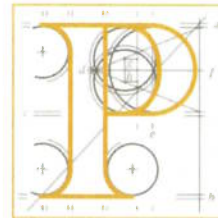


Our Case Number: ACP-323428-25



An
Coimisiún
Pleanála

Edward Cunningham
Athlumney
Navan
Co. Meath

Date: 18 September 2025

Re: Compulsory acquisition of a derelict site known as
Petrol Station, Metges Road Junction, Navan, Co. Meath

Dear Sir / Madam,

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Please quote the above-mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

PP

Eimear Reilly
Executive Officer
Direct Line: 01-8737184

CH08

Teil	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	communications@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Edward Cunningham

Athlumney

Navan

Co. Meath

C15 V9X2

Email: cunninghame105@gmail.com

Phone: 085 2321384

11 September 2025

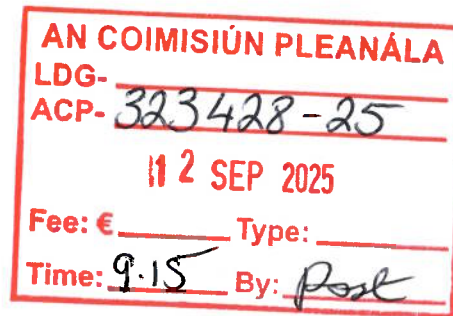
Ms. Eimear Reilly

Executive Officer

An Coimisiún Pleanála

64 Marlborough Street

Dublin 1



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Metges Road Junction / Kentstown Road, Navan, Co. Meath)**

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Reference: CD17.323428 (DS-1182) – Petrol Station, Metges Road Junction / Kentstown Road, Navan, Co. Meath

Submitted to: An Coimisiún Pleanála

Submitted by: Edward Cunningham (Owner), Athlumney, Navan, Co. Meath

Date: 10/09/2025

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(Copy e-mail included)

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This repeated pattern of discontinued or withdrawn claims provides important context: the current proceedings are not an isolated action but the continuation of a history of attempts to gain control of my property.

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MCC's submission includes detailed plans for a future facility on the garage site. The existence of such plans makes it clear that the Council had already decided to acquire the property, regardless of its actual condition.

This also explains why my offers of remedial work were ignored: there was never a genuine intention to allow me to address concerns. The process was always directed towards compulsory acquisition, no matter what steps I took.

Taken together with Councillor Emer Tobin's approach to me in January 2025 about selling the site, the inclusion of development plans at this stage confirms that the outcome was predetermined and that the derelict sites process is being used as a means to an end, rather than as a fair or proportionate remedy.

This is contrary to the principle that compulsory acquisition must be used only as a last resort after reasonable opportunities for remediation have been provided. It demonstrates that the process was outcome-driven rather than evidence-driven, contrary to the statutory requirement that dereliction must be established on its own merits.

8. Not Blocking Progress

I wish to stress that I am not opposed to MCC's project or to the redevelopment of the site. On the contrary, I welcome the prospect of investment and regeneration in the area.

The property has already been placed on the open market and is attracting serious private interest. MCC is free to participate in that process, just like the other bidders who have come forward.

My objection is solely to the misuse of compulsory acquisition powers. To proceed by compulsion is to bypass the open market, undervalue the property, and interfere with constitutionally protected rights.

Allowing the open market process to proceed ensures transparency, protects value for the taxpayer, and delivers the site into use without undermining constitutional property rights.

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I rely fully on the grounds set out in my first objection, including:

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I confirm that the site is actively marketed through a licensed auctioneer, with offers already received, and that there is no impediment to a normal sale process.

For the avoidance of doubt, I confirm that my solicitor is currently formalising my ownership in the Land Registry, further underpinning the position set out in my objection.

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MCC's submission repeatedly suggests that "without compulsory acquisition, the garage will remain derelict for years to come." This is conjecture, not evidence. The Derelict Sites Act requires that dereliction be established on present facts, not on predictions about the future.

The evidence before An Coimisiún Pleanála is clear: the property is watertight, maintained, secure, and actively marketed, with genuine offers already received. To base a compulsory acquisition on speculative deterioration would be contrary to both the letter and spirit of the Act.

10. Conclusion

Taking MCC's submission into account, the additional evidence confirms:

- Abbeylands is irrelevant and misleading.
- Neighbours support my position and made no complaint.
- The garage is actively marketed and saleable at fair market value.
- Continuous maintenance has been carried out.
- MCC has a proven history of failed attempts to seize my property.
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- I do not oppose development, only unlawful acquisition.

For all of these reasons, I respectfully request that An Coimisiún Pleanála refuse to confirm the proposed compulsory acquisition.

Yours faithfully,

Edward Cunningham
Athlumney, Navan, Co. Meath
Tel: 085 232 1384
Email: cunninghame105@gmail.com

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Athlumney
Navan
Co. Meath

Dear Edward

Subject: Garage and Land at Athlumney Navan, Co. Meath

8th September 2025

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Kind Regards,



Lydon Farrell Property
Chartered Surveyors & Property Consultants



pauline sherry

to me ▾

Sep 2, 2025, 6:07 PM (8 days ago)



Hi Eddie

This is Pauline Sherry the secretary of Athlumney Hall Residents association.

Further to our phone Conversation today I would like to confirm in writing that our residents association have Not at any point been in touch with Meath Co Council to complain about your property being your nearest neighbours to the Garage owned by you on the Kentstown Road.

We just wanted to clarify this after seeing an article in The Journal online in recent days.

Kind Regards

Pauline Sherry

Sent from Yahoo Mail for iPhone

...

Scanned Copy by Reg Post
CR

Affidavit of John Cunningham

I, John Cunningham, of Termon, Virginia, County Cavan, aged 18 years and upwards, make oath and say as follows:

1. Background

I am the son of Edward Cunningham, owner of the property at the Metges Road Junction / Kentstown Road, Navan, County Meath, the subject of the present proceedings.

2. My Involvement

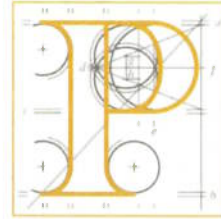
I have been, and continue to be, personally responsible for the ongoing care, maintenance, and repair of this property for many years. I attend the site at least twice weekly to ensure it remains secure, safe, and in good condition.

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The property is under continuous and active upkeep. By way of illustration, the following works have been carried out on a recurring basis:

- The exterior of the building is repainted annually to maintain a clean and presentable condition.
- Grass along the roadside boundary is regularly strimmed and kept tidy throughout the growing season.
- Weeds around the forecourt, footpaths, and boundaries are controlled. On occasions, at the request of local residents, grass areas to the rear have been left longer to support pollinators such as bees.
- Any rubbish deposited by third parties is promptly collected and removed.
- Gutters and drains are regularly cleared and maintained, ensuring proper water flow.
- The roof structure remains intact, watertight, and in sound condition; any minor repairs have been carried out without delay.
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Our Case Number: ACP-323428-25



An
Coimisiún
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Navan
Co. Meath

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Direct Line: 01-8737184

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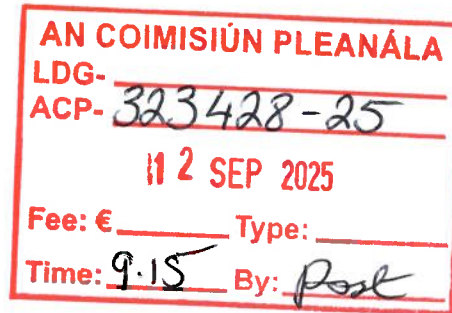
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Dublin 1



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Submitted to: An Coimisiún Pleanála

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- Windows and doors are in working order. Rear and side windows have been covered with marine-grade OSB board to prevent antisocial behaviour; these boards have been painted white to blend in with the building.

4. General Oversight

The property has never been neglected. It is under active management and supervision, with repairs or clean-ups undertaken immediately as needed.

I maintain close contact with local neighbours. In particular, Dermot, who resides directly behind the property and is an active member of the local Residents' Association, contacts me by phone or text if he notices anything unusual or suspicious. I respond to such concerns, ensuring the property remains secure, responsibly managed, and respectful of the local community.

5. Classic Vehicles

Four classic cars are currently situated at the rear of the property, with the remainder of the restored collection housed within the garage. The classic cars stored outside form part of a private collection and are awaiting restoration. They are important and valuable cars; they are not abandoned or discarded.

The collection includes, among others:

- Two Mercedes S-Class
- Mercedes SL
- Mercedes 190E Cosworth
- Mercedes 190E
- Mercedes W202
- Jaguar
- Two Mercedes W124 Estates
- Two Mercedes W124 Saloons

In addition, the property houses specialist automotive tools, equipment, and a stock of both new and used classic car parts.

6. Marketed for Sale

The property has been placed on the open market for sale through Lydon Farrell Auctioneers, Navan. Prominent "For Sale" signage has been erected, and active marketing is ongoing.

I have liaised directly with the auctioneer throughout this process, including the careful removal of the private car collection, specialist tools, and equipment to facilitate viewings.

7. Condition of the Property

The building and site remain sound, weatherproof, and safe. They pose no danger to the public. The property is secure, maintained, and presentable.

8. Statement of Belief

I believe that the property is in good condition, well-maintained, and does not fall within the statutory definition of "derelict" under the Derelict Sites Act 1990.

9. Purpose of Affidavit

I make this Affidavit in support of my father's objection to Meath County Council's proposed compulsory acquisition of the said property.

Sworn by the said John Cunningham

at _____, County _____,

this ____ day of _____ 2025,

before me, a Commissioner for Oaths / Practising Solicitor,
and I know the Deponent.

Edward Cunningham

Athlumney

Navan

Co. Meath

C15 V9X2

Email: cunninghame105@gmail.com

Phone: 085 2321384

11 September 2025

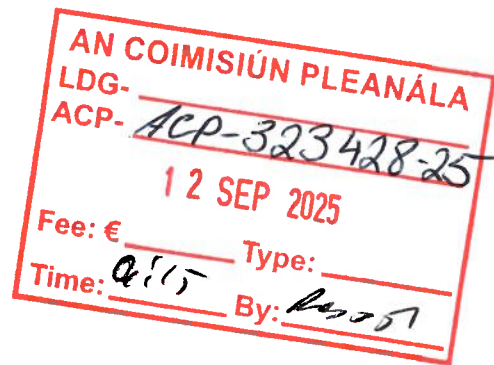
Ms. Eimear Reilly

Executive Officer

An Coimisiún Pleanála

64 Marlborough Street

Dublin 1



**Re: Additional Submission – Reference CD17.323428 (DS-1182) (Petrol Station,
Metges Road Junction / Kentstown Road, Navan, Co. Meath)**

Dear Ms. Reilly,

Please find enclosed my additional submission in relation to the above matter. This document supplements my original objection previously lodged with An Coimisiún Pleanála and addresses issues raised in Meath County Council's filing, together with further evidence now available.

I respectfully request that this additional submission be placed on the file and taken into consideration by the Board in its determination of the case.

Thank you for your attention to this matter. Should you require any further information, please do not hesitate to contact me.

Yours sincerely,

Edward Cunningham

Additional Observations to Proposed Compulsory Acquisition

Reference: CD17.323428 (DS-1182) – Petrol Station, Metges Road Junction / Kentstown Road, Navan, Co. Meath

Submitted to: An Coimisiún Pleanála

Submitted by: Edward Cunningham (Owner), Athlumney, Navan, Co. Meath

Date: 10/09/2025

1. Preliminary Note on Timing

My original objection was lodged before I had sight of MCC's submission. The two documents crossed over in the post. I therefore make these additional observations specifically to address matters raised in MCC's filing, together with new evidence now available.

2. Abbeylands – Misleading Comparison

MCC cited the Abbeylands property to question my record of maintenance. This comparison is both irrelevant and unfair. It amounts to an attempt to discredit my character by associating me with circumstances entirely outside my control.

By referencing Abbeylands in this way, MCC is not addressing the condition of the Kentstown Road garage at all, but instead seeking to smear my character by association. It is not evidence-based but character-based, and has no relevance to the garage under review.

Abbeylands was:

- Subject to repeated vandalism and antisocial behaviour, which I reported to MCC and An Garda Síochána.
- The victim of two separate arson attacks, leaving it uninhabitable.
- Uninsured, leaving me at a total financial loss.
- Taken over by a bank-appointed receiver, who assumed responsibility for upkeep and disposal.

If MCC wishes to illustrate dereliction, Abbeylands is indeed such an example. By contrast, the Kentstown Road garage is maintained, watertight, painted, secure, and in active use.

Any objective comparison only highlights that the garage does not fall within the statutory definition of dereliction.



2A. Ivy Cottage – Never My Property

MCC's submission also refers to 2 Ivy Cottage, Navan, in an effort to create a false impression of repeated dereliction. This property was never mine. It was owned by my son and subsequently sold to MCC. I had no involvement with it and do not understand why it has been cited in this case.

Each site must be judged on its own facts. To use either Abbeylands or Ivy Cottage against me is irrelevant, misleading, and unfair. The Kentstown Road garage stands on its own record: maintained, watertight, secure, and actively marketed.

3. Neighbour and Community Views

MCC suggested the garage causes a nuisance to neighbours. This is flatly contradicted by the enclosed copy of an email from Pauline Sherry of the Athlumney Hall Residents' Association, confirming **no complaint was ever made** despite being the nearest residents.

(Copy e-mail included)

4. Active Market Sale

The property was placed on the market with Lydon Farrell Auctioneers in July 2025. **For Sale signs were erected on-site in early July**, making the sale publicly visible. Formal marketing began on **1 August 2025**, as confirmed in the enclosed letter from Lydon Farrell Property dated 8 September 2025.

In advance of viewings, the site was cleared and readied for sale — including the removal of a number of classic cars that had been stored there.

Since the launch of marketing:

- 25 enquiries have been received from developers, filling station operators, and speculators.
- Two serious offers have been made: €850,000 and €975,000.
- Viewings are ongoing, with continued strong interest.

This confirms the site is an **actively marketed, valuable commercial property**, not an abandoned or neglected one.

5. Ongoing Maintenance

As supported by an affidavit from my son John Cunningham, the garage is regularly maintained: painting, grass and weed control, rubbish removal, drainage upkeep, and repairs as needed. The property is watertight and structurally sound. This directly rebuts MCC's allegations of neglect.

It is also notable that MCC has *never disputed the site's structural soundness in any engineering or inspection report*.

Instead, their submission relies on character-based assertions rather than technical evidence.

6. History of Prior Claims to the Site

The present application is not the first attempt to take ownership of my garage property. Over the past four decades, there have been a series of unsuccessful claims, first by neighbouring landowners and developers, and later by MCC itself.

- **1979–1980 (Sisters of Charity):** The adjoining landowners, the Sisters of Charity, issued proceedings alleging trespass. These proceedings were discontinued when the limitation period expired.
- **1997–2000 (Developer Eamon Cleary):** Mr. Eamon Cleary, having purchased the Sisters of Charity's adjoining lands, also issued proceedings claiming entitlement to part of my property. These proceedings were likewise discontinued when no title could be established.

- **2010 (MCC official, Mr. McEntee):** In 2010, a senior MCC official, Mr. McEntee, entered my garage and stated that part of the property belonged to the Council. I pointed out my 1968 planning permission and 43 years of continuous occupation. I also reminded him that his father (Tony McEntee) had purchased two Volvo cars from me at this same premises. Mr. McEntee accepted his error, apologised, and left.
- **2016 (Circuit Court proceedings):** In June 2016, MCC issued proceedings in Trim Circuit Court seeking control of part of the property. These proceedings were discontinued in December 2016.
- **2025 (Current attempt):** The present application under the Derelict Sites Act represents the third direct attempt by MCC to take control of my property.

This repeated pattern of discontinued or withdrawn claims provides important context: the current proceedings are not an isolated action but the continuation of a history of attempts to gain control of my property.

7. Predetermination – Facility Plans

MCC's submission includes detailed plans for a future facility on the garage site. The existence of such plans makes it clear that the Council had already decided to acquire the property, regardless of its actual condition.

This also explains why my offers of remedial work were ignored: there was never a genuine intention to allow me to address concerns. The process was always directed towards compulsory acquisition, no matter what steps I took.

Taken together with Councillor Emer Tobin's approach to me in January 2025 about selling the site, the inclusion of development plans at this stage confirms that the outcome was predetermined and that the derelict sites process is being used as a means to an end, rather than as a fair or proportionate remedy.

This is contrary to the principle that compulsory acquisition must be used only as a last resort after reasonable opportunities for remediation have been provided. It demonstrates that the process was outcome-driven rather than evidence-driven, contrary to the statutory requirement that dereliction must be established on its own merits.

8. Not Blocking Progress

I wish to stress that I am not opposed to MCC's project or to the redevelopment of the site. On the contrary, I welcome the prospect of investment and regeneration in the area.

The property has already been placed on the open market and is attracting serious private interest. MCC is free to participate in that process, just like the other bidders who have come forward.

My objection is solely to the misuse of compulsory acquisition powers. To proceed by compulsion is to bypass the open market, undervalue the property, and interfere with constitutionally protected rights.

Allowing the open market process to proceed ensures transparency, protects value for the taxpayer, and delivers the site into use without undermining constitutional property rights.

9. Cross-Reference to Original Submission

I rely fully on the grounds set out in my first objection, including:

- Link Finance has no enforceable claim (their loans are statute-barred; I have established adverse possession). Link's "no objection" to MCC's compulsory acquisition intention is legally irrelevant.
 - MCC breached Section 8 by failing to specify works when invited to do so.
 - MCC bypassed Section 11 remedies, moving directly to acquisition.
 - Compulsory acquisition in these circumstances is a disproportionate interference with my constitutional rights under Articles 40.3 and 43.
-

9A. Clarification on December 2024 Letter

I wish to clarify the letter of 16 December 2024, which was submitted by my son John Cunningham to MCC while I was in hospital. That letter was written by my son, who did not have access to all the facts at the time. In it, he referred to investigations and legal matters which have no bearing on the ownership or sale of the property. Any reliance by MCC on that point in the letter is misplaced and should be disregarded.

I confirm that the site is actively marketed through a licensed auctioneer, with offers already received, and that there is no impediment to a normal sale process.

For the avoidance of doubt, I confirm that my solicitor is currently formalising my ownership in the Land Registry, further underpinning the position set out in my objection.

9B. Reliance on Speculation Rather Than Evidence

MCC's submission repeatedly suggests that "without compulsory acquisition, the garage will remain derelict for years to come." This is conjecture, not evidence. The Derelict Sites Act requires that dereliction be established on present facts, not on predictions about the future.

The evidence before An Coimisiún Pleanála is clear: the property is watertight, maintained, secure, and actively marketed, with genuine offers already received. To base a compulsory acquisition on speculative deterioration would be contrary to both the letter and spirit of the Act.

10. Conclusion

Taking MCC's submission into account, the additional evidence confirms:

- Abbeylands is irrelevant and misleading.
- Neighbours support my position and made no complaint.
- The garage is actively marketed and saleable at fair market value.
- Continuous maintenance has been carried out.
- MCC has a proven history of failed attempts to seize my property.
- Facility plans reveal a predetermined outcome.
- I do not oppose development, only unlawful acquisition.

For all of these reasons, I respectfully request that An Coimisiún Pleanála refuse to confirm the proposed compulsory acquisition.

Yours faithfully,

Edward Cunningham
Athlumney, Navan, Co. Meath
Tel: 085 232 1384
Email: cunninghame105@gmail.com

Enclosures (New):

1. Letter from Lydon Farrell Property (8 September 2025).
2. Email from Athlumney Hall Residents' Association.
3. Affidavit of maintenance from John Cunningham.

Edward Cunningham
Athlumney
Navan
Co. Meath

Dear Edward

Subject: Garage and Land at Athlumney Navan, Co. Meath

8th September 2025

Further to our previous correspondence I can confirm that since we commenced marketing the property on the 1st August 2025 we have had 25 enquiries from various sectors such as filling station operators, developers and property speculators.

As agreed, we held off viewings for the first few weeks to allow the property to be cleaned and readied for sale. As such we only commenced viewings last week and brought four parties through the building. The feedback was mixed but we have definite interest from two parties, one is a speculator and has offered €850,000, the other is a filling station operator and he has suggested offering €975,000 to take the property off the market.

All parties were subsequently made aware of Meath County Councils intention to try and acquire the property by compulsory purchase order however both parties stated they would retain a strong interest in the property should it be available on the open market.

We have further viewings lined up for the coming week and we can review the status of the sale over following week. If have any queries please do not hesitate to contact Ciaran Lydon via email at ciaran@lydonfarrellproperty.ie or mobile 0871222041.

Kind Regards,



Lydon Farrell Property
Chartered Surveyors & Property Consultants



pauline sherry

to me ▾

Sep 2, 2025, 6:07 PM (8 days ago)



Hi Eddie

This is Pauline Sherry the secretary of Athlumney Hall Residents association.

Further to our phone Conversation today I would like to confirm in writing that our residents association have Not at any point been in touch with Meath Co Council to complain about your property being your nearest neighbours to the Garage owned by you on the Kentstown Road.

We just wanted to clarify this after seeing an article in The Journal online in recent days.

Kind Regards

Pauline Sherry

Sent from Yahoo Mail for iPhone

...

Affidavit of John Cunningham

I, John Cunningham, of Termon, Virginia, County Cavan, aged 18 years and upwards, make oath and say as follows:

1. Background

I am the son of Edward Cunningham, owner of the property at the Metges Road Junction / Kentstown Road, Navan, County Meath, the subject of the present proceedings.

2. My Involvement

I have been, and continue to be, personally responsible for the ongoing care, maintenance, and repair of this property for many years. I attend the site at least twice weekly to ensure it remains secure, safe, and in good condition.

3. Maintenance Undertaken

The property is under continuous and active upkeep. By way of illustration, the following works have been carried out on a recurring basis:

- The exterior of the building is repainted annually to maintain a clean and presentable condition.
- Grass along the roadside boundary is regularly strimmed and kept tidy throughout the growing season.
- Weeds around the forecourt, footpaths, and boundaries are controlled. On occasions, at the request of local residents, grass areas to the rear have been left longer to support pollinators such as bees.
- Any rubbish deposited by third parties is promptly collected and removed.
- Gutters and drains are regularly cleared and maintained, ensuring proper water flow.
- The roof structure remains intact, watertight, and in sound condition; any minor repairs have been carried out without delay.
- Security fencing was purchased and erected on the advice of An Garda Síochána following a break-in, ensuring the site remains safe and secure.
- Windows and doors are in working order. Rear and side windows have been covered with marine-grade OSB board to prevent antisocial behaviour; these boards have been painted white to blend in with the building.

4. General Oversight

The property has never been neglected. It is under active management and supervision, with repairs or clean-ups undertaken immediately as needed.

I maintain close contact with local neighbours. In particular, Dermot, who resides directly behind the property and is an active member of the local Residents' Association, contacts me by phone or text if he notices anything unusual or suspicious. I respond to such concerns, ensuring the property remains secure, responsibly managed, and respectful of the local community.

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I have liaised directly with the auctioneer throughout this process, including the careful removal of the private car collection, specialist tools, and equipment to facilitate viewings.

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8. Statement of Belief

I believe that the property is in good condition, well-maintained, and does not fall within the statutory definition of "derelict" under the Derelict Sites Act 1990.

9. Purpose of Affidavit

I make this Affidavit in support of my father's objection to Meath County Council's proposed compulsory acquisition of the said property.

Sworn by the said John Cunningham

at Bailieborough, County Cavan,

this 11th day of September 2025,

before me, a ~~Commissioner for Oaths~~ / Practising Solicitor,

and I know the Deponent's identity has been established to me

through the production of his Irish Passport, Number PW4362653, issued 10th Oct. 2017

and O'Neill
PRACTISING SOLICITOR

Colm McGovern Solicitors

Main Street,
Bailieborough
Co. Cavan

Phone Number - 042 9665329
Email - info@colmmcgovern.ie

