



An  
Bord  
Pleanála

## Inspector's Report ABP-305306-19

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### Nature of Application

Application for consent for compulsory acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act 1990, as amended

### Location

Nos. 21, 27-29 Richmond Avenue and lands at rear of 21-29 Richmond Avenue. Dublin 3

### Local Authority

Dublin City Council

### Notice Parties

Jerry Beades

### Objector

Jerry Beades

### Date of Site Inspection

19<sup>th</sup> May 2020

### Inspector

Suzanne Kehely

## 1.0 Introduction

- 1.1.1. This case relates to a request by Dublin City Council for the consent of An Bord Pleanála to the compulsory acquisition of the site at Nos. 21, 27-29 Richmond Avenue and lands at rear of 21-29 Richmond Avenue, Dublin 3 in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

## 2.0 Site Location and Description

- 2.1. Richmond Avenue is accessed from the north side of Richmond Road and extends about 200m where it turns east at right angles into Richmond Estate from which there is no through access. There is a mix of commercial and residential development along the Richmond Avenue. The site is located on the western side of this road at the northern end - at the acute bend. The site is visible from a surrounding network of roads and institutional grounds. Richmond Lodge - a cul-de sac terminates at the south west boundary. Inverness Road cul-de sac terminates metres from the northern boundary. A pedestrian laneway also extends along the northern boundary. The open parkland grounds of St Vincent's adjoin the back of the site along the western boundary for about 50m.
- 2.2. The site is irregular in shape and comprises an amalgamation of former plots or parts of former plots. The frontage along Richmond Avenue is in two separate locations; the first part consists of an end of terrace property (No.21) c. 10 wide and the second consists of a gated frontage of about 6m. The site otherwise extends along the boundary with no.19 and close to the gable of no.1 Melrose Avenue while wrapping around the rear of the premises at no.23 and no.25 and extending alongside the gable and front and rear curtilage of no. 31 the entire boundary of which is not fully apparent on the ground due to an absence of walling or fencing. The site contains 2 incomplete large structures and a yard area which includes plant machinery, a badly damaged car, other vehicles, random storage of rusting metals such as a radiator, steel grids, tyres, tools and scaffold among other indistinguishable items that appear to be rubbish. Some concrete bollard blocks are stacked behind the gate. The structures on site are partly scaffolded and unsightly. They have no windows or doors and are highly exposed to the elements and I would

describe these structures as derelict. A lower ground level beneath the structures which looks to be an intended basement car park is water-logged at the opening.

- 2.3. No.21 is screened from the footpath by hoarding but otherwise highly visible from the public road. The structure is three storeys over basement with three openings at each level. The rendering on the façade is incomplete- there is a two-block high exposed section of the façade at parapet level. It has no windows or doors and all the opes with the exception of the doorway are boarded up with timber sheeting. The basement yard to the front has concrete steps with no full rail support and is incomplete. This area is strewn with litter and parts of scaffolding poles. The condition is quite evident in the site inspection photographs. It is what I would describe as derelict.

### **3.0 Application for Consent for Acquisition**

- 3.1. Dublin City Council has applied to the Board for consent to compulsorily acquire the site under section 14 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to the serving of notices under section 8(2) on 13<sup>th</sup> November 2012, (advising on intention to enter the site on register of derelict sites, and under section 8(7) on 13<sup>th</sup> December 2012 (advising of decision to enter the site on the register of derelict sites).
- 3.2. An order to approve recommendation to compulsory acquisition the site was signed on 20<sup>th</sup> June 2019. This order states that all attempts to acquire the site by agreement have been unsuccessful.

### **4.0 Application and Objection**

- 4.1. **Notice of Intention to Acquire**
  - 4.1.1. Notice dated 27<sup>th</sup> June 2019 of Dublin City Council's intention to acquire the site compulsorily was given to on the owners/occupier/lessee and published in the Irish Times on the 27<sup>th</sup> June 2019. The site was described under the heading of Description of Derelict Site Proposed to be acquired as Nos. 21, 27-29 Richmond Avenue and land at rear 21-29, D3. The online link was provided for access to view

the map. 29<sup>th</sup> July 2019 is the stated date by which an objection may be submitted to the Executive Manager of Planning and Property.

- 4.1.2. I consider that the notices were in accordance with the requirements of section 15(1)(a) and (b) of the Derelict Sites Act 1990, as amended.

#### 4.2. **Objection to Acquisition**

An objection to the proposed acquisition was submitted to Dublin City Council by Jerry Beades in a letter dated 26<sup>th</sup> July 2019 and received by Comhairle Cathrach Bhaile atha Cliath 29<sup>th</sup> July and Office of the Assistant City Manager Planning and Development Department on 31<sup>st</sup> July 9<sup>th</sup> April 2019. The objector states that he has an objection to the action being taken and other than stating without elaboration that there is a fundamental breach of his constitutional rights, the reason for this objection will be, it is submitted, outlined in greater detail to the Board.

#### 4.3. **Local authority response to objection**

- 4.3.1. The proposed acquisition is as a last resort in circumstances where all efforts to secure the carrying out of works by the owner have been exhausted. It is stated that as can be seen from the summary of events, the legislative provisions of the Derelict Sites Act 1990 as amended by the Planning and Development Act 2000 have been correctly applied.

#### 4.4. **Local Authority's Application for Consent**

- 4.4.1. The Local Authority requests the consent of the Board to the compulsory acquisition of the derelict site. The application for consent was submitted on 28<sup>th</sup> August 2019 and the letter sets out the following case.
- 4.4.2. Notwithstanding the objection, the Council seeks the consent from the Board to Compulsorily Acquire the site.
- 4.4.3. It is stated that the site is effectively an abandoned building site consisting of a number of unfinished buildings, some with scaffolding. Most of the windows openings are exposed to the elements and some are boarded or partially boarded. The visible ground as seen from the public road was littered in addition to

abandoned/scrap vehicle. Part of the site is overgrown. Boundary and gates are also stated to be in poor condition. The overall condition of the site is stated to be neglected and unsightly.

- 4.4.4. The Council is of the opinion that the site is derelict within the meaning of the Act as it detracts to a material degree from the amenity, character and appearance of the land in the neighbourhood due to its unsightly and neglected condition. Accordingly, being of this opinion the Council entered the site into the Derelict Sites Register on 13<sup>th</sup> December 2012.
- 4.4.5. A key priority of Council policy is stated to be the eradication of dereliction in the City and the return of derelict sites to active use. The Derelict Sites Unit strives to achieve this, however it is emphasised that the Council only uses its powers to acquire properties compulsorily under the Act as a last resort and in circumstances where all efforts to secure carrying out of improvement works by the owner so as to render the site non-derelict have been exhausted.
- 4.4.6. The history of the site is set out with reference to initial complaints dating from 2012. Derelict site notices were issued at various times to the owner during 2012.
- 4.4.7. The site was identified for acquisition in 2017. The owner was given notice of the intention and the opportunity to render the property non-derelict to the satisfaction of the Council. The owner did not respond.
- 4.4.8. It is submitted that the Council attempted to enter into meaningful discussion to acquire the site by agreement but this was unsuccessful.
- 4.4.9. The Council afforded the owner a further opportunity to render the site non-derelict.
- 4.4.10. The site has remained on the Derelict Sites Register since 2012 and it is considered that the owner was afforded ample opportunity to carry out necessary improvement works to render the site non-derelict which would have eliminated the need for formal action to the point of compulsory acquisition.
- 4.4.11. Appendices
  - Appendix 1 (Map and newspaper notice in pouch at back of file)
    - Copy of the notices served on the owners/occupiers of the site
    - Copy of the newspaper notice

- Appendix 2
  - Copy of objection made by Jerry Beades, (received stamp dates 29<sup>th</sup> and 31<sup>st</sup> July 2019.)
  - Copy of Council's response
- A schedule of items is also appended which includes documents relating to the stages leading to the application for consent to acquire. These relate to a series of complaints, inspection reports and correspondence as itemised in Appendix 3

#### 4.5. Objector's Submission

4.5.1. A submission was made to the Board on 27<sup>th</sup> September 2019 in response to the Section 15 Notice.

4.5.2. Procedural

- Only aware of case 10 days before his written objection
- He did not receive all the material on file and this is unfair. He only received 14 pages rather than the 69 pages.
- The objector holds the view that damaging, untrue and private correspondence was sent to the Board.
- The information on file is not clearly presented. I have examined the public file and it appears that both files have confused order of documentation as submitted by DCC – Appendices 1, 2 and 3 header sheets and contents are not in sequence or clearly tagged.
- The history of the site is explained: It is submitted to be a plant yard of Jerry Beade's Companies since early 1980s as evidenced in his correspondence. A schedule of the land use and development and associated financing and legal disputes is appended as 'Exhibit 4'. The appended documents also include details of enforcement cases and the report of the Enforcement officer that certain building business and vehicle and storage activities were statute barred.
- The map is incorrect regarding boundaries.
- The process is questioned as it is submitted there were no efforts of engagement.
- One of the Council reports 'opinions' and site description regarding vehicles, equipment and machinery refers to an adjoining property. (NB item 2 of DCC appendix 3)

- The Council failed to acknowledge the business activity to the rear of nos. 23 and 25 accessed by an entrance adjacent to no. 31.
- The report of December 2014 describes no. 21 as non-derelict and refers to it being all well. The file is then referred to as 'closed'.
- Conflict between the description of a 'long history of dereliction' and 'file closed' as described in Council correspondence. (appended to objection)
- There is a Court case regarding the site.
- The discussion regarding the subject site was raised by the Council at a meeting about other property. It was at that stage he informed the Council about a legal case and that it was his intention to finish out the development on site.
- At no time was the objector or his agent advised on the intentions of the Council regarding acquisition.
- The Council response to the objector is submitted to be untrue. Accordingly in his opinion Section 14 not complied with.
- An Oral hearing is requested.

#### **4.6. Objector's Further submission 17<sup>th</sup> June 2020**

4.6.1. In view of the objector's concerns regarding access to the file contents and in the interest of justice the objector was circulated complete and re-sequenced documentation. Reference is made to alleged mishandling of enforcement action by DCC and its communications and negotiation regarding resolution of the site. The withdrawal of prosecution by DCC is cited in support of this. In his response the objector elaborates on his previous objections and refers to:

- Lack of evidence of other section 11 notices other than the letter of 16tg Dec 2014. (appended and labelled as exhibit 1 by objector.)
- No evidence of 'acquiring by agreement' or that the acquisition is a 'last resort'.
- Correspondence was to a postal address with which the objector has no connection.
- The action of to repeated demands etc. is untrue and has misinformed the Chief Valuer.
- The ongoing use of the site has not been considered.
- Delay in building work subject to litigation in Supreme Court.

- The objector is in a positive position with bank (for funding) and with respect to completing development but there is uncertainty due to actions by DCC. DCC will take years to develop site.
- The Board is asked to reject the application for acquisition.

4.6.2. The objections were subsequently circulated to the Council for further comments.

#### 4.7. **Dublin City Council comments on submission**

4.7.1. The Council's position remains the same as outlined in its submission on 28<sup>th</sup> August 2019 in which comprehensively addresses the

- derelict condition of the site,
- the endeavours of the council to secure improvement works by Mr Beades
- the attempts to acquire by agreement and
- the objection by Mr Beades to the proposed acquisition received within the statutory period.

4.7.2. In response to the enforcement proceeding and absence for legal action it is explained that this is of no significance to the acquisition process. It is explained that the section 11 process in any event is not now the usual course of action for tackling dereliction. The acquisition strategy is more effective although once an owner engages meaningfully to remediate the dereliction, the Council can stall or abandon the acquisition process.

4.7.3. Regarding 'Exhibits 1 and 2', the Council confirms its position that the owner was afforded ample opportunity to carry out the necessary works but never did so or submitted proposals to do so.

4.7.4. The comment by Mr Beades about correct addresses is misleading as multiple addresses have been used when corresponding. These addresses have been provided by the Council's Title and Research Section and include the address at 50 Stonyford Lisburn, Co. Antrim which is quoted by Mr. Beades in his email.

4.7.5. The use of the site as for example business base for vans, lorries, stores, forklifts and JCB in no way alters the derelict status of buildings on the site, nor does it affect the acquisition proposal.



4.7.6. It is further confirmed that the Council did try unsuccessfully to enter into discussions with Mr. Beades to acquire his site by agreement and letters in his regard were issued by the Chief Valuers office as attached. An email from the Chief Valuers Office dated 13<sup>th</sup> June 2019 further outlines unsuccessful endeavours to acquire the site by agreement which included a meeting with Mr Beades and his representative in January 2019.

4.7.7. It is further clarified that the correspondence of 2<sup>nd</sup> November 2017 and 6<sup>th</sup> November 2018 reflect the Council's approach of exercising compulsory acquisition powers only where agreement is unsuccessful which in this case is evidenced by the absence of response to its letters of 3<sup>rd</sup> October 2017 and 3<sup>rd</sup> October 2018 requesting submission of proposals to render the site non derelict.

4.7.8. The council reiterates that the site has remained on the Derelict Sites Register since 2012 and that Mr. Beades was afforded ample opportunity to remedy its condition.

4.7.9. **Objector's Final Submission 19<sup>th</sup> October 2020**

4.7.10. The objector was provided an opportunity for any final observations on the comments by the Council. At the objector's request the time for submission was extended from the initial date of 24<sup>th</sup> September. The objector makes the following points:

- It is submitted that the Compulsory Acquisition cannot be permitted as the Council has failed in its legal obligations. For example it is submitted that the inclusion of the properties in the Derelict Sites Register was unlawful.
- It is clarified the properties and business premises as per the Companies Registration Office are for the operational business of Jerry Beades Concrete Ltd and in this context is used for the storage of building materials, stockpiling of sand, parking of 12 vehicles (not entirely visible from the DCC photo vantage point) .
- Maps and boundaries are incorrect. Jerry Beades Concrete Ltd was never written to despite the name on the parked vehicles within the site.
- Confusion of documentation relating to enforcement on site . The alleged refusal by the objector to co-operation is documentarily unsubstantiated.

- The Board should have files/documents that DCC hold in relation the objector and his properties.
- The objector is pursuing a Freedom of Information request for this information.

## 5.0 Planning History

### 5.1. Application Site

- 5.1.1. Planning Authority register ref 2575/03 refers to permission for demolition of buildings and construction of apartments at the site. Permission expired on 11<sup>th</sup> November 2011 and works were incomplete.
- 5.1.2. Enforcement files -as cited from DCC council meeting 2<sup>nd</sup> Nov 2015 and attached in DCC submission in Appendix 3 – (Item 16 - back page) and the objectors ‘Exhibit 5’:
- E0782/05 refers to construction hours – no evidence to warrant proceeding.
  - E0104/08 refers to the operation of a concrete business from the site . While no evidence of such investigation revealed the use of site as builder’s yard, the council is statute barred from taking action.
  - E0465 /13 refers to storage of vans and building materials. No material difference since investigation of 2008 and the Council is statute barred from taking action.

### 5.2. Surrounding Area

- 5.2.1. An Bord Pleanala ref 306562 refers to a refusal of permission for demolition of a warehouse and construction of student accommodation in an adjacent backland site at 19 Richmond Avenue. (2020)

## 6.0 Policy Context

### 6.1. Development Plan

- 6.1.1. The applicable Development Plan is the Dublin City Development Plan 2016 – 2022. The site is located in lands designated as: Inner Suburban (Sustainable Mixed-Use) (Zone Z10) where it is an objective to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant

use in suburban locations, and office/retail/residential the predominant uses in inner city areas.

## 6.2. **Derelict Sites Act 1990 (as amended)**

6.2.1. The Derelict Sites Act 1990, as amended, makes provisions to prevent land being or becoming a derelict site. Amongst other things, it enables local authorities to require land owners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

6.2.2. Section 3 of the Act defines 'derelict site' as:

“any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of—

(a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or

(b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or

(c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law.”

6.2.3. Section 8 of the Act requires local authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/owners of their intention to do so. Section 9 places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site. Section 10 places a similar duty on local authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that any land in their functional area does not become or continue to be a derelict site. Section 11 of the Act enables local authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site. Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in their

functional area. Section 15 sets out arrangements for giving notice, if the local authority intend to acquire a derelict site compulsorily, and section 16 sets out arrangements if the owner/occupier wishes to object to the acquisition. Specifically, section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the local authority without the consent of the Board.

## **7.0 Assessment**

### **7.1. Procedural**

- 7.1.1. In the first instance the objector raises issues about the access to information and fair procedure. I accept the order of documentation as lodged by the Council was in parts confusing and while I consider this minor, in the interest of transparency and justice the objector has been provided with further opportunities to comment on all of the Council's submissions. I also accept that all pages of the initial Council submission were not copied to the objector however this is normal practice as there is a public file. I am therefore satisfied that the objector has been provided with reasonable opportunity to examine the relevant documentation pertaining to the proposed acquisition and respond to same. I refer in particular to the additional circulation of submissions and additional time to respond.
- 7.1.2. With respect to the perception of slanderous content, the Board may consider redacting such material. This is an administrative matter.
- 7.1.3. The objector refers to ongoing construction business on site and that this use is a matter of dispute in the Courts. While I accept this use may explain some of the larger vehicles and construction materials, I consider this to be a separate matter to determining whether or not the site is derelict. This is, in my judgement, more a matter for valuation.
- 7.1.4. The objector argues that the process of the inclusion of his site on the Register of Derelict Sites was unfair. I note the actions of the Local Authority and the statutory notices served on the owner/occupier in respect of the building. Section 8 notices were served on the owner on 13th November 2012, advising of the Local Authority's intention to enter the site on the Derelict Site Register. Section 8(7) notices were subsequently served on 13<sup>th</sup> December 2012, advising the owner that

the site had been entered on the Derelict Sites Register. In a letter of 3<sup>rd</sup> October 2018 the applicant was informed of intention to acquire. Finally, section 15 notices were served on the owner and published in the Irish Times on 27<sup>th</sup> June 2019 regarding the Local Authority's intention to acquire the site compulsorily.

- 7.1.5. While it appears that the Council has taken steps in accordance with the Act, and while the objector disputes the completeness of such steps, I consider that the issue in the Section 14 acquisition case is whether or not the site is derelict within the meaning of Section 3 of the Act. This definition does not necessarily rely on inclusion on the Register of Derelict Sites.
- 7.1.6. It is further argued that Section 14 has not been complied with in respect of information however the provisions in this section regarding negotiations are not mandatory.
- 7.1.7. On balance I am satisfied that the Council has demonstrated compliance with the necessary steps for intended acquisition within the parameters of the Derelicts Sites Act.

## 7.2. **Condition or Property**

- 7.2.1. Internal access to the site and structures was not possible on the date of my site inspection due to the boarded up nature of the house façade and blocked gate. Access would be required through other property. However, I carried out my site inspection from Richmond Avenue and from the surrounding public roads and institutional grounds surrounding the site as there was sufficient visibility of the nature of the site from these vantage points.
- 7.2.2. The structure at No.21 is a prominently located property on Richmond Avenue. It is one of three terraced properties of similar scale and height rising above the neighbouring dwelling at no.19. It is flanked by residential property and is also highly prominent as viewed from the residential cul-de sac, Richmond Estate on the opposite side of the road. While boarded up at street level it is clear the structure is incomplete and is vacant and has a neglected, unsightly and objectionable appearance from Richmond Avenue and the surrounding residential area. I say this with reference to the absence of significant elements of the structure such as windows and doors with the main entrance opening having no protection boards, together with the incomplete rendering and exposed blockwork and unfinished

services (e.g. exposed pipe work and cabling). In addition, the concrete steps to the entrance are unsafe as it has as incomplete rail support. It is evident from the reports and photographs on file that this has substantially been the case for a number of years.

7.2.3. Furthermore, as viewed during my inspection through the hoarding and from the front of the neighbouring dwelling, the front yard and steps of no.21 were strewn with litter, debris and rubbish as can be seen in my photographs. There is no evidence on file of a right to the presence, deposit or collection of such on the land in question.

7.2.4. Both the appearance and littering of the site is in contrast to both, the established and the newer residential development in the vicinity and I consider detracts to a material degree from the character and appearance of the surrounding residential area. In my judgement this amounts to dereliction by reference to sections 3 (b) and (c) of the DSA 1990 as amended. Furthermore, the continued presence of such a structure exposed to the elements would also pose a risk to further dilapidation and mitigate against the protection and improvement of amenities in the area which in this case the council seeks to achieve and reasonably in my opinion, through the eradication of dereliction in accordance with its duties.

7.2.5. The other structures on site are large in scale and massing and while set back from the public road they are highly visible from the public realm. They are clearly incomplete, vacant and have a neglected, unsightly and objectionable appearance from Richmond Avenue and the surrounding residential area. I say this also with reference to the absence of significant elements of the structures such as windows, doors, roof completion and façade finishes, the extensive scaffolding, the abundance of wild vegetation growing through and around the building and site and the absence of any orderly landscaping or boundary definition. Furthermore, as viewed during my inspection through the fencing and gates the open areas of the site were strewn with construction waste/debris and what appears to be at least one abandoned vehicle in addition to the somewhat chaotic storage of plant machinery and concrete blocks along and/ or visible through, the site frontage. There was also storage of materials in what appears as significant water ponding. While I note the statements of the Enforcement Officer regarding the statute limitation on enforcement on various construction related activities, this does not legitimise dereliction.

- 7.2.6. It is evident from the reports and photographs on file that the storage of sundry items including a car that this has been the case for a number of years.
- 7.2.7. Having regard to the foregoing, I therefore consider that the application site detracts to a material degree from the character and appearance of the surrounding residential area and wider environs.
- 7.2.8. While there is no evidence of cracking in the structures, the exposure of the structures and structural components to the elements would potentially lead to the building advancing into a state of further dilapidation and a ruinous state. I refer principally to the exposed openings and rusting elements of the structural reinforcement.
- 7.2.9. In view of the foregoing, above all I consider the site to fall within category (b) of section 3 of the Derelict Sites Act, 1990 due to the land and structures being in a neglected, unsightly and objectionable condition. In respect of category (c), the deposition of litter and debris places the site within this category of dereliction. With regard to category (a), this relates to structures which are in a ruinous, derelict or dangerous condition and while there is a threat of this I would not rely on this as defining the derelict state. I say this in the absence of a structural report. Furthermore while there is evidence (such as the stairway, although protected temporarily by hoarding and the continued use of rusted scaffolding) that the structures are in a dangerous condition, but it could not necessarily be considered ruinous. There is a possibility that the site is operating as a place of work – I refer to the builder's yard and the objector's final submission regarding company registration– and that the ongoing scaffold structure and open and exposed nature of the structures poses a danger. However this use is a matter of dispute and should not be relied upon. In conclusion, I consider that the property demonstrably detracts from the amenity, character and appearance of land in the vicinity of the site, which in my view, renders it derelict under section 3 of the Act.
- 7.2.10. I note the objection made by the owner and received by the Council on 29<sup>th</sup> July 2019 to the proposed acquisition of the site. I also note that the property has been partly secured at ground level. However, having inspected the site, there is no evidence of any reasonable attempt to render the site and structures therein non-derelict and the site accordingly remains in a neglected and unsightly condition and

this has been the case for an extended period of time. I therefore consider that the site remains in a condition that can be described as derelict within the meaning of Section 3.

### **7.3. Conclusion**

- 7.3.1. Having regard, therefore, to all of the information available on the file, the exigencies of the common good and the continued appearance and condition of the property, which as stated constitutes a derelict site, I consider that it is appropriate that the Local Authority's application for consent to compulsorily acquire the site at 21, 27-29 Richmond Avenue and lands to rear of 21-29 Richmond Avenue is granted.

### **8.0 Recommendation**

- 8.1. Having regard to the observed condition of the subject site and property, in particular to the neglected, unsightly and objectionable condition of the site, it is considered that the site 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, and that the acquisition of the site by the local authority is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site.
- 8.2. It is also considered that the objection made cannot be sustained having regard to that said necessity.
- 8.3. I consider that it is reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by section 14 of the Act. I recommend, therefore, that the Board grant consent to Dublin City Council to compulsorily acquire the site.

### **9.0 Reasons and Considerations**

It is considered that the site detracts to a material degree from the amenity, character and appearance of the land in the neighbourhood, owing to the neglected, unsightly and objectionable condition of the structures and, therefore, falls within the definition of a derelict site as defined in Section 3(b) and 3(c) of the Derelict Sites Act 1990 (as amended). Having regard to the observed condition of the site and the documentation provided in relation to the procedures and steps taken under the



Derelict Sites legislation to include the site on Dublin City Council's Derelict Sites Register and the serving of the notice on the lands, it is considered that the acquisition of the site by the local authority is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site.

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Suzanne Kehely

Senior Planning Inspector

3<sup>rd</sup> December 2020