Inspector's Report ABP-324282-26

Development	Compulsory Acquisition of Land.
Location	Carlow Town Centre, Carlow
Local Authority	Carlow County Council
Type of Application	Compulsory Purchase Order under the provisions of the Local Government (No. 2) Act 1960, the Housing Act 1966 (as amended), the Roads Act 1993 (as amended) and the Planning and Development Act 2000 (as amended).
Objector	Stephen O'Leary (Milan Gamin Limited)
Dates of Oral Hearing	24th September 2026
Dates of Site Inspection	28th July 2026
Inspector	Kathy Tuck

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1.0 Introduction

1.1. This case relates to a request by Carlow County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of 15 no. sites which are located within Carlow Town Centre and situated on Brown Street, Charlotte Street and Tullow Street.

1.2. 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).

1.3. In the interest of clarity at this point I would draw the Commission attention to the fact that the objection received only relates to 5 of the 15 no. sites included within the application being made, that being site no. 1, 2, 5, 6 and 8.

2.0 Site Location and Description

2.1. The sites subject to this application are located in a central area of Carlow Town Centre and consist of 15 no. separate sites. Tullow Street abuts the site to the south, Charlotte Street is situated to the west, Brown Street is situated to the north, and college street is situated to the east. Carlow College is located approximately c.30m to the east of the sites and the River Barrow is situated c. 398m to the west.

2.2. Sites no. 1 and 2 address Brown Street and comprise of 2 no. residential units which are currently unoccupied and in a state of disrepair. Both properties are served by an area of private amenity space to the rear.

2.3. Site 5 and 6 address Charlotte Street. Site 5 comprises of 1 no. two storey building which appears to be unoccupied with the doors and windows being boarded up. Site 6 is single storey in nature and is served with a door along the front elevation with a sign indicating 24 hour access. Sites 5 and 6 are adjoined with a Casino which is still operational.

2.4. Site 8 comprises of a two storey building which is set back and segregated from Charlotte Street via an area of public car parking. The building is connected to the Carlow Workman's Club.

3.0 Application for Consent for Acquisition

3.1. Carlow County Council applied to An Coimisiún Pleanála for consent to compulsorily acquire the 15 no. sites under the Third Schedule, Section 76 Housing Act, 1966, as amended, on the 14th May 2026.

3.2. I note this application is subsequent to Carlow County Council serving notices dated 28th April 2026 under Section 76 of the Housing Act, 1966, as amended, on the various landowners, advising of the Local Authority's intention to acquire compulsorily under the said Act, the derelict site as described.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

4.1.1. Notice of Carlow County Council's intention to acquire the site compulsorily was served on the owners of the various properties on the 28th of April 2026 and was published in the Nationalist newspaper on the same date.

4.1.2. The notice described the location of the site being '*Carlow Centre Brownfield Site bounded by Tullow Street Lower, Charlotte Street and Brown Street, Carlow Town'*. It further states that the purpose of redeveloping the area is to provide for a flexible-use development comprising public realm, linked streets, streetscapes enhancement, residential, hospitality, cultural, community and civic uses.

4.1.3. It sets out that objections to the compulsory acquisition of land described should be made in writing to An Coimisiún Pleanála before 5.30pm on the 9th June 2026.

4.1.4. I consider that the notices were in accordance with the requirements of section 4(a) of Scheule 3 of the Housing Act 1966, as amended.

4.2. Local Authority's Application for Consent

4.2.1. The Local Authority requests the consent of An Coimisiún Pleanála to the compulsory acquisition of the derelict site. The application for consent was submitted on 14th May 2026 and was accompanied by the following:

- Cover letter dated 13th May 2026.

- Policy Alignment document.
- A timeline of the interactions with the landowners.
- Inspection reports for each site.
- CPO documentation
- 3 no. original CPO maps.
- 3 no. original CPO orders.

4.2.2. The cover letter submitted on the 13th May 2026, referred to as the 1st submission from this point on within my assessment, provides details of the site and its strategic importance within Carlow Town Centre. It states that the site has remained wholly or substantially vacant and/or derelict for a prolonged and continuous period of time extending over several years. The local authority state that having regard to the scale, configuration and central location of the site subject to this CPO, it is considered to represent the remaining brownfiled redevelopment opportunity within Carlow Town Centre.

4.2.3. The submission also sets out the planning and policy and strategic context; the chronological engagement with the various land-owners; details of the site and material detriment; the necessity for the Compulsory Acquisition; a consideration of alternatives; and the intended use and deliverability.

4.2.4. The submission concludes that the acquisition of the subject sites will enable the transformation of a long-standing and derelict site into a connected, vibrant and multi-functional part of Carlow Town Centre delivering public realm, streets, housing and civic/cultural/community infrastructure in accordance with adopted policies and the wider public interest/common good.

4.3. **Objection to Acquisition**

4.3.1. An Coimisiún Pleanála received 1 no. objection on the dated 9th June 2026 in respect of the proposed compulsory acquisition of the subject properties. The objection was received from Hayes Solicitors acting on behalf of Milan Gaming Limited and Stephen O'Leary.

4.3.2. The objection may be summarised as follows **–**

- Objection is made in respect of Site No. 1, Site No. 2, Site No. 5, Site No. 6 and Site No. 8.
- Main Casino Site is not included within the CPO - presents certain difficulties.
- Sites Nos. 5, 6, and 8 are necessary for the ongoing operation and viability of the Casino business.
- Site No. 5 adjoins the Main Casino Site :
  - Intention is to expand further into Site No. 5 from the Main Casino Site for the purposes of upgrading the internal layout and facilities of the Casino.
  - Adjacency to the Main Casino - Site 5 is therefore of significant importance to the upgrading of the Main Casino.
  - Currently provides for fire egress as per the current Fire Safety Certificate.
- Site No. 6 adjoins the Main Casino Site:
  - Includes an internal circulation area directly connected to the Main Casino Site which provides essential fire escape access.
  - fire exits onto Site No. 6 and Site No. 8
  - It is also used as essential storage space and for the repair and maintenance of equipment
- Site No. 8 directly adjoins the Main Casino Site:
  - includes a function room with direct access to the car park and smoking area.
  - provides essential fire escape access for both the Main Casino Site and the residential units above the Casino.
  - provides storage, car parking, and a smoking area for the Casino.
  - Contains two car parking spaces for existing residential units over the Casino.
  - Other than the front entrance, to Charlotte Street, there are no fire escapes from the Casino.

- Acknowledged that certain of the uses outlined above are based on established, existing user for periods in excess of 7 years.
- Wider redevelopment plan has been disrupted by the CPO - loss of these Objection Sites pursuant to the CPO is significantly and adversely impactful upon the Casino.
- Relevant Objection Sites will no longer be available to the Casino in circumstances where the CPO envisages the continued operation of the Casino.
- Loss of the circulation area, the function room, the fire exit access for both the Casino and the residential units, as well as the loss of the car park and the smoking area- considered would cause irreparable business interruption and hugely impact the trade, future viability and profitability of the Casino.
- Site no. 1 & 2 - secondary objection
  - Notwithstanding the disruption to the original redevelopment plans - a more modest redevelopment proposal would still be feasible by reference to the Objection Sites.
  - Casino would remain in its current location with some re-arrangement and rationalisation of the operation – would require incorporate all of Site No. 5, all of Site No. 6 and the majority of Site No. 8.
  - Reference to the MOLA development proposal dated September 2024 - it illustrates the viability of our clients developing on the Objection Sites alone.
- Concerned about the decision-making process and the absence of obvious alignment between the CPO and published documents outlining the Council's aims and objectives for the sites the subject of the CPO.
- Planning Report accompanies the objection.
- Considered that the stated purpose of the CPO is so strikingly vague and high level.
- Statutory test requires an assessment by An Coimisiún Pleanála of whether the CPO is justified by the requirements of the common good.

- entails demonstration by the Council that the CPO is necessary for the purpose of its objectives and is proportionate to the objectives pursued.

- It is not possible to discern a specific objective which the CPO pursues.
- While it is noted that Site No. 4 (alone) is identified in the JULAP for infill development, it is not identified that same needs to be compulsorily acquired for that purpose.
- Simply not necessary for the sites to be compulsorily acquired by reference to the applicable plans:
  - The regeneration plans should rely on agreement first, not compulsion, as the route to delivery.
  - The Project Carlow 2040 Plan envisages that '*land assembly, where required, will be achieved through engagement with private sector landlords to work in partnership'* to develop sites in Carlow Town Centre.
  - Compulsory acquisition is not the mechanism on which the regeneration framework relies.
- CPO is not proportionate for the following reasons:
  - No site specific objective is identifiable, thereby undermining any attempt by the Council to demonstrate proportionality.
  - Even if regeneration (on a high level) is identified by proxy as constituting the objective, the CPO is not proportionate.
  - Impact on the operation of the business in the form of the Casino, is a striking and significant feature of the CPO.
  - Objective of regeneration of the area does not require compulsory acquisition and can be achieved by agreement at first instance.
  - Had the CPO not intervened, it is likely that redevelopment by the consortium including our clients would already be significantly advanced.
  - Any pedestrian link can be achieved:
    i. agreement at first instance; and

ii. without the acquisition of the entire suite of sites the subject of the CPO. (Indeed the construction of a new road in the MOLA development proposals is worthy of consideration here.)

- Significant concerns about whether the Council itself intends to develop the sites the subject of the CPO, or whether – as a matter of realistic probability – the Council intends simply to sell the sites to third parties, following acquisition under the CPO.
  - Reinforced by the absence of a specific objective within the CPO and the doubtful alignment (at best, at a very high level) of the CPO with the relevant policies and plans supporting regeneration – underscores the paucity of evidence to support the contention that the CPO is necessary or proportionate, given the impact upon our clients.

The objection was accompanied by the following:

Appendix 1 & 2 – CRO Search for Milan Gaming Ltd and SOL Leisure Ltd.

Appendix 3& 4 – Shareholders Report for Milan Gaming Ltd and SOL Leisure Ltd.

Appendix 5- Sealed and Certified Folio and File Plan for site 1

Appendix 6- Sealed and Certified Folio and File Plan for site 2

Appendix 7- Sealed and Certified Folio and File Plan for site 5

Appendix 8- Sealed and Certified Folio and File Plan for site 6

Appendix 9- Sealed and Certified Folio and File Plan for site 8

Appendix 10 – Milan Gaming GRAI Licence.

Appendix 11 - Sealed and Certified Folio and File Plan for casino site.

Appendix 12 – Deed of transfer from Mr O'Leary to Milan Gaming.

Appendix 13 – Copy of note from Trustees of Carlow Workman Club.

Appendix 14- Map illustrating Location of Workman Club site.

Appendix 15 – Google street-view images.

Appendix 16 – Ronol Ventures Limited CRO Search.

Appendix 17 – Map illustrating location of stonemasons yard.

Appendix 18 – MOLA Development Proposal dated September 2024.

Appendix 19 - MOLA Development Proposal dated September August 2025.

Appendix 20 – Booklet of annotated photos.

Appendix 21 – FSC application documents

Appendix 22 – Planning Report by HW Planning.

4.4. Response to Objection

4.4.1. The commission received a response to the objection from the landowner from Carlow County Council on the 21st September 2026. The response was prepared by John Morrissy BL on behalf of the Local Authority and states the following:

- land has significant redevelopment opportunity because it occupies a strategic location at the centre of existing and planned regeneration activity, and it is in the heart of Carlow Town Centre.
- Few sites anywhere offer the same combination of centrality, connectivity, scale and regeneration potential, and the land's potential is unmatched anywhere in the council's functional area.
- Council has the ability to deliver multiple benefits from a single intervention. Its scale and location provide an opportunity to create a vibrant mixed-use quarter incorporating town centre living, high-quality public spaces, improved pedestrian connections and a range of residential, cultural, community, hospitality and civic uses.
- The objection can be distilled to 4 main arguments:
  1. The CPO identifies no objectives;
     - order's stated purpose is to develop *"…… a flexible-use development comprising public realm, linked streets, streetscape enhancement, residential, hospitality, cultural, community and civic uses …*".
     - notice says that the purpose of the CPO is "*… acquisition … to assemble the lands to facilitate their comprehensive regeneration and redevelopment*

as a vibrant, connected town centre quarter comprising public realm, linked streets, streetscape enhancement, residential, hospitality, cultural, community and civic uses… to address long-standing dereliction, improve connectivity and vitality within the town centre, and deliver on the objectives of national, regional, and local planning policy".

- difficult to see how the objectors might argue that there are no discernible or identifiable objectives that the CPO pursues, viz.: regeneration, redevelopment, housing, addressing dereliction, and connectivity to name a few of the expressly enumerated examples.
- It is self evident that its purpose for acquiring the land compulsorily is for the common good and proportionate to achieve these objectives that have been identified by the Oireachtas, relevant ministers, and by the elected members of the council through the development plan.

2. Private Sector Development Preferable -

- objectors allege that at the time they received the notices they were engaged in a partnership which intended to develop the land - notice of the CPO led to the dissolution of this partnership.
- reduction in funds available means that only a more modest development would be possible and the preparation of plans for such a smaller-scale development had begun - would be frustrated without the sites that are the subject of the objection.
- Whatever the intentions of this partnership were or are alleged to have been, the council's records of its engagement with the objectors with respect to the land over the past 4 years suggests that the objectors were not proceedings with plans for this or any development. (sets out history of engagement).
- council devoted significant time and resources exploring how the regeneration of the Town Centre could be achieved through means other than compulsory acquisition, and in particular, it engaged with the objectors extensively with a view to facilitating a voluntary, owner-led redevelopment - No progress was made towards the regeneration of the land.

- When an opportunity for funding to develop the site arose, the council took that opportunity promptly and set about to assemble the land necessary for the project through its compulsory purchase – taking these measures to achieve its statutory obligations as set out within the Carlow County Development Plan, chapter 2.32.2 – objectives CS. O6 and CS. O12
- Considered to be proportionate - project will enable the council to achieve its objectives and provide for the common good.
- objectors have not proven themselves to be able to put forward plans for a comparable development.
- there is no reasonable prospect of private-sector development on the land, and, the council submits, waiting for the objectors or another private-sector developer to come forward would interfere with the council's ability to carry out the project, which would be contrary to the common good.

3. non-viability of the casino

- Objectors allege that the council's acquisition of sites 5, 6, and 8 would interfere with the operation and viability of the Casino.
- Exclusion of the casino from the land was not an oversight, rather, it was a deliberate and considered decision by the council in recognition of the established and operational commercial business.
- Demonstrates the measured and proportionate manner in which the CPO was made- it's not the council's intention to interfere with or reduce the viability of a town centre business.

4. Sale to 3rd Party

    - objectors' concerns are unsupported and unfounded; they don't ground their concerns with any facts or allegations.
    - Council's plan is to carry the project out itself.

5.0 Planning History

I note from a review of the Planning Portal available to me on Carlow County Councils web site there is no recent planning history permitting to any of the sites subject to this CPO application.

6.0 Policy Context and Legislative provisions

6.1. Carlow County Development Plan 2022-2028

6.1.1. The Carlow County Development Plan 2022-2028 is the current development plan operating in this area. This plan came into effect on the 4th of July 2022.

6.1.2. Carlow Town is identified as a Key Town in the Core Strategy of the County Plan. Key Towns are described as being large population scale urban centre functioning as self – sustaining regional drivers. Strategically located urban centre with accessibility and significant influence in a sub-regional context. Carlow Town is a key focus for urban regeneration in the county. “Project Carlow 2040: A Vision for Regeneration” sets out a strategy for delivering regeneration in Carlow Town. The strategy seeks to reinforce the critical role of the town centre as the heart of Carlow Town, providing attractive and accessible public spaces with new pedestrian linkages.

6.1.3. The area subject to this CPO is zoned under TC-Town Centre. The TC objective seeks “To protect, provide for and/or improve town and village centre facilities and uses”. Section 16.8.9 of the Plan sets out the uses that are permitted in principle, and those open for consideration, for Town Centre zoned lands.

6.1.4. Relevant Policies include;

Chapter 2 – Core Strategy

CSP. 4: Support the town centre regeneration of Carlow Town and the delivery of the objectives of the Project Carlow 2040, A Vision for Regeneration.

CS. O6: Actively promote the redevelopment and renewal of areas in need of regeneration through appropriate active land management measures including availing of statutory powers under the Derelict Sites Act, Housing Act, Vacant Site Levy and supporting implementation of the Residential Zoned Land Tax together with

other statutory provisions to actively promote regeneration of urban and rural areas within the County.

CS. O12: Promote measures to reduce vacancy and the underuse of existing building stock and support initiatives that promote the reuse, refurbishment and retrofitting of existing buildings within urban centres and targeted settlements in the county.

Chapter 3 – Housing

RA. O1: Encourage and facilitate the appropriate development of sites and areas in need of development and renewal in order to prevent:

- Adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land
- Urban blight or decay
- Anti-social behaviour, or
- A shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.

Chapter 5 – Sustainable Travel and Transportation.

WC.P3 Ensure that connectivity for pedestrians and cyclists is maximised in new communities and improved within existing areas particularly towns and villages throughout the county including associated infrastructure, to maximise access to local shops, educational facilities, public transport services, employment locations and other amenities.

Chapter 10 – Natural and Built Heritage

BH P5: Co-ordinate significant infrastructural projects such as public realm works, flood relief works and new transport routes to the benefit of surviving historic sites in order to improve their enjoyment, presentation and enhanced accessibility.

Chapter 12 – Urban Design and Placemaking.

UD P1: Provide high-quality public realm and urban spaces through support for and the promotion of good urban design and placemaking, to reinforce a people centred approach to the creation of the built environment.

UD P2: Apply the following key attributes when considering public realm enhancements:

- Attractive and visually pleasing urban spaces with high-quality design, materials, and installations (street lighting, furniture and signage).
- Distinctive urban spaces with reference to local context and existing built heritage, character, and identity.
- Accessible, connected and linked permeable urban spaces that facilitate ease of movement.
- Functional urban spaces that foster activity and are safe and adaptable.

TVC.P1: Regenerate and revitalise our town and village centres, diversify and seek new roles and uses to stimulate economic and cultural development and provide necessary physical and social infrastructure.

CGR. P1: Promote and support the regeneration of underused town centre, village centre and brownfield/infill lands, in conjunction with the delivery of existing zoned and serviced lands.

CGR. P2: Facilitate the delivery of compact and sequential growth and urban regeneration in towns and villages by consolidating the built footprint through a focus on regeneration and development of key infill /brownfield /backland sites.

Chapter 14 – Rural Development

TV P5: Promote the re-use and regeneration of vacant and derelict buildings and brownfield sites in towns and villages throughout the county which are recognised as essential catalysts to transforming the capacity and potential of these settlements.

TV 01:Target vacant premises and facilitate regeneration in towns and villages throughout the county by supporting appropriate re-use of such properties including social enterprises which seek to develop commercial activities at appropriate locations.

6.2. Carlow- Graiguecullen Joint Urban Local Area Plan 2024-2030 (JULAP)

6.2.1. This LAP was adopted on the 29th of July 2024 by Laois County Council and on the 30th July 2024 by Carlow County Council and came into effect on the 9th September 2024. The LAP addresses spatial planning in the Carlow-Graiguecullen area and identifies the various social, economic, and environmental issues of relevance.

6.2.2. Relevant sections are considered as follows:

Chapter 2 - Carlow-Graiguecullen Strategic Planning and Vision

Objective SO. 2: Encourage and facilitate balanced economic development and employment opportunities in Carlow-Graiguecullen, ensuring a vibrant local economy that maximises business and investment opportunities and the existing economic attributes of the town, and supports the development of a diverse range of economic sectors.

Objective SO. 5: Promote Carlow-Graiguecullen as a priority location for regional level community and social infrastructure and support the expansion and enhancement of existing community facilities, the provision of residential development, and a range of new community facilities in tandem with population growth to meet the needs of future residents in the joint urban area.

Chapter 3 – Core Strategy and Housing

Policy CS. P1: Deliver compact and sustainable growth in Carlow-Graiguecullen with at least 30% of new homes delivered within the existing built-up footprint and to promote a town centre first approach through the development of strategic brownfield and infill sites.

Policy CS. P2: Support the continued growth and sustainable development of Carlow-Graiguecullen, including its role as a regional and interregional growth driver, and to fulfil its role as a Key Town with a focus on sustainable development, quality of life and economic investment.

Policy CS. P3: Encourage and support urban regeneration in Carlow-Graiguecullen, and in Carlow Town through the implementation and delivery of the objectives of Project Carlow 2040 – A Vision for Regeneration and pursue suitable funding mechanisms as they arise to bring forward the realisation of the Strategy.

Objective CS. O8: Promote and support the role of active land management measures in the redevelopment of buildings and land in Carlow-Graiguecullen in need of regeneration, including the use of statutory powers available through the Derelicts Sites Act, Housing Act, Urban Regeneration and Housing Act, and Residential Zoned Land Tax, together with the role of the Town Centre First Policy, Town Regeneration Officers, Croí Cónaithe (Towns), and Vacant Homes Officer.

Chapter 4: Economic Development, Retail and Tourism.
Section 4.5.2 – Key Town Centre Retail Opportunity Sites
Table 4.4 – Town Centre Key Retail Opportunity sites

Opportunity Site 4 - **Stonemason's/Crotty's Site**
This is a backland area zoned Town Centre and located to the rear of Tullow Street, Charlotte Street, and College Street. Access to the site is currently restricted and the site comprises vacant two storey properties which front onto Charlotte Street and Tullow Street and a gated entrance from College Street.

The site is a suitable location for infill development to consolidate the existing built form of the Town Centre. The redevelopment of the site also provides opportunities for the creation of new linkages between College Street and Charlotte Street.

Chapter 5: Urban Design, Town Centre and Regeneration
Policy UD. P1: Provide high-quality public realm and urban spaces in Carlow-Graiguecullen through support for and the promotion of good urban design and

placemaking that reinforces a people centred approach to the creation of the built environment.

Policy UD.P2: Ensure that all public and private development proposals make a positive contribution to the built environment of Carlow-Graiguecullen, through adherence to the best practice principles for urban design and placemaking as outlined in Chapters 12 and 16 of the Carlow County Development Plan 2022-2028 as applying to Carlow Town functional area in County Carlow, and Chapter 13 of the Laois County Development 2021-2027 as applying to Graiguecullen functional area in County Laois.

Policy TC. P1: Support the town centre led economic regeneration of Carlow-Graiguecullen, leveraging its strategic location and accessibility on regional and inter-regional road and rail networks, and building on its inherent strengths of education, connectivity, skills, innovation, enterprise, tourism, arts and culture, and retail services.

Policy TC. P2: Support the role of the Town Regeneration Officers and Town Team in carrying out their duties in respect of prioritising the regeneration of Carlow-Graiguecullen through the application of the Government's Town Centre First Policy approach.

Policy VH. P1: Support and promote the role of the Councils' Vacant Homes Officers in addressing vacancy and the efficient use of housing stock in Carlow-Graiguecullen, as part of the implementation of the Government's 'Housing for All' plan to 2030 and Town Centre First Policy approach.

Policy VH. P2: Update data on vacancy / reuse of properties as part of the implementation and monitoring of the plan.

Policy UVD. P1: Encourage and facilitate the appropriate regeneration and reuse of underutilised, vacant, and derelict buildings and sites. Both Councils will continue to use their statutory powers, where appropriate, to consider such buildings and sites for inclusion in the Residential Zoned Land Tax or Register of Derelict Sites.

URD.P1: Promote the town centre as the priority location for commercial, civic, social, and cultural development, along with a focus on urban regeneration that supports compact growth through the development of key brownfield, infill, and backland sites.

URD.P2: Promote the consolidation of the town centre with a focus on the regeneration of underutilised/vacant buildings and strategic sites and the establishment of a mix of uses to encourage greater vibrancy outside of business hours.

URD.P3: Ensure that urban regeneration and new development enhances the character of the built environment of the joint urban area and the quality of the public realm, taking account of the Key Urban Design Principles referred to in Section 5.2.
URD.P6: Actively engage with local communities, landowners, developers, and other agencies to secure resources for the enhancement, renewal, and regeneration of the town centre.

URD.P8: Promote the utilisation of available funding to support the plan led development and regeneration of publicly owned land banks in Carlow-Graiguecullen.

URD.P9: Require all development proposals for strategic regeneration, brownfield, infill, and backland sites in the joint urban area to be accompanied by a site brief and/or masterplan that sets out a phased programme for the regeneration of the site and demonstrates how the development proposal complies with statutory guidelines that seek to integrate principles of high-quality urban design and placemaking.

6.3. Project Carlow 2040: A vision for regeneration.

6.3.1. Project Carlow 2040 is an ambitious Regeneration Strategy for Carlow Town which contains transformational and aspiring ideas for the economic, social and environmental benefit of

6.3.2. This is a twenty -year regeneration strategy for Carlow Town Centre. The Council prepared it to support its bid for the Urban Regeneration and Development Fund (URDF). The CDP adopts the 2040 Plan as its framework for town centre renewal, and Objective CT O2 prioritises the opportunity sites it identifies.

6.3.3. The 2040 Plan is structured around six “Intervention Areas ”: the Town Centre (Potato Market and Barrack Street); the Cultural Quarter; the Barrow Track and Civic Spine; the Pembroke District; the Burrin Riverfront; and the Link Streets of Dublin Street and Tullow Street. Within these areas, it identifies a defined set of development opportunity sites: the Potato Market, the Barrack Street Link, the Civic Spine, the Pembroke Lands and the Barrow Track. I note that part of these lands are situated within Intervention site 6 – that being site 12 and site 13.

6.3.4. The 2040 Plan envisages that land assembly, where it is required, will be achieved through public and private partnership. It records the support of private landowners along the Barrack Street route and the committed Phase 3 expansion of the adjoining Fairgreen Shopping Centre.

6.4. National Policy

6.4.1. Delivering Homes, Building Communities 2025-2030 : An Action Plan on Housing Supply and Targeting Homelessness.

Delivering Homes, Building Communities aims to build on this recent progress to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030. Reaching the housing 300,000 target will only be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies (AHBs), the Land Development Agency (LDA) and the construction sector, will be critical to delivering and enabling the delivery of the quantum of homes needed over the lifetime of the plan. The Compulsory Purchase Order (CPO) Activation Programme is noted as an important mechanism within the Plan. Launched

in April 2023, the CPO Activation Programme supports local authorities to use their powers to compulsorily purchase vacant and derelict properties, especially when voluntary engagement with owners has failed.

7.0 Oral Hearing

7.1. An Oral Hearing was held on the 24th September 202. The Objector and Carlow County Council were present at the meeting along with various representatives.

7.2. In advance of the Oral Hearing, the Local Authority submitted a response to the Objection received by the Commission which was prepared by Mr Morrissey BL on behalf of the Local Authority. I have set out a summary of this response under section 4.4 of my report above. This response was circulated to the objector by the Commission on receipt.

7.3. The Commission received a request from the objector on the 23rd September 2023, the evening before the Oral Hearing was due to commence, which sought to adjourn the hearing for a period of 3 weeks to allow the Objector sufficient time to review, seek advice and comment on the response submission made by the Local Authority.

7.4. The submission in question was circulated to ensure that parties had a copy of the submission prior to the hearing in order to avoid technical or logistical delay during the course of the hearing. I did not consider that the submission identified any particular new matters or new information that was not previously in the public domain or available to the objector. As such, I considered it appropriate to proceed with the Oral Hearing and the Objector was informed to that extent.

7.5. 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 Commission in relation to the compulsory acquisition case. It was explained that the purpose of the Hearing was to deal with the compulsory acquisition process only. i.e., the merits, or otherwise, of the proposed acquisition of the lands by the Local Authority. Participants were also reminded that An Coimisiún Pleanála has no role or jurisdiction in the determination of compensation.

7.6. During the Oral Hearing the Objector elaborated on their grounds of objection. I note that no new grounds of objection were raised.

7.7. 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. Introduction

8.1.1. My assessment of the proposed CPO considers the issues raised in the written objection submitted to the Commission and the general principles to be applied in assessing CPOs of this nature.

8.1.2. Accordingly, for the Commission to confirm the CPO, it must be satisfied that the following criteria have been met:

- There is a community need that is to be met by the acquisition of the lands in question.
- The property is suitable to meet the community need.
- The works to be carried out should accord with, or at least not be in material contravention of, the policy and objectives contained in the statutory development plan relating to the area.
- Any alternatives proposed to meet the community need have been considered but are not demonstrably preferable.
- The extent of land-take should have due regard to the issue of proportionality.

8.1.3. At this point, again I would highlight to the Commission that the objection raised against the CPO relates solely to the Plots of land identifies at Plot 1, Plot 2, Plot 5 Plot 6 and Plot 8. As such my assessment has been limited to these areas.

8.1.4. The Commission did not receive any further objections relating to any other plot identified on the map provided by the Local Authority and as such I consider the acquisition of site 3, site 4, site 7, site 9, site 10, site 11, site 12, site 13, site 14, and site 15 should be confirmed.

8.2. **Community Need/Common Good.**

8.2.1. The community need for the acquisition was set out by Carlow County Council in the documentation submitted with the Compulsory Purchase Order (CPO). The council has stated within the original submission made to the Commission on the 13th May 2026 that the redevelopment of this area of Carlow Town Centre will deliver a mix of high-quality permeability led development which would incorporate public realm, linked streets, and a flexible mix of residential, hospitality, cultural, community and civic uses.

8.2.2. It is further asserted that the redevelopment to provide for a flexible use development will respond to changing economic, social and community needs over time while delivering an immediate and long-term public benefit.

8.2.3. The Local Authority further set out, within their response to the grounds of the objection submitted to the Commission on the 21st September 2026, at point 31, that the project will enable the council to achieve its objectives and provide for the common good.

8.2.4. The local authority noted that the sites subject to this application have been vacant and derelict for a period of time and this is supported by the chronological of the on-going engagement with landowners. It was further stated that the properties on sites 1, 2, 3,4 and 5 have been on the derelict site register since 2025.

8.2.5. The area subject to this CPO is located proximate to Carlow College and Tullow Street which is identified as being the main shopping street in Carlow Town Centre. I consider, from undertaking a site visit, that the current state of the properties on the sites subject to this CPO are all vacant and I consider that regeneration at this location would be required.

8.2.6. Having reviewed the information submitted, I am satisfied that there is a need for the local authority to address this area of the Town Centre in line with the vision set out within ‘Project Carlow 2040’ and I am therefore satisfied that Carlow 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 Commission consider it appropriate to confirm the CPO.

8.3. Suitability of the Lands

8.3.1. The sites subject to this application for compulsory acquisition are zoned under 'Town Centre'. Table 16.9 of the Carlow County Development Plan 2022-2028 sets out the Land Use Zoning Categories, Objectives and Land Use Acceptability. With regard to the Town Centre zoning the objective seeks to protect, provide for and/or improve town and village centre facilities and uses. The plan further states that the purpose of this zoning is to protect and enhance the character and vibrancy of existing town and village centres and to provide for and strengthen as appropriate retailing, residential, commercial, cultural, tourist and other appropriate uses.

8.3.2. I note from undertaking a site visit the properties subject to this CPO are all vacant and appear to have been so for some period of time. The Carlow County Development Plan 2022-2028 sets out a number of objectives and polices which supports the regeneration of Town Centre zoned lands. Policy CSP.4 seeks to Support the town centre regeneration of Carlow Town and the delivery of the objectives of the Project Carlow 2040, A Vision for Regeneration. Furthermore, Objective CS. O6 of the County Plan seeks to actively promote the redevelopment and renewal of areas in need of regeneration through appropriate active land management measures including availing of statutory powers under the Derelict Sites Act, Housing Act, Vacant Site Levy and supporting implementation of the Residential Zoned Land Tax together with other statutory provisions to actively promote regeneration of urban and rural areas within the County.

8.3.3. I would draw the Commissions attention to the fact that the Objector to this CPO have not disputed the need for regeneration of town centre lands and indicated their support therefor in principle.

8.3.4. I consider that the intention of the Local Authority to facilitate regeneration of the town centre and provide for a 'flexible use' development comprising public realm, linked streets, streetscape enhancement, residential, hospitality, cultural, community and civic uses described by the Local Authority as '*Carlow Old Town Quarter*" would accord with the land use zoning pertaining to the overall site and is also supported by a number of objectives and policies contained within the County Development Plan 2022-2028.

8.4. Compliance with Planning Policy

8.4.1. The contention raised by the Objector to this CPO application states that there is no site-specific objective within either the County Development Plan 2022-2028, the Carlow-Graiguecullen Joint Urban Local Area Plan 2024-2030 or Project Carlow 2040 under which the regeneration project as described by the Local Authority is justified. It is further asserted that the CPO identifies no scheme, no layout and no proposed end-use and while it makes no reference to the 2040 Plan and the JULAP, the acquisition is not justified in accordance with a specific objective or to deliver an identified project.

8.4.2. This was further raised by the representatives of the objector during the oral Hearing that there appears to be no report available on how the decision was arrived at to seek a CPO on these lands and that there does not appear to be an overall layout of what will be provided in the event that this site is developed.

8.4.3. The Local Authority in response stated that the site area would have been included in what is identified as the general cultural quarter, which is currently undergoing regeneration works and that it is referenced within Project Carlow 2040 plan partially under intervention area 6. The Local Authority also made reference to Objectives CS.06 and CS.012 which are set out within the Core Strategy of the County Development Plan and relate to active land management and reducing vacancy.

8.4.4. In the first instance I note that 'Project Carlow 2040' is a 20-year urban regeneration strategy developed by Carlow County Council to transform Carlow Town into a sustainable, inclusive, and economically robust regional area. It is a Master Plan Document for the regeneration of Carlow which has a non-statutory standing. However, the County Development Plan contains a number of policies and objectives to pursue the outcomes identified with the document.

8.4.5. From assessment of all statutory plans pertaining to Carlow Town Centre that being the Carlow County Development Plan 2022-2028 and the Carlow-Graiguecullen Joint Urban Local Area Plan 2024-2030 (JULAP), I accept that there is no site-specific objective pertaining to the lands in question which identifies them for a regeneration project in line with what has been described by the Local Authority within the CPO order.

8.4.6. However, the Commission must assess this application for compulsory order in line with the 4 tests as set out in case law and as referenced by the Local Authority at the Oral Hearing.

8.4.7. Throughout the Oral Hearing Process, the Objector contended that the Planning Authority had no end use or master plan set out for the area and that the 'flexible uses' as described within the order issued were vague.

8.4.8. In *Clinton v An Bord Pleanála, Dublin City Council and Others*411, the applicant sought to quash the CPO and contended that the order should have specified the particular development for which the site was required pursuant to s.213(3) of the PDA 2000.

8.4.9. Section 213(3)(b) of the Planning and Development Act 2000 (as amended) states that '*the acquisition may be effected by agreement in respect of any land which, in the opinion of the local authority, it will require in the future for the purposes of any of its functions notwithstanding that the authority has not determined the manner in which or the purpose for which it will use the land*.'

8.4.10. In this instance the Planning Authority has stated through both submissions made to the Commission and at the Oral Hearing that the acquisition of these lands are being acquired for regeneration which was a particular function of the Local Authority and supported by numerous objectives within the statutory plans pertaining to Carlow Town Centre.

8.4.11. I have already determined that site is zoned under objective Town Centre under which the works described by the local authority, albeit, wide ranging would be acceptable in principle. Therefore, the second question to arise could the CPO, in absence of a site-specific objective, be justified within the wider range of policies and objectives contained within the County Development Plan and the JULAP.

8.4.12. At this point I would like to clarify to the commission that there are a number of distinctions between the County Plan, the JULAP and Project Carlow 2040. The development Plan makes reference to both the JULAP and Project Carlow Masterplan as tools to be utilised to deliver regeneration of Carlow Town Centre. The JULAP identifies 6 no. Opportunity Sites (Section 4.5.2) which are provided as general locations with no fixed boundaries. While Project Carlow 2040 identifies six Intervention Areas (section 6) which do have outlined boundaries. There does not appear to be any crossover between the intervention site of Project Carlow and the

opportunity sites identified in the JULAP. I will now consider each of the 3 strategic plans pertaining to Carlow Town Centre below:

Carlow County Development Plan 2022-2028

8.4.13. Carlow Town Centre is identified within the Core Strategy of the County Development Plan as being the only key town within the administrative area of Carlow Local Authority and is described as being strategically located in the south-east with strong links to the Midlands and Greater Dublin Area and is a regional centre for education, healthcare, public services, retail, arts, culture, and leisure for a wide sub-regional area. Reference is also made to Carlow Town being the key focus for urban regeneration in the county and that "Project Carlow 2040: A Vision for Regeneration" sets out a strategy for delivering regeneration in Carlow Town. Policy CSP.4 of the County Plan seeks to support the town centre regeneration of Carlow Town and the delivery of the objectives of the Project Carlow 2040, A Vision for Regeneration.

8.4.14. Furthermore, Objective CS.02 of the core strategy makes reference to securing funding to support regeneration projects in Carlow Town. While objective CS.06 seeks to actively promote the redevelopment and renewal of areas in need of regeneration through appropriate active land management measures and this includes for the Housing Act as being the cited tool for this CPO, to actively promote regeneration of urban and rural areas within the County.

8.4.15. These objectives have been included throughout various chapters of the County Plan and I would guide the Commission to Appendix 1 of the Local Authorities original application for this CPO where they have identified such. I would consider that the County Plan has provided a number of objectives which seek to promote, specifically the regeneration of Carlow Town Centre and as such I am of the opinion that the proposal of the Local Authority to regenerate this area to provide for a flexi-use development with an end goal of improving facilities and amenities for the population of Carlow Town Centre which is supported by numerous policies and objectives within the Carlow County Development Plan 2022-2028.

Carlow-Graiguecullen Joint Urban Local Area Plan 2024-2030

8.4.16. With regard to the JULAP, Section 4.5 seeks to promote the role if the Town Centre in terms of living and retail. The subject lands are within the defined core retail area. The plan identifies 6 no. areas within the core retail area and states that "*The*

redevelopment of these sites not only provides the opportunity to consolidate and strengthen the Core Retail Area and wider Town Centre, but also present opportunities for enhanced permeability and public realm improvements." I would point out to the Commission that there are no mapped boundaries for the identified opportunity sites (figure 4.2 of the JULAP). This is supported by the policy context within Section 4.5.2 of the Plan where it states that '*the sites identified are provided as a general location as it would not be appropriate to provide exact site boundaries as flexibility will be required to allow for (inter alia) site ownership, site assembly, and rights of way*.' (pg. 60).

8.4.17. The landbank subject to this CPO Order is identified as opportunity site 4 – Stonemason's/Crotty's Site and described as *"…. backland area zoned Town Centre and located to the rear of Tullow Street, Charlotte Street, and College Street. ….The site is a suitable location for infill development to consolidate the existing built form of the Town Centre. The redevelopment of the site also provides opportunities for the creation of new linkages between College Street and Charlotte Street."*

8.4.18. I consider it important to place an emphasis on Section 4.5.2 of the JULPA, where it states that the boundaries of the regeneration are provided with some level of flexibility to allow for (inter alia) site assembly. Given the inclusion of the area subject to this CPO application, being identified within the immediate vicinity of opportunity site 4 and the recognition that the boundaries of these potential regeneration areas are to be flexible, I would accept this would provide for an objective basis to justify the CPO.

8.4.19. In support of the regeneration of these opportunity sites Objective RT.01 seeks to "*Promote, support, and prioritise the redevelopment of the 6 no. Town Centre Opportunity Sites detailed in the Carlow County Retail Strategy 2022-2028, in order to consolidate and strengthen the Core Retail Area and wider Town Centre and to present opportunities for permeability enhanced and public realm* improvements".

8.4.20. In addition, the JULAP also sets out a number of policies and objectives relating to active land management under Section 5.5.4. Policy UVD.P1 seeks to encourage and facilitate the appropriate regeneration and reuse of underutilised, vacant, and derelict buildings and sites through the use of the Local Authorities statutory powers.

8.4.21. Both the JULP and County Development Plan makes reference to the regeneration of the intervention areas as set out within the town centre being in line with 'Project

Carlow: 2040'. As previously mentioned, the Local Authority at the Oral Hearing stated and also made reference to the site being part of what is identified as intervention area 2 – the Cultural Quarter in the Project Carlow plan 2040. The Objector has argued that because the site was outside an identified Intervention Area in Carlow 2040, the CPO was not justified.

8.4.22. Section 4.4.1.1 of the JULAP says "Project Carlow 2040: A Vision for Regeneration puts in place a regeneration vision for the Town, central to which are the six Intervention Areas. The CPO would appear to be aligned with the Guiding Principles of Project 2040 as captured within The executive summary of Project Carlow which states:

> *"The strategic vision has been central to the development of this Regeneration Strategy and the objectives and Interventions outlined within it. Each Intervention incorporates key ideas locally within each area, while being aware of the part each Intervention will play in the broader Regeneration Strategy for the Town."*

Project Carlow 2040

8.4.23. From a review of Project Carlow 2040, I would note that the landbank subject to this CPO is situated immediately to the west of what is identified as the 'Cultural Quarter' as per page 129 of the said plan. This was acknowledged by the Local Authority at the Oral Hearing but it was asserted that given the proximity to this intervention area, the regeneration would form a wider part of the area and allow for increased permeability to the college area.

8.4.24. While I acknowledge that although the area of the Town Centre subject to the CPO is not within an intervention area, the regeneration of the lands is supported in plan policy and would support the achievement of the objectives of the JUAP and 2040 plans

8.4.25. Overall, in conclusion, having regard to the above and the wide range of policies and objectives, included within both the Carlow County Development Plan 2022-2028 and the Carlow-Graiguecullen Joint Urban Local Area Plan 2024-2030 which promote the active land management and regeneration of derelict and vacant town centre sites, not only those with site specific objectives identified within the Project Carlow-2040 masterplan, I am satisfied that that the proposed development, as prescribed in the CPO application made to the Commission on the 13th May 2026, is substantially in

compliance with Development Plan policies and objectives and would therefore not be in contravention of the provision of any statutory plan, as required.

8.5. Consideration of Alternatives

8.5.1. The alternative considered was via the method in which the regeneration of this area of Carlow town could be delivered in terms of engagement with the land owner/s. The objective of the local Authority is to secure regeneration of the town centre, and having regard to the current character of the lands, consideration of an alternative location in this instance is not necessitated.

8.5.2. The Council has provided a chronological timeline of various engagement with the landowner/objector, and it was stated by the representatives of the council on many occasions at the Oral Hearing that there was a willingness to deliver these works in tandem with the Landowner. It was further confirmed during the Oral Hearing by the Local Authority that the alternative was engagement with the landowner and that the intention was to deliver the regeneration of this area in conjunction with the same.

8.5.3. However, while it was acknowledged on numerous occasions during the proceedings of Oral Hearing by the Local Authority that the landowner was willing to engage, the lack of deliverability of the plans and particulars discussed, placed the Local Authority in a position where they decided the only option available to them to deliver the regeneration of this area would have to be via the CPO process.

8.5.4. From a review of documentations presented to me by both the objectors and the Local Authority, it is evident that there was a willingness for the landowner to engage in the process of the redevelopment of these sites. However, this engagement appears to have been ongoing since September 2022 which would indicate a period of 4 years.

8.5.5. I think it is important to note at this point that, I am unsure as to the relevance of market sensitivity in terms of land sale agreements, as referenced by the objector both within their submission and during the oral hearing, had upon progressing pre-planning consultation given that a layout plan has been produced. Notwithstanding, I note that no proposal was put forward, either for discussion as a pre-app or seeking full planning permission.

8.5.6. Therefore, I acknowledge that the Council proposed alternatives to the CPO process and as no progress has been made via ongoing discussions with the landowner, the

CPO process was initiated. I conclude that the Local Authority has demonstrated both within documentation submitted and through the Oral Hearing Process that they have considered all alternatives possible.

8.6. **Proportionality and Necessity for the Level of Acquisition Proposed.**

8.6.1. As previously established, the CPO pertains to 15 no. sites situated within this section of Carlow Town Centre. The objection lodged by Mr. O'Leary pertains to sites no. 1 and 2 situated on Brown Street and Sites no. 5, 6 and 8 situated on Charlotte Street. Therefore, having regard to my assessment above I consider that the Commission, if minded, should grant consent for the Compulsory Purchase Order for the remaining Sites that being Sites 4,7,9,10,11,12,13,14 and 15.

8.6.2. The objection to sites 5,6 and 8 relies primarily on commercial circumstances and it is contended that the granting of the CPO for these sites would have a detrimental effect on the operation and viability of the Casino Business which is situated on Charlotte Street. The casino building is directly abutted by the buildings situated on sites no. 5 and 6. The Objector has demonstrated that the current fire certificate associated with the operation of the casino has indicated fire egress routes through both building no. 5 and no. 6. In addition, it was highlighted at the oral hearing that there are 2 no. 2 bed residential units situated above the casino which also rely on fire egress indicated (appendix 12 of the objection received).

8.6.3. It is further stated that building no. 8 which includes a car parking area to the rear and access to this car parking area from Charlotte Street, is also required for storage to serve the casino. Mr O'Leary stated that the carparking area currently serves the residents on the 2 no. apartment units and also staff and customers of the casino. It was asserted by the Objector that they have an intention to extend the operation of the Casino business and that if this order was granted it would restrict this potential.

8.6.4. With regard to Sites 1 and 2, the objection to these lands being included is noted within the objection as being secondary. It is stated that the issuing of the CPO order has frustrated the re-development potential of these lands and that the client now has a 'slimmed down' development proposal for these lands.

8.6.5. From a review of all documents submitted and a review of the Planning Portal on the Carlow County Council web site, I note that there does not currently appear to be any

extant planning permission pertaining to Site 1 and Site 2. Furthermore, as clarified by both the landowner and Council there has been no recent engagement in pre-planning consultation pertaining to the development of these sites.

8.6.6. I note that when questioned at the Oral Hearing, it did not appear that sites no. 1 and 2 would be required for the expansion or current operation of the Casino Business.

8.6.7. As I have already outlined, Carlow County Council properly followed all procedures and demonstrate that the CPO is appropriate in terms of common good, compliance with the relevant statutory development plan and consideration of alternatives. The issue of proportionality is therefore critical, and the question arises whether the order would have an excessive or disproportionate effect on the interests of the affected persons and the operation of an existing business if those sites being contested by the Objector were to be included.

8.6.8. In terms of site 1 and 2, having regard to the on-going engagement between the landowner and the Council for a period more that 4 years and their inclusion on the Derelict Site Register, I consider the applicant had ample time to engage in the planning process or to at least maintain or bring these buildings to a standard for them to become habitable. In addition, given the separation of these properties from the Casino business I do not consider their inclusion on the CPO Order would have a detrimental effect on the operation or viability of this business.

8.6.9. With regard to site no. 8, I note the comments of the objector that the loss of this building would result in the loss of a storage area and car parking to serve the residents above the casino, staff working in the casino and also customers. However having regard to the location of the site within the town centre, which has been zoned as same, I consider the use of the area to the rear of the building as a car park to be an under-utilisation of zoned lands within a prime central location which is well served by public transport. Furthermore, the provision of carparking for the uses highlighted by the objector would not align with that of national polices which seek to promote active travel particularly in Town Centre locations. Furthermore, I would note that there are a number of car parking facilities within the Town Centre which could be availed of, most notably The Irishman's Car Park situated on College street c. 100m to the north of the Casino and the Market Parking area c.179m to the south of the Casino.

8.6.10. In addition, if it is indeed the intention of the applicant to extend their operations, I consider that the required storage area, which is currently provided within the building on site no. 8, could be contained within the new extended business. I do not consider that a reliable argument has been established as to how the loss of site 8 would negatively impact upon the viability of the Casino business.

8.6.11. I am therefore satisfied that to include sites 1,2 and 8 within the order to grant consent for this CPO would not be unreasonable or disproportionate on the rights of the affected landowners or on the operation and viability of the casino business.

8.6.12. However, notwithstanding the above, having regard to the location of sites 5 and 6 which directly abut the casino business and which are both included within the extant fire safety certificate issued for the operation of the casino business, I am of the opinion that the acquisition of these two sites would have a disproportionate impact on the objector and the operation of his business. The arguments of the planning authority that acquisition could proceed with agreements put in place to address current fire access requirements would not, in my view, provide sufficient certainty to the landowner that would outweigh the likely effects on their commercial operation.

8.6.13. Therefore, in conclusion, I am of the opinion that the effects of the compulsory acquisition on the rights of affected landowner, in terms of sites 1, 2 and 8 are proportionate to the objective being pursued. While the effects in terms of sites 5 and 6 would have a disproportionate impact on the property owner and the business operation.

8.6.14. I therefore recommend to the Commission, in the interest of proportionality and necessity for ongoing operation and viability of an existing business, that being the casino, sites 5 and 6 should be excluded from the confirmation of the CPO while sites 1, 2 and 8 which have no direct bearing on the operations or viability associated with the casino be included within in the order to consent this Compulsorily Purchase Order as their acquisition is proportionate to the objective being pursued by the Local Authority.

9.0 Conclusion

9.1. Having regard to all of the above, I am satisfied that the process and procedures undertaken by Carlow County Council have been fair and reasonable, that the Local

Authority has demonstrated the need for the land to be acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site and to provide for the regeneration of this Town Centre Area.

9.2. However, the objector has outlined that the inclusion of all sites indicated in the order would have a negative impact upon the continued operation, proposed expansion and viability of their existing casino business.

9.3. I note from my site visit that the area subject to this order is in-fact in a state of dereliction and does detract from the visual amenity of the Town Centre of Carlow. I am further satisfied that the proposed acquisition of these lands would be consistent with the policies and objectives of the Carlow County Development Plan 2022-2028, and specifically Objectives CS. O6 and CS. O12, which seek, inter alia, to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment. In addition, section 4.5 of the Carlow-Graiguecullen Joint LAP further supports the acquisition of these sites as it seeks to promote the role of the Town Centre in terms of living and retail and identifies the subject area within the confines of opportunity site 4.

9.4. However, I consider that to include all sites identified by the Local Authority in the application made to the Commission on the 13th May 2026 as indicted on map 'CPOH-CARLOWTOWNCENTRE-2026', would have a disproportionate impact on the property owner. Accordingly, I am satisfied that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good with the exception of site 5 and 6 which I consider should be omitted.

10.0 **Recommendation**

Having regard to the observed condition of the lands identified within the application for acquisition submitted, in particular the neglected, unsightly and objectionable state of the land and the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of Carlow town centre and. I consider that it is reasonable that the Local Authority seeks to compulsorily acquire the land, with the omission of site 5 and site 6 as indicated on map 'CPOH-CARLOWTOWNCENTRE-2026', as provided by section 76 of the Housing Act, 1966 and the Third Schedule thereto (as amended by the Planning and Development Act, 2000, as amended).

I recommend that the commission grant consent to Carlow County Council to compulsorily acquire the sites indicated as being 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, and 15 as per the application made to the An Coimisiún Pleanála on the 13th May 2026.

11.0 Reasons and Considerations

Having considered the objections made to the compulsory purchase order, the written submissions and observations made to the Oral Hearing held on 24th September 2026,, the purpose of the compulsory purchase order to acquire lands identified a being 'Carlow Town Centre', and also having regard to

i. the constitutional and Convention protection afforded to property rights,

ii. The derelict and visual impact of the subject lands on the surrounding Town Centre Area;

iii. the community need to transformation of a long-standing and derelict site into a connected, vibrant and multi-functional part of Carlow Town Centre delivering public realm, streets, housing and civic/cultural/community infrastructure in accordance with adopted policies and the wider public interest/common good

iv. the suitability of the lands and the necessity of their acquisition to facilitate the provision of *The Town Centre Regeneration scheme, and*

v. the provisions of Carlow Cunty Development Plan 2022-2028 and the Carlow Graiguecullen JULAP with regard to the regeneration

It is considered that subject to the modifications to the Order as set out below the acquisition of sites1, 2,and 8 by the Local Authority is necessary in order to

facilitate the regeneration of this area in accordance with the provision of the Carlow County Development plan 2022-2028 and the Carlow Graiguecullen JULAP, as set out in the compulsory purchase order and on the deposited maps, is necessary for the purpose stated, which is a legitimate objective being pursued in the public interest, and that the CPO and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

The acquisition of properties 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, and 15 is therefore confirmed for the reasons above.

Notwithstanding the current condition and underutilised nature of the properties the subject of the application for consent, the town centre location of the properties and the provisions of the Carlow County Development Plan 2022-2028 and the Carlow Graiguecullen JULAP with regard to the regeneration, it is concluded that the compulsory acquisition of sites no. 5 and 6 would have a disproportionate impact on the property owner and the business operation.

The acquisition of no. 5 and 6 is therefore not confirmed for the reasons above.

Kathy Tuck
Planning Inspector
7th Oct 2026

Appendix 1

Proceedings of the Oral Hearing

1. Background

An Oral Hearing (OH) was initially opened 24th September in relation to the proposed compulsory acquisition of a number of sites situated within the Town Centre of Carlow. It was held remotely at the offices of An Bord Pleanála using Microsoft Teams Software. 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:

<u>On behalf of Carlow County Council (CCC)</u>

- John Morrissey – BL representing CCC.
- David P Clery – Solicitor representing CCC.
- Paula O'Brien – Director of Services of Corporate Affairs, HR and Planning.

<u>On behalf of the Objector</u>

- Liam Mooney – Solicitor representing the Landowner.
- Leigh Cleere - Solicitor representing the Landowner.
- Harry Walsh – Planning Consultant.
- Stephen O'Leary – Landowner.
- John Bynre - Landowner.

At the outset of the OH, the Inspector noted that a request had been received from a representative of the Objector seeking that the hearing be adjourned for a period of 3 week to for the landowner to consider the submission made by Carlow County Council to the commission on the 21st September 2026.

It was advised that given that the submission made was circulated to parties prior to the opening of the Oral Hearing and that the content of the Carlow Co. Co. submission did not raise any new information, the adjournment was not granted.

The Landowner was informed that once having heard the submission of Carlow County Council to the hearing, if they wish to identify any particular new matters or new information not previously in the public domain or available, they were welcome to address those as part of their submission and those matters will be addressed as they arise.

In response to this comment a response on behalf of the Objector was noted:

- Liam Mooney – Solicitor

We did request the adjournment and note its refusal they are proceeding as directed however they reserved their clients right in respect of a process, and appreciate there was dates and times for delivery of our submission and then the Councils replies but in our opinion this process, just because those dates and times were there does not afford due process and fair procedure and it put their client at a disadvantage. They were willing to proceed and reserve their client's position.

The position of the objector was noted and following some introductory remarks, it was requested that the Local Authority make its formal submission.

3. Submission by Carlow County Council

Mr. Morrissey – BL

- Opened by identifying that the Legal Basis for the CPO is under the Housing Act and not the Derelict Sites Act which has been considered. Purpose of this was to consolidate an area in the centre of Carlow large enough to facilitate a regeneration plan for which the council had recently got finding – all within the submission made.

- Why this site as opposed to alternatives – frankly there are no comparable alternative sites. Nature of proposed development is a Town Centre regeneration Plan and unless its in the centre of town and unless it's a large enough nearly contiguous site to be viable it wouldn't meet the criteria.
- There are few other Town Centre sites – this is why there are really no alternative sites to have been considered. There are a number of derelict sites within the 15 the council want to acquire – 5 of the 15 are on the derelict site register.
- Objectors have put in a number of grounds as to why this CPO with respect to 5 no. sites shouldn't be confirmed. Paragraph 17 of submission made to An Coimisiún indicate that the grounds can be confined to 5 main arguments:
    - CPO identifies no objectives

      Don't think this is the case – reads aloud paragraph 23 of the submission made to the commission on the 21st September 2026 which states in essence that the development will "… expressly address regeneration, redevelopment, housing, addressing dereliction, and connectivity to name a few .."

      That is the Council addressing of the 1st argument.
    - Preferable that the land be regenerated by the Private Sector.

      Reference to paragraph 28 of the submission made to the commission on the 21st September 2026 which sets out a timeline of communication between Mr O'Leary and the Council from Sept 2022 to Nov 2025 – but no progress.

      Around April 2026 when the order was made about the same time an advertisement from the Department of Housing was published relating to possible funding that the council availed of – Application for funding was made at the same time as CPO for their regeneration projected after on-going communication with the landowner.
    - Non-viability of the casino

reference to future expansion of operations - do not consider this a matter for the commission for the confirmation of the CPO.

Egress route for fire safety is considered to be important and should be taken into consideration – does not preclude the Council from acquiring the land.

Casino is recognised as a going operation/part of what makes the Town Centre.

Making Casino non-viable is not what Council wanted from the CPO.

- The Council probable sale to a 3rd party.

  No evidence to this – not the Councils Intention.

4. Submission by Land-Owner

Mr. Mooney (solicitor)

- Council don't appear to have due regard to the impact the CPO will have on casino business – some of the properties subject to the notice are integral to casino business. Very important that this is stressed – tried to lay that out in objection.
- There is no defined objective for what the Council intend to do – listed a broad variety of possibilities of different objectives for a 1acre site.
  - In reality if you have 10 different objectives you really have no objectives.
  - Since submission made on the 9th of June – of the view the Council could have come up with more specific objectives as to what they intend to do with the site.
- Objector proposed a more slimmed downed redevelopment proposal for the site – Council has not engaged in that.
- Appears to be a rush to draw down funding of c.€5.7 million and get on site by September 2027.

Mr H. Walsh (Planning Consultant)

- Does not want to elaborate on landowners submission but has a number of questions for the Local Authority.
- Take our submission as read.
- Worrying that there hasn't been any consideration of alternatives at all.
- Not sure Mr Morrissey is aware of the extent of the Town Centre Zoning Objective – its extensive.
- To say that this is the only 1 acre available site in the entire of Carlow Town Centre that's zoned needs to be investigated more.
- We have questions more than comments at this stage – comments may arise on foot of the responses received.

Inspector queries to Mr Walsh if there was any particular matter raised by Carlow County Council that was not previously available to you?

Mr Walsh Responded:

- There were a number of questions that raises right from point number 1 where it indicates that the regeneration officer submitted to the Chief Executive that an area of the Town Centre would be suitable for development.
    - Like to know where did the plan to regenerate this part of the Town come from – did it form part of a report/assessment from regeneration officer and is this available?
    - Like to see that report and how the site was selected?
    - Material to back up why the decision to include this site was made.

5. **Inspector offers the Local Authority an opportunity to respond to Land-owners' comments.**

   Mr Morrissey (BL)

   Paragraph 1 of the Councils submissions relating to the site selection and recommendation by the Regeneration Officer (Ms Lawlor).

    - Recital from the Chief Executive Order making the order for the CPO.

Mrs O'Brien (Director of Services)

- Town centre of Carlow is relatively small - main shopping street is Tullow Street.
- The CPO area bounds all main town centre thoroughfare.
- This has been included in many plans – in Carlow 2040 plan all these areas were identified as key regeneration areas in Carlow Town.

Inspector –a review of the Objection it appears that reference was being made to the lack of a site-specific objective. While there are wider objectives for regeneration within the statutory plans – there is none pertaining to the area subject to the CPO. Is this correct?

Mrs O'Brien (Director of Services)

- It would have been included as part of the general cultural quarter which the Council is currently regenerating - It borders onto the Cathedral (Carlow College).
- It is referenced under the Carlow 2040 Plan – not site specific but the general area.

In response to a question from the Inspector, Ms. O'Brien / Carlow Co. Co. advised that the site is included in site no. 6 and that they working through each of the areas identified in Carlow 2040 which links into the grant application which has been referred to.

Mrs O'Brien (Director of Services)

- That's exactly it – been working through each of the areas identified in Carlow 2040 which links into the grant application which has been referred to.
- So funding already received and now working though each phase to regenerate the town.
- The CPO area is the key permeability area/linkage area.
- Including this in the cultural area is therefore very important.

- Surrounded by a number of key historical sites.
- That is how the Council went through the selection process – it is quite obvious how the area was chosen.

6. Landowner comments in response and questions to Local Authority.

Mr Walsh (Planning Consultant)

- Reference to the Carlow 2040 Project is welcomed – requests if it would be possible to share the intervention map from the Carlow 2040 Project on screen.
- Landowner fully supports the Carlow 2040 Project – however intervention areas are detailed and has plans for 6 no. areas. Ms Obrien has indicated that the CPO site is central to this – but this site hasn't even been identified as an intervention area at all.
- Reference made to being part of the cultural quarter – however based on definition in the plan it is not.
- Town centre zoning objective – 58 hectares. There is a Carlow 2040 plan that identifies 6 no. intervention areas that the CPO site is not included in but rather peripheral to a few.
- Ms O'Brien has given evidence that is obvious – but in planning policy terms its not obvious.
- If it was the case that this area was in such need of regeneration then it would have featured in the Carlow 2040 plan.
- It has been suggested that there was some basis of a site selection report/criteria that was there – can this be made available?

Inspector asks Ms O'Brien if there was a site selection process and was there a report to that extent?

Ms O'Brien (Director of Services)

- Many of the sites (5 of the 15) were included on derelict site register.

- Site 1, 2 and 5 of the objection.
- Carlow 2040 provides for general/high level concepts on:
  - how the council want the town to look and feel.
  - How development will move forward.
- Part of site selection process identified this area to be a prime town centre site which is significantly under-used, a lot of vacancy and derelicts site register went into decision also.

Open Dialogue:

Mr Walsh: Back to paragraph 1 – Town Regeneration Officers recommendation to the Chief Executive and the area in Carlow town would be suitable for re-development was that a report prepared?

Ms O'Brien: Yes, a report was prepared for the chief executive – a memorandum .

Mr Walsh: Inspector, could we see that all? It seems to be a important piece of information as to how the Local Authority.

- My understanding that on the 21st April the Regeneration Officer presented something to the chief Executive probably at the same time the funding was announced.
- It must have been considered that there must be a portion of Carlow Town Centre hat must be suitable for this.
- Short term later – the CPO was made.
- We would like to fill in the gaps in this – there was obviously a decision made in the local authority that they were going to peruse the funding.
- How did they arrive at this site out of 60ha in the town centre?

Ms O'Brien: this is not something that just happened on the 21st April – it started in 2022/2023 when communication between the local authority and site owner started.

- Concerns over the dereliction/vacancy were then raised.

- Evident in the chronology of correspondence.
- Local representatives constantly questioning.
- Member of the public raising concern.
- Grant announcement was a great opportunity – but not the basis for the CPO.

Mr Walsh – so is there a report that identifies that this is the most appropriate site that the funding should be sought for?

- It is our understanding from what has been said that this is a housing project it's not a town centre regeneration project per say – its not being perused under the derelict site act its being perused under the Housing Act.
- You have a housing project in mind for the site so again – if there is a report/site selection process some criteria available from the local authority the made the decision to include these lands – consider this very important inspector and would like to see this.

Ms O'Brien – there is no other land/area within Carlow Town that has this level of dereliction or vacancy. This is an obvious area.

Mr Walsh: Happy to leave it here as he does not think there is a report or a site selection report to point to out of 60ha of TC zoning objective to point to here.

Mr Morrissy – point of clarification

- I cited the source of CPO as the Housing Act rather than any other act:
- The housing act authorises CPO for many other acts not just limited to housing projects.
- Never said it was a housing project – source of the authority for the order is the housing act.

Mr Walsh – Move to Paragraph 8 of the submission – now become the Carlow Old Town Project for which the Local Authority has funding.

- Ms O Brien have you a design team appointed?
- Is there a master plan available?

Ms O'Brien –

- Aim is to get the CPO process completed then move to masterplan.
- Masterplan will be funded through the grant process.
- Grant will also fund the compensation of CPO.

Inspector – point of clarity :So the intention of the Local Authority is to complete CPO prior to starting the masterplan process

Ms O'Brien – yes exactly and not want to re-hash what has been said we know exactly what we want on the site.

*Inspector –*CCC confirmed in response to a question from the inspector that what has been specified is rather high level "flexible uses – houses/connectivity" all to align with the Carlow 2040 plan but what is the thinking on this?

Ms O'Brien – Predominantly public realm usage given the linkages. This will only be delivered by the Local Authority. Links in with all other regeneration projects in the town. Will have the mix identified – the development of the entire area won't be purely but will be predominantly public realm space.

Mr Walsh – Mr Walsh noted the uncertainty with regard to the nature of the development and queried how the funding application figure was arrived at
Ms O'Brien – engage a QS and various consultants to pull the grant application together. That does include survey/site clearance/masterplan/compensation.

Mr Walsh – if given to QS to estimate cost there must be some type of plan to base the costs upon. Would that be available?

Ms O'Brien – This includes the study to create the masterplan. Done enough to have a fairly decent idea on costs of a masterplan on an area this size. Carlow has been successful in recent years tackling areas of vacancy and dereliction – trying to put life back into the town.

Mr Walsh – Landowner has no objection to that – however as the Inspector did outline – the basis of the CPO is so broad it could encompass anything:

- Complete absence of site selection process or detail on how this site would tie into cultural quarter/whether masterplan for what it might become even if it is a public realm space.
- No plans available to landowner to say this is it and how he might be able to work with the local authority.
- Could be scope for negotiation for all parties to achieve what they want.
- At the moment, Inspector – it appear to be quite an aggressive approach to this utilising a catch all approach.

The funding figure of €7 million was queried – whether it is the overall acquisition and construction costs?

Ms O'Brien – no this is the pre-development the (CPO/Masterplan) aware that there will be a lot of planning as we need to get this up to Part 8/Part 10. Aware this will have complications.

- Disagree that this is an aggressive approach – Town regeneration Officer has been very patient and worked very well with landowner. Council has tried repeatedly and notwithstanding various plans presented, engagement has fallen away.
- Council has not as of yet completed this CPO – so cannot waste taxpayers' money on plans without having land ownership.

Inspector – Point of clarity to Mr Morrissey

Could you address the legal requirement to have a site specific objective for the project as part of the CPO project?

Mr Morrissey – in short, no I am not prepared to do that. As far as having an objective is concerned the order certainly identifies statutory objectives and those objectives are within, amongst other places, the development plan.

- If an argument is made that a CPO has to identify an objective well there is just a couple of examples that are in the submission.
- Refers to para 30 of the submission made – Objective CS06 and Objective CS012 Cpt 2 of the Development plan.
- That objective is therefor met – CS 02.
- Those 2 objectives are not only included in the development plan available to the public – they are in the submission made with the CPO.
- Council has met their obligations in Law.

Mr Walsh – Queries that the usual process of a CPO includes for a initial proposal.. Given all that is required in the process – how long will that take?

Ms O'Brien – it depends on the outcome of the CPO but expect to take 12 – 18 months.

Mr Walsh – that is ambitious. Would it be fair to say we are I this process due to the funding being available.

Ms O'Brien – No I wouldn't say this. Council would have gone ahead with the CPO of this site anyway. Yes the funding was a trigger as very rare to get funding from the department to fund the purchase of a site. CCC did not know funding was successful until 2 weeks ago, so CPO was going to be issued anyway.

Inspector no reference to funding was in the 1st submission.

Ms O'Brien: No

Mr Walsh: It is an important point, and we are glad that the Local Authority have the funds because you won't get the funding because you won't be on site on/before 2027. So the funding won't be available. That is all we would have at this point.

Inspector – Mr Walsh do any of your team have any other questions for the local authority at this point?

Mr Maloney – Paragraph 30 from the council states there is funding to develop the site – is that what the funding is for to develop/acquire/pay for professionals/masterplan?

Inspector – this point has been asked and answered. Questions asked by Mr Walsh clarified this point and I don't feel it needs to be readdressed.

Mr Maloney – ok.

Inspector – We will take a brake for 10 minutes.

7. Questions from Local Authority to Objector.

Mr Morrissey – Have no questions.

Ms O'Brien – No questions however there was one point in response to something that was raised earlier:

- Mr Walsh raised a question as to how did we come across or how did the Council pick the site:
- In the very first paragraph of the original submission to the Commission on the 13th May 2026 detailed the rationale and set out the strategic importance of the site.

- Location relative to town centre – gives a clear picture.
- Gives rational of importance of site relative to the rest of the town.

Mr Morrissey – point of clarity to a question posed by the Inspector.

Mr Morrissey – I took your question as a general obligation on all Local Authorities and all circumstances, but I answered in the obligation of this Local Authority and this circumstance.

Inspector – provided the following further elaboration on an earlier question out by the inspect - 2 no. specific objectives and notwithstanding appendix 1 of the Local Authorities original submission to the Commission, do you want to elaborate further on how those objectives fit to meet that test with regard to the development of the lands in question?

Mr Morrissey – yes I may not be in the best position to identify all of those objectives but I would reference a small planning case King V An Bord Pleanála ([2024] IEHC 6):

> Judge Simons, G. puts onto a judicial platform the 4-stage test identified in Galligan & McGrath, Compulsory Purchase and Compensation in Ireland: Law and Practice – this is what local authorities ought to do:
>
> 1. community need that is to be met by the acquisition in question.
> 2. Particular property is suitable to meet that community need.
> 3. Any alternative methods of meeting the community needs have been considered – but are not preferable taking into account Environmental effects.
> 4. The works to be taken out should accord with or not be a material contravention of the statutory development plan.

That is the law and process – the issue is whether these are identified in the order or not. That goes to showing this common need in the order is the only way to justify that the common need is the reason behind the order.

I will defer to Ms O'Brien to the specifics of the objectives as per the 1st submission.

Ms O'Brien – In terms of the current development plan and the JULAP
Outlined a number of objectives – I can go through each one.

Inspector – Don't need you to outline what has already been submitted: The question is how does the proposal meet these specific objectives?

Ms O'Brien – Yeah the area as we described and from the images submitted we can see – the idea to promote regeneration and renewal and reduce vacancy and promote use of underutilised buildings. Clear example of 15 sites that are not been used and have just been left derelict/vacant and we are trying to support an initiate to support their re-use.

- Trying to achieve all of this through this CPO.
- Omitting the blight and urban decay on main shopping street.

Site 13 and Site 12 onto the main shopping street. (Inspector notes that there is no objection to those sites being included).
When you look at Brown Street – site 1 and 2: Council have Internal programme so site no. 9 beside site 1 has been flipped and it has been sold on the open market.

- So beside regenerated house we have 2 properties that will detract from the street.
- Have significant plans for car park area – bordering on site 8 and 6 to provide a pocket park. All the vacant sites surrounding this isn't good for the residents or in terms of housing in this locality.
- Other policies promoting the re-use and regeneration is all over the Plan – co-ordinating significant public realm and infrastructure works.
- Council has a rail link project – linking the railway station down to College Street close to Brown Street.
- All links together.

- Reference made to this being an old working part of Carlow which is hugely important from an industrial heritage perspective and for the enjoyment of the residents.

Inspector: With regards to the alternative test, can you address what alternative methods have been explored to achieve the end goal?

Ms O'Brien – Tried to engage with the landowner for a long period of time and we would have a good relationship with the landowner.
This again was not something that we landed on because there was a grant application – the alternative was engagement with the landowner. We wanted to avoid the CPO process. Unfortunately, we have to move on this as we have let it go for long enough.

Inspector – Finally, there is a casino operating in the midst of these site and the objector has raised concern how this may affect the viability of his business. Could you address this further.

Ms O'Brien – This will benefit the casino we see it as a vibrant and thriving business. It will be a lovely space and increase footfall in the space.
We are willing to work with the landowner and do not want to cause any impact.
Conceive this fitting into the greater vision for the site – can only benefit the business.

8. Inspectors' questions to the Objector

Inspector: site 5, 6 and 8 are utilised and required for the operation of the Casino business. Building 8 –Can you provide an overview as to how building 8 is related to the casino operations? Furthermore, site 6 while there is a smoking area to the rear , there is no door addressing Charlotte Street again plans indicate fire access.

Mr O'Leary – Building 8 is the only available storage we don't have any in the casino.

Relationship has been very strong with the council and I would like to continue to work with the council but my main concern would be the car parking.

- There is 2 no. 2 bed apartments above the casino – tenants utilise parking area to rear.
- Customer and staff also utilise parking.
- Consider the parking to be successfulness of the business.
- Smoking area – better to be located to the rear doesn't look good to be out the front of the building. Use building 6 for smoking purposes.

Inspector – to clarify primary access to the casino is from Charlotte Street and there is a secondary access to the rear.

Mr O'Leary – Yes this is the case – at the back of building 6 is the smoking area.

- Also as part of the CPO the land which we use to entre for car parking is also CPO's and this land will effectively take away all our car parking if granted.
- In terms of the viability of the business I would seek to keep the buildings that we have objected to and I think we have demonstrated by not objecting to the buildings on Tullow Street that we support what the council is trying to do – imperative that if granted for the other buildings would affect the viability.

Inspector – I note that a pre-app document was made but pre-app never occurred. Where are you at the moment with a proposal for the site – I know you have referenced an extension to the casino; there is also reference to a slimed down proposal.

Mr O'Leary – Reference made to history as per documents submitted.
Communicating with the council.
Prior to CPO – head of terms signed with a developer for a senior living scheme.
Developer pulled out on CPO being triggered.
Requested a meeting with the Council – council requested plans be submitted. Can demonstrate we were progressing with architects to develop a scheme.

Commercially sensitive information stopped progression with pre-app – informed the council to this extent.

Comments from the Council on questions

Mr Morrissey –with regard to acquisition by the council to any of the site adjacent to the casino is there is an argument that the council acquisition of any or all of the site interferes with the operation. I would like to know if consideration has been given to a position where the council could acquire the site and where its use could still be availed of by the Casino? Example of that is egress for fire safety.

- Not aware if the councils acquisition is to be to the exclusion of a use by the casino.
- Raising it as a point to say that acquisition by the council does not mean that it can't be used?

Inspector invites landowner to comment:

Mr O'Leary: Fire certificate takes in the building 6 as an escape route so this is on our fire cert and this is in submission.

- Also, there is a fire escape for the 2 no. apartments above – which is also on fire certificate granted so if the lands subject to the CPO it will mean that business will not be able to operate if they do not have access for fire.

Mr Mooney: Very specific in what we want to retain which is sites 1,2,5,6 and 8.

- They are integral for the operation of the Business.
- If a CPO is granted it will with no doubt impact on the business – the Council affectively own them and have control
- if Mr O'Leary wanted to expand or do alterations it will be impossible to do so and he will be beholden to the council.
- Taken on face value what Mr O'Leary has to say.

Inspector – Property 1 and 2 address Brown Street and are on the derelict register. How would the loss of these site impede upon the operation of the Casino being that it is to the south of these properties?

Mr Mooney: NDA heads of terms signed to do a large scheme down there.
That is now gone – landowner will be looking to expand the operations of the casino.

Inspector: That proposal will expand up to sites 1 and 2?

Mr O'Leary: Yes we would expect to develop site 1 and 2 as a scaled down version as a result of the CPO.

Inspector: Sorry, you would develop those sites but not expand the operations of the casino up to those sites.

Mr O'Leary: No this would be for housing.

Inspector: These are 5 very different properties – they are different in character they address different roads, and there is some open space/parking associated with them. Are you satisfied that the same justification and rational can be applied to each property?

Ms O'Brien: absolutely the same rational, however sites 1 and 2 are existing housing units and we would want to keep this element – very important to us.
Would have same question over the expansion up to Brown Street.
They are on the derelict site register – they are bordering street scapes/visible sites.
Willing to work with casino operators.

Mr Morrissey – objectives and desire to end state for the council aren't as varied as the commission identifies the sites as they are in their current state. Its all about

regeneration. Objectives can be seen as uniform notwithstanding the current differences in the sites because the end state is all about having the same goal in mind.

Inspector: Invites comments from landowner. We have identified that sites 5, 6 and 8 are important to the on-going operation of the casino where as sites 1 and 2 appear to provide for a future development potential for the Landowner.

Mr Walsh: The answers highlight, inspector, that the Local Authority does not have a Plan.

- We have two properties that are aligned on a fire cert, we had indications that they can work with the casino - That is not legally anywhere.
- There is a business here that could potentially have a new landlord and depending on the operation of someone else for the operation of the business.
- That is not a position that any business anybody wants to see themselves in.
- No one is disputing the overall objectives the Council has for the Town centre - a lot of talk of various ideas but it highlights lack of a coherent plan as to what they want this property for and really what impact it will have on the business.

9. Closing Comments

Mr O'Leary: Communication with council has been positive and expressed willingness to negotiate with Council to give them other properties in ownership but not part of the CPO if so required.

- Problem is if land is obtained functioning of business and control is totally gone.
- Can't let properties in my control go outside ownership – if not sure the council can develop what they say they can with the funding timelines.
- Properties 1 and 2 – idea is to maintain control and develop town houses.

- Car parking serving casino would serve town houses would be a much better development with access to the town houses from the casino.

Mr Walsh:

There has not been any site selection process or report to justify this process relating to this site which expands to 58 ha.

There is a number of general policies that support the regeneration of the town centre as a whole – there is no site specific local objective to develop this site in either the County Development Plan or the local Area Plan.

This is not one of the 6 intervention areas identified in Carlow 2040 – it is just 1 of 6 opportunity site identified within the Local area plan.

Mr O'Leary has highlighted the commercial concerns he has – the real commercial concern is that timelines for funding won't be met and that if the CPO is granted will the local Authority be able to perform upon that CPO.

Real concerns around the lack of specifics and details.

Mr Morrissry:

- It might be desirable for the objectors that specifics were set out in the CPO as to what precisely the development will be carried out – I do not consider that to be what is required.
- What's required is to show objectives a common need and that has been set forward – regeneration/connectivity/addressing dereliction.
- So easily identifiable to allow the commission to carry out it balancing act – common good and property rights.
- With respect to the site adjacent to the casino – recognise the real life and death concern of fire egress and there might be other considerations regarding the operation of the casino – but can all be addressed by an easement/wayleave/right of way.
- Do not think they are grounds to refuse the order.

Ms O'Brien

- Local Authority has multiple functions and different to a casino business which has on objective – Council has a responsibility to deliver housing, to deliver public realm, to encourage economic development.
- Regeneration is a function of the local authority.
- This is not a rash plan or on foot of the announcement of funding – this has been in the works for a number of years/been in the council agenda/been in multiple public meetings/consultations/come up time and time again.
- We do realise the importance and proportionality – CPO property is not something that we don't take likely.
- Do not want to put anyone out of business and want to work with people.
- Feel actions are proportionate to what we want to achieve.
- No doubt that the team will be able to deliver in the timeline indicated.

Mr Mooney

- Ownership is a primary right and easement is a secondary right and there is a big difference between them.
- Don't believe that the figures mentioned is remotely sufficient to do what Carlow are proposing to do and there would be concerns that transfer of ownership to Carlow on receipt of this CPO and it won't be completed

10. Closing of Oral Hearing

The Inspector makes some brief final comments and thanks everyone for their participation. The Oral Hearing is subsequently closed.