

An
Coimisiún
Pleanála

Direction
CD-022511-26
ACP-324017-26

At a further meeting held on 29/09/2026, the Commission considered:

- (a) the objection made to the compulsory acquisition,
- (b) the report of the Inspector and
- (c) the documents and submissions on file generally (including the further submission received from the local authority on the 23th Sept. 2026).

The Commission decided, by majority decision 2:1, to REFUSE consent to the compulsory acquisition of the said site based on the reasons and considerations set out below.

Reasons and Considerations

Having considered the objection made to the compulsory acquisition, and also:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the public interest, and
- (c) the provisions of the Waterford City and County Development Plan 2022-2028 (As Varied),

the Commission considers that, taking into account the evidence on file of the recent efforts being made by the Notice Party to render the site non-derelict, the Commission does not consider that the compulsory acquisition of the site by the local authority is necessary at this time in order to render the site non-derelict. The Commission is not satisfied, therefore, that the objection made cannot be sustained,

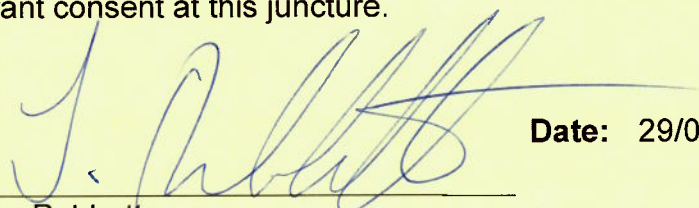
having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowner are proportionate and its effects on the property rights of affected landowner are proportionate to that objective and justified by the exigencies of the common good.

In deciding, by majority decision 2:1, not to grant consent to the compulsory acquisition as recommended by the Inspector, the Commission noted that in a correspondence from Waterford City and County Council to the landowner dated 17th July 2015, the local authority cited two specific works that should be undertaken in order to prevent the site from continuing to be a derelict site, namely: Upper Window to be boarded up/fixed and vegetation to be removed from the walls. The Commission also noted that in the submission to the Commission dated 13th April 2026 (in a response to a request for further information from An Coimisiun Pleanála), the local authority stated, inter alia, the following *"...The western elevation photos and appendix figure 3 photos clearly show that the rear open space is an integral part of the Gate Lodge grounds, and it has collapsed gable wing and rear open space walls, overgrown vegetation and a build-up of debris/waste within it. It is Planning Department's opinion that these images confirm the site is in fact a derelict site as defined under Section 3 the Derelict Sites Act (1990) as amended."*

In response to the local authority's submission dated 13th April 2026, the landowner in a submission to An Coimisiun Pleanála dated May 1st 2026, submitted evidence of commencement of renovation works. The evidence included images that appear to indicate that the vegetation on the subject building, cited in the local authority's correspondences of the 17th July 2015 and 13th April 2026, has been recently removed and the collapsed wall, overgrown vegetation and debris/waste in the rear open space cited in the local authority's correspondence dated 13th April 2026 have all be removed. In the circumstances where, it appears, the landowner has commenced works to remove the property from a derelict state, the Commission decided to refuse to grant consent at this juncture.

Planning

Commissioner:


Tom Rabbette

Date: 29/09/2026