



An
Bord
Pleanála

Inspector's Report ABP-319627-24

Development

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

Location

29 Great George's Street, Waterford.
Eircode: X91 YH92

Local Authority

Waterford and City County Council

Notice Party

Una Hayden

Date of Site Inspection

1st August 2024

Inspector

Frank O'Donnell

1.0 Introduction

- 1.1. This case relates to a request by Waterford City and County Council for the consent of An Bord Pleanála to the compulsory acquisition of the subject site at no. 29 Great George's Street, Waterford City, 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 application for consent for compulsory acquisition (referred to hereafter as the 'subject property') is located at no. 29 Great George's Street, Waterford. The subject property comprises a terraced three-bay three-storey house with a vacant shopfront at ground floor level. The subject property is located within the retail core and is positioned to the west of the entrance into George's Court Shopping Centre.
- 2.2. The subject property, comprising 3 no. floors, has an overall site area of 0.0073 hectares (73 sqm). The ground floor is stated to measure 0.0069 hectares (69 sqm), the first floor is stated to measure 0.0073 hectares (73 sqm) and the second floor is stated to measure 0.0073 hectares (73 sqm). This equates to a combined floor area of 215 sqm. It should be noted that the subject property is separate and distinct from no. 29A Great George's Street, which is a vacant ground floor shop unit/ former café (archway/ carriageway) positioned adjacent, to the immediate north-west of the subject property.
- 2.3. The subject property, no. 29 Great George's Street, is listed as a Protected Structure (Ref. no. WA730137) and is described as '*the Vintage Factory/Arch Coffee Shop (carriageway)*,' see Appendix 9 of the Waterford City and County Development Plan, 2022 to 2028. The site is also listed on the National Inventory of Architectural Heritage (NIAH) (Ref. 22501098). The subject property is also located within the Waterford City Architectural Conservation Area (ACA) and within a General Conservation Area.
- 2.4. Other notable properties along this side of the street include T&H Doolan's Public House at no's 31, 32 & 33 Great George's Street, listed as Protected Structures (Ref. No's. WA730137 and WA730142) and George's Court Shopping Centre at 26-28

Great George's Street, the façade of which is also listed as a Protected Structure (Ref. No. WA730805).

2.5. On the day of my site inspection, the property was closed and unoccupied and I was unable to gain entry to the interior. Based on a comparison of photographs attached to the Local Authority's Compulsory Acquisition Report (dated 13th February 2024) I note there is no significant change to the front exterior of the subject property. I specifically note the following:

- The overall property is in a poor state of repair.
- At ground floor level, the timber shop front and signage are showing signs of significant decay. This is particularly evident at the base of the 2 no. windows where the window frames have begun to rot, and paint has for the most part peeled away.
- The signage board above the shopfront also shows similar damage to the timber fascia in terms of rotting timber and peeling paint.
- The right-hand signage light above the fascia is damaged and trailing down onto the fascia signage board.
- There is vegetation present at ground floor level above the archway and to the right-hand side of the shopfront.
- Both the subject shop unit and the adjacent and separate archway unit were vacant at the time of the inspection.
- All 3 no. windows at first floor level were boarded up. Vegetation was present at the base of the centre window and to the right-hand side of the building.
- All 3 no. windows at second floor level were also boarded up and there was some vegetation present to the left-hand side.
- The front elevation, particularly the upper first and second floors were unsightly and in need of cleaning/ power-washing and painting. The left side second floor elevation was in a similar condition.

3.0 Application for Consent for Acquisition

- 3.1. Waterford City and County Council 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 Waterford City and County Council serving a notice under Section 15 of the Act on the Derelict Sites Act, 1990, as amended, (i.e. advising of the Local Authority's intention to acquire compulsorily under the said Act, the derelict site as described).

4.0 Application and Objection

4.1. Notice of Intention to Acquire

- 4.1.1. Notice of Waterford City and County Council's intention to compulsorily acquire the site was served upon the owners/ occupiers (Una Hayden) dated the 16th February 2024 and was published in the Munster Express dated 27th February 2024. The site was described in the notices, as follows:

- **All that and those the property known as 29 Great Georges Street, Waterford, Plot 101 – Ground floor covering and area of 0.01719 acres, Plot 102 – First Floor covering an area of 0.01828 and Plot 102 – Second floor covering an area of 0.01828 or thereabouts, in the District Electoral Division of Tramore – Waterford City West and as more particularly delineated on Map Ref. CPA 2024 – 01.**

- 4.1.2. I consider 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. 1 no. submission (by and on behalf of the property owner) expressing objection to the proposed acquisition was submitted to Waterford City and County Council.
- 4.2.2. The objection to the proposed acquisition was submitted to Waterford City and County Council by Una Hayden, dated 29th March 2024. The objection can be summarised as follows:
- The Registered Owner (Una Hayden) objects to the compulsory acquisition order on the following grounds:

- The Registered Owner is anxious to work with the Council to restore the property.
- To this end they wrote to a stated to be enclosed letter to the Council requesting their assistance in relation to the relevant grant aid for the project. 2 no. leaflets were recently received outlining possible options.
- The stated enclosed letter is dated 15th December 2023 and is from the Registered Owner to a Local Authority employee. The letter refers to the Registered Owner's intention to upgrade the property but seeks details of available grants for same. The said information is stated to have not been received at the time of the letter. A requirement for detailed information is stressed in the letter. The information is stated to be required urgently and clarity on financial outlay in order to progress the project. The Registered Owner also respectfully requests that the property not be entered onto the Derelict Sites Register in order to allow the Registered Owner the space needed to deal with this matter.
- It is stated in the letter that the Registered Owner has since met with the Senior Executive Planner who has agreed to send information as to the next steps that the Registered Owner needs to take in order to reverse the 'derelict site' status.
- It is stated that it is sincerely hoped that the Council will look favourably upon the request do not compulsorily acquire the property as the Registered Owner needs time and space to do this work.

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 received on 30th April 2024 and included the following:

- Copy of a letter from the Owner/ Reputed Owner dated 15th December 2023 to the Local Authority which refers to the intention of the Owner/ Reputed owner to upgrade the property, previous discussions with the Local Authority wherein details of available grants for same were to be forwarded to Owner/

Reputed Owner, a repeated request for such information and the urgency for said information and clarity as to the financial outlay in order to progress the project. The Registered Owner also respectfully requests that the property not be entered onto the Derelict Sites Register in order to allow the Registered Owner the space needed to deal with this matter.

- Copy of a Compulsory Acquisition Map, Scale 1:500, including 3 no. plots (Plot 101 Ground Floor, Plot 102 First Floor and Plot 102 Second Floor), ref. CPA 2024-01, Drawing 001.
- Copy of Derelict Sites (Compulsory Acquisition) Report dated 13th February 2024 including 1 no. appendix (Ownership Investigations).
- Copy of Chief Executive Order (Derelict Act, 1990) pertaining to the subject property dated 16th February 2024.
- Copy of Notice (Derelict Sites Act, 1990 (as amended by the Planning and Development Act, 2000) dated 16th February 2024.
- Copy of a Letter to the Owner/ Reputed Owner re Notice of Intention to Acquire the Subject Property Compulsory under the Derelict Sites Act, 1990, (as amended by the Planning and Development Act, 2000) dated 26th February 2024.
- Copy of An Post Registered Post/ Certificate of Posting 5 no. Registered Letters, dated 26th February 2024.
- Copy of extract from the Munster Express Newspaper showing the published Notice dated 27th February 2024.
- Copy of a letter of Objection from the Owner/ Reputed Owner to the Local Authority dated 29th March 2024.
- Copy of a letter from the Local Authority to the Owner/ Reputed Owner acknowledging the letter of Objection dated 02nd April 2024.
- Copy of a cover letter from the Local Authority to An Bord Pleanála pertaining to the subject Compulsory Purchase Acquisition dated 30th April 2024.

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

- The Derelict Site Report is dated 13th February 2024, (Derelict Sites Register: DS23037, Property Management Reference: CPA 2024-No. 01).
- The Report relates to the subject property, 29 Great George's Street, Waterford City. It is stated in the Report that the property is not registered on Land Direct. The property is stated to be derelict and vacant.
- The Report finds that having inspected the property, it is a Derelict Site under Section 3 of the Derelict Sites Act, 1990.
- The Report includes the following Recommendation:
 - *'Having regard to the observed condition of the property at 29 Great George's Street, Waterford City, 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.*
 - Subsequently, it is considered reasonable that the local authority seeks to compulsorily acquire the land as outlined in Figure 1, as provided by Section 14 of the Act.'*
- The Report indicates the Owner/ Reputed Owner as Una Hayden.
- The property/ site is described as a terraced three-bay three-storey house with shopfront inserted into the ground floor. It is stated that the overall property is in a very poor state of repair. In particular, the following is stated:
 - There is vegetation growing from the downpipes and windows at first floor level.
 - The painted rendered walls to the front façade and the rendered wall to the rear are in very poor condition.
 - Window openings on first and second floor levels on front façade are boarded up.
 - Several windows to the rear are missing and most of them are in an extremely poor state of repair.

- It is stated that in order to mask the dereliction of the property in 2020 the Local Authority placed images in the front window. In this regard reference is made to images A & B of the Report.
- It is noted in the Report that the adjoining property at no. 29A George's Street (The Arch) is listed as a Protected Structure (RPS WA730137) and is stated to be separate ownership to the subject property (no. 29 George's Street). It is stated that no. 29 George's Street is not listed on the Record of Protected Structures but is listed in the National Inventory of Architectural Heritage (NIAH) (Ref. no. 22501098). The site is stated to be within the Architectural Conservation Area (ACA) for Waterford city.
- The Report includes a detailed History of the subject Derelict site/ case. In summary, this includes the following main stages:
 - On 31st March 2023 a Section 8 (2) Notice (Derelict Sites Act, 1990) was issued by Registered Post to the Owner/ Reputed owner of the property. A copy was affixed to the property. No response was received to this notice by the Planning Authority. It is stated that no material change to the property was undertaken.
 - On 20th April 2023 a Section 8 (7) Notice (Derelict Sites Act, 1990) was issued by Registered Post to the Owner/ Reputed owner of the property. A copy was affixed to the property. No response was received to this notice by the Planning Authority. It is stated that no material change to the property was undertaken.
 - On 27th of January 2023 and prior to the property being added to the Derelict Sites Register, a Section 11 Notice (Derelict Sites Act, 1990) was issued by Registered Post to the owner of the property. The said Section 11 Notice is stated to have set out several works that were considered necessary, in order to address dereliction at the site. The works are stated to include the cleaning and repainting of the façade of the property, the removal of vegetation from the roof and façade and the repair of rainwater goods. It is stated that the notice was not complied with.

4.4. Objector's Submission

4.4.1. No objector's submission was received by An Bord Pleanála.

4.5. Oral Hearing

4.5.1. No request has been received for an Oral Hearing.

5.0 Planning History

5.1. Planning History

- None on file for the application site.

6.0 Legislation and 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 to do so.
- 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.
- 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.
- 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 intends 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. **Waterford City and County Development Plan 2022 to 2028**

- 6.2.1. The subject property is within the defined settlement boundary for Waterford City and is zoned Town Centre on the Waterford City Council Land Use Zoning Map, 2022 to 2028. The relevant zoning objective for Town Centre lands is to *‘provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses.’*

6.2.2. The following policy objectives are of relevance to the subject proposal:

Economic Policy Objectives

- **ECON 04:** City and Town Centre First Approach. This Policy Objective seeks to *‘support national policy as stated in Town Centre First: A Policy Approach for Irish Towns (DHLG&H/ DRCD) 2022 across Waterford City and County.’* The Policy states that *‘when considering advancing local authority initiatives, and submitted development proposals, we will adopt a city and town and city centre first approach in a manner consistent with the principles of compact growth and mixed-use development, as committed to in ‘Town Centre First’.* It is further stated in the same policy that the council supports *‘Incentivising the regeneration, upgrading and reuse of underused and vacant building stock.’*
- **ECON 07:** Active Land Management. This Policy Objective seeks to *‘carry out the functions of the local authority in a co-ordinated manner in order to assist in the proactive targeting of underutilised, vacant and derelict lands and buildings, and general building stock, in pursuing the achievement of the policy objectives of this Development Plan).* It is stated that the said policy objective will be achieved/ assisted by a series of measures which include, inter alia,
 - *‘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).*
 -
 - *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;*
 -

- *Targeted collection and appropriate use of the vacant sites levy as a site activation measure to ensure the beneficial (re)use of vacant land....'*

Regeneration Policy Objectives

- **H 06:** *We will utilise our 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.*

General Placemaking Policy Objective

- **Place 01:** This Policy Objective includes a number of measures which are of relevance to the subject property and include the following:
 - *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.*
 -
 - *Use specific powers, such as the compulsory purchase orders (CPO's) 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.*

7.0 Assessment

7.1. Site Inspection

- 7.1.1. I carried out my site inspection on 1st August 2024. Internal access to the building was not available. I inspected the front exterior of the property only from Great George's Street. I inspected the interior of the larger shop unit and the archway from the exterior. I did not inspect the rear of the subject property.

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 subsection (a), which relates to structures which are in a ruinous, derelict or dangerous condition. Having inspected the site and reviewed the material on the file, I do not consider that the structure(s) are likely to be in a dangerous condition, or that they could be considered ruinous. The subject property is for the most part protected from the elements and the windows on the upper floors have been boarded up. Therefore, I do not consider that the condition of this structure results in the property being considered to fall under subsection (a).
- 7.2.2. In respect of subsection (b) of the of Section 3 of the Act I note that no works have been undertaken to address the indicators of dereliction. I further note the general appearance of the property having a neglected, unsightly and objectionable condition and I consider that the site falls within subsection (b) of Section 3 of the Derelict sites Act, 1990. I particularly note that the subject property is listed as a Protected Structure (Ref. WA730137), is included on the National Inventory of Architectural Heritage (NIAH) (Ref. 22501098), is located within an Architectural Conservation Area and is located alongside buildings which are for the most part attractive and well maintained.
- 7.2.3. I do not consider the property falls within subsection (c) of Section 3 of the Act as there was no rubbish evident at the time of my inspection.
- 7.2.4. In conclusion, I consider that the property detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, which in my view, renders it derelict under Section 3 of the Act.

7.3. Action of Local Authority

- 7.3.1. The Derelict Sites Compulsory Acquisition Report of the Local Authority dated 13th February 2024 sets out the engagement between the Local Authority and the Owner/ Reputed Owner/s of the property. Under the heading of History of Derelict Site Case the chronology of events includes the follows:
- **27th January 2023:** A Section 11 Notice under the Derelict Sites Act, 1990, was served by Registered Post to the owner of the property. Several works

were set out in the Notice that were considered necessary in order to address dereliction at the site. The works are stated to include the cleaning and repainting of the façade of the property, the removal of vegetation from the roof and facade and the repair of rainwater goods. It is stated that the Notice was not complied with.

- **31st March 2023:** A Section 8 (2) Notice under the Derelict Sites Act, 1990, was served by Registered Post to the Owner/ Reputed Owner of the property and a copy of said Notice was affixed to the subject property. The Planning Authority received no response and no material change to the condition of the property was undertaken.
- **20th April 2023:** A Section 8 (7) Notice under the Derelict Sites Act, 1990, was served by Registered Post to the Owner/ Reputed Owner of the property and a copy of said Notice was affixed to the subject property. The Local Authority state that the Planning Authority received no response and no material change to the condition of the property was undertaken.
- **8th September 2023:** Following a phone call with the Owner/ Reputed Owner a letter was issued by Registered Post to the said Owner/ Reputed Owner requesting an on-site meeting to discuss the property. It is stated that no Response was received from this letter.
- **1st December 2023:** It was identified that the address use for this site 'No. 29a Great George's Street' was incorrect. The property in question should be referred to as 29 Great George's Street. All Notices were re-issued again using the correct address. A Section 8 (2) Notice was therefore served under the Derelict Sites Act, 1990 on 5th December 2023.
- **5th December 2023:** As noted above, a repeat Section 8 (2) Notice was served under the Derelict Sites Act, 1990. The notice was issued to the Owner/ Reputed Owner by registered post and a copy was affixed to the property.
- **15th December 2023:** The Owner/ Reputed Owner sent a letter to the Local Authority which referred to their intention to upgrade the property but seeking further details as to grants available in relation to same. (The Section 8 (2)

Notice under the Derelict Sites Act, 1990, issued on 5th December 2023, is stated by the Local Authority to have been accompanied by a leaflet outlining all available grants and included links to websites where more information could be accessed). The Local Authority state that in the letter the Owner/ Reputed Owner states that she does not have the use of a computer and requested that detailed written information be provided in relation to available grants. The Local Authority state that the said letter was acknowledged on 17th January 2024 and that a further letter was sent to the Owner/ Reputed Owner on 18th January 2024 requesting that the Owner/ Reputed Owner makes contact with the Derelict Sites Team to arrange a meeting to discuss available grants. It is stated in the Derelict Site Compulsory Purchase Report that the Planning Authority received no response to this letter.

- **1st February 2024:** A Section 8 (7) Notice under the Derelict Sites Act, 1990, was issued by Registered Post to the Owner/ Reputed Owner and affixed to the property. The Local Authority state that the Planning Authority received no response and no material change to the condition of the property was undertaken.

- 7.3.2. A Notice of the Local Authority's intention to Compulsorily Acquire the property under Section 14 of the Derelict Sites Act, as amended, dated 16th February 2024, was issued to the Owner/ Reputed Owner on 26th February 2024 and published in the Munster Express Newspaper dated 27th February 2024.
- 7.3.3. Under Section 10 of the Derelict Sites Act 1990, as amended, it is noted that the Local Authority has a duty '*to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any land situate in their functional area does not become or continue to become a derelict site.*'
- 7.3.4. I note that in using its powers to Compulsorily Acquire the property, as set out in the Derelict Sites Compulsory Acquisition Report, the Local Authority sets out relevant policy objectives from the Waterford City and County Development Plan, 2022 to 2028. As part of the Description of the CPO Context, the Local Authority refer to the third round of the Urban Generation and Development Fund (URDF) which in addition to aiming for the delivery of compact and sustainable growth and development, as set out within Project Ireland 2040, is specifically designed to focus

on and address dereliction and long-term vacancy in URDF Cities. The Local Authority consider that this compliments the Housing for All plan in terms of bringing vacant homes back into productive use.

- 7.3.5. I accept that the Local Authority has taken steps in consultation with the Owner/ Reputed Owner of the subject property to bring the property out of dereliction. Based on the chronology of events relating to the subject Derelict Site Case as set out in the Local Authority Derelict Sites Compulsory Acquisition Report I note that an initial Section 11 Notice was served by Registered Post to the 'owner' of the property on 27th January 2023 and that this was followed by a Section 8 2) Notice issued on 31st March 2023 and a Section 8 7) Notice issued on 20th April 2023 to the Owner/ Reputed Owner. It is further noted that once the Local Authority discovered the address to be incorrect a repeat Section 8 2) Notice and a repeat Section 8 7) Notice were issued on the 5th and 1st February 2024 respectively. It is further noted that reference is made in the Report to additional contact between the Local Authority and the Owner/ Reputed Owner on 8th September 2023 (Phone Call/ Letter) and 15th December 2023 (Letter received from the Owner/ Reputed Owner). Finally, it is noted that a letter of objection from the Owner/ Reputed Owner to the compulsory acquisition dated 29th March 2024 was received by the Local Authority on 02nd April 2024, i.e. within the stipulated timeframe set out in the Section 14 Notice. Having regard to the foregoing I am satisfied that the Local Authority gave the property owner sufficient time and opportunity to address the dereliction. 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 the Waterford City and County Development Plan, 2022 to 2028, and specifically Policy Objectives ECON 04, ECON 07, H 06 and Place 01, which seek, inter alia, to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment. The subject property is in a derelict state and is understood to have been vacant for a considerable length of time (in excess of at least 19 months, i.e. at least since the issuing by the Local Authority of the initial Section 8 2) Notice on 27th January 2023). I consider that the subject property detracts to a material degree from the character and appearance of the surrounding area. Therefore, I consider that the subject property and a compulsory purchase

order (CPO) 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. I note the objection to the proposed compulsory acquisition lodged for and on behalf of the Registered Owners of the property which was received by the Local Authority on 2nd April 2024 (dated 29th March 2024). The Owners/ Reputed Owners state they are anxious to work with the Council to restore the property and refer to previous correspondence seeking information as to available Grants. The Local Authority state that information in the form of leaflets and links to relevant websites was forwarded to the Owners/ Reputed Owners on 5th December 2023 along with the reissued Section 8 2) Notice. The Owner/ Registered Owners seek additional time and space to do renovation works and request that the Local Authority do not compulsorily purchase the subject property.
- 7.5.2. At the time of my site inspection the property was vacant and as noted further above was in a derelict state. There is no evidence of any significant action having been taken by the Owner to Address Dereliction.

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 land to be 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 proposed acquisition of the Derelict Site comprising the site and premises situate at and known as 29 Great George's Street, Waterford, X91 YH92, containing Plot 101 – Ground Floor covering an area of 0.0069 hectares (0.01719 acres), Plot 102 – First Floor covering an area of 0.0073 hectares (0.01828 acres) and Second Floor covering an area of 0.0073 hectares (0.01828 acres) or thereabouts, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 16th February 2024 and on the deposited map CPA 2024-01, (Drg. No. 001), pursues, and was 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 the 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 compulsory acquisition by the acquiring authority unreasonable or disproportionate.
- 8.4. The effects of the compulsory acquisition on the rights of affected landowners 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 Policy Objectives ECON 04, ECON 07, H 06 and Place 01, which seek, inter alia, to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment. Accordingly, I am satisfied that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

9.0 Recommendation

- 9.1.1. Having regard to the observed condition of the site, in particular the derelict condition, the unsightly and objectionable condition of the land and the structure thereon, 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.
- 9.1.2. I consider it 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

- 10.1.1. Having regard to the derelict condition, unsightly and objectionable condition of the site, the poor state of repair of the external walls and windows and the visible

presence of vegetation growing within the property 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 objection 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.

Frank O'Donnell
Planning Inspector

23rd August 2024