



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323428-25

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<b>Development</b>	Compulsory acquisition of a derelict site known as Petrol Station, Metges Road Junction, Navan, Co. Meath.
<b>Location</b>	Petrol Station, Metges Road Junction, Navan, Co. Meath.
<b>Local Authority</b>	Meath County Council
<b>Notice Party</b>	Edward Cunningham
<b>Date of Site Inspection</b>	13 <sup>th</sup> January 2026
<b>Inspector</b>	Dan Aspell

## 1.0 Introduction

- 1.1. This case relates to a request by Meath County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site at Metges Road Junction, Navan, Co. Meath, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

## 2.0 Site Location and Description

- 2.1.1. The property which is the subject of this application comprises a former petrol filling station (PFS), courtyard and open area to the rear. It is located at the junction of Metges Rd and the R153, and has a stated area of 0.39 ha. The R153 is to the north. Metges Road is to the east.
- 2.1.2. On the day of my site inspection, I was unable to gain entry to the interior of the premises. I inspected the site from adjacent public roads. I observed the following:
- The site is vacant. The former PFS is not currently in use;
  - The PFS forecourt is fenced off by temporary site fencing. Access to the site is restricted. Physically the PFS appeared structurally intact and watertight, with no evidence of significant damage or wear & tear;
  - The PFS is of relatively old construction. The PFS building did not appear to have been recently cleaned or painted;
  - I did not observe litter, rubbish or debris on-site. Items were stored to the rear of the premises incl. 3 no. disused vehicles.
- 2.1.3. The Athlumney Hall housing estate is to the south. There is a bungalow to the west. There is residential development across the R153 to the north and across Metges Road to the east. The surrounding area is predominantly residential in use and character. The surrounding residential development is a mix of houses and apartments, primarily of modern construction.

## 3.0 Application for Consent for Acquisition

- 3.1.1. Meath County Council applied to the Commission for consent to compulsorily acquire the site under the Derelict Sites Act 1990, as amended. The application is

subsequent to the Council serving a notice under Section 14 of the Act advising of the Local Authority's intention to acquire compulsorily the derelict site as described. Copies of Notices issued under Section 8(2) and 8(7) of the Act are submitted.

## 4.0 Application and Objection

### 4.1. Notice of Intention to Acquire

4.1.1. Notice of Meath County Council's intention to acquire the site compulsorily was served on Mr. Edward Cunningham, dated the 28<sup>th</sup> May 2025 and was published in the Meath Chronicle dated 7<sup>th</sup> June 2025. The site was described in the notices, as follows:

- *“Derelict Petrol Station” with an address as “Site known as Petrol Station, Metges Road Junction, Navan Co Meath”.*

4.1.2. I consider the notices were generally in accordance with the requirements of Section 15 (1) (a) and (b) and (2) of the Derelict Sites Act 1990, as amended.

### 4.2. Objection to Local Authority Acquisition

4.2.1. An objection to the proposed acquisition was submitted to Meath County Council by Edward Cunningham dated the 8<sup>th</sup> July 2025. I summarise the objection as follows:

- Ownership & background: Objection sets out details of ownership and management of the property since 1968, and impact of road closure by the Local Authority outside the site c.2007-2008;
- Property condition & maintenance: Owner rejects assertion the property is derelict. It is structurally sound; regularly painted; and maintained to prevent overgrowth or hazard. Objection sets out details of concerns raised verbally by the Planning Authority, which it states are easily addressed. No element of the property meets the standard of dereliction defined under the Act;
- Efforts to resolve and Council engagement: Objection states every effort has been made to work constructively with the Council. Owner offered to remedy any issue the Council had with the property, and sought clarification as to what the Council considered objectionable. It stated that no meaningful response was provided which shows a lack of interest in remediation. The objection stated the

property was for sale at the time of writing and clarified there are no legal barriers to its sale;

- Prior contact from Councillor: Objection refers to communication from a local Councillor regarding the potential purchase of the property by the Council. Concerns raised regarding the intent of the Council as the property was already placed on the Derelict Sites Register before the owner responded;
- Impact on value and market process: Compulsory acquisition would significantly undervalue the property by replacing open market bidding with an enforced valuation model. Objection states the owner's auctioneer advised the achievable price through open sale is likely far higher than any figure realised through forced acquisition. The current sale process already achieves the improvement or reuse of the site;
- Conclusion: Objection requests the Council withdraw its intention to compulsorily acquire. Objection stated the owner remains willing to remove vehicles and fencing; provide updates on the sale process; and undertake any other reasonable steps to satisfy Council concerns.

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

4.3.1. The Local Authority application for consent to the Commission for the compulsory acquisition of the site was received on 14<sup>th</sup> August 2025 and included the following:

- Cover letter;
- Notice of intention to acquire site;
- Senior Executive Officer recommendation to Chief Executive;
- Chief Executive Order;
- Copy of Notices served on registered owners;
- Copy of newspaper notice;
- Site maps;
- Copy of Objection from Edward Cunningham
- Letter of Support from Link Financial, and;

- Meath County Council comments regarding the objection and related documents including photographs; Recommendation Reports/ Inspection Reports; Derelict Site Reports; Copies of Folios; Valuations; and related correspondence.

4.3.2. The comments of the Local Authority include the following points:

- Having regard to ownership challenges and outstanding debt owed on the site that the owner is not in a position to sell the site or carry out substantial works;
- References made to a letter from Link Financial in support of the compulsory acquisition, and related points that no meaningful engagement has been made and that Link Financial do not expect the issue to be resolved without intervention from the Council;
- The Council considers the petrol filling station ceased operations around 2009 and the premises was left unoccupied by 2011;
- The Council received numerous complaints from the public and local representatives highlighting unsightliness of the former petrol station and ongoing anti-social behaviour being facilitated by the site. Many of the complaints discussed the need for housing and social infrastructure in the area;
- The Council first inspected the site in Nov. 2024. The site was considered unsightly and neglected in appearance and detracted from the character of the neighbourhood. Graffiti and evidence of anti-social behaviour, abandoned vehicles, overgrown vegetation, weeds, 'harris' fencing, and waste were noted on-site. The garage was unmaintained and unsightly. For these reasons the site was determined derelict in accordance with Section 3 (b) and (c) of the Act;
- Council issues a statutory notice under S.8(2) of the Act (26<sup>th</sup> November 2024);
- John Cunningham wrote to the Council (16<sup>th</sup> December 2024) noting an interest in carrying out remedial works while eventually selling the site, and referred to ongoing financial complexities which would prevent any sale from proceeding. No improvement works were carried out following the letter and no proposals were received outlining the owner's intentions to remove the dereliction;
- The Council wrote to John Cunningham advising that it had considered the submission; decided to add the site to the Derelict Sites Register; acknowledged

ongoing legal proceedings as an obstacle which would delay the site from being sold; and discussed compulsory acquisition as an option to resolving dereliction;

- The Council added the site to the Derelict Sites Register on 25<sup>th</sup> March 2025;
- The comments state the Council have engaged with John and Edward Cunningham over years regarding derelict sites owned by them, and that the Cunninghams have proved with their other sites that there is no desire or any intention to remove dereliction from their sites (The comments refer to sites at New Lane Cottages (ABP-310607-21) and No. 2 Ivy Cottage);
- Comments set out details of relevant folios and related owners and burdens;
- The comments set out details of the objection to the Council from Edward Cunningham (8<sup>th</sup> July 2025) and make the following responses:
  - Council strongly disagree with the assertion the site is not derelict. Council have determined the site is derelict in accordance with S.3(b) and 3(c);
  - The owner made clear their intention to sell the site without bringing it back into use, and to only carry out minor repairs in the interim, with no commitment as to when the works would be carried out;
  - The submission from John Cunningham referred to ongoing Garda investigations regarding financial dealings which directly impacts the timeline of any property transaction. Legal issues preventing the owner from selling the site were highlighted. This was confirmed by Link Financial;
  - Contact from a local Councillor was private and confidential and had no involvement from the Council. It is likely the Cllr was acting on behalf of constituents;
  - Regarding impact of compulsory acquisition on the property valuation, interested parties are entitled to compensation under the Act. The Council will determine a valuation should acquisition be approved by the Commission. Council is unaware of objection to the valuation issued to interested parties on 10<sup>th</sup> July 2025;
  - The registered owners have failed to carry out sufficient works to remove the dereliction from the site. It is clear from the correspondence received that the

owners do not intend to carry out sufficient works to remove the dereliction. The Council engaged the owners on two separate sites where no effort was made to resolve dereliction. The Council were required to compulsorily acquire those sites to remove the dereliction; without intervention the Council is confident the sites would have remained in a derelict condition indefinitely. The site has remained in its current condition for almost 15 years. The Council are adamant that without compulsory acquisition the site will continue to remain derelict for years to come;

- The comments set out details regarding the Council's need to compulsorily purchase the site. The Council proposes to construct a purpose-built Short-Term Accommodation on the site. It would consist of up to 32 no. 1- and 2-bed units and support facilities. Appendix H of the comments comprises a site layout plan;
- The comments include photographs of the site.

#### Derelict Sites Reports

4.3.3. The Local Authority comments to the Commission include 3 no. Derelict Sites Inspection Reports (dated 08/11/24, 17/01/25, & 22/05/25), 4 no. Derelict Site Reports (dated 19/11/24, 21/03/25, 23/05/25 & 10/07/25), and related site photographs. Below I summarise the Derelict Site Report dated 23<sup>rd</sup> May 2025 which informed the recommendation under Section 15 of the Act, as follows:

- The site is unoccupied. The building appears to be secure;
- In relation to guttering, the report rates the site as 'poor';
- The building is unsightly and neglected in appearance and requires painting. The harris fencing and steel fencing along Metges Rd is unsightly. Report rates the site as poor in terms of appearance, and describes the appearance issues as '*flaking paint, neglected in appearance*';
- Vegetation is overgrown in areas and weeds are growing around the pumping stations area. Abandoned / end of life vehicles (3 no.) remain on site. Waste has been left on site. Report rates the site as 'poor' in terms of rubbish/waste on the site, and describes the waste as commercial and hazardous;
- There is some graffiti on the building which indicates anti-social behaviour;

- The appearance of the site continues to deteriorate. No works carried out since previous site inspection. Sufficient improvement works not carried out/ underway;
- Report states the site is derelict on ground of Section 3 (b) and (c) of the Act.

4.3.4. In the interests of completeness I have reviewed the other referenced inspection reports and derelict site reports on file relating to Sections 8 and 22 of the Act. I have had regard to the details stated in relation to the condition of the site; the conclusions reached in those reports; and that the site inspection report dated 17<sup>th</sup> January 2025 rated the appearance as 'very poor' and the subsequent report (23<sup>rd</sup> May 2025) indicated an improvement to only 'poor'.

#### 4.4. **Objection to the Commission**

4.4.1. An objection was received by the Commission (26<sup>th</sup> August 2025) from Mr. Edward Cunningham which I summarise as follows:

- Introduction: Site does not meet statutory definition of derelict under Section 3. Council failed to comply with Section 8 fair procedures by not addressing reasonable offers of remediation. Council acted in bad faith and disproportionately by pursuing compulsory acquisition despite ongoing maintenance, an active sale process; and trivial grounds for complaint. Council relied on irrelevant factors not provided for in the Act. Council failed to consider or exercise less intrusive statutory remedies under Section 11 before moving to the most extreme measure;
- Ownership & History: Owner states the developed the property in 1968, and that it has been maintained and operated for over 55 years. Submissions set out information relating to the financing, ownership and control of the site. Link Finance has no valid or enforceable claim to the property. Any communication by Link Finance to the Council is legally irrelevant to the case;
- Timeline of events: Objection sets out a timeline of events. It states no details of the works the Council considered necessary to resolve the stated dereliction were provided. In a phone call dated 19<sup>th</sup> June 2025 two issue were cited (vehicles parked to the rear and fencing to the front);

- Failure to meet definition of dereliction: The Council's concerns were limited to a small number of classic vehicles parked at the rear and temporary fencing to the front; neither issue constitutes dereliction. The fencing was erected on Garda advice after a break-in; this is an act of security, not neglect. The vehicles are temporary, removable and part of a classic car collection. The structures are sound, painted, and open areas are free from rubbish/debris and are maintained. By any objective measure the property is not derelict;
- Procedural fairness under Section 8: Owner submitted a written response to the Section 8(2) notice offering to carry out any works, requesting clarification and committing to maintenance. The Council never specified required works or addressed those offers before entering the site on the Register. This breaches Section 8(5) and deprived the owner of the chance to rectify the alleged issues and denied fair procedure;
- Reliance on irrelevant considerations: The Council's initial notice relied on Sections 3(b) & (c), however its decision letter of 13<sup>th</sup> January did not provide evidence of same but instead relied on the site being for sale and that an investigation was ongoing; these matters do not fall within the statutory definition of dereliction. Relying on irrelevant factors rather than demonstrating how the property met Section 3 criteria the Council acted outside its powers. Compulsory acquisition can only proceed where the site is demonstrably derelict under the Act and not on other grounds;
- Failure to use statutory alternatives: The Council never used Section 11 powers requiring the owner to carry out works but instead moved directly to compulsory acquisition. This bypass of remedies is disproportionate and contrary to the principle that compulsory acquisition must be a last resort;
- Bad faith and predetermined outcome: A local councillor asked the owner to sell the property to the Council; weeks later the Council entered the site on the Register. The sequence strongly suggests a predetermined intention to acquire the property, undermining the fairness and objectivity of the process;
- Open market sale already underway: The property is already for sale with a local agent who confirmed sale is achievable at a value significantly higher than the

compulsory acquisition compensation. The statutory purpose of the Act is to remedy dereliction not to depress property values or interfere with sales;

- Investigation / No impact on sale: Owner has reported a matter of corporate fraud to the CEA (Corporate Enforcement Authority) and Gardai and an investigation is ongoing. This has no bearing on ownership, title, or marketability of the site. Site is being actively marketed by a licenced auctioneer, and suggestions the investigation impedes sale is wrong;
- Disproportionate interference with property rights: Compulsory acquisition will depress the site's value, prevent open market disposal, and amount to an unjustified interference with constitutionally protect property rights;
- Conclusion: Requests the Commission refuse to confirm compulsory acquisition and allow the sale to proceed without interference. Owner remains willing to remove the vehicles and fencing if required, to provide updates on the sale process, and take any other reasonable steps to satisfy concerns.

4.4.2. The objection includes letter and email correspondence with Meath County Council; copies of notices received from the County Council; site photographs; and letters relating to Court and insolvency proceedings relating to the site owners.

4.4.3. An additional submission was received (12<sup>th</sup> September 2025) by Edward Cunningham, which I summarise as follows:

- Misleading comparison: The Council comparison to the owner's Abbeylands property is irrelevant and unfair and does not address the garage at all. The Abbeylands property was subject to repeated vandalism which was reported to the Council and Gardai; it suffered two arson attacks leaving it uninhabitable; it was uninsured leaving the owner at a financial loss; and taken over by a receiver who assumed responsibility for upkeep and disposal. Owner agrees that Abbeylands was derelict, but the subject site is maintained; watertight; painted; secure and in active use. The Council refers to Ivy Cottage, which was never owned by the subject owner. Each case should be judged on its own facts;
- Neighbour & Community views: Council suggests the garage causes nuisance to neighbours. This is contradicted by a letter from the Athlumney Hall Residents' Association (enclosed) confirming that no complaint was ever made;

- Active market sale: The property was put on the market in July 2025. In advance of viewings the site was cleared and readied for sale including removal of classic cars that had been stored there. The site is an actively marketed, valuable, commercial property not an abandoned or neglected one;
- Ongoing maintenance: The garage is regularly maintained (painting, grass & weed control; rubbish removal; drainage upkeep; and repairs). Property is watertight and structurally sound. Council never contradicted this but relied on character-based assertions rather than technical evidence;
- History of prior claims to the site: Submission sets out previous proceedings from third parties regarding entitlement / attempts to gain control of the property;
- Predetermination: The Council submission includes plans for a future facility at the site. This shows the Council already decided to acquire the site regardless of condition and explains why the owner's offers of remedial work were ignored. There was never a genuine intention to allow the owner to address concerns. This is contrary to the principle that compulsory acquisition must be a last resort after reasonable opportunities for remediation have been provided;
- Not blocking progress: Owner states they welcome the Council's project for the site or redevelopment of the site. The site is for sale and the Council are free to participate in the process. The owner objects to misuse of compulsory acquisition power, bypassing the open market, undervaluing the property, and interference with constitutionally protected rights. Allowing an open market sale ensures transparency, protects value for taxpayers, and delivers the site for use without undermining constitutionally protected property rights;
- Cross reference to original submission: Owner states they rely on grounds set out in their first objection. These include:
  - Link Finance has no enforceable claim. Their loans are statute-barred. Owner has established adverse possession. Their 'no objection' letter is legally irrelevant;
  - Council breached S.8 of the Act by failing to specify works when invited to;
  - Council bypassed S.11 remedies and moved directly to acquisition;

- Compulsory acquisition in these circumstances is a disproportionate interference with constitutional rights under Articles 40.3 and 43;
- Clarification on Dec. 2024 letter: Refers to a letter sent by John Cunningham (16<sup>th</sup> Dec. '24) which refers to investigations and legal matters which have no bearing on the ownership or sale of the site. Reliance on those points is misplaced and should be disregarded. There is no impediment to a normal sale process. The owner's solicitor is formalising ownerships with Land Registry;
- Reliance on speculation rather than evidence: Council's statement that without compulsory acquisition the garage will remain derelict for years to come is conjecture and not evidence. The evidence before the Commission is that the property is watertight, maintained; secure and actively marketed. Basing compulsory acquisition on speculation is contrary to the letter and spirit of the Act. Council has a proven history of attempts to seize the owner's property.

4.4.4. The additional submission includes: a letter from Athlumney Hall Residents' Association; an Estate Agent's letter stating the property is for sale; and an affidavit by John Cunningham. The affidavit sets out details of maintenance, oversight, condition, marketing, and use of the property, including storage of classic vehicles.

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

4.5.1. No request received.

### 5.0 **Planning History**

#### 5.1. **Subject site**

5.1.1. Reg. Ref. 99/1746: Planning application from 1999 deemed withdrawn by Meath County Council to erect a new forecourt canopy and ancillary services.

#### 5.2. **Nearby sites**

5.2.1. None.

## 6.0 Local Planning Policy

### Meath County Development Plan 2021 to 2027

- 6.1.1. The site is zoned 'A1 – Existing Residential' in the Meath County Development Plan. The land use zoning objective for the area is: *“To protect and enhance the amenity and character of existing residential communities”*. I have considered the following policies and objectives of the Development Plan in particular:

Objective CSOBJ4: *“To achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within and close to the existing built-up footprint of existing settlements in preference to edge of centre locations.”*

Policy SHPOL2: *“To promote the consolidation of existing settlements and the creation of compact urban forms through the utilisation of infill and brownfield lands in preference to edge of centre locations.”*

Policy EDPOL38: *“To promote the reuse or reactivation of vacant and under-utilised properties/shop units in order to assist within the regeneration of streets and settlements in the County.”*

Objective CSOBJ19: *“To implement an Active Land Management Strategy in relation to vacant land in settlements within County Meath and to maintain and update as required a Vacant Sites Register to ensure efficient and sustainable use of the County’s land resources in accordance with the provisions of the Urban Regeneration and Housing Act 2015 as well as the Planning and Development Act 2000, as amended.”*

Objective SHOBJ19: *“To support the implementation of the Mid-East Regional Homeless Action Plan 2018-2020 and any other subsequent Homeless Action Plans adopted during the lifetime of the County Development Plan”.*

Objective SHOBJ20: *“To promote the development of vacant residential and regeneration sites in all development centres in the County, as appropriate, in accordance with the requirements of the Urban Regeneration and Housing Act 2015 (as amended).”*

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Objective NAV OBJ 1: *“To support and encourage residential development on under-utilised land and/or vacant lands including ‘infill’ and ‘brownfield’ sites, subject to a high standard of design and layout being achieved”*

Objective NAV OBJ 2: *“To continue to support the implementation of the Active Land Management Strategy in Navan”*

Section 5.1.2 ‘Urban Regeneration and Active Land Management’

## 7.0 Legislation

7.1.1. 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. 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.”*

7.1.2. I summarise other relevant provisions of the Act below:

- Section 8 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 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 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 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.

## 8.0 **Assessment**

### 8.1. **Description of Condition**

8.2. I carried out my site inspection on 13<sup>th</sup> January 2026. Internal access to the property was not available at the time, and accordingly I carried out my inspection from the public roads adjacent the site. My observations of the site include the following:

- The site comprises a former petrol station and an adjacent area of open land. The site is vacant. The former PFS is not currently in use. Items are stored to the rear of the site. The PFS is fenced off by temporary site fencing erected along the open roadside boundary. Permanent steel fencing and block walls bound the remainder of the site;

- No significant works to the site appear to have been carried out at the property since receipt of the application by the Commission on 18<sup>th</sup> of August 2025. The maintenance of the property appears to have improved somewhat, particularly in relation to the management of weed growth within the forecourt and storage of materials to the rear of the property. A For Sale sign remains at the property;
- Regarding whether the site is in a ruinous or dangerous condition, physically the PFS appeared structurally sound and watertight, with no evidence of significant damage or defect. Windows, doors and rainwater goods remain largely in place. Some signage remains in place. The PFS is relatively old but the external envelope is in reasonably good physical condition given its age and vacancy;
- Regarding whether the site is in a neglected, unsightly or objectionable condition, the building did not appear to have been recently cleaned or painted, however the external finishes were generally intact. There is some overgrowth of the boundary hedging adjacent the R153. There is weed growth within the open area of the site. I observed some graffiti on the southern and eastern elevations of the building. The site is equipped with a security system. Items stored externally appeared to be largely within containers or cages and were generally stored in an orderly fashion, with the external areas reasonably well maintained. I would not characterise the permanent steel fencing or boundary walls as unsightly. I would characterise the overall appearance as poor, primarily as a result of the age, lack of cleaning or recent painting of the PFS building, and the temporary fencing;
- Regarding litter, rubbish, debris or waste, there are 3 no. disused vehicles to the rear of the site. Other items are stored to the rear of the site (eg. containers, cages, traffic cones). I did not observe litter, rubbish or debris on the site. Regarding the vehicles, from the road they appear to be in a poor and disused condition. They are partly screened and not in a conspicuous position, but are partly visible from the public road. I note the owner and Local Authority comments in this regard. The owner refers to the storage of classic cars on the site; from my observations from the public roads I am not satisfied the vehicles stored are classic cars. However nor am I satisfied that they are abandoned, or indeed that they constitute debris. It is unclear if they constitute commercial or

hazardous waste, or end of life vehicles. The exceptions based on statute and common law provided by Section 3 are not set out in the Act. In this regard I have considered the use of the site formerly related to petrol filling, car wash, and classic car sales and storage. Overall I am not fully satisfied the vehicles should be considered to be waste, and in any event are to the rear of the site and not especially prominent.

#### Impact on site and area

8.2.1. Regarding context and the impact of the site on the area, I consider the following:

- The site is located generally at the north-eastern edge of Navan. It is located adjacent to a reasonably busy distributor road junction and is relatively prominent along the streetscape on all approaches;
- The surrounding area is mainly residential with a mix of modern and new residential development constructed nearby. Mature detached bungalows prevail to the west and north-west. Modern semi-detached dwellings are to the south and south-west. Modern apartment blocks are across Metges Rd to the east. Modern apartment buildings are at an advanced stage of construction to the north-east. I would characterise the surrounding area as being built to a good standard, in good condition and well maintained. A vacant and boarded-up dwelling approx. 90m to the east along the R153;
- There are no significant public amenities nearby;
- The site is not near Protected Structures or Architectural Conservation Areas.
- I am conscious the site is a former petrol station; no information as to its decommissioning is provided on file. The site is protected by permanent and temporary fencing; there is some graffiti on site, however overall I am satisfied that, given its relatively open nature, the site is reasonably secure. I do not consider that any unduly or unreasonably dangerous elements of the site that would be a public hazard are apparent.

8.2.2. Having regard to the photographs submitted by the Council and owner, I consider that the appearance of the site has improved somewhat since the Council's application was lodged, in particular as a result of improved maintenance works relating to weed growth and the storage of items to the rear. I am satisfied no other

significant works to the site occurred since the time of the application. Other matters raised by the Local Authority do not appear to have been addressed, including graffiti, storage of disused cars, painting, cleaning of the PFS building).

### 8.3. **Category of Dereliction**

8.3.1. I have assessed the site in the context of Section 3 of the Act, including whether the site detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the site. I conclude the following:

- In relation to subsection 3(a) of the Act, based on the condition of the property which I observed during my site inspection, and having reviewed the material on the file, given its structural and physical condition I do not consider the site and related structures are in a dangerous or ruinous condition. As such, I do not consider the site falls within category (a) of subsection 3 of the Act;
- In relation to subsection 3(b) of the Act I have set out the general appearance of the site, including the degree of maintenance and upkeep. I have referenced the prominence of the site and that the property is located adjacent residential development on all sides which I consider to be generally in a good or very good condition and well maintained. Given the condition of the area; the age and appearance of the former PFS building; the lack of recent cleaning or painting; overgrowth; temporary fencing; graffiti and overall appearance, in the context of the wording of Section 3(b) of the act, on balance I would not consider the site to be neglected or in objectionable condition. I am satisfied however that the site is unsightly, and that it overall detracts to a material degree from the amenity, character or appearance of the area because of the unsightly condition of the land or structures on the land. Accordingly I am satisfied the site falls within category (b) of subsection 3 of the Act;
- In relation to subsection 3(c) of the Act, I have detailed my observations in relation to litter, rubbish, or debris on the site at the time of my inspection, and the storage of items to the rear of the property, including 3 no. disused vehicles. As above I am not fully satisfied the vehicles can be considered to be waste. Whilst the wording and provisions of subsection (c) are broad, given the foregoing, and whilst I accept that the referenced vehicles and other items have

the potential to be considered waste, I am not satisfied the extent of any litter, rubbish, debris or waste including the referenced vehicles detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the site. Accordingly, I am not satisfied the site falls within subsection (c) of Section 3 of the Act.

8.3.2. Having regard to the foregoing, I consider the property is in a neglected, unsightly or objectionable condition (Section 3 (b) of the Act) and I am satisfied that the site detracts or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the site. Accordingly, in my view this renders the site as being a Derelict Site as defined under Section 3 of the Act.

#### 8.4. **Compliance with Development Plan Policy**

8.4.1. The Local Authority is seeking the compulsory acquisition of the site with the intention of developing the site for Short-Term Accommodation units and support facilities. The Authority describes the accommodation as being intended to contribute as short term emergency accommodation for homeless persons and vulnerable families and related support structures and facilities.

8.4.2. I have had regard to the provisions of the Meath County Development Plan 2021 to 2027, including

- the 'A1 – Existing Residential' land use zoning objective for the site;
- numerous policies and objectives promoting compact growth, utilisation of brownfield lands, redevelopment of underutilised sites, and the reuse & reactivation of vacant and underutilised sites, (incl. CSOBJ4, SHPOL2, EDPOL38, SHOBJ20 and NAVOBJ1);
- those in relation to homelessness (eg. Objective SHOBJ19) which seeks to support the implementation of the Mid-East Regional Homeless Action Plan 2018-2020
- information set out in the Meath County Housing Strategy 2020-2026 including details of emergency accommodation need (Section 6.2.2) and placements (Section 3.5.4).

8.4.3. Given the foregoing, including the nature of the area, I am satisfied the intended redevelopment of the site as set out would be broadly in accordance with the policies and objectives of the Development Plan. In my opinion, confirmation of the compulsory acquisition would facilitate meeting a demonstrated community need identified in the form of short-term accommodation in local planning policy and that the property would broadly speaking be suitable in this regard.

#### 8.5. **Engagement by Local Authority**

8.6. Under Section 10 of the Derelict Sites Act 1990, as amended, 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.*' I have had regard to the documents on the case file which set out the actions of the Local Authority, including the following:

- Notices issued under Section 8(2) of the Council's intention to add the property to the Derelict Sites Register (dated 26th November 2024). The Notice was issued to Edward Cunningham, John Cunningham, the Owner/Occupier of the site, and Tronmarron Limited;
- Notices issued under Section 8(7) of the entry of property onto the Derelict Sites Register (dated 25th March 2025). The Notice was issued to Edward Cunningham, John Cunningham, the Owner/Occupier of the site, and Tronmarron Limited;
- Notices of the Local Authority's intention to acquire the property compulsorily (dated 28<sup>th</sup> May 2025) was served to Edward Cunningham, John Cunningham, Everyday Finance DAC, Martin Kearney (solicitor), Pepper Advantage, and Tronmarron Limited. Notice was published in the Meath Chronicle dated 7<sup>th</sup> June 2025;
- Notices determining the market value of the site (dated 10<sup>th</sup> July 2025) were issued to Edward Cunningham, John Cunningham, and Martin Kearney (solicitor);

- Correspondence with John Cunningham (dated 13<sup>th</sup> January 2025) in response to his letter of 16<sup>th</sup> December 2024;
- Records of other communication with the owners as referenced in the submitted information.

8.6.1. In relation to the notices dated 28<sup>th</sup> May 2025, I am generally satisfied the requirements of Section 15 to serve notice on every owner, lessee and occupier (as defined) have been satisfied.

8.7. No outstanding planning permissions for the site are recorded.

8.7.1. I have reviewed the Meath County Council Derelict Sites Register. The site remains on the Derelict Sites Register and was entered onto the Register on the 25<sup>th</sup> of March 2025.

8.7.2. The owner makes the point that the Council took no steps under Section 11 of the Act to require measures to be taken by the owner to address the stated dereliction. I note points made by the Local Authority in this regard. Whilst the Act does not explicitly require S.11 to be applied, as above Section 10 applies a duty on the Local Authority to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that land does not become or continue to be a derelict site. The purpose of the Act is to prevent land being or becoming a derelict site. I consider there is merit in the owner's points in this regard, particularly given the nature of the matters raised as being of concern by the Local Authority (that is, painting, cleaning, storage of disused vehicles, and temporary fencing at the site) which I consider could be relatively easily and quickly resolved.

8.7.3. The owner also states that clarifications were sought by him as to what specific aspects of the site's condition required to be addressed. I note the information provided to the Commission by the Council and owner in this regard. Whilst the specific issues were set out in the Local Authority derelict site and site inspection reports, I see no clear evidence on the case file that the matters of concern to the Local Authority, and what was required to address same to the satisfaction of the Authority, were clearly conveyed to the owner in writing.

8.7.4. Overall, whilst I consider the steps taken by the Local Authority to address the condition of the property broadly align with the provisions of the Act, I acknowledge

the owners concerns regarding the application of powers to address the stated dereliction available under S.11, including requiring the owner to take certain steps, and that application of powers of compulsory purchase under S.15 appears to have been the focus of the Authority's efforts. I address steps taken by the owner separately below.

## 8.8. Efforts of Owner to Address Dereliction

- 8.8.1. Owners/occupiers have obligations (under Section 9 of the Act) to “*take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site*”. I note the correspondence and objections from the site owner Edward Cunningham received by the Local Authority and Commission, including the points made in relation to steps taken by the owner to address the condition of the site.
- 8.8.2. Mr. Cunningham disputes that the site is derelict; states the Local Authority have not clearly identified to him the issues at the site which give rise to dereliction which he can then resolve; and that the Local Authority appeared focussed on compulsory acquisition to resolve the condition of the site, rather than powers available under Section 11 of the Act. The owner also objects on the grounds that he has taken steps to sell the property privately and that the impact compulsory acquisition would detrimentally impact the value that would be achieved on the private market.
- 8.8.3. The following efforts were stated by the Local Authority and the owner as being made by Edward and John Cunningham to address the stated dereliction:
- Ongoing maintenance (and supporting affidavit referring to annual repainting, grass & weed control, rubbish removal, gutters & drains regularly cleared and maintained; drainage upkeep; repairs as needed; erection of security fencing; rear windows boarded), active management and supervision including engagement with neighbours;
  - Storage of cars inside and outside the property, and tools, equipment and stock inside the property, and removal of cars in advance of sale;
  - Placing the site for sale on the open market.

- 8.8.4. From my observations I am satisfied that some works have been undertaken in response to the Local Authority's engagement, specifically weed suppression within the forecourt and storage of materials to the rear of the property. However, my observations indicate that no other significant works to the site appear to have been carried out.
- 8.8.5. Regarding the steps to sell the site as demonstrated by the owner, no update or outcome of this process is on the case file. A For Sale sign remains at the property.
- 8.8.6. I am satisfied that, in particular given the length of time the former petrol filling station has been vacant, the owner has demonstrated active engagement with the Local Authority and some willingness to continue to engage on this site in order to address the stated dereliction. Conversely however, whilst the owner states the specific matters of concern were not set out to them, the owner has been made aware through the course of this application to the Commission, in particular the matters of concern detailed in the Local Authority Derelict Site Inspection Reports and Derelict Site Reports submitted with the application. Having reviewed these reports, I am satisfied that cleaning/graffiti, painting, disused cars, fencing and general appearance have not been addressed satisfactorily. Accordingly, I am not satisfied the owner has taken all steps required of them or those identified by the Local Authority.
- 8.8.7. Overall, and having regard to evidence on file, and to my site visit, I consider the site remains in a neglected, unsightly or objectionable condition despite the works undertaken by the owner. I have had particular regard to the continued appearance of the former PFS building; the lack of recent cleaning or painting; overgrowth; temporary fencing; graffiti and overall appearance including those matters raised by the Local Authority which have not been addressed. I am satisfied the site detracts or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the site. Accordingly, I am satisfied the site falls within Section 3 subsection (b) of the Act.

## 8.9. Likelihood of timely resolution

8.9.1. With regard to the likelihood of the stated dereliction being resolved in a time manner, the matters stated by the Local Authority as giving rise to the stated dereliction were as follows:

- Garage building unmaintained, unsightly and neglected in appearance. Poor appearance as a result of flaking paint / requires painting;
- Poor guttering;
- Harris fencing and steel fencing along Metges Rd is unsightly;
- Overgrown vegetation in areas and weeds around the pumping stations;
- Graffiti on the building;
- Waste, including abandoned / end of life vehicles (3 no.) and commercial & hazardous waste.

8.9.2. On balance I consider that the above matters, in particular painting, cleaning, temporary fencing, overgrowth, graffiti and waste could be resolved reasonably quickly and easily. I do not consider the guttering or permanent fencing on site contribute significantly to the stated detection. As above, I have considered the steps taken by the owner to address the condition of the site, including those evident since the application for compulsory purchase was submitted. Conversely however the owner has not voluntarily addressed a number of the issues identified by the Local Authority. On balance, I consider the matters of dereliction identified should be resolvable relatively quickly and easily, including potentially by application of powers under S.10 and S.11 of the Act, my concern however is that they have not been resolved despite the owner being required under S.9 to take all reasonable steps to ensure land does not become or continue to be a derelict site.

8.9.3. In this regard, the owner states the sale of the site will address the stated dereliction. I am not satisfied that this is necessarily the case. I note that issues raised by the Local Authority in relation to the legal ability of the owner to sell the property, and the engagement of 'Link Finance' in this regard. I consider there to be a lack of clarity as to the exact nature and effect of any such impediment in this regard. The Local Authority states the legal situation referenced by John Cunningham would frustrate

the private sale of the property, yet Edward Cunningham makes countervailing points in this regard. Whilst Link Finance submitted a letter of support, no correspondence from them referred to any clear blockage to the sale of the site. However, in any event, whilst I have had regard to the steps taken by the owner to sell the site, the property appears to remain on the market; it appears to have been on the market for approx. 6 months at the time of writing; and no update on such a sale is provided.

8.9.4. In this regard, I note the length of time (approx. 14 years) the former petrol station is stated as being vacant under the current owners, and broadly in the same condition as it is now.

8.9.5. Given the above, I do not consider the likelihood of a resolution of the stated dereliction in a timely manner is clear based on the available information. I am not satisfied the matters raised as contributing to the stated dereliction, or indeed that the efforts to date to sell the site will be resolved in a timely fashion. On balance, I am not satisfied, based on the available evidence, including the continued condition of the site, and the lack of clarity as to the status of the sale of the site, that the stated dereliction of the site will be resolved in a reasonably foreseeable timeframe.

8.10. **Assessment of fairness & reasonableness: Reasonable test**

8.11. I have considered the owner's points generally that the condition of the site would not be what a typical person might consider to constitute dereliction. However, having regard to the wording of the Derelict Sites Act, I am satisfied the site can be considered to be a Derelict Site as defined under Section 3 of the Act. I am satisfied that in the context of the Act the property is in a neglected, unsightly or objectionable condition (Section 3 (b)) and I am satisfied that the site detracts or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the site.

8.12. In this regard, I consider the following:

- The Local Authority's concerns regarding the site, its condition, the intentions of the Local Authority as to the future use of the site; and that the site appears to have been vacant for approx. 14 years. However, the purpose of the Derelict

Sites Act is to prevent land being or becoming a derelict site/Derelict Site, and not explicitly to deal with vacancy or the redevelopment of land;

- The owner's concerns as to the qualitative issues raised by the Local Authority. I accept the owner's concerns, however, I am satisfied the Local Authority's interpretation of the site in this regard can be considered to come within the provisions of the Act;
- The owner's points in relation to the approach taken by the Local Authority, including points regarding the steps not taken by the Local Authority in relation to S.11 to resolve the stated dereliction and that the focus of the Local Authority appears to have been on compulsory purchase as the method of resolving the stated dereliction. I also acknowledge, as raised by the owner, that the Local Authority appears to have given significant weight to issues related to dereliction on other sites related to the owner, and the stated actions of the owner in relation to those sites. I also acknowledge the owner's points as to the level of clarity and engagement by the Local Authority as to the specific matters of concern in this case, and what the owner would be required to do to resolve the dereliction;
- The steps taken to date by the owner to improve the condition and appearance of the site. Based on the available information however, despite some improvement, I consider that the condition of the site has not improved sufficiently since the Local Authority first took steps under S.8 of the Act;
- Having particular regard to the relatively straightforward nature of the majority of remaining issues (that is, painting, cleaning, overgrowth and waste), at the time of my site visit the owner still had not taken all of the steps required to address the issues identified by the Local Authority within their application to the Commission, noting again their duty under S.9 to take all reasonable steps to ensure that the land does not become or continue to be a derelict site;
- I am not satisfied the sale of the site in itself will resolve the condition of the property in a foreseeable timeframe. No update in this regard or timeframe for resolution is provided by the owner despite their offers to do so;
- For completeness, I have considered the matters raised by the Local Authority as to legal and financial issues that might frustrate the sale of the property, and

the owner's response in this regard which states that these are not substantive issues. Overall, I am not satisfied that the nature or effect of these issues has been clearly set out by the Local Authority;

- I also note references by the Local Authority to complaints from members of the public in relation to the site. No evidence of same is provided. Conversely, I note the points made by Edward Cunningham in this regard, including evidence from Athlumney Hall Residents' Association that no complaint was made by them.

8.12.1. Regarding common good and the provisions of the Development Plan, I am satisfied the policies of the Development Plan support the redevelopment of brownfield and underutilised sites. I am also satisfied that the Development Plan supports the provision of homelessness supports and services. The policy grounds in the Development Plan for the provision of temporary or emergency accommodation is less explicit, however I see no reasons to consider that the intended use of the site does not align with or would contravene the Development Plan. Overall, I am generally satisfied the property would be suitable for the intended use and would broadly accord with the provisions of the Plan. Regarding the need for the intended development, as set out above I am satisfied that the Development Plan including Housing Strategy demonstrate the need for the intended accommodation.

8.12.2. Regarding the proposed land-take, I have also considered this matter, and the make-up of the site which comprises a former PFS and a larger open area. Given the relatively small size of the PFS area, and its configuration relative to adjacent properties, and the intended layout of development, I am satisfied the intended land-take is reasonable and proportionate.

8.12.3. Having regard to the foregoing, I am satisfied the Local Authority gave the property owner sufficient time and opportunity to address the issues raised in relation to the site's condition; that the process and procedures undertaken by Meath County Council have been reasonable; that the Local Authority demonstrated the required grounds; and that the acquisition of the land is reasonable to ensure that the lands do not continue to be a derelict site.

8.12.4. Given the foregoing, I am broadly satisfied that the property continues to be in a neglected, unsightly or objectionable condition as set out in Section 3(b) of the Act; I consider that it detracts to a material degree from the amenity, character and

appearance of the area; and that on balance, and having regard to the constitutional and convention protection afforded to property rights, I am satisfied the resolution of the condition of the site under Section 15 is reasonable.

## 9.0 Conclusion

- 9.1. I am satisfied that the process and procedures undertaken by Meath County Council have been fair and reasonable, that the local authority has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.
- 9.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising a former petrol filling station (PFS), courtyard and open area to the rear with an address as "Site known as Petrol Station, Metges Road Junction, Navan Co Meath" containing 0.39 hectares or thereabouts, as set out in the Derelict Site Notice issued under Section 15(1) of the Derelict sites Act 1990, (as amended) and dated 28th May 2025 and on the deposited maps DS-1182, 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.
- 9.3. 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.
- 9.4. 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 Meath County Development Plan 2021-2027, and specifically CSOBJ4, SHPOL2, EDPOL38, SHOBJ20, SHOBJ19 and NAVOBJ1 which seek generally to actively address instances of dereliction and decay in the urban and rural environment and bring properties back into active re-use and to revitalise towns and

villages. Accordingly, I am satisfied that that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

## **10.0 Recommendation**

10.1.1. Having regard to the observed condition of the application site, in particular the neglected, unsightly or objectionable state 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 is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.

10.1.2. I consider that it is reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I recommend, therefore, that the Board grant consent to Meath County Council to compulsorily acquire the site.

10.1.3. I recommend, therefore, that the Board grant consent to Meath County Council to the compulsory acquisition of the site.

## **11.0 Reasons and Considerations**

11.1.1. The Commission considered the policies and objectives of the Meath County Development Plan 2021-2027, the Derelict Sites Act 1990, as amended, and the submissions of the Notice Party and the report of the Planning Inspector.

11.1.2. Having regard to the neglected, unsightly and objectionable condition of the site; and having considered the objection made to the compulsory acquisition, and also:

- a) The constitutional and Convention protection afforded to property rights;
- b) The public interest, and;
- c) The provisions of the Meath County Development Plan 2021-2027,

11.1.3. 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 sections 3(b) of the Derelict Sites Act, 1990, as amended, and that the compulsory 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.-*

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D Aspell  
Inspector  
30<sup>th</sup> January 2025