An Coimisiún Pleanála

Direction
CD-022549-26
ACP-324403-26

At a meeting held on 15/10/2026, the Commission considered:

(a) the objections made to the Compulsory Purchase Acquisition,
(b) the report of the Inspector, and
(c) the totality of the documents and submissions on file.

The Commission decided to refuse consent to the compulsory acquisition, for the reasons and considerations set out below.

Planning Commissioner: MaryRose McGovern **Date:** 19/10/2026

Reasons and Considerations

Having regard to the evidence of the derelict condition of the structure, to the neglected, unsightly and objectionable state of the land and structure thereon, having considered the objection made to the compulsory acquisition, and also:

- The constitutional and Convention protection afforded to property rights,
- The public interest,

- The provisions of the Waterford City and County Development Plan 202[illegible] 2028,
- The Map dated 25/09/2024,16:06:46, entitled "DS24019 – Barracks Street Tallow Co Waterford P51D2V1" attached to the Notice of Entry having been made in the Derelict Sites Register, dated the 19th day of February 2026, which was issued pursuant to Section 8(7) of the Derelict Sites Act 1990, as amended,
- The Notice of Intention to Acquire a Property, dated the 24th day of April 2026, which was issued pursuant to Section 15(1)(A) of the Derelict Sites Act 1990, as amended, which describes the property proposed to be acquired as "ALL THAT AND THOSE the property known as Barrack Street, Tallow, Co Waterford, P51 D2V1, covering an area of 0.266 acres or thereabouts in the District Electoral Division of Dungarvan – Lismore, and as more particularly delineated on Map Ref. CPA2026-11 – Plot 101
- The Map of "JOB No. CPA2026-11" (DRAWING No. 001) (O.S. REF. 6064-B) dated 07/04/2026, entitled "Compulsory Acquisition 2026 N0 11 Derelict Sites DS24019",

it is considered that although there is evidence that the site is neglected, unsightly and objectionable in its condition, and that it detracts to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in Section 3(b) of the Derelict Sites Act 1990, as amended, nevertheless, having considered the material differences between the area delineated in the map attached to the Notice of Entry having been made in the Derelict Sites Register, and the area delineated in the map of the area proposed to be compulsorily acquired, the Commission cannot be satisfied that the site delineated and proposed to be compulsorily acquired, is a site that has been entered on the Derelict Sites Register, and that it would, therefore, be appropriate to refuse consent for the compulsory acquisition of the site at this time.

In deciding not to accept the Inspector's recommendation to grant consent, the Commission, having regard to the Constitutional and Convention protection afforded to property rights, considered that the compulsory acquisition proposed, would not be appropriate at this time, because the Commission could not be satisfied that the

area delineated and proposed to be compulsorily acquired, is a site that has been entered on the Derelict Sites Register.