



An
Bord
Pleanála

Inspector's Report ABP-310725-21

Nature of Application

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

Location

Bridge Street, Knocklong, Co. Limerick

Local Authority

Limerick City & County Council

Notice Party

Sean O'Reilly

Date of Site Inspection

11th August 2021

Inspector

Hugh D. Morrison

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1.0 Introduction

- 1.1. This case relates to a request by Limerick City and County Council (LCCC) for the consent of An Bord Pleanála to the compulsory acquisition of the site of a two-storey terrace of commercial/residential units and surrounding land at Bridge Street, Knocklong, Co. Limerick, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.
- 1.2. Compulsory acquisition is sought as the site continues to be derelict within the meaning of the Act for the following reasons:
 - (a) The existence on the lands of structures which are in a ruinous, derelict or dangerous condition, and
 - (b) The neglected unsightly or objectionable condition of the land or any structures on the land in question.

2.0 Site Location and Description

- 2.1. Knocklong is a village in the south-east of County Limerick that is bisected by the Dublin/Cork railway line. The site is located to the south of this railway line on a predominantly residential street known as Bridge Street. Part of a row of two-storey buildings lies along the northern portion of this site facing this street and the railway line beyond. The overall row comprises what appears to have originally been 3 shops with associated accommodation above, which lie to the east of the site, and, within the site, 2 larger shops, which bear a historic sign that denotes their wholesale and retail use and the more recent use of the more westerly of the two as a foodstore, and, at a slightly higher level and dating from 1923, a further shop with associated accommodation and a dwelling house at the western end of the row. To the rear of the buildings on the site and to the side and rear of the dwelling house, there are an assortment of extensions, and historically there was an outbuilding, which was used as a bakery, which has now been demolished. A forecourt lies between these buildings and the carriageway to Bridge Street and the dwelling house has a walled-in space in front of it.
- 2.2. The stated area of the site on the Section 15(1) notice is 0.136 hectares. However, the accompanying indicative location plan shows by means of a red edge a more

extensive site that extends to the west and to the south over land that is overgrown. This land maintains a boundary wall to the roadside and an access from Bridge Street exists in its north-western corner. In total the site has an area of 0.844 hectares.

- 2.3. During my site visit, I was able to inspect the buildings from public vantage points along Bridge Street and from private vantage points within the lands comprised in the site. I was also able to inspect the interior of the buildings apart from that of the dwelling house at the western end of the row.
- 2.4. Externally, the front elevations of the buildings on the site have recently been painted, as have the roadside walls to the site. Demountable security fencing cordons off the forecourt. The front roof planes of the 1923 buildings exhibit the loss of multiple slates leaving roof members exposed. Besides missing slates, other slates are loose on these roof planes. At the time of my site visit, a scaffolding was in-situ outside the front elevation of the dwelling house. Due to the presence of a parapet to the front elevation of the remaining buildings on the site, their front roof planes were not visible from street-level. From my internal inspection, however, I observed that these double pitched roofs were sound.
- 2.5. Externally, the vast majority of door and window openings in the exposed western side elevation and rear elevation of the dwelling house and the rear elevations of the buildings on the site are boarded-up. Guttering to the side elevation is either loose, missing or broken and vegetation outcrops in places. The rear roof planes of the 1923 buildings exhibit the loss or dislodgment of slates and render to several chimneystacks is broken in places.
- 2.6. Internally, at ground floor level, there is considerable evidence of damp conditions, as evidenced by staining, peeling paint, and broken plasterwork. At first floor level in the 1923 building, the effects of water ingress through the roof were evident in the form of major vegetation growth, rotting timberwork, and extensive damage to wall and ceiling coverings.
- 2.7. The lands to the side and rear of the buildings comprised in the site are largely overgrown with long grasses and bushes. To the rear of these buildings lies some debris, possibly from the demolition of the outbuilding, while further to the south there are mature deciduous trees.

3.0 Application for Consent for Acquisition

3.1. LCCC has applied to the Board for consent to compulsorily acquire the site under Sections 14 – 16 of the Derelict Sites Act, 1990, as amended. This application follows the service of notices:

- Under Section 8(2), on 27th November 2019, advising of the Local Authority's intention to enter the site on the register of derelict sites, and
- Under Section 8(7), on 10th September 2020, advising of the Local Authority's decision to enter the site on the register of derelict sites.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

4.1.1. Notice of LCCC's intention to acquire the site compulsorily was issued on 24th April 2021 and it was published in the Limerick Post newspaper. This Notice described the site as follows:

A derelict site comprising of a two-storey commercial/residential units and surrounding land situate at Bridge Street, Knocklong, Co. Limerick. The said property and surrounding land is in a state of dereliction. The said derelict site is more particularly shown outlined in red on map bearing reference no. DS-148-18 in the Derelict Sites Register established and maintained by Limerick City and County Council under Section 8 of the Derelict Sites Act 1990.

4.1.2. I consider that this notice was in accordance with the requirements of Section 15(1)(a) of the Derelict Sites Act 1990, as amended.

4.2. Objection to Acquisition

4.2.1. Strenuous objection is raised by the owner of the site to the LCCC's notice of intention to compulsorily acquire it. The effect of this notice is that financial institutions have suspended negotiations with the owner until such times as the notice is lifted.

4.2.2. The owner sets out his grounds of objection under a series of headings, which are reproduced below along with a summary of each ground.

(i) Property Context

- 4.2.3. The property on the site has been vacant since c. 1995. The current owner purchased it in March 2018 and proceeded to make an application 18/1149 for its conversion/extension to 3 residential units in November 2018, which was subsequently permitted in March 2019. Negotiations with financial institutions ensued and the need to restructure the project, to safeguard access to the rear of the site, led to a further application 20/1009. Permission was granted in January 2021 just as the second lockdown commenced and with it the suspension of negotiations with financial institutions. The construction sector only reopened in May 2021, by which time the Local Authority had served notice of its intention to compulsorily acquire.
- 4.2.4. The above chronology illustrates the active steps that the owner of the property has taken towards the development of the property. Additionally, on his return to Ireland from Australia in February 2020, he would have sought tradesmen to carry out repairs to the property, only after the lifting of the first lockdown in June 2020 they were in such demand that their services could not be secured.
- 4.2.5. LCCC's first notice was served on 27th November 2019, when the owner was in Australia. His parents' residence remained as his contact address and yet they did not receive this notice. LCCC's second notice was served on 10th September 2020: This he did receive, following which he contacted LCCC to advise of the impending revised planning application. In these circumstances and those of the pandemic with its attendant lockdowns and disruptions, he contends that LCCC's third notice, which was served on 24th April 2021, left him with too little time to progress development of the property under the extant permissions.

(ii) Nature and Condition of the Land

- 4.2.6. Attention is drawn to differences in the state of the site as described under the second and third notices served by LCCC. Thus, under the second, all three criteria of Section 3 were cited, i.e. (a), (b), and (c), while, under the third, two criteria were cited, i.e. (a) and (b). In the intervening period the owner removed rubbish and debris from the site.
- 4.2.7. Since the construction sector re-opened in May 2021, the following works have been undertaken to overcome criteria (b):

- Demolition of the old bakery,
- Painting to the exterior of the building,
- Removal of overgrowth from the building and levelling of land to the roadside edge, and
- Erection of scaffolding to facilitate roof repairs over the next 3/4 weeks from date of objection 24th May 2021.

(iii) Interest of the Common Good

- 4.2.8. Attention is drawn to the extant permissions that pertain to the site and the prospect that 3 dwelling units would be “immediately achievable”.
- 4.2.9. Attention is also drawn to LCCC’s existing 3.45-hectare site to the east of Knocklong, which according to the Rebuilding Ireland website has the capacity to accommodate 95 dwelling units.
- 4.2.10. If LCCC compulsorily acquires the site, then it is unclear what it would do with it. By contrast, if its intention to compulsorily acquire is lifted, then the applicant would proceed to deliver 3 dwelling units without delay. The common good would be served thereby.

(iv) Limited Time Period and Lack of Options

- 4.2.11. Under Section 10, the Local Authority is to take all reasonable steps to ensure that land does not become or continue to be a derelict site.
- 4.2.12. Under Section 11, the Local Authority can issue a notice directing that certain works be undertaken to address dereliction. LCCC did not issue such a notice. Instead, it moved straightaway to enter the property on the Derelict Sites Register and to state its intent to compulsorily acquire this property.
- 4.2.13. The view is expressed that LCCC should have issued a Section 11 notice in the interests of fairness and justice and, also, to allow time for the owner to address his property’s dereliction.

4.3. Local Authority’s Application for Consent

- 4.3.1. LCCC begins by outlining its philosophy and approach to tackling dereliction: Only where all reasonable alternatives have been exhausted is recourse had to compulsory acquisition. Since 2017, 131 properties have been the subject of such

acquisition and, in 2020, LCCC received funding from the Rural Regeneration Development Fund to tackle dereliction in towns such as Knocklong by means of housing demonstrator projects.

- 4.3.2. Attention is drawn to the local prominence of the site and its derelict condition, which has existed for a considerable period of time and which is eye-catching. The site is a danger to the public as evidenced by the fencing that has been erected along the site's frontage to cordon off the area within which slates may fall. Concern is also expressed over the stability of a roadside boundary wall to the west of the row of buildings. Furthermore, these buildings are neglected and unsightly as evidenced by the incidence of missing and broken slates from their roofs, their dirty appearance, the existence of boarded-up doors and windows, and the ruinous state of an outbuilding to the rear. Elsewhere on the site there is a large amount of overgrown vegetation.
- 4.3.3. While extant permissions exist for the development of the site, concern is expressed that work has not commenced.
- 4.3.4. The site was identified as being derelict on 28th May 2019 and its ownership was ascertained. Councillors and the Knocklong Development Association have made strong representations over this derelict site. LCCC proceeded to serve the following notices:
- Under Section 8(2), on 27th November 2019, advising of the Local Authority's intention to enter the site on the register of derelict sites, and
 - Under Section 8(7), on 10th September 2020, advising of the Local Authority's decision to enter the site on the register of derelict sites.
- 4.3.5. Following service of the second notice the owner of the site contacted LCCC, but no remedial works were undertaken. Representations have continued to be received from not only from councillors, but from local businesses, community groups, and residents. As the dereliction persisted, LCCC served notice on 24th April 2021, under Section 15, of its intent to compulsorily acquire the site.
- 4.3.6. The owner objected to the Section 15 notice in a letter dated 24th May 2021, which outlines his relationship with the site and the planning permissions that he has obtained for it. Nevertheless, the fact remains that this site continues to detract from

the amenities of the neighbourhood, and it continues to be the subject of local representations to LCCC.

4.4. Objector's Submission

- 4.4.1. The Board invited observations from the objector to the local authority's commentary on the proposed compulsory acquisition. None were forthcoming.

5.0 Planning History

5.1. Site

- 5.1.1. Three planning applications have been made for the site, the most recent two of which were lodged by the current owner:
- 08/505: The demolition of existing buildings namely a terrace comprising of an occupied dwelling and a vacant shop, storage with an apartment over and vacant sheds and the construction of 6 no. two storey 4 bed detached houses, a three storey development comprising of 6 no. 2 bed apartments & 6 no. 2 bed maisonettes, bin storage area, new entrance with car parking and associated site development works: Refused on 2nd May 2008 on the grounds of prematurity with respect to existing public sewerage capacity, loss of 19th century streetscape, and design and layout issues with the proposal.
 - 18/1149: Works to a property which has been granted an exemption for a change of use from commercial premises to 3 residential units. The works comprise (1) elevational changes including the removal of existing signage and chimneys, (2) provision of new windows and doors to front and rear elevations, (3) demolition of a rear annex and the construction of a two storey residential extension to the rear of unit number 1, (4) construction of rear boundary walls to provide for separate private open space for each unit, (5) removal of rear parapet structure and (6) demolition of derelict building (former bakery) to rear of site and (7) all associated site development works. Permission is also sought for (a) the demolition of a sunroom to the side of existing dwelling, annex and outhouse to the rear of existing dwelling, (b) construction of a single storey extension to the rear, (c) demolition of existing

front boundary wall, (d) construction of a new vehicular entrance and entrance walls (e) all associated site development works: Permitted on 5th March 2019.

- 20/1009: An alteration to previously approved planning permission ref. no. 18/1149. The alteration consists of the provision of a new entrance and road to access the lands to the rear resulting in revised car parking for the existing dwelling and all associated site development works: Permitted on 15th January 2021.

5.2. Surrounding Area

- 5.2.1. No major permissions pertain to the surrounding area of the site.

6.0 Policy Context

6.1. Derelict Sites Act 1990 (as amended)

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

- 6.1.2. 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.

6.1.3. Other relevant provisions of the Act are summarised below:

- 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 enter their sites on to this register.
- 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 its functional area.
- Section 15 sets out arrangements for giving notice, if the local authority intend to acquire a derelict site compulsorily.
- Section 16 sets out arrangements if the owner/occupier wishes to object to the acquisition and it provides that, if an objection is made, then the derelict site shall not be acquired compulsorily by the local authority without the consent of the Board.

6.2. **Development Plan**

6.2.1. Under Table 3.1 of the Limerick County Development Plan 2010 – 2016 (as extended) (CDP), Knocklong appears in the settlement hierarchy as a Tier 5 small village with a range of infrastructural, social and community facilities. Under Policy SS P9, the Planning Authority undertakes to facilitate the development of Knocklong, subject to compliance with objectives SS01 – SS06 and the following:

a) The scale of new residential schemes for development shall be in proportion to the pattern and grain of existing development and shall be located within or immediately contiguous to the core area. In this regard any development shall

enhance the existing village character and create or strengthen a sense of identity and distinctiveness for the settlement.

b) New commercial developments shall generally be located within the core area and shall contribute positively to the village streetscape.

c) New community and social facilities shall be provided in conjunction with residential development as required.

- 6.2.2. Under Section 4.8 of the CDP, the regeneration of vacant and derelict sites is addressed: Objective HOU 017 states that LCCC will “use its powers under the Derelict Sites Act to acquire and secure the redevelopment of derelict sites.”
- 6.2.3. The draft Limerick County Development Plan 2022 – 2028 continues to categorise Knocklong as a Tier 5 settlement and it shows the site as lying within the development boundary around this settlement.
- 6.2.4. The former commercial premises on the site is identified as protected structure reg. no. 1437 in the CDP’s Record of Protected Structures. Under Objective EH O31 of the CDP, the Council undertakes to:

a) Seek the protection of all structures (or, where appropriate, parts of structures) within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and listed in the Record of Protected Structures. The record will continue to be developed on an ongoing basis, as resources permit, in accordance with the criteria laid down in the Architectural Heritage Protection Guidelines for Planning Authorities.

b) As resources permit, determine the extent of the curtilage of protected structures.

7.0 Assessment

- 7.1. I consider that this assessment should begin by addressing the substantial question as to whether the subject site is a derelict one within the meaning of “derelict site” in the Derelict Sites Act 1990, as amended. It should then address procedural matters and the objector’s submission, along with my own commentary on the same.

(i) Is the site a “derelict site”?

7.2. LCCC seeks to compulsorily acquire the subject property at Bridge Street, as it considers this building to be a “derelict site”. Section 3 of the Derelict Sites Act 1990, as amended, states the following:

“derelict site” means any land (in this section referred to as “the land in question”) which detracts, or is likely to detract, to a material degree from 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.

7.3. During my site visit, I observed the multiple effects upon the buildings that have arisen from their disuse and vacancy over many years and, in particular, the poor state of repair that is evident in the roofs to the 1923 buildings at the western end of the overall row of buildings on the site. These effects can be summarised as follows:

- The front roof planes of the 1923 buildings exhibit the loss of multiple slates leaving roof members exposed. Besides missing slates, other slates are loose on these roof planes.
- The vast majority of door and window openings in the exposed western side elevation of the dwelling house and the rear elevations of the buildings on the site are boarded-up.
- Gutters to the exposed western side elevation of the extended dwelling house is either loose, missing or broken and vegetation outcrops in places.
- The rear roof planes of the 1923 buildings exhibit the loss or dislodgment of slates and render to several chimneystacks is broken in places.
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- At first floor level in the 1923 building, the effects of water ingress through the roof were evident in the form of major vegetation growth, rotting timberwork, and extensive damage to wall and ceiling coverings.
- At ground floor level in the 2 larger shops, there is considerable evidence of damp conditions, as evidenced by staining, peeling paint, and broken plasterwork.
- The lands to the side and rear of the buildings comprised in the site are largely overgrown with long grasses and scrub. To the rear of these buildings lies some debris, possibly from the demolition of an outbuilding.

7.4. With respect to Section 3(a), both the LCCC and the owner agree that the buildings on the site are in a ruinous, derelict or dangerous condition. In the light of the above effects, especially those pertaining to the roofs of the 1923 buildings and the resulting deterioration of their interiors, I concur. (I observed one interior and I infer from an external inspection that the other interior is in a similar state).

7.5. With respect to Section 3(b), the owner draws attention to works that he has undertaken to remove vegetation from the buildings and to repaint their front elevations and accompanying roadside walls. He also draws attention to the demolition of the outbuilding to the rear of the buildings and the levelling of the forecourt and his intention to repair the front roof planes of the 1923 buildings. He, therefore, contends that the site is no longer in a neglected, unsightly or objectionable condition. LCCC acknowledges these works. I, too, acknowledge that the repainting has improved the roadside appearance of the buildings. However, it does not extend to the exposed western side elevation of the dwelling house, which is also visible from the roadside. Furthermore, at the time of my site visit, over 11 weeks after the owner's letter of objection to LCCC, repairs to the front roof planes remained outstanding. I, therefore, consider that the buildings continue to be of neglected, unsightly or objectionable condition.

7.6. Under the Limerick County Development Plan 2010 – 2016, the former commercial premises on the site are identified as a protected structure reg. no. 1437. This status formally recognises the conservation interest attendant upon these premises and so their present condition is of particular concern.

- 7.7. The objector draws attention to a difference between the second and third notices that were served upon him, insofar as the second cited grounds (a), (b), and (c), while the third cited only grounds (a) and (b) of Section 3 of the Derelict Sites Act 1990, as amended. Between these notices he removed rubbish and debris from the lands to the side and rear of the buildings.
- 7.8. During my site visit, I inspected the lands to the side and rear of the buildings. While these lands are largely down to wild grass and mature deciduous trees towards their far boundaries from Bridge Street, they no longer contain structures and they are not in an “objectionable, unsightly or neglected condition”. I, therefore, take the view that they, as distinct from the buildings on the site, are not derelict.
- 7.9. In terms of Section 3 of the Derelict Sites Act 1990, as extended, the buildings on the site detract to a material degree from the amenity, character and appearance of land in the neighbourhood of the site and so they, as distinct from the adjoining lands to their side and rear, constitute a “derelict site”.

(ii) Procedural matters, the objector’s case, and commentary

- 7.10. LCCC has identified the timeline for its actions to date. Thus, it proceeded as follows, under the Derelict Sites Act, 1990 as amended:
- Under Section 8(2), on 27th November 2019, advising of the Local Authority’s intention to enter the site on the register of derelict sites,
 - Under Section 8(7), on 10th September 2020, advising of the Local Authority’s decision to enter the site on the register of derelict sites, and
 - Under Section 15, on 24th April 2021, advising of the Local Authority’s intention to compulsorily acquire the site.
- 7.11. LCCC advises that the owner contacted it following the service of the second notice, but no remedial works ensued. Following service of the third notice, the owner raised objection essentially to the timing of this notice, which he contends left him with insufficient time to carry out more substantive, as distinct from cosmetic, works to the buildings on the site. In this respect, he draws attention to when he took up ownership of the site, the extant planning permissions which he has obtained for its development, and the restrictions arising from the pandemic that have effectively delayed progress in negotiations with financial institutions. Perversely, the notice of

LCCC's intention to compulsorily acquire has led to the suspension of these negotiations and so the commencement of development under the extant planning permissions has stalled. LCCC acknowledges these circumstances but considers that the duration of dereliction upon the site and the level of local concern are such that it is justified in proceeding with the compulsory acquisition of this site as the means whereby such dereliction can be remedied.

- 7.12. In reviewing the owner's grounds of objection, I note that he expresses confidence that, if the prospect of compulsory acquisition is lifted, then he could proceed to implement his extant permissions for the site resulting in the provision of 3 additional dwelling units. The fact that he has obtained a second permission to modify the first, with respect to ensuring that access is available to the rear of the site, is indicative of momentum towards development and the remedying of the dereliction on the site.
- 7.13. I note, too, that, he criticises LCCC for not serving a Section 11 notice as a means of delineating the dereliction that needs to be remedied. While he acknowledges that the service of such a notice is at LCCC's discretion, he considers that one should have been served to give him time to remedy the dereliction prior to the service of the notice of intent to enter the site on the Derelict Sites Register. This notice of intent was served on 27th November 2019, although the owner states that he did not receive it. The following notice of registration was served on 10th September 2020, to which he responded to by contacting LCCC. In the intervening period, he has undertaken some cosmetic works, although the more substantive works, such as the repair of the roofs to the 1923 buildings, were outstanding at the time of my site visit.
- 7.14. I consider that, notwithstanding the absence of a Section 11 notice, the works needed to remedy the dereliction of the site are largely self-evident. Principal amongst these is the need to either repair the roofs of the 1923 buildings or at least ensure that they are weather-proof to prevent further deterioration to the condition of their interiors.
- 7.15. The Section 15 notice of intent to compulsorily acquire states that the site has an area of 0.136 hectares and yet the indicative location plan shows the site, by means of a red edge, with an area of 0.844 hectares. The former area is undefined, and the latter area appears to encompass all the land in the applicant's ownership, i.e. the buildings and the adjoining land to the side and rear.

- 7.16. The Board contacted LCCC concerning the above anomaly and it invited LCCC to clarify matters. LCCC responded by stating that the site is the one shown on the indicative location plan, i.e. the site of 0.844 hectares, and so the reference to 0.136 hectares is to be disregarded. I understand that the Board is to proceed to assess/determine the request for confirmation of the compulsory acquisition on this basis.
- 7.17. Under the first heading of my assessment, I concluded that, while the buildings on the site are derelict, the lands to the side and the rear of these buildings are not. Consequently, insofar as the compulsory acquisition pertains to these lands, I am unable to support it. Furthermore, the objector has obtained planning permissions, which, if implemented, would remedy the derelict state of the buildings on the site. While he has failed to ensure as an interim measure that these buildings are fully weather-proof, the extent of moisture penetration is such that extensive replacement of roof members would be likely to be necessary anyway. Such replacement would be undertaken most efficiently as part of the overall implementation of the extant planning permissions. In these circumstances, I conclude that, on balance, the objector should be afforded the opportunity to remedy the derelict state of these buildings.

8.0 Recommendation

That confirmation of the compulsory acquisition be refused.

9.0 Reasons and Considerations

Having regard to the derelict state of the buildings on the site, as distinct from the adjoining lands to the side and rear of these buildings, and to their neglected, unsightly and objectionable condition, the Board considers that the buildings detract to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, come within the definition of a derelict site as set out in Section 3(a) and (b) of the Derelict Sites Act 1990, as amended. However, the Board also considers that the owner has shown some willingness to attend to the dereliction on site and, while the more substantive issue of the derelict state of the buildings remains outstanding, he has obtained planning permissions that, if implemented, would ensure that it is remedied. Accordingly, the Board considers that it would be appropriate to afford him the opportunity to do so and so, in these circumstances, it would be premature to confirm the Local Authority's compulsory acquisition of the site.

Hugh D. Morrison
Planning Inspector

13th December 2021