.1.2. The CPO relates to the compulsory purchase of a house and site at No. 65 Brindley Park Road, Ashbourne, Co. Meath, A84 C522. 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 a single objection to the CPO from one of the landowners, Aisling Sutton. An Oral Hearing was held on 2nd May 2025. This report considers the issues in the objection 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 purposes of the renovation of the dwelling unit, that will be used as a social housing unit.
- 1.2.2. The subject property is described in the schedule to the CPO as '*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

- 1.3.1. The application was accompanied by the following documentation:
 - The Compulsory Purchase Order, Sealed, and signed by the Chief Executive and Cathaoirleach and dated 17th September 2024.
 - The Chief Executive Order (Ref. No. CEO 5880/2024) for the Compulsory Purchase Order, signed by the Chief Executive on 18th September 2024.
 - Compulsory Purchase Order Map (Drawing Ref. VH-2024-001), comprising of a single sheet indicating the house/site to be acquired for permanent acquisition.
 - Report from Yvonne Hyland, Vacant Homes Officer, dated 4th September 2024.

- Report from Pat Shore, Town Regeneration Officer, dated 17th September 2024.
- Notification letters sent to the landowners.
- Notice published online on Meath County Council's website, 19th September 2024.
- Public notice published in the Meath Chronicle, 28th September 2024.
- Evidence of service of Notice of CPO on interested parties.

2.0 Site Location and Description

- 2.1. Brindley Park is an established residential development of similar terraced and semi-detached two-storey dwellings located c. 650m from Ashbourne Town Centre. No. 65 Brindley Park Road is one of a row of 6 no. terraced/semi-detached two storey houses close to the end of the Brindley Park Road cul de sac located in the south-western part of the estate. The house features a limited landscaped area to the front and a c. 10-metre-long rear garden.
- 2.2. At the time of site inspection, the house appeared to be in a reasonable condition, however, the front garden was poorly maintained and the gutters were in need of cleaning/some maintenance. The interior was not available for inspection at the time of the site visit.

3.0 Planning History

- 3.1. There is no recorded recent application for this address.

4.0 Legislative and Policy Context

4.1. Legislative Framework

- 4.1.1. Section 76 of the Housing Act, 1966 (as amended), enables Local Authorities to acquire land by means of a compulsory purchase order made by the Authority and submitted to/confirmed by the Minister. In accordance with Section 214 of the Planning and Development Act, 2000 (as amended), the functions conferred on the Minister in relation to the compulsory acquisition of land by a Local Authority was subsequently transferred to the Board.

4.1.2. The provisions contained in the Third Schedule to the Housing Act, 1966 (as amended), outline provisions/requirements in respect of Compulsory Orders made under Section 76. These include the following (in summary):

- Article 1: - requires that a compulsory purchase order be in the prescribed form and described by reference to a map the land to which it relates.
- Article 3: - requires that where the compulsory purchase order relates to land which includes a house and the house is, in the opinion of the housing authority, unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense, the house shall be described as such.
- Article 4: - requires that before submitting the compulsory purchase order, the Local Authority shall:
 - a) Publish a notice in a local newspaper stating that such an order has been made and naming a place where a copy of the order/map may be viewed.
 - b) serve a notice on every owner, lessee and occupier of the applicable land stating the effect of the order, that it is about to be submitted for confirmation and specifying the time within which and the manner in which objections can be made.

4.1.3. Article 5(1) contained in the Third Schedule to the Housing Act, 1966 (as amended) affords the Minister (as previously discussed, this function now falls to the Board) the power to:

- a) annul the order by an annulment order, or
- b) confirm the order with or without modification by a confirmation order,

4.1.4. Article 5(2) requires that the Minister only confirm a CPO an objection had been received in relation to following the holding of a public local inquiry into such an objection. This was unless the applicable objection was withdrawn or the Minister is satisfied that the objection relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation may have to be assessed. In addition to transferring the aforementioned functions to the Board, the Planning and Development Act, 2000 (as amended), at Section 218 afforded the Board discretion in the context of holding an oral hearing in relation to such a matter.

- 4.1.5. Article 5(3) outlines limitations regarding the Minister's (subsequently the Board's) powers to issue an order in relation to a CPO in instances where the applicable property comprises a '*house unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense*'. The applicable section of this article reads as follows:

(3) An order made by the Minister shall not—

- (a) authorise the housing authority to acquire compulsorily any land which the relevant compulsory purchase order would not have authorised them so to acquire if it had been confirmed without modification;*
- (b) authorise the housing authority to acquire as being a house unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense any house not so described in the original order.*

- 4.1.6. Article 5(4) goes on to state the following:

(4) If the Minister is of the opinion that a house described in a compulsory purchase order as being unfit for human habitation and not capable of being rendered fit at reasonable expense ought not to have been so described, he shall annul the order in so far as it relates to the house, unless he is of the opinion that the house may properly be acquired by the housing authority, in which case he shall modify the order so as to authorise the authority to acquire the house and to pay compensation in respect thereof assessed in accordance with Part II of the Fourth Schedule to this Act.

4.2. Meath County Development Plan 2021-2027

- 4.2.1. The subject site is zoned 'A1 - Existing Residential', with a stated objective to '*protect and enhance the amenity and character of existing residential communities*', in the Meath County Development Plan 2021-2027. More broadly, Ashbourne is identified as a 'Self-Sustaining Growth Town' and is one of the fastest growing towns in the County, with the population having increased by 11.7% between 2011 and 2016. As outlined in the Core Strategy, included in Chapter 2, in such Self-Sustaining Growth Towns there will be a focus on consolidation and the provision of employment opportunities in tandem with population growth in order to allow these centres to become more self-sufficient. Ashbourne is expected to have a further 3,200 increase

in population up to 2027, as outlined in the Core Strategy Table Population and Household distribution to 2027 included at Table 2.12.

4.2.2. Chapter 3 of the current Development Plan outlines the adopted Settlement and Housing Strategy. It is informed by the Housing Strategy which is included as an Appendix to the Development Plan. This chapter, at Section 3.8.3, estimates that there will be a requirement for 1,397 social and affordable units between 2020 and 2026 in particular. The Council is seeking to prioritise the delivery of social housing in a number of settlements, including Ashbourne, where a combination of high demand, limited and/ or no suitable land in Council ownership and difficulties in acquisition of land are all factors inhibiting supply. The following objectives pertaining to social housing provision are also outlined therein:

- SH OBJ 13 - *To support the delivery of social housing in Meath in accordance with the Council's Social Housing Delivery Programme and Government Policy as set out in Rebuilding Ireland: Action Plan for Housing and Homelessness.*
- SH OBJ 15 - *To address the identified need to increase the supply of social housing in Trim, Ashbourne, Ratoath, Dunboyne, Dunshaughlin by seeking the provision of social housing additional to that required by way of Part V of the Planning and Development Act 2000 as amended, subject to funding.*

4.2.3. As previously discussed, Appendix 3 of the current Development Plan contains the Housing Strategy for 2020-2026. A no. of mechanisms of providing housing support utilised by Meath County Council are outlined in Section 3.4, including construction and acquisition of units. Table 3.4 contained therein outlines the Provision of Social Housing Units between 2015-2019, of which 260 no. units were provided for in total by way of acquisition.

4.3. Vacant Homes Action Plan 2023–2026

4.3.1. The Vacant Homes Action Plan 2023–2026 was published by the Irish Government on 30th January 2023 and builds on Housing for All, the Government's housing plan to 2030 (which will be subsequently discussed). It provides detail on measures the Department of Housing, Local Government and Heritage will implement over the coming year 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 a no. 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.

4.4. **Housing for All – A New Housing Plan for Ireland, 2021**

4.4.1. The Housing for All Plan, published by the Irish Government on 2nd September 2021, replaces the 'Rebuilding Ireland Strategy' launched in 2016. 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 until 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.

4.4.2. Each of the pathways contains a comprehensive suite of actions to achieve these Objectives. 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. 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 at least 2,500 vacant units by 2026 and present them to the market for sale.
- 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.

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

- 4.5.1. This Circular reminded local authorities of the overall strategy of bringing vacant homes back into use as quickly as possible. The circular advised the adoption of Vacant Home Action Plan which would include the possibility of using the CPO process to acquire suitable homes as part of a strategy to address the matter of vacant private houses.

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

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

5.0 Objection to the CPO

- 5.1. The objector is, Aisling Sutton, and she is represented by O'Donohoe Solicitors.
- 5.2. The property is Ms. Suttons home and principal residence. She was required to temporarily vacate the property in order to care for her elderly mother who resides alone. It is her intention to resume residence in the subject property imminently with her dependent child/children.
- 5.3. The property is subject to a mortgage and the objector at all times discharged the monthly mortgage repayments/continues to do so in order to protect her interest in the property. Further to this, the property is currently the subject matter of an investigation with the Financial Ombudsman in relation to a complaint/dispute with Alliance Insurance Company regarding damage to the property. In addition, the property is

currently the subject matter of Circuit Court proceedings between Sidney Sutton and the objector.

6.0 Response from Meath County Council

- 6.1. Meath County Council's response, received on 30th April 2025, was prepared by Yvonne Hyland, Vacant Homes Officer. It outlined the following policies relating to vacancy which are of particular relevance in the context of this Compulsory Purchase matter: - Housing for All – A New Housing Plan for Ireland, 2021; the Vacant Homes Action Plan 2023–2026; and the Progress Report associated with the Vacant Homes Action Plan 2023–2026, published in April 2024.
- 6.2. In addition, it provided a brief timeline/overview of actions taken by the Council and interactions/discussions had with the property owners regarding the subject property between December 2021 and October 2024. Further to this, it provided information on justification for this house/site acquisition and alternatives considered.
- 6.3. The submission then went on to specifically respond to the matters raised in Ms. Sutton's Objection. The claim made by Ms. Sutton's solicitor regarding the subject property being her home/principal residence and that she has had to temporarily vacate the property to care for her elderly mother is refuted. Following enquiries made and conversations with Mr. Sutton one of the owners, it has been established that the property has been vacant for c. 14 years.
- 6.4. With regards to the contention that Ms. Sutton intends to take up residence imminently, it is noted that no evidence has been presented as to a change in Ms. Sutton's personal circumstances re caring for her elderly mother that would allow her to move back in. 7 months has elapsed since Ms. Sutton's Objection was issued to Meath County Council and the Board, as of 15th April 2025, there has been no further activity at the property/it remains vacant as confirmed by inspection of the Vacant Site Officer/local enquiries.
- 6.5. The property is the subject of an ongoing Financial Ombudsman investigation in relation to a dispute with Allianz Insurance. This raises the question as to whether the carrying out of essential repairs are contingent on a successful outcome of the same.
- 6.6. The ongoing litigation between the Co-owners calls into question the ability of Ms. Sutton to recommence possession.

- 6.7. Mr. Sutton in August 2024, advised that he was happy for Meath County Council to proceed with the compulsory purchase of the property as he didn't see matters being resolved any other way. He has not objected to the Compulsory Purchase Order.

7.0 Oral Hearing

- 7.1. An Oral Hearing was held on Friday, 2nd May 2025. The objector and Meath County Council were represented at the hearing and oral submissions were heard by both parties.
- 7.2. A summary of the Oral Hearing is included in Appendix 1 of this report. As the presiding Inspector, I commenced proceedings with an opening statement. Participants were informed that the purpose of the Oral Hearing 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 purpose of the Hearing was to deal with the CPO process only. i.e., the merits, or otherwise, of the proposed acquisition of the lands by the Planning Authority. Participants were also reminded that the Board has no role or jurisdiction in the determination of compensation.
- 7.3. The proceedings of the Oral Hearing are summarised in Appendix A of this report and referenced, where necessary, in the assessment below under Section 8.0.

8.0 Assessment

8.1. Legislative Requirement Satisfaction

- 8.1.1. This section will consider the appropriateness of the subject CPO issued by Meath County Council in the context of the legislative framework/requirements previously outlined in Section 4.1 of this report.
- 8.1.2. In the context of the requirements under Article 1 contained in the Third Schedule to the Housing Act, 1966 (as amended), I am satisfied that the map accompanying the CPO accurately reflects the subject property. I am also satisfied that the prescribed forms contained within S.I. No. 454/2000 (Housing Act, 1966 (Acquisition of Land) Regulations, 2000) have been correctly utilised in the drafting of the subject Compulsory Purchase Order. However, I would have concerns about certain aspects of the wording/information contained therein. Part 4 of the CPO notice states that '*the*

Board cannot confirm the order in respect of the land, if an objection has been made and not withdrawn, until the Board has had an oral hearing.' I note that this is factually incorrect, the wording of this section failing to accurately reflect the discretion afforded the Board in the context of holding an oral hearing in relation to such a matter, under Section 218 of the Planning and Development Act, 2000 (as amended).

- 8.1.3. In the context of Article 4, I am satisfied that that the notice published in the Meath Chronicle, on 28th September 2024, satisfies the requirements under Section (a). On foot of Meath County Council furnishing a copy of the CPO Notice issued to Ms. Sutton at her alternative address/the associated proof of delivery from An Post, I am satisfied that the notice requirements under Section (b) have been complied with in this instance.
- 8.1.4. Turning my attention now to Articles 3 and 5. In their opening statement made at the Oral Hearing, Meath County Council advised that an administrative error had been made in the context of the description of the house being acquired. More specifically, the site/house had been wrongly identified as '*land consisting of a house unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense*', as per the requirements of Article 3, as opposed to '*land other than land consisting of a house unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense*'. I note that Article 5(4) requires that an CPO be annulled in instances where '*a house described in a compulsory purchase order as being unfit for human habitation and not capable of being rendered fit at reasonable expense ought not to have been so described*'. I note that Article 5(4) goes on to afford the Board discretion to modify the order so as to authorise the acquisition of the house and to pay compensation in instances where satisfied that house may properly be acquired by the Housing Authority. Given the errors associated with the CPO issued are not limited to this particular item (an error regarding the oral hearing requirement having been discussed earlier in this section of the report), I do not consider it appropriate to exercise this discretion in this instance.
- 8.1.5. Having regard to the foregoing, I am not satisfied that the requirements specified in the Third Schedule to the Housing Act, 1966 (as amended), in the context of Compulsory Purchase Order issuance have been appropriately complied with. I am therefore satisfied that the Local Authority has not complied with the provisions of Section 76 of the Housing Act, 1966 (as amended). Therefore, I consider it appropriate

to refuse the Local Authority's application for consent to compulsorily acquire the site at 65 Brindley Park Road, Ashbourne, Co. Meath.

8.2. CPO Criteria Satisfaction

8.2.1. I note that for the Board to confirm a Compulsory Purchase Order, it must be satisfied that the following criteria are addressed:

- There is a community need to be met by the acquisition of the property.
- The particular property/land 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.

8.2.2. Should the Board be of a different view regarding the recommendation outlined above in Section 8.1, the proposed Compulsory Purchase Order is now assessed in the context of the above criteria.

Community Need

8.2.3. The community need for the acquisition was set out by Meath County Council in the documentation submitted with the Compulsory Purchase Order and was further detailed in the Oral Hearing.

8.2.4. Meath County Council have outlined that there is a considerable gross housing need within the County and Country more broadly. In the context of Ashbourne, there are 580 no. applicants on the Social Housing Waiting List and of these 168 no. require 2-bed accommodation. In light of this, the Housing Department is actively seeking lands, turnkey developments or regeneration opportunities within Ashbourne.

8.2.5. The Local Authority has stated that once acquired the Housing Department will develop the subject property and put it back in to use as social housing for occupation by persons on the waiting list. It was stated that the repurposing of this vacant unit at this location would enhance the community/address issues raised in the context of neighbouring properties and provide an excellent location for a family to live.

8.2.6. No. 65 Brindley Park Road is a mid-terrace house in an established residential development. While the house would benefit from some improvement work, as well as rectification of the roof/floor issues raised by the Objector, I consider that at the time of site inspection the house is not derelict nor an eyesore.

8.2.7. At the oral hearing, the Local Authority confirmed that the dwelling was identified as being vacant in December 2021. The objector has not disputed that the house has been vacant for a number of years. The objector has stated that they have had to vacate the property/that they have not been able to adequately maintain the gardens on foot of damage that has occurred to the property, insurance disputes arising in relation to the same, care responsibilities, health issues and access restrictions arising from family disputes.

8.2.8. Having reviewed the information submitted, I am satisfied that there is a need for the Local Authority to address the housing list as it stands and to reduce the levels of vacancy in the county. I am therefore satisfied that Meath County Council have demonstrated a clear and pressing community need that would be met by the project and would be facilitated by the acquisition of rights over the lands in question, should the Board consider it appropriate to confirm the Compulsory Purchase Order.

Suitability of Lands to Serve Community Need

8.2.9. No. 65 Brindley Park Road is located on lands that are zoned 'Existing Residential' and is in an established urban-residential area. The house is located in a terrace of similar two-storey units.

8.2.10. The site is proximate to Ashbourne Town centre and is located within walking distance of the Towns shopping area/community facilities (including educational facilities). The refurbishment of this property would provide a family house in an area with high demand for such properties. Meath County Council consider the house to be viable and suitable for refurbishment.

8.2.11. I consider that the subject property, having regard to its central location, could be refurbished, and put back into fulltime residential use. Having regard to all of the above, I am satisfied that in principle, the house is suitable for reuse/to serve the identified community need.

Compliance with Planning Policy

8.2.12. I refer the Board to Section 4 above, which outlines the planning policy context for the subject property. There are various policies that support bringing vacant residential sites back into viable use.

- 8.2.13. 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 and enhancing the residential amenities of existing residential areas.
- 8.2.14. The acquisition of this property/its repurposing for residential use would also comply with Objectives SH OBJ 13 and SH OBJ 15 of the Meath County Development Plan 2021-2027 as it would provide an additional social housing unit in Ashbourne and would help satisfy social and affordable unit requirements specified in Section 3.8.3.
- 8.2.15. At national level, the proposal is consistent with national planning policies, including the Vacant Homes Action Plan 2023–2026 and Housing for All – A New Housing Plan for Ireland, 2021, which seeks to address vacancy, including by way of the Compulsory Purchase of vacant properties, and increase social housing delivery.
- 8.2.16. Having regard to all of the above, I am satisfied that that the proposed development is substantially in compliance with planning policies and objectives at local and national level.

Consideration of Alternatives

- 8.2.17. 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.
- 8.2.18. As referenced in Section 6, Meath County Council in their response to the Objection received provided a brief timeline/overview of actions taken by the Council and interactions/discussions had with the property owners. In this response/in the documentation accompanying the application to the Board, as well as during the recent Oral Hearing, it is outlined that the property was first reported as being vacant in December 2021. A series of letters were issued to the landowners between March and July 2022 and a Pre-CPO Notice was erected on the site in August of the same year. Contact was made with Mr. Sutton via phone in August 2022 (Meath County Council were unable to secure contact details for Ms Sutton and so were unable to call her). During this call available supports were discussed in the context of this property, including the option of Meath County Council purchasing the property. As

engagement with co-owner, Mr. Sutton, yielded no action/addressing of issues at the property, the Compulsory Purchase Order process was initiated. Mr. Sutton indicated that he was happy for Meath County Council to proceed in this manner.

- 8.2.19. During the Oral Hearing, Ms. Sutton indicated that it is her intention to move back to this property when care for her mother is no longer required and in the interim, Ms. Sutton's daughter will move back into the property. Based on the submissions made at the Oral Hearing, the changing of the locks to facilitate access (in light of ongoing legal disputes) as well remedial works to the property's roof/floors would be required to facilitate re-occupation in this instance.
- 8.2.20. Having regard demand for housing / social housing in Meath and in Ashbourne, the efforts made by the Local Authority to meet this demand, the legal issues pertaining to this property, the lack of a timeline for the resolution of these issues, the long period that the property has remained vacant and the lack of any firm progress or timeframe for readying the house for the purposes of being inhabited, I am satisfied that there are no demonstrably preferable alternatives available to return this property to habitable use.
- 8.2.21. 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. Whilst I acknowledge the legal issues surrounding the property, these have been ongoing for some time with no sign of resolution. The acquisition of this property would facilitate its return to productive use at a time when there is an identified need for housing. Therefore, in my opinion the acquisition of No. 65 Brindley Park Road, Ashbourne, Co. Meath, for the purpose of social housing is also justified in the public interest.

9.0 Conclusions and Recommendation

9.1. Conclusions

- 9.1.1. Having regard to the foregoing, I am satisfied that the process and procedures undertaken by Meath County Council have been fair and reasonable, that the Local Authority have demonstrated a need for the acquisition of No. 65 Brindley Park Road,

Ashbourne, Co. Meath, and that the property in question is both necessary and suitable to facilitate the provision of social housing.

- 9.1.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of No. 65 Brindley Park Road, Ashbourne, Co. Meath, as set out in the compulsory purchase order and on the deposited maps, pursues, and is rationally connected to, a legitimate objective in the public interest, namely, the provision of social housing.
- 9.1.3. 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.
- 9.1.4. However, in seeking to compulsorily acquire the land, as provided by Section 76 of the Housing Act, 1966 (as amended), I deem the Local Authority to have failed to satisfy the requirements specified in the Third Schedule to the Housing Act, 1966 (as amended) in the context of Compulsory Purchase Order issuance. The Compulsory Purchase Order Notice has inaccurately described the lands in Part 1 of the Schedule to the same and has incorrectly referenced the Board being mandatorily required to conduct an Oral Hearing. I am therefore satisfied that the Local Authority has not complied with the provisions of Section 76 of the Housing Act, 1966 (as amended).

9.2. Recommendation

- 9.2.1. I recommend that the Board **ANNUL** the above Compulsory Purchase Order based on the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having considered the objection made to the compulsory purchase order and not withdrawn, the report of the person who conducted the oral hearing into the objection, the purpose for which the lands are to be acquired as set out in the compulsory purchase order and also having regard to the following:

- a) The Vacant Homes Action Plan 2023–2026 and Housing for All - a New Housing Plan for Ireland, 2021,
- b) The policies and objectives of the Meath County Development Plan 2021-2027,
- c) The identified need for housing nationally, in County Meath and Ashbourne,
- d) The purpose of the compulsory acquisition of No. 65 Brindley Park Road, Ashbourne, Co. Meath, for refurbishment of this house for use as a social housing unit,
- e) the suitability of the lands for use as social housing.
- f) The Constitutional and Convention protection afforded to property rights,
- g) The public interest,

it is considered that the Local Authority in seeking to compulsorily acquire the land, having inaccurately described the lands in Part 1 of the Schedule to Compulsory Purchase Order and incorrectly referencing the Board being mandatorily required to conduct an Oral Hearing, has failed to satisfy the requirements specified in the Third Schedule to the Housing Act, 1966 (as amended) in the context of Compulsory Purchase Order issuance and that the application for compulsory acquisition by the Local Authority has therefore not complied with the provisions of the Housing Act, 1966 (as amended).

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.

Margaret Commane
Planning Inspector

16th May 2025

Appendix 1: Proceedings of the Oral Hearing

1. Background

An Oral Hearing (OH) was held on 2nd May 2025 in relation to the proposed compulsory acquisition of 65 Brindley Park Road, Ashbourne, Co. Meath. 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. An agenda was posted out to relevant parties in advance of the OH and a copy of this is available on file.

2. Attendance

The following were in attendance and/or made submissions at the Oral Hearing:

On behalf of Meath County Council (MCC)

Submissions made by:

- David McEntee – Solicitor representing MCC.
- Yvonne Hyland - Vacant Homes Officer.

On behalf of the Objector

- Aisling Sutton (Objector and Property Owner)
- Louise Gough (sister of Objector/Property Owner Aisling Sutton)

3. Opening of Oral Hearing

The Inspector formally opened the hearing at 2.15pm. Following some introductory remarks, it was requested that the Local Authority make its formal submission.

4. Submission by Meath County Council

Mr. McEntee

- Opened by advising of an administrative error that has occurred in the context of the CPO Notice issued. More specifically, the property was described in Part 1 of the Schedule and should have been described in Part 2 as Meath County Council is not relying on this property being unfit for human habitation and not

capable of being rendered fit for human habitation at reasonable expense but rather relying on the general powers of acquisition afforded the Local Authority under the Housing Act and Planning and Development Act. This has implications in the context of compensation moving forward.

- Housing for All encourages the acquisition of vacant properties throughout Ireland in a bid to address the housing crisis and the issue of dereliction, as well as problems arising from vacant properties such as negative impacts on neighbouring properties.
- The Vacant Homes Action Plan further encourages Local Authority to do everything they can to acquire vacant homes and bring them back in to use. The Progress Report published in the context of this Action Plan in April 2024 encouraged Local Authorities to use their legislative powers in order to acquire vacant and derelict properties.
- The ongoing housing crisis has resulted in a significant Social Housing Waiting List within Co. Meath. More specifically, there are 580 no. applicants on the waiting list in Ashbourne and of these 168 no. require 2-bed accommodation such as the subject property. In light of this, to leave the subject house vacant would be inappropriate.
- The subject house has been identified as a property that can be acquired and put back in to use as social housing for occupation by persons on the waiting list.
- In December 2021, the Local Authority received notice of this property being vacant. Following investigations, it was established that it had been vacant since 2014.
- Meath County Council engaged with the owners of the property, both Sid Sutton and Ashling Sutton. Of these two owners, Ms. Sutton was more difficult to contact, however contact was made via her Solicitor. Mr. Sutton indicated that he had no issue to the proposed acquisition of the property. On foot of this indication, in September 2024 the notice of the CPO was issued on both owners. In the context of Ms. Sutton it was served at both the subject property and the property she is currently residing. Notice was also published in the newspaper as required.

- Following notification, an objection was received from Ms. Sutton and Mr. Sutton acknowledged receipt of the notice but raised no issue in this regard.
- In terms of negative impacts on neighbouring properties, it is understood that there has been damage to neighbouring properties in this instance. More specifically, damage to rear fences, damp and overgrowth of the rear garden into neighbouring site.
- Mr. Sutton was advised of available supports during a phone call in 2022 and the prospect of the Local Authority acquiring the property was discussed. However, this could not be advanced as it is understood that there were ongoing disputes between Mr. and Ms. Sutton regarding the ownership/interest in the property. These ongoing disputes, as well as ongoing investigations by the Financial Ombudsman in the context of the property, are not of concern to Meath County Council and do not inhibit the process of compulsory acquisition of the property.
- In response to the objection submitted by Ms. Sutton's Solicitor, more specifically the argument made regarding this being a family home, it is argued that this has not been a family home for a no. of years. To date, the property remains vacant. Despite indications from Ms. Sutton that she intends to take up residence imminently, the property remains vacant.

I would note that during this session of the hearing the Inspector, in the absence of correspondence on the file, sought confirmation regarding the notice being issued to Ms. Sutton at the alternative address provided for her. It was asked that a copy of the same be furnished as well as associated confirmation regarding postage/its delivery. Mr. McEntee provided verbal confirmation of this notice's issuance/receipt by Ms. Sutton and indicated that copies of the relevant documents would be submitted post haste.

5. Submission by the Objector

Aisling Sutton

- Outlined that there are a no. of factors that have contributed to the property coming to be vacant, many of which the Council were not made aware of.

- In terms of background, the property was purchased by Ms. Sutton and her brother, Mr. Sid Sutton, in 2004. It was purchased with the intention of securing Ms. Sutton and her two young daughters a family home.
- It was their principal place of residence for a considerable amount of time, with the bills, furnishing/fit-out and mortgage payments being covered by Ms. Sutton only.
- In mid-2011, following the birth of her son and her sister's involvement in a serious car crash Ms. Sutton relocated to Glasnevin to reside with her parents. This facilitated her attendance at work in Dublin City and her children's attendance at school in that area as Ms. Sutton doesn't drive. Further to this, it allowed her to assist in caring for her father who had numerous health issues.
- In 2016 during Storm Ophelia, the roof/party wall of the house was damaged and as a result was not safe to live in. An associated claim was made to Allianz Insurance. Allianz Insurance claimed the damage was as a result of pyrite. Inspections, involving the digging up of part of the houses floor, were carried out to investigate this contention. Issues regarding pyrite were not revealed, however, a dispute with the insurance company ensued. The associated claim made to Allianz Insurance and subsequent matter raised with the Financial Ombudsman were dealt with by Mr. Sutton. While in prison, related communications with Mr. Sutton ceased and they were reluctant to communicate with Ms. Sutton in his absence.
- While handling the matter of the insurance claim, Ms. Sutton's keys were provided to Mr. Sutton who failed to return them to her following a falling out. Therefore, she is currently unable to access the property. Given her financial situation, she has not been in a position to pay for the locks to be changed to facilitate access.
- In the intervening period, Ms. Sutton developed Stage 3 cancer and her mother had a stroke. Ms. Sutton had to become her primary carer which prevented her return to the property.
- In regard to the matters raised by the Council regarding damage to neighbouring properties, it is argued that one neighbour is a friend and has no issues with regards to the properties condition and the other neighbour did raise issues regarding overgrowth but Ms. Sutton explained that she was unable to address

these due to her inability to access the property/care commitments with her mother. Mr. Sutton had advised that he would rectify the issues raised but failed to do so.

- There is an ongoing issue regarding ownership of the property that is the subject of Circuit Court proceedings.
- With regards to the Council's reissuance of the CPO Notice to Ms. Sutton's alternative address, Ms. Sutton argues that she did not sign for the same.
- It is intended that Ms. Sutton will move back to this property when care for her mother is no longer required. Ms. Sutton's daughter, who is expecting her first child, will move back in to the property in the interim. Due to changes in financial situation, Ms. Sutton is now in a position to pay for the locks to be changed to facilitate this.

Louise Gough

- Ms. Gough confirmed that she is not in a position to assist with the care of her mother at night, due to husband's work/her daughter being blind, as previously raised by Ms. Sutton.
- Ms. Gough resides on the same street as the subject property and advised that no neighbours had made her aware of supposed issues with the property. Once the locks are changed Ms. Gough will be in a position to assist with any remedial works required to the garden/fencing.

6. Meath County Council's Response to Objector Submission

Mr. McEntee

- Sympathy was offered regarding ongoing health issues and difficulties.
- However, irrespective of these, the main concern remains that the property has been vacant for a considerable amount of time and remains vacant currently. The question was posed as to why efforts had not been made to rent out the property in the intervening period.
- With regards to Ms. Sutton's comments regarding the delivery of the revised CPO Notice, a copy of the said notice and the evidence of delivery from An Post can be furnished to her. Concerns regarding whom signed for it should be raised with An Post.

7. Questioning between Parties

Objector to KCC

- In the context of the Council's query regarding why the house has not been rented out in the meantime, Ms. Sutton advised that health issues and care commitments limited her ability to do so as well as the damage to the floors caused during pyrite investigations/the roof damage still requiring attention and the ongoing matter with the Financial Ombudsman.
- Ms. Sutton was unaware of the laws now in place allowing a Council to acquire a house in this manner.

KCC to Objector

- Mr. McIntee queried how the ongoing matter with the Financial Ombudsman had limited her ability to rent out the property until now.
- Mr. McIntee also queried what change in circumstances has occurred that allows the Observer's daughter to now be in a position to reoccupy the property.

Ms. Sutton was afforded the opportunity to respond to these queries and advised that given the damage to the floors caused during pyrite investigations/the roof damage still requiring attention, the property can not be rented out. However, her daughter is willing to move in in advance of these issues being rectified.

Inspector to Objector

- The Inspector queried if the Financial Ombudsman matter was now being dealt with by Ms. Sutton as opposed to Mr. Sutton.

Ms. Sutton was afforded the opportunity to respond to this query and advised that she is continually trying to be made the primary contact person in the context of this complaint (with Mr. Sutton having sent written correspondence giving his consent for the same). However, to date, she has been unsuccessful in this regard but will continue efforts moving forward.

- The Inspector queried if the Circuit Court proceedings referenced had concluded and if so, what was the outcome of the same.

Ms. Sutton was afforded the opportunity to respond to this query and advised that a settlement had not been reached to date and the matter is proceeding to court.

- The Inspector queried the intended date for her daughter to take up residence at the property.

Ms. Sutton was afforded the opportunity to respond to this query and advised that the locks were to be changed the following weekend and she would take up residence once this had occurred.

Inspector to KCC

- The Inspector had no further questions for KCC.

8. Closing Statements

Meath County Council and the Objector had no closing statements.

9. Closing of Oral Hearing

The Inspector made some brief final comments and thanked everyone for their participation. The Oral Hearing was subsequently closed.