



An  
Bord  
Pleanála

## Inspector's Report ABP-318280-23

### **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**

No's. 15, 16 & 17 Morgan Street and No's. 38, 39 and 39A The Glen, Waterford, County Waterford

### **Local Authority**

Waterford City & County Council

### **Notice Party**

O' Leary Sludds Architects Ltd. (on behalf of Thomas Treacy and Jim Treacy)

### **Date of Site Inspection**

3<sup>rd</sup> May 2024

### **Inspector**

Ian Campbell

## **1.0 Introduction**

- 1.1. This case relates to a request by Waterford City and County Council (WCCC) for the consent of An Bord Pleanála to the compulsory acquisition of the subject site at No.'s 15, 16 and 17 Morgan Street and No.'s 38, 39 and 39A The Glen, Waterford, Co. Waterford, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

## **2.0 Site Location and Description**

- 2.1. The property which is the subject of this proposed compulsory acquisition (referred to hereafter as the 'subject property') is located at the junction of Morgan Street/R861, The Glen and Phillip Street, and is west of the centre of Waterford City.
- 2.2. Until recently the site accommodated 3 no. single storey terraced houses fronting The Glen (i.e. No.'s 38, 39 and 39A). These dwellings have been demolished.
- 2.3. No.'s 15, 16 and 17 Morgan Street once fronted onto Morgan Street and are visible on the Historic 25 inch OS series maps but are no longer standing.
- 2.4. Timber hoarding has been erected around the site. A mural is painted on the south facing boundary of the site. Adjoining properties appear to be occupied and are in reasonable condition.

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

- 3.1. Waterford City and County Council (WCCC) has applied to the Board for consent to compulsorily acquire the site under section 14/16 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to the serving of notices under Section 8(2), (i.e. advising of the Local Authority's intention to enter the site on the register of derelict sites) on the 23<sup>rd</sup> of November 2010 and under Section 8(7) (i.e. advising of the Local Authority's decision to enter the site on the register of derelict sites) on the 13<sup>th</sup> of September 2011.
- 3.2. A Section 11 Notice (i.e. requiring the carrying out of specified measures to prevent land becoming or continuing to be a derelict site) was issued by WCCC on the 12<sup>th</sup> of March 2012 and took effect on the 26<sup>th</sup> of March 2012.

## 4.0 Application and Objection

### 4.1. Notice of Intention to Acquire

4.1.1. Notice of WCCC's intention to acquire the site compulsorily was served on the owners/occupiers of the property on the 25<sup>th</sup> of August 2023, and was published in the Waterford News and Star newspaper on the 29<sup>th</sup> of August 2023. The site was described as follows in the notices:

- The properties known as 39, 39A and 38 The Glen and the site incorporating former properties known as 15, 16 and 17 Morgan Street Waterford, covering an area of 0.0672 acres or thereabouts, in the District Electoral Division of Tramore - Waterford City West.

The said derelict site is more particularly shown outlined in red on map bearing reference CPA 2023-08 (Plots 101, 102 and 103) in the Derelict Sites Register established and maintained by Waterford City and County Council under Section 8 of the Derelict Sites Act 1990.

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

4.2.1. 2 no. objections were submitted to WCCC in respect of the proposed acquisition of the property and can be summarised as follows;

James Treacy and Eileen Treacy-Power, dated the 18<sup>th</sup> of September 2023 (received by WCCC on the 19<sup>th</sup> September 2023) –

- Notes that it is intended to develop the site.
- Notes that the proposed compulsory acquisition will result in the site being 'landlocked'.

Thomas and Jim Treacy, dated the 4<sup>th</sup> of October 2023 (received by WCCC on the 6<sup>th</sup> of October 2023) –

- Requests that time is given to allow for the transition of ownership of the property.

- Notes that it is intended to develop the site.
- Notes that subsequent to meeting with WCCC on the 12<sup>th</sup> of September 2023 the following has been undertaken;
  - Engagement of Frank Fox and O Leary, Sludds Architects Ltd. with the intention of submitting a pre-planning proposal to WCCC.
  - Changes to title of property which will facilitate the refurbishment process.

#### 4.3. Local Authority's Application for Consent

4.3.1. The Local Authority requests the consent of the Board to the compulsory acquisition of the derelict site. The application for consent was submitted on the 20<sup>th</sup> of October 2023 and was accompanied by the following:

- Local Authority Compulsory Acquisition Report (including photographs of subject property) which sets out the Local Authority's strategic approach to derelict sites, a description of the site and relevant policy designations affecting the site.
- Copy of Chief Executive's Order.
- Derelict site location map.
- Copy of the notices served on the owners/occupiers of the site (dated 25<sup>th</sup> of August 2023). Proof of postage included in respect of same.
- Copy of the newspaper notice (dated 29<sup>th</sup> of August 2023).
- Folio details of subject property.
- Copy of objection made by James Treacy and Eileen Treacy-Power (dated 18<sup>th</sup> of September 2023) and submitted to the Local Authority on the 19<sup>th</sup> September 2023, and Thomas and Jim Treacy (dated 4<sup>th</sup> of October 2023) and submitted to the Local Authority on the 6<sup>th</sup> of October 2023,
- Acknowledgement of 2 no. objections to Section 15 Notices.
- Correspondence from WCCC dated 27<sup>th</sup> September 2023 noting key points which WCCC took from meeting with the property owners on the 12<sup>th</sup> of September 2023, specifically

- that the property was in the process of being transferred to Thomas Treacy;
- that funding is available to refurbish No. 37, 38 and 39<sup>1</sup> The Glen and that redevelopment of the entire site would require more funding than the refurbishment of existing derelict properties.

Having considered this information WCCC note that –

- there has been a history of dereliction at the site since before 2011;
- no timeline has been provided for the transfer of the property;
- no timeframe has been provided in relation to when refurbishment works would be completed; and,
- WCCC has recently had to secure the roof of all the properties to prevent slates and debris falling onto the street.

Having regard to the forgoing WCCC intend to apply to An Bord Pleanála for compulsory acquisition of the property.

4.3.2. The **Derelict Site Report** can be summarised as follows:

- On foot of the Urban Regeneration and Development Fund (URDF), which aims to deliver compact and sustainable development, and in line with the identified need to bring existing derelict and long-term vacant properties into use for residential and other purposes, Waterford City and County Council seek to use the Derelict Sites Act (1990) to undertake the compulsory acquisition of No.'s 15, 16 and 17 Morgan Street and No.'s 38, 39 and 39A The Glen.
- The reports sets out the definition of dereliction, as per Derelict Sites Act (1990) as follows;

*“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*

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<sup>1</sup> Reference to No. 37, 38 and 39 The Glen appears to be a typographical error.

*(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.”*

- The site is surrounded by a mix of residential and commercial uses which are well maintained.
- The subject site fronts Morgan Street (to the south) and The Glen (the west).
- The properties are in a very poor state of repair. There is vegetation growing through the roofs at the front and the rear of the properties. There is an absence of rainwater guttering and downpipes at the front of the properties and the windows and doors of all properties are blocked up. Several slates are damaged and missing on No. 39 and 39A The Glen. To mask the dereliction of the properties Waterford Walls Festival have painted murals on the front façade and gable wall of No. 38, 39 and 39A The Glen. WCCC have secured the roofs of all properties to prevent debris falling onto the street.
- The properties are not on the Record of Protected Structures, nor are they listed on the National Inventory of Architectural Heritage. The site is not located in an Architectural Conservation Area.
- Applicable designations in the Waterford City and County Development Plan 2022 – 2028 include;
  - Waterford City Settlement Boundary;
  - Town Core Zone;
  - Waterford City - DeCarbonising Zone.
- Policy Objectives referred to as being relevant include, Objective ECON 4 (City and Town Centre First Approach); Objective ECON 7, which relates to Active Land Management; Objective H06 relating to the use of powers under the Derelict Sites Act 1990 to prevent dereliction; Objective Place 01 which similarly provides for the use of powers under the Derelict Sites Act 1990 to address

vacancy and dereliction, and Policy Objective H31 which relates to the refurbishment of structures.

- WCCC attempted to confirm ownership of the property using Land Direct, a Deeds search via Land Direct and also enquires within the WCCC Planning Department. The reputed owners of the property are Brigid Treacy, James Treacy and Eileen Treacy-Power.
- The history of the case is set out as follows;
  - 23<sup>rd</sup> November 2010: Section 8(2) Notice of intention to enter land in Derelict Sites Register. No response received from property owners in respect of issuing of Section 8(2) Notice.
  - 13<sup>th</sup> September 2011: Section 8(7) Notice of Entry of Land in Derelict Sites Register.
  - 24<sup>th</sup> January 2012: Site visit conducted by WCCC, no change to the condition of the property noted.
  - 12<sup>th</sup> March 2012: Section 11 Notice<sup>2</sup> issued requiring specified measures to prevent land becoming or continuing to be a derelict site (Notice took effect on 26<sup>th</sup> March 2012).
  - 30<sup>th</sup> May 2012: WCCC undertook site inspection. Requirements of Section 11 Notice not carried out. Legal action recommended and application of levies.
  - 21<sup>st</sup> September 2012: – Summon issued to Eileen Power (property owner).
  - 17<sup>th</sup> August 2012: - WCCC met on site with Eileen Power to discuss addressing condition of site. Number of adjournments to court dates to allow time to address condition of site.
  - 10<sup>th</sup> March 2015: - WCCC carried out site inspection.
  - 12<sup>th</sup> March 2015 – Letters sent to registered owners of site (Eileen Power, James Treacy and Brigid Treacy) setting out obligations under Section 9

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<sup>2</sup> The Section 11 Notice required –

(1) Removal of temporary security measures from walls, windows, and door openings. (2) Close ground floor windows and door openings with concrete block walls and marine ply sheeting to the exterior surface of the dormer window. (3) Provide new capped concrete block wall along Morgan Street. (4) Repair rear roof structure to a watertight condition. (5) Repaint all boundaries and elevations onto the public road, remove all vegetation and maintain site clear of debris.

and of Derelict Sites Act, 1990, and also the obligations of Local Authorities in this regard. Measures required to address the condition of the property were also noted in correspondence.

- Response received from Brigid Treacy stating that she would commit to the measures but had no funding to facilitate same, that the property was being sold and was in the hands of the bank.
- WCCC contend having regard to the observed condition of the property, in particular its neglected and unsightly state, it is considered that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended, and subsequently, it is considered reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act.

#### 4.4. Objector's Submission

4.4.1. No objections were received by the Board.

### 5.0 Planning History

5.1. Subject Property (relevant/recent)

**PA. Ref. 08/500351** – Permission GRANTED for to demolish 3 no. partially demolished dwellings and to construct a four-storey commercial/apartment block.

This permission was not implemented and has lapsed.

### 6.0 Policy Context

6.1. **Waterford City and County Development Plan 2022-2028**

6.1.1. The subject property is zoned 'TC' (Town Core)' in the Waterford City and County Development Plan 2022-2028.

6.1.2. Relevant objectives/policy in the Waterford City and County Development Plan 2022 – 2028 include;



- Objective Place 01 (Chapter 8 – Placemaking): *‘identify obsolete and potential opportunity sites within the City and County and encourage and facilitate the re-use and regeneration of derelict land and buildings in the urban centres; work with landowners and development interests to pursue the potential of suitable, available and viable land and buildings for appropriate development/renewal; support active land management; and use compulsory purchase orders and statutory powers under the Derelict Sites Act 1990 and the Urban Regeneration and Housing Act 2015, as amended, to address issues of dereliction, vacancy and underutilisation of lands in settlements across Waterford’.*
  
- Objective H06 (Chapter 7 – Housing and Sustainable Communities): *‘utilise legislative power under the Derelict Sites Act 1990, The Urban Regeneration and Housing Act 2015, as amended and general CPO powers to prevent anti-social behaviour and remove dereliction and vacancy where appropriate.’*
  
- Objective Econ 07 (Chapter 4 – Economy, Tourism, Education and Retail): *‘...assist in the proactive targeting of underutilised, vacant and derelict lands and buildings, and general building stock,...in order to facilitate an Active Land Management approach to the sustainable growth and development of Waterford City and County...achieved by, measures to support the change of use from vacant commercial units to residential, using the Council’s statutory powers, where appropriate, under the Derelict Sites Act 1990 (as amended) and the Urban Regeneration and Housing Act 2015 (as amended), and.... the acquisition by agreement or compulsory purchase, of vacant, derelict or underutilised sites or buildings, in order to address incidents of urban decay and vacancy, ensure revitalisation and conservation of our built heritage; regeneration of underutilised sites/ buildings, and bring about long-term economic and social/ community development and sustainability.’*

## 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

landowners 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.

6.2.4. Section 9 of the Act 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.

6.2.5. Section 10 of the Act 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.

6.2.6. 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.

6.2.7. Section 14 of the Act provides that a Local Authority may acquire by agreement or compulsorily any derelict site situated in their functional area.

6.2.8. Section 15 of the Act sets out arrangements for giving notice, if the Local Authority intend to acquire a derelict site compulsorily.

6.2.9. Section 16 of the Act sets out arrangements if the owner/occupier wish 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. Site Inspection

7.1.1. I carried out my site inspection from the public road (The Glen, Morgan Street and surrounding area). The subject property is located west of the centre of Waterford City. Neighbouring properties are generally well maintained and are in good condition. The area has an attractive appearance.

7.1.2. The property has a neglected, unsightly and objectionable appearance from the public road and surrounding area. The houses (i.e. No.'s 38, 39 and 39A) which were previously on the site have been recently demolished. Timber hoarded has been erected around the site. The demolition of the houses from the site results in a significant gap in the street and has left the gable elevation of an adjoining property exposed. The subject property detracts significantly from the character and appearance of the street.

### 7.2. Category of Dereliction

7.2.1. Based on the condition of the subject property which I observed during my site inspection I do not consider that the site falls within category (a), of Section 3 of the Derelict Sites Act, 1990, which relates to structures which are in a ruinous, derelict or dangerous condition.

7.2.2. I consider that the site falls 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. I particularly note that the subject property/site is located at a prominent location and busy junction close to the centre of Waterford City and is located alongside buildings which are for the most part attractive and well maintained. The

demolition of structures and erection of the timber hoarding significantly diminishes the amenity of the area.

7.2.3. I did not observe the presence of litter, debris, rubbish or waste at the subject property and as such I do not consider that the site falls within category (c) of Section 3 of the Act.

7.2.4. 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.

### 7.3. Action of the Local Authority

7.3.1. Dereliction would appear to be an issue at the subject property since 2010. WCCC served Section 8(2) and 8(7) Notices on the owners of the property in 2010 and 2011 respectively. In 2013 WCCC served a Section 11 Notice on the owners of the property requiring specified measures to be carried out to address the condition of the property. I note that these measures were not complied with and dereliction remained an issue at the property. WCCC engaged with the owners of the property on multiple occasions throughout this period in an attempt to have the condition of the property addressed. I also note that summons were served on the property owners but WCCC had various court dates adjourned to allow further time for the property owners to address the condition of the property. Based on the information contained in WCCC's Derelict Sites report I note that addressing the condition of the property appears to have been affected by difficulties in financing the redevelopment of the site. Furthermore, it appears that the process of having the ownership of the property changed may have further delayed progress. Section 15 Notices were subsequently served by WCCC on the 25<sup>th</sup> of August 2023.

7.3.2. I note that Local Authorities have a duty (under section 10) "to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any such land does not become/continue to be a derelict site." Based on the information on the file I note that WCCC have attempted over a significant period to have the site rendered non-derelict, issuing Section 8(2), 8(7) and Section 11 Notices. WCCC have also met with the owners of the property on several occasions over a considerable

period of time. It is clear that WCCC have attempted to address the issue of dereliction at the property with the owners of the property. Having regard to the forgoing I am satisfied that the Local Authority gave the property owners sufficient time and opportunity to address the dereliction and have explored other means of achieving the aim of rendering the property non-derelict. Therefore, I am satisfied that the efforts of the Local Authority have been fair and reasonable.

#### 7.4. Compliance with Development Plan

7.4.1. I note that the Waterford City and County Development Plan 2022-2028, and specifically Objective Place 01 which seeks to facilitate the re-use and regeneration of derelict land and buildings and, use statutory powers under the Derelict Sites Act 1990 to address issues of dereliction, Objective H06 which similarly seeks to utilise the Derelict Sites Act 1990 to remove dereliction and vacancy, and Objective ECON 7 which seeks to address urban decay and vacancy. The property would appear to be in a derelict state for approximately 14 years. Therefore, I consider that the proposed compulsory acquisition of the property would be consistent with the policies and objectives of the Development Plan and will ensure that the lands do not continue to be in a derelict condition.

#### 7.5. Action of the Owner to Address Dereliction

7.5.1. The objections submitted in respect of the Section 15 Notice intimates that the owners intend on lodging a planning application which would address the condition of the subject property. From reviewing WCCC's planning portal I note that to date no planning application has been lodged. No.'s 38, 39 and 39A have been demolished since the lodgement of the proposed compulsory acquisition to the Board. The demolition of the terrace of houses from the site does not in my opinion address the appearance of the site and it remains in a derelict condition, as per the definition contained in Section 3 (b) of the Derelict Site Act 1990. Moreover, the demolition has resulted in a significant gap in the streetscape and the demolition of the houses has also exposed the gable of an adjoining house, which together with the extensive hoarding significantly detracts from the amenity of the area. It therefore remains that the derelict condition of the land is having a significant adverse effect on the amenities and appearance of the area. From reviewing the information in WCCS's Derelict Sites

report I note that the property owners indicated at a meeting on the 12<sup>th</sup> of September 2023 that funding was available to facilitate the refurbishment of the properties, but that the redevelopment of the site would require more funding. Given that the buildings have now been demolition refurbishment is now not feasible. Based on this information I am not satisfied that there is likely to be a timely resolution to the condition of the property/site. I further note that there is no valid planning permission in place to facilitate the redevelopment of the site.

- 7.5.2. I note that owners have obligations (under section 9 of the Act) to “take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site”. It is now approximately 13/14 years since Section 8 Notices were served, and c.10 months since the Local Authority served the Section 15 notice of intention to acquire the site compulsorily. Having inspected the site, there is no evidence of any further attempt to render the site non-derelict and the property remains in a neglected and unsightly condition. I therefore consider that the site remains in a derelict condition.
- 7.5.3. Reference is made in one of the objections to the proposed compulsory acquisition landlocking part of the site. I note that issues of severance would be addressed through the arbitration process should the Board be minded to consent to the proposed compulsory acquisition of the property. I also note that the acquiring authority are seeking to acquire the entire landholding and it is not clear where the potential for landlocking to occur would arise.
- 7.5.4. Having regard, therefore, to all of the information available on the file 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 No.’s 15, 16 and 17 Morgan Street and No.’s 38, 39 and 39A The Glen, Waterford is granted.

## 8.0 Conclusion

- 8.1. I am satisfied that the process and procedures undertaken by Waterford City and County Council have been fair and reasonable, that the Local Authority has

demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.

- 8.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the acquisition of the Derelict Site, No.'s 15, 16 and 17 Morgan Street and No.'s 38, 39 and 39A The Glen, Waterford, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 25<sup>th</sup> August 2023 and on the deposit map (Ref. CPA 2023 -08, Plots 101, 102 and 103), pursues, and is rationally connected to, a legitimate objective in the public interest, namely, to ensure that the lands do not continue to be in a derelict condition.
- 8.3. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in submissions to the Board, and am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the proposed compulsory acquisition of the property made by the acquiring authority unreasonable or disproportionate.
- 8.4. The effects of the proposed compulsory acquisition on the rights of the affected landowner(s) are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands would be consistent with the policies and objectives of the Waterford City and County Development Plan 2022-2028, and specifically Objective Place 01. Objective H06 and Objective ECON 7, which seeks to facilitate the re-use and regeneration of derelict land and buildings and, use statutory powers under the Derelict Sites Act 1990 to address issues of dereliction. Accordingly, I am satisfied that that the confirmation of the proposed compulsory acquisition is clearly justified by the exigencies of the common good.

## 9.0 Recommendation

- 9.1. Having regard to the observed condition of the application site, in particular the neglected, unsightly and objectionable state of the land, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.

9.2. 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 that the Board grant consent to Waterford City and County Council to compulsorily acquire the site.

## 10.0 Reasons and Considerations

10.1. Having regard to the neglected, unsightly and objectionable state of the land, and having considered the objections 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,

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. It is also considered that the objections made cannot be sustained having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Ian Campbell  
Planning Inspector

1<sup>st</sup> July 2024