



An
Coimisiún
Pleanála

Commission Order ACP-324216-26

Derelict Sites Act, 1990

Planning and Development Act, 2000, as amended

Planning Authority: Waterford City and County Council

Application received by An Coimisiún Pleanála on the 16th day of April 2026 from Waterford City and County Council pursuant to section 16 of the Derelict Sites Act, 1990, as amended, for consent to the compulsory acquisition of a derelict site at 6 Barrack Street, Tallow, County Waterford and as more particularly described in the notice of intention to compulsorily acquire the site.

Decision

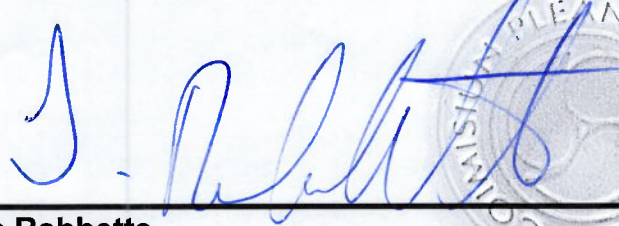
REFUSE consent to the compulsory acquisition of the said site based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the totality of documentation on file, and notwithstanding that the property has suffered from a degree of neglect, the Commission is not satisfied at this juncture that the condition of the property is such that it detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in

the neighbourhood in which it is located. The Commission is not satisfied that the subject property met the criteria of sections 3(a), (b) or (c) of the Derelicts Sites Act 1990, as amended. The Commission also notes that it appears that the landowner did not become aware of the local authority's statutory notifications pursuant to the Derelict Sites Act 1990, as amended, until early 2026. The Commission therefore decided to refuse to grant consent to the compulsory purchase acquisition.

In deciding not to accept the Inspector's recommendation to grant consent to the compulsory purchase acquisition, while the Commission agrees with the Inspector that there is evidence of some neglect in relation to the subject property, the Commission does not agree with the Inspector that the criteria of section 3(b) of the Derelict Sites Act 1990, as amended, was met in this instance. The Commission also notes that it appears that attempts to serve statutory notifications on the landowner pursuant to the Derelicts Sites Act 1990, as amended, were all communicated via the subject property's address at 6 Barrack Street, Tallow, which is unoccupied, and that the landowner, who resides outside of the jurisdiction, did not become aware of the local authority's actions until early 2026 (albeit that the local authority did act appropriately and reasonably in trying to serve such notices on the landowner). Subsequent to the landowner becoming aware of the local authority's statutory notifications, the local authority was supplied with the landowner's address in the United Kingdom on the 11th day of February 2026. In the circumstances, and given the landowner's property rights pursuant to the Constitution and the European Convention, the Commission decided to refuse to grant consent to the compulsory purchase acquisition in this instance.



Tom Rabbette
Member of An Coimisiún Pleanála
duly authorised to authenticate
the seal of the Commission.

Dated this 14th day of July 2026