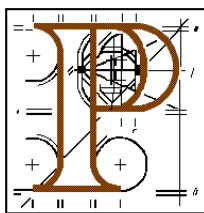


An Bord Pleanála



Inspector's Report

Compulsory Purchase Order: Louth County Council Compulsory Purchase Order for the Purposes of the Housing Act 1966 Ref 15.CH3287

Local Authority: Louth County Council

Location of Lands: 3 Slieveroe Crescent, Muirhevnamór, Dundalk

Objector: Mr. Michael Aherne and Mr. Martin McCreesh

Date of site visit: 15th September 2016

Date of Oral Hearing: 28th September 2016

Inspector: Ciara Kellett

Appendices: Maps, photographs, oral hearing documents, etc.

1. INTRODUCTION

- 1.1 This report relates to objections received to the making of a Compulsory Purchase Order (CPO) entitled 3 Slieveroe Crescent, Muirhevnamór, Dundalk, Compulsory Purchase Order 2016.
- 1.2 Two objections have been received to the CPO and an Oral Hearing to consider these objections was held on 28th September 2016 in the Crowne Plaza Hotel, Dundalk. The objections were made by the two registered owners of the property.
- 1.3 I have read the contents of the file, inspected the site and conducted the Oral Hearing in this case.
- 1.4 The Board is advised that this is one of a number of CPOs undertaken by Louth County Council recently, the majority of which were not the subject of objections.

2 DETAILS OF CPO

- 2.1 This CPO of a vacant dwelling, No. 3 Slieveroe Crescent, Muirhevnamór, Dundalk, is made under the Housing Act, 1966 and the Planning and Development Act, 2000, as amended, with a stated purpose of restoring the dwelling for social housing use.
- 2.2 The CPO relates to a vacant semi-detached residential dwelling and associated garden. The dwelling has a stated area of 96.7 sq.m, with the garden comprising a stated area of 271.8 sq.m.
- 2.3 The CPO in paragraph 2 states that the *“said land includes a house and the said house is in the opinion of the housing authority, unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense...”*, and in point 2.(1) *“The land described in Part I of the Schedule hereto and coloured pink on the deposited map consists of a house unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense”*. Part I of the Schedule of the CPO describes a

“Dwelling 96.7sqm, Remainder 271.8sqm, Total 368.5sqm (0.091Acres)” as “Land consisting of a house unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense” It was confirmed by the Local Authority at the Oral Hearing and by letter dated 18th August 2016, that this was incorrectly described, and that the house was not unfit for human habitation and was capable of being rendered fit for human habitation at reasonable expense.

- 2.4 The official seal of the Local Authority was affixed to the Order on 21st day of June 2016, signed by Louth County Council’s Director of Housing Services and seconded by Louth County Council’s Cathaoirleach. The proposed CPO was advertised in The Argus Newspaper on 22nd June 2016 (along with CPOs relating to 3 other properties), advising that owners, lessees and occupiers of the land described in the Schedule would receive individual written notice, and that a copy of the Order and the map referred to, could be inspected at the offices of Louth County Council, Dundalk.
- 2.5 Other documentation forwarded to the Board by the Local Authority includes the deposited map, site notice, notice to the landowners and proof of registered post, and a memo from the Director of Services to the Senior Executive Officer stating that the dwelling house and garden would be considered suitable as a location for social housing.

3 DESCRIPTION OF SITE

- 3.1 The subject site is located in a residential area known as Muirhevnamór, some 2 kilometres south-east of Dundalk Town Centre. Slieveroe Crescent is located off the Tom Bellew Avenue which is west of the N52 Regional Road.
- 3.2 The dwelling itself is located towards the rear of the estate. The dwelling is one half of a semi-detached pair of single storey houses and has a garage to the side. The estate is a mix of one and two storey semi-detached and terraced houses. The adjoining dwelling appears well maintained. There are a

small number of other dwellings that appear vacant and unkempt in the estate.

3.3 The dwelling overlooks a small green area directly across the road. A low blockwork wall defines the property's boundary with the footpath, with a small front garden.

3.4 The dwelling appeared vacant with the windows and doors boarded up at the time of the site inspection, however, it did appear to be in a sound condition externally and the roof appeared intact and the garden maintained (see attached site inspection photographs).

4 GROUNDS OF OBJECTION RECEIVED BY THE BOARD

4.1 Two objections to the CPO were received from the co-owners - Mr. Martin McCreesh and Mr. Michael Aherne, dated 7th July 2016.

4.2 The Objectors both state in their written submissions that they object to the CPO and that the house has just been recently renovated by the lessees. They state that the house was flooded and almost ruined by Louth County Council's Water Division, whom they have a large claim against for loss of earnings/rent and damages. They state that the last tenants were forced to leave, and all their furniture and household belongings were destroyed. They state that the house is under long lease and is not due to expire for some time.

5 PLANNING POLICY CONTEXT

5.1 Strategic Policy

5.1.1 Rebuilding Ireland: Action Plan for Housing and Homelessness July 2016

This Plan, published by the Department of Housing, Planning, Community and Local Government, states that it will address the needs of homeless people and families in emergency accommodation, accelerate the provision of social housing, deliver more housing, utilise vacant homes and improve the rental sector.

The Plan sets out to deliver 47,000 units of social housing in the period to 2021.

5.1.2 The Plan identifies five key pillars, including Pillar 5 which is *Utilising Existing Housing*. It states “*Ensure that existing housing stock is used to the maximum degree possible – focussing on measures to use vacant stock to renew urban and rural areas*”.

5.1.3 Pillar 2 is to “Accelerate Social Housing”. Key Actions are listed including “Extensive support for Local Authorities and Approved Housing Bodies”. Table 4 lists “Our Programmes” and includes a programme “Local Authority Construction and Acquisition (also known as the Social Housing Investment Programme (SHIP))”. The objective is noted as “*To provide funding to local authorities for the provision of social housing by means of construction and acquisition*”.

5.2 Statutory Policy

5.2.1 Louth County Development Plan 2015-2021

The County Development Plan sets out the core strategy for Louth County as a whole, with policy SS2 expressing the objective of maintaining Dundalk and Drogheda’s positions at the top of the County’s settlement hierarchy as Level 1 Settlements.

5.2.3 Chapter 4 of the Plan refers to Residential and Community Facilities. With particular regard to social housing provision, Policies Res 1 and Res 9 of the County Plan, have the stated aim of implementing the County’s Housing Strategy and to have regard to various strategic policy documents in this regard.

5.2.4 Policy Res 2 seeks that every household will have access to affordable and suitable housing in a good environment and, as much as possible, in the tenure it prefers.

5.2.5 Policy Res 3 has the stated aim of providing social and specialist housing through various methods. It specifically states “**RES 3: Provision of social and**

specialist housing shall be progressed through partnership working with voluntary and co-operative housing organisations, the HSE and through agreements with private developers”.

5.3 Louth County Housing Strategy

Section 4.2 of the Strategy projects that the population of Dundalk, which was 37,816 in 2011, will be 47,200 by 2022 (an increase of 9,384). It is estimated that approximately 1815 residential units will be delivered in Dundalk up to 2022. Section 5.7 of the Strategy states that the Council maintains a total of 3,847 social housing units and that there are currently 4,441 people on the waiting list (June 2014). The Strategy notes that the shortfall of houses versus demand has direct implications for affordability.

5.3.1 Section 5.13 of the Strategy expressly recognises the purchase of vacant dwellings as a means of meeting housing need, stating:

“In the potential absence of new build opportunities in the short term, all sources of supply from vacant and unfinished estates, unsold affordable units and the turnaround of casual vacancies will have to be explored in detail”

5.4 Dundalk & Environs Development Plan 2009-2015

This Plan remains current until it is replaced by a new Local Area Plan by virtue of the provisions of *the Electoral, Local Government and Planning and Development Act 2013*. Under this Plan, the lands are zoned Res 1 as follows:

“To protect and improve existing residential amenities and to provide for suitable infill and new residential developments”

5.4.1 The subject site is also located in the identified Muirhevnamór RAPID area per Section 6.4 of the Dundalk & Environs Plan. The RAPID programme is coordinated by the Local Authority’s Social Inclusion Unit and is being implemented in association with various other bodies, and seeks to promote social inclusion in disadvantaged areas that have been identified as needing regeneration.

6 PLANNING HISTORY

6.1 From a review of the Council's Online Planning Enquiry system there have been no planning applications in relation to the subject site nor in the vicinity in recent years.

6.2 As previously indicated there have been a number of similar CPO's made by Louth County Council two of which were subject of objections to An Bord Pleanála. I attach those files to the current file.

7 THE ORAL HEARING

7.1 The Planning and Development Act 2000, as amended, provides that an Oral Hearing may be held at the absolute discretion of the Board.

7.2 General

An Oral Hearing was held on 28th September 2016, in the Crowne Plaza Hotel, Dundalk. The hearing opened at 10h09 following a request to delay for a few minutes by both parties. A digital sound recording was made of the hearing, which is included with this file, and should be consulted for a full representation of proceedings. There follows below a summary of the main areas covered and issues arising.

One Objector was present and represented himself at the Hearing. Representation on behalf of the Parties was as follows-

7.2.1 Attendees

Louth County Council

Ms. Una Lyons – James McCourt & Sons Solicitors

Mr. Joe McGuinness – Director of Housing Services

Ms. Emer O'Callaghan – Senior Executive Planner

Cllr Kevin Meenan – local councillor for the area (supporting CPO)

Objector

Mr Martin McCreesh

7.3 Submission of Louth County Council

7.3.1 Ms. Una Lyons provided an overview of the procedures followed by the Council with respect to the CPO. Ms. Lyons then introduced the speakers. She introduced **Joe McGuinness, Director of Housing Services** who read out a statement (*Item 1* – appended), which may be summarised as follows:

- Significant Housing pressure in area – The Council has a waiting list of over 4,700 households of which 2,166 are for the Dundalk area.
- Typically, those on waiting list remain in private rented sector until property becomes available, thus influencing market and rent levels.
- In a normal year, Council will only deliver c. 120 units in the County.
- Council have taken approach of targeting vacant dwellings.
- Vacant units reduce supply thus causing rent increases.
- This property has been vacant for some time and has suffered damage. Dwelling was originally built on a housing authority site as a Low Cost Site.
- This property has been subject to anti-social behaviour and has a detrimental impact on the area and on uptake of housing offers in area.
- The Council had agreed a sale price with receivers for the owners as part of a five-unit portfolio. The Council also agreed separately the principle of the Housing Authority acquiring the property by agreement. Neither option has materialised and there has been complaints from the adjoining tenant.
- The Council as the Housing Authority decided to CPO this property with the intention of renovating it and bringing it back into social housing use.
- As a single storey unit, it is likely that if the Order is confirmed, the Council will renovate it and use it for a potential unit for persons with a disability. There are over 170 housing applicants who have an identified disability in the Dundalk area.
- Works proposed will accord with proper planning and sustainable development of area.

7.3.2 Ms. Una Lyons invited the second submission from the Local Authority by ***Emer O’Callaghan, Senior Executive Planner*** in respect of planning matters (***Item 2*** – appended). The contents of this submission may be summarised as follows:

- Strategic and Statutory Planning Policy
 - Action Plan for Housing and Homelessness July 2016.
 - Refers to Pillar 5 to “*Ensure that existing housing stock is used to the maximum degree possible – focussing on measures to use vacant stock to renew urban and rural areas*”.
 - Louth County Development Plan 2015 – 2021, specifically policies RES1, RES 6, RES 7 and RES 9.
 - Dundalk and Environs Plan 2009 – 2015 (extended).
 - Lands are zoned Residential
 - Site is in Muirhevnamór which is a designated RAPID area
 - Policy HC7 is relevant – “*Support and promote the regeneration of Cox’s Demesne and Muirhevnamór and the implementation of the RAPID programme in the designated areas*”.
- States that dwelling is in a state of disrepair and appears not to have been occupied for some time. It would be in the interest of the area to bring it back into reuse as it detracts from the area.
- Confirms that there is no planning history associated with site.

7.4 **Observation by Councillor Kevin Meenan**

Councillor Meenan gave a verbal submission. Councillor Meenan stated:

- He fully supports the Local Authority in their attempts to CPO this property.
- He detailed the negative effect that this property and other vacant units were having on the area. He outlined a history of drug dealing and drug taking, and anti-social behaviour in this particular house.

- He noted that the bus route goes through this area and that many people were seeing the condition of the area – adding to the negative perceptions.
- He receives numerous calls from local people expressing frustration that there are houses lying vacant.
- Following questioning from their solicitor, Councillor Meenan confirmed that the house had been vacant for years but was unable to provide an accurate timeline.

7.5 Objector questioning of Local Authority

Mr. McCreesh was provided with an opportunity to question the Local Authority. Mr. McCreesh stated that he had no particular questions for the Local Authority and agreed to proceed to make his submission.

7.6 Submission of Mr Martin McCreesh

Mr McCreesh's verbal submission may be summarised as follows:

- He met with the Local Authority on numerous occasions but never received any correspondence as the principle owner.
- He has spent a lot of money modernising the house as it had been vandalised.
- Claims the receivers broke into the house and changed the locks thereby causing the tenant to leave.
- Claims the Council and the Receiver are working "hand in hand".
- He is willing to negotiate with the Council.
- He refers to a letter that he wrote to the Council on 31/8/16 and states he had no response.
- His rights have been impacted.
- He has a tenant with a five-year lease.

7.7 Local Authority questioning of Mr. McCreesh

Solicitor for the Council questioned Mr. McCreesh.

- Queries Mr. McCreesh's point about receiving no correspondence and asks if Mr. McCreesh is referring to the CPO Notice. Mr. McCreesh confirms that he received the Notice but did not get a price.
- With respect to price, it is clarified by both the Inspector and Ms. Lyons that the Board has no remit regarding price.
- Ms. Lyons provides a google map image taken in 2009, which shows the house boarded up and makes the point that the house has been vacant for a long time. (See *Item 3*)
- Ms. Lyons states that the Local Authority has been in negotiation about the house. Mr. McCreesh states that he has not been in negotiation with the Council. There has been one conversation to date about this house.
- Questions if Mr. McCreesh has no objection in principle to the CPO if adequate compensation is payable. Mr. McCreesh states that he has a client for the house who will have to be rehomed.
- Mr. McCreesh was asked if adequate compensation was payable would he object to the CPO. Mr. McCreesh states that if he is personally compensated he would have no objection.
- The Inspector asked again, for the record, if Mr. McCreesh did not object in principle to the CPO and Mr. McCreesh restated that if he was adequately compensated he did not object in principle.

7.8 **Inspector's Questions:**

1. Is the Local Authority satisfied that all correct procedures re. Notification vis a vis ownership were observed?
 - a. Ms. Lyons confirmed they were.
2. Can the Local Authority confirm there is no planning history associated with the site?
 - a. Ms. Emer O'Callaghan confirmed there is no planning history.
3. Can the Local Authority please clarify for the record if Part I or Part II of the third schedule applies?
 - a. Ms. Lyons confirmed it was Part II "Land other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense".

4. In light of the recently published Action Plan for Housing and Homelessness, has this influenced the Local Authority's approach to acquiring the property?
 - a. Mr. McGuinness advised that this initiative does feature in the Action Plan to develop a vacant homes strategy, and the Council were involved with the pilot initiative and in some respects the policy is availing of the Councils learnings of this process and the policy is following the Council.
5. Has the Council had an opportunity to consider the initiative in Pillar 5 for "Repair and Lease" as an alternative?
 - a. Mr. McGuinness stated that a pilot scheme is being trialled in Waterford and they would look at the results and consider the option in the future as an additional tool.
6. Has there been any change in the funding model, considering the change of Government and the publication of the new policy document, in the meantime?
 - a. Mr. McGuinness confirmed there was no change and funding is still committed.
7. There are other houses currently vacant in this area - why is this house being pursued in particular?
 - a. Mr. McGuinness advised that the Council are considering other houses in the area and that they have acquired a number of dwellings in the area by agreement, for example no.7. No.5 is subject to a CPO currently. No.2 has recently been renovated.

7.9 Closing Statement

The Inspector provided an opportunity for both parties to make closing statements.

Ms. Lyons recapped on the evidence heard and restated the reasons why this house was the subject of a CPO. Restated that Mr. McCreesh did not object in principle to the CPO.

Mr. McCreesh requested that he distribute the letter referred to earlier dated 31/8/16. This letter was about an entirely different property and is of no relevance to this case.

Upon agreement, it was decided to close the Hearing and the Closing Statement was read by the Inspector. The hearing closed at 10.44am.

8. ASSESSMENT

8.1 Preliminary Matters

8.1.1 This is a CPO of a vacant habitable dwelling in an established housing estate in Dundalk. Notice of the CPO was served on Mr. Martin McCreesh, Mr. Michael Aherne and ACC Bank PLC. The bank did not submit an objection to the CPO.

8.1.2 One objector, Mr. Martin McCreesh, appeared at the Oral Hearing and confirmed that he does not object to the CPO in principle, subject to being adequately compensated.

8.1.3 The Council stated they had agreed a sale price with receivers for the owners as part of a five-unit portfolio, and had also agreed separately with the owner the principle of the Housing Authority acquiring the property by agreement. There was no representation by any receivers at the hearing.

8.1.3 The objector advised that he wanted to ensure that he got a fair price for the dwelling because he had bought it at the height of the boom. The objector was advised that any issues pertaining to compensation is beyond the remit of the Board and would be a separate matter should the Board decide to confirm the CPO.

8.1.4 Previous Board decisions and case law have established four key areas upon which a CPO is typically assessed, as follows:

1. Does the CPO serve a community need?
2. Is the property in question suitable to meet that community need?

3. Does the stated purpose / proposed use / works accord with the Development Plan for the area?
4. Have alternative means of meeting the community need been explored?

I will address these in turn below, along with any other issues arising.

8.2 Community Need

- 8.2.1 This CPO is one of a number of CPO's that Louth County Council have served. A memo from Mr. John Lawrence, Acting Senior Executive Officer, to Mr. Joe McGuinness, Director of Services, issued on the 15th June 2016, states that this dwelling would be suitable for social housing and further notes that there are currently 2,301 applicants on the housing list. At the Oral Hearing, it was stated by Mr. McGuinness that there are 4,700 households on the waiting list of which 2,166 are for the Dundalk area (see *Item 1*).
- 8.2.2 During the Oral Hearing, Mr. McGuinness, stated that the subject property would be renovated and would address a housing need for a qualified household and its use as a dwelling would improve the general estate management of the area. It was further stated that as a single storey dwelling, it is likely that the Council would utilise it for a potential unit for persons with disabilities. There are over 170 housing applicants who have an identified disability and would benefit from such a unit (see *Item 1*).
- 8.2.3 In essence, the main points made by the Local Authority are that it is under considerable pressure regarding the provision of social housing. It was stated by both Mr. McGuinness and Ms. O'Callaghan, that it would be in the interest of the wider area to bring the dwelling back into reuse, as well as providing a qualifying household a dwelling. The Council submits that when units are left vacant, supply is reduced and rent levels increase, thereby creating housing pressure on two fronts. This is further complicated by the adverse impact on the residential amenity of an area that long-term vacant units have, with the unit in question having been the subject of alleged anti-social behaviour, and

drug dealing. This atmosphere has led to difficulties in allocating potential tenants to casual vacancies that arise.

8.2.4 The stated purpose for the subject CPO is for restoration and use for social housing. The Council, during the course of the Oral Hearing linked this stated purpose with the issue of improving general estate management and the anti-social behaviour alleged to be emanating from the vacant unit. I am satisfied that there is a connection between the residential amenities of an area and the uptake in offers for housing therein. As such, I am satisfied that the general improvements in the estate management referred to by the Local Authority is a material consideration in terms of addressing social housing provision and community need.

8.2.5 The property is currently one half of a semi-detached pair. During my site visit, I noted that the adjoining property appears to be in good repair and well maintained. During the Oral Hearing, the Local Authority stated during questioning, that no.2 Slieveroe Crescent had recently been renovated. It was also stated that no.3 has been the subject of numerous complaints from the neighbours in the vicinity. I agree that the vacant nature of the property is likely to be having a negative impact on the area and its residential amenities. Therefore, I would accept that renovating it and bringing it back into active residential use would have a positive impact on the community and its adjoining neighbour and would serve a community need.

8.2.6 The objector stated that there had been a tenant who had to leave when the unit was broken into by the receivers, who subsequently changed the locks. The Local Authority provided a Google map image from 2009 which showed the house boarded up at that time. Cllr Meenan also provided evidence at the hearing that as long as he could remember the house has been vacant and boarded up. It would appear that while there may have been a tenant, the unit has been boarded up for some time, thereby detracting from the visual and residential amenities of the neighbourhood. I am satisfied that the *Community Needs* are better served by the dwelling being renovated and brought back

into use, by virtue of adding to the social housing stock and removing a unit that detracts from the residential and visual amenities of the area.

8.2.7 Arising from the above, I am satisfied that the stated purpose of the subject CPO, i.e. – the provision of a social housing dwelling unit, will serve an identified community need, and that the potential positive impacts (with respect to providing a dwelling unit for social housing purposes and improving residential amenities in the area) outweigh the interference with the Objector's property rights.

8.3 Suitability of the Site

8.3.1 The subject property is an existing residential unit in a long established urban housing development. It is zoned for residential development. There is no planning history for the site. The Local Authority confirmed that they have acquired other houses in this estate and brought them successfully back into use. As such, it is in principle suitable for use as a housing unit.

8.3.2 Having inspected the site, I would agree that the dwelling, whilst boarded up, would appear to be capable of being made habitable. In forming this opinion, I note that the roof appeared intact during my site inspection, and that the outside of the building appeared structurally sound. I am therefore satisfied that the site is capable of being renovated for the purposes of providing a social housing unit, and I consider this to be a wholly appropriate use of this existing dwelling unit in a zoned and established residential area.

8.4 Accordance with Planning Policy

8.4.1 The Board is referred to Section 5 above, which outlines the planning policy context. It is clear that there are strategic and statutory policies promoting the reuse and acquisition of existing dwellings in order to meet housing need.

8.4.2 The most recent strategic policy document published by the government in July 2016, "Action Plan: For Housing and Homelessness", fully supports the

acquisition of vacant units for reuse and specifically states it is an objective “*To provide funding to local authorities for the provision of social housing by means of construction and acquisition*”.

- 8.4.3 The renovation of the subject dwelling for social housing use would go towards meeting the Policy **Res 2** of the County Plan, which seeks that every household has access to affordable and suitable housing in a good environment. The Local Authority state that they intend to renovate the unit and potentially use it for a person with a disability. The single storey design following renovation would potentially be suitable for this purpose.
- 8.4.4 The Louth Housing Strategy in Section 5.13 expressly recognises the purchase of vacant dwellings as a means of meeting housing need, stating: “*In the potential absence of new build opportunities in the short term, all sources of supply from vacant and unfinished estates, unsold affordable units and the turnaround of casual vacancies will have to be explored in detail*”.
- 8.4.5 Under the Dundalk and Environs Plan 2009 – 2015 (extended), the lands are zoned Res 1 as follows: “*To protect and improve existing residential amenities and to provide for suitable infill and new residential developments*”.
- 8.4.6 The subject site is also located in the identified Muirhevnamór RAPID area per Section 6.4 of the Dundalk and Environs Plan. The RAPID programme seeks to promote social inclusion in disadvantaged areas that have been identified as needing regeneration.
- 8.4.7 In summary, I would consider the property to be located in an appropriately zoned location for its stated purpose. The acquisition of the property by the Local Authority is in compliance with the relevant provisions of both the statutory and strategic policy documents. Whilst I accept there is no reference to the Local Authority acquiring properties by using their CPO powers, this would not appear to be specifically excluded and in addition, it was stated by the objector that he did not object in principle to the CPO. Therefore, I am satisfied that the acquisition of this property is in accordance with planning policy.

8.5 Use of Alternative Methods

- 8.5.1 Given the protection accorded to private property ownership in Ireland, the compulsory acquisition of any property should generally be seen as a last resort having discounted reasonable alternatives. The onus would be on the Local Authority to demonstrate such.
- 8.5.2 The evidence presented by Mr. McGuinness at the Oral Hearing included a reference to the fact that the Council had attempted to acquire the unit by agreement. He stated that the Council had agreed a sale price with receivers for the owners as part of a five-unit portfolio, and had also agreed separately with the owner, the principle of the Housing Authority acquiring the property by agreement. It was stated that neither of the options had materialised.
- 8.5.3 When questioned by this Inspector about any other means of obtaining the unit, with respect to the recent Action Ireland policy document, and in particular the Repair and Lease initiative outlined under Pillar 5, Mr. McGuinness stated that they would consider availing of this option in the future. Mr. McGuinness advised that this initiative was being piloted by Waterford County Council and if successful, would be considered as another option in the future. Mr. McGuinness highlighted the fact that the proposal to acquire vacant units by CPO was being considered by other Authorities and that the Louth County Council experience had informed the National Strategy.
- 8.5.4 I am of the opinion that the Derelict Sites Act is not necessarily the most appropriate means of achieving the stated purpose of the subject CPO – i.e. provision of social housing, given the relative speed with which the CPO would achieve the purpose. I also note that the Derelict Sites Act's purpose is not linked to the provision of social housing. In forming this opinion, I note that upon questioning, Mr. McGuinness confirmed that the funding allocated by the Department was still committed to the Local Authority to acquire 24 units in Dundalk and 12 units in Drogheda. This funding was initially approved as part of the Local Authority Housing Construction Programme out to 2017

and I would be of the opinion that it would be in the public interest to avail of this funding expeditiously.

8.5.5 In conclusion, I am satisfied that the CPO route is appropriate in this instance. In forming this opinion, I am satisfied that the Local Authority had pursued the alternative of purchase by consent and had agreed a sale price with receivers for the owners and had agreed the principle of the Housing Authority acquiring the property by agreement with the owner. Neither of the two options had materialised and I note that there was no objection in principle to the CPO stated at the Hearing by Mr. McCreesh subject to adequacy of compensation which is not a matter for the Board in determining whether to confirm or annul the CPO. I am satisfied that a CPO is the most reasonable route to progress matters. I am satisfied that the Local Authority has considered alternatives and that these have not been found to be appropriate in the subject circumstances.

CONCLUSIONS AND RECOMMENDATION

I am satisfied that the process and procedures undertaken by the Local Authority have been fair and reasonable and that Louth County Council has demonstrated the need for the CPO and that the property being acquired is both necessary and suitable. I consider that the proposed acquisition of this property would be in the public interest and the common good and would be consistent with the policies and objectives of both strategic and statutory planning policy.

In summary, I am satisfied that the subject property is required by the Local Authority for the purposes of performing its statutory functions, that it is needed as a social housing unit, and that the requirements of the Third Schedule have been complied with. I recommend that the Board confirm the CPO subject to the modifications as set out in the attached Schedule.

DECISION

Confirm the above Compulsory Purchase Order based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having considered the objections made to the compulsory purchase order and the report of the person who conducted the oral hearing into the objections, and having regard to the provisions of the current *Louth County Development Plan 2015-2021*, *Dundalk and Environs Development Plan 2009-2015*, and the DoHPCLG's *Action Plan for Housing and Homelessness*, it is considered that the acquisition by the Local Authority of the property in

question is necessary for the purposes stated in the order and the objections cannot be sustained having regard to the said necessity.

SCHEDULE

The schedule for the Compulsory Purchase Order shall be amended to provide for a revised description confirming that the house is fit for human habitation.

Reason: To take account of submissions made by the Local Authority acknowledging errors in the original description of the property

Ciara Kellett
Senior Planning Inspector
11th October 2016