



An
Coimisiún
Pleanála

Inspector's Report ABP-322350-25

Development

Derelict Site at 15, The Glen,
Waterford City

Location

15 The Glen, Trinity Without, County
Waterford

Local Authority

Waterford City and County Council

Notice Party

Mark Walsh

Date of Site Inspection

01st July 2025

Inspector

Bernadette Quinn

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 15 The Glen, 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 on The Glen, a street comprising a mix of residential and commercial premises located close to the centre of Waterford City.
- 2.2. The subject property is a mid terrace two storey dwelling located on the east side of The Glen. The site has a stated area of approx. 0.0037 hectares. The dwelling directly adjoins an adjacent public footpath.

3.0 Application for Consent for Acquisition

- 3.1. Waterford City and County Council applied to the Board for consent to compulsorily acquire the site under Section 16 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to the serving of notices as follows:
- Section 8(2) Notice on 27th June 2023 (advising of the Local Authority's intention to enter the site on the register of derelict sites).
 - Section 8(7) Notice on 23rd August 2023 (advising of the Local Authority's decision to enter the site on the register of derelict sites).
 - Section 15(1)(b) Notice dated 19th February 2025 notifying of the Local Authority's intention to acquire the site compulsorily.
 - Section 15(1)(a) Notice published in a local newspaper dated 25th February 2025 notifying of the Local Authority's intention to acquire the site compulsorily.

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 acquire the site compulsorily was served on the owners/occupiers/lessee Mark Walsh on the 24th February 2025 and was published in the Munster Express newspaper dated 25th February 2025. The site was described as follows in the notice:

- The property known as 15 The Glen, Waterford City, covering an area of 0.0093 acres or thereabouts, in the District Electoral Division of Tramore-Waterford City West and as more particularly delineated on Map Ref. CPA 2025-03.

- 4.1.2. I consider that the notice was 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. An objection to the proposed compulsory acquisition was submitted to Waterford City and County Council by the owner Mark Walsh dated 25th March 2025. The objection can be summarised as follows:

- Numerous works have been carried out on the property including a new roof, new chimney, new windows, gutters, and the whole house newly plastered.
- The house has been broken in to and the front door damaged, lead removed from the roof. Damage has been repaired and the property is secured and it is very far from derelict.
- Money has been spent on the property and it is hoped to finish work in the summer and have the property rented out.

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 is dated 22nd April 2025 and was accompanied by the following:
- Local Authority Derelict Sites Report dated 21st June 2023.

- Copy of Section 8(2) notice of intention to make an entry on the Derelict Sites Register to Mark Walshe dated 27th June 2023.
- Copy of Chief Executive's Order dated 23rd August 2023 regarding entry of the property at 15 The Glen onto the Derelict Site Register and Notice of same to Mark Walsh dated 23rd August 2023.
- Local Authority Compulsory Acquisition Report (i.e. Derelict Site report) which sets out the Local Authority's strategic approach to the derelict sites in the county, a description of the site, the background to the case and the details of correspondence to the owner. The report included photographs and a site location map.
- Copy of Compulsory Acquisition Site Location Map.
- Copy of cover letter to the Notice Party Mark Walsh dated 24th February 2025.
- Copy of the Section 15 Notice served on the owners/ occupiers/ lessee of the site dated 19th February 2025.
- Copy of the newspaper notice published in the Munster Express newspaper dated 25th February 2025.
- Copy of the objection made by the Notice Party Mark Walsh.

4.3.2. The Derelict Site CPA report can be summarised as follows:

- The Urban Regeneration and Development Fund (URDF) aims to deliver compact and sustainable growth and development with the third round specifically designed to address long-term vacancy and dereliction in URDF cities and towns to accelerate the provision of residential accommodation. This compliments the Housing for All plan which seeks to ensure existing vacant homes are brought back into productive use and is a key priority in sustainable development within communities.
- In line with the identified need to bring existing derelict and long-term vacant properties into use for residential and other purposes, WCCC seek to compulsory acquire the derelict and vacant property at 15 The Glen, Trinity Without, Waterford.

- The condition of the site, which contains a two-storey mid-terrace property, is described as follows:
 - The site is a long term vacant and derelict terrace property and is not a protected structure
 - No. 14 The Glen is on the National Inventory of Architectural Heritage (NIAH)
 - The site is to the west of the architectural conservation area (ACA) around Ballybricken and The Glen,
 - The site is just outside of the 'Town Centre Zone'.
 - To the rear of the property is a small open space walled garden and over the northern boundary lies the rear of the now derelict pub 'The Showboat' where permission has been granted for significant development works.
 - The property appears not to be occupied.
 - The property is rendered with 1 no. front door boarded up.
 - The derelict and vacant property is in a very poor state of repair and the following issues identified:
 - The property is neglected, unsightly and has an objectionable appearance from the public road and surrounding residential area i.e. windows are dirty, downpipes/gutters damaged and in need of replacement, cables loose on the façade, holes in the wall and roof tiles loose;
 - Signs of vegetation growing out of the open space to the rear;
 - Paint is flaking off the front elevation around the doorway and the plasterwork requires repair;
 - Entrance doorway is broken and boarded up with 'chipboard' timber sheet;
 - Slate cladding on the southern elevation is in need of repairs

- There has been no improvement or works undertaken on the property during the course of the dereliction process and no update on condition.
- The report outlines ongoing engagement with the owner since June 2023 and that there has been no material change to the property.
- The report concludes that the site is considered to materially detract from the character and amenity of the surrounding area, its condition is affecting neighbouring properties and it falls within the definition of a derelict site as set out by The Act.
- The site is zoned 'RS' Residential, is within the Waterford City settlement boundary and is a regeneration and opportunity site.
- The relevant Economic Policy Objectives of the Development Plan include Policy Objective ECON 04 City and Town Centre First Approach and Policy Objective ECON 07 relating to Active Land Management; Regeneration Policy Objectives H 06 and General Placemaking Policy Objective Place 01.
- Relevant Built Heritage Policy Objectives include Heritage Strategic Objectives, Policy Objective BH 08 Reusing our Built Heritage and Policy Objective BH 13 Vacant and Derelict Structures.
- The recommendation of the report states that having regard to the observed condition of the property at 15 The Glen, 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 the Act.
- The report states that it is considered reasonable that the local authority seeks to compulsorily acquire the land to render the site non-derelict and to prevent it continuing to be a derelict site.

4.4. Objectors Submission

A submission from the owner of the property can be summarised as follows:

- The property is far from derelict being newly plastered to the front, rear and sides, new windows to front and back, new chimney and prior to break-ins the front door was secure.
- Windows are new and secure.
- There is no vegetation on the property, a tree in the neighbour's yard is growing over the wall and the backyard is clear.
- The chimney is new and does not need repairing. Loose slates on roof belong to a neighbour's house.
- Guttering and downpipes are not damaged and are clear of debris.
- Windows are clean and front door has been repaired and freshly painted and the chipboard removed.
- A hole in the front wall to the right of the door has been fixed, a grill has been fixed to the wall.
- The house will be power washed and painted in the next few weeks.
- The property has been broken into as a result of squatters in adjoining properties.
- The owner is willing to sell the property for market value.

4.5. Oral Hearing

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

5.0 Planning History

5.1. No recent relevant planning history.

6.0 Policy and Legislation Context

6.1. Development Plan

6.1.1. The Waterford City and County Development Plan 2022 to 2028 is the operative plan and includes the following of relevance:

- The subject property is located within the settlement boundary of Waterford City and the functional area of the development plan.
- The site is within a Regeneration and Opportunity Site 'The Glen' with the stated vision 'Potential mixed. The development should address the street frontage of The Glen/ Penrose Land/ Thomas Street and be designed to an exceptional standard. The site has potential to accommodate taller building(s) at its western end nearest to the multi-storey car park.'
- The site is zoned 'RS - Existing Residential RS with the stated objective 'Provide for residential development and protect and improve residential amenity'. The site immediately adjoins land zoned TC-Town Core with the stated objective 'Provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses'.

6.1.2. The site is not within any Architectural Conservation Area, and the building is not on the Record of Protected Structures. The adjoining property to the south at no. 14 is included on the National Inventory of Architectural Heritage (NIAH).

6.1.3. The following policies and objectives are relevant:

Chapter 4 refers to Economic Development and includes Policy Objective ECON 04 City and Town Centre First Approach which states 'We will support national policy as stated in Town Centre First: A Policy Approach for Irish Towns (DHLG&H/ DRCD) 2022 across Waterford City and County. 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'.' This policy objective also states that the Council will promote, facilitate, and undertake works and initiatives aimed at incentivising the regeneration, upgrading and reuse of underused and vacant building stock.

6.1.4. Policy Objective ECON 07 Active Land Management states: 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), and in order to facilitate an Active Land Management approach to the sustainable growth and development of Waterford City and County. This will

be achieved/assisted by 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.

- 6.1.5. Chapter 7 deals with Housing and Sustainable Communities. Section 7.1 Regeneration and Active Land Management contains the following text: The National Planning Framework and the Southern Regional Spatial and Economic Strategy identify 'Compact Growth' as the means to deliver sustainable growth in our urban settlements. The Council is committed to consolidation, redevelopment and regeneration of infill, brownfield, underused, vacant and/or derelict sites within the existing urban footprints, rather than the continued sprawl of urban development into the open countryside.
- 6.1.6. Policy Objective H06 'we will 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.'
- 6.1.7. Chapter 8 deals with Placemaking and Policy Objective Place 01 contains the following of relevance:
- identify obsolete and potential opportunity sites within the City and County and encourage and facilitate the reuse 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.

6.2. Derelict Sites Act 1990 (as amended)

6.2.1. 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.

6.2.2. 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 –

(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. 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.

7.0 Assessment

7.1. Site Inspection

7.1.1. Internal access and rear access to the property was not possible on the date of my site inspection on 01st July 2025, however I was able to view the subject property from the public road. I was unable to view the rear garden.

7.1.2. My observations of the subject property on the day of site inspection include the following:

- The house appeared vacant.
- Windows at ground and first floor on the front elevation were intact. Windows at ground floor appear to be obscured from the inside.
- The front door was in poor condition and in need of repainting. The letter box has been sealed from the inside with chipboard. The wooden front door frame is in poor condition and in need of repair and painting. The plaster reveal surrounding the front door is peeling and needs repair and painting.
- Exposed wires are visible running from the eaves down the front elevation to the front door.
- There is a hole in the front wall below a window to the right of the front door.

- There is an unkempt and neglected appearance to the building.

7.1.3. The subject property is located within a terrace of dwellings with vacant commercial premises at either end of the terrace. A property to the east on the terrace is currently under renovation. A property to the west at no. 17 and the adjoining pub at no. 18 both have a neglected appearance and are included on the Local Authority Derelict Sites Register. Overall, I am satisfied that the subject property unduly detracts from the character of the streetscape and unduly impact on the visual amenities of the area. Properties in the neighbourhood overall were noted to be well maintained.

7.1.4. I have considered the images in the planning report of the Local Authority and I note that a timber sheet which was previously in place over the front doorway has been removed. Other than the removal of this timber sheet I have found no evidence of improvements or positive alterations on my site visit.

7.2. Category of Dereliction

7.2.1. I note that the Local Authority considered that the site, in particular its neglected and unsightly state, is considered to materially detract 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.

7.2.2. Based on the condition of the subject property which I observed during my site inspection I do not consider that the subject property falls within category (a) of Section 3 of the Act, 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 and I note that the windows, walls and roof appear intact. Therefore, on balance I do not consider that the condition of this structure results in the wider property being considered to fall under category (a) of Section 3 of the Act.

7.3. In respect of category (b) of Section 3 of the Act, I note the condition of the dwelling which has paintwork in poor condition on the front door, door frame and reveals, the presence of loose electrical wires on the front elevation, the presence of a hole in the front wall and the unpainted nature of the front elevation. I note that the general appearance of the property has a neglected, unsightly and objectionable condition

and I consider that the site falls within category (b) of Section 3 of the Derelict sites Act, 1990. I particularly note that the subject property is located in an established residential and commercial area. Whilst I note properties to the north at no. 17 The Glen and no. 18 The Glen are included on the Derelict Sites register, other properties in the vicinity of the appeal site are for the most part attractive and well maintained.

7.3.1. I do not consider the property to fall within category (c) of Section 3 of the Act as there was no rubbish evident at the time of my inspection.

7.3.2. Having regard to the category of dereliction as set out under Category (b) of Section 3 of the Derelict Sites Act 1990, as amended, it is my view that the structure is detracting to a material degree from the amenity, character, and appearance of land in the neighbourhood of the land in question which in my view renders it derelict under Section 3 of the Act.

7.3.3. It is my consideration that the appearance of the subject property has not materially changed or improved since the Section 15 Notice was issued. I consider that the subject property is detracting to a material degree from the amenity, character and appearance of land in the neighbourhood in question.

7.4. Action of Local Authority

7.4.1. I note the actions of the Local Authority, including their efforts to ascertain the owner and contact same as outlined in the planning report dated 13/02/2025. The report refers to the serving of a Section 8(2) notice on the owner on 27th June 2023 and 03rd July 2023 and that the notice was sent to the owner and affixed to the property. The report notes the Planning Authority received a phone call from the owner on 07th July 2023 and November 2023 and email correspondence from the owner on 13th November 2023. Further correspondence was received from the owner by phone call and email in March 2024 indicating the owners intent to carry out remedial works in the coming weeks. The planning report notes no material change in the condition of the property was observed as of week ending 14th February 2025.

7.5. The subsequent Compulsory Purchase Acquisition notice dated 19th February 2025 was served on the owner on 24th February 2025 noted that an objection could be lodged on or before 28th March 2025. A response was submitted by the owner on

25th March 2025 stating that numerous works have been carried out including a new roof, new chimney, new windows, gutters and the whole house newly plastered.

7.6. 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.” The Local Authority have engaged with the owners/occupiers since 2023 with regards to the derelict state of the property. Having regard to the above, I am satisfied that the local authority complied with the requirements of Section 8(2), Section 8(7) and Section 15 of the Derelict Sites Act 1990, as amended. In my view, the Local Authority has been fair and reasonable, giving the owner the time and opportunity to address the dereliction.

7.7. Compliance with Development Plan

7.7.1. I note that the Waterford City and County Development Plan 2022-2028 specifically Policy Objectives ECON 04, ECON 07, H06 and Place 01 and Section 7.1 and that a compulsory purchase order in this instance would comply with these policies and the zoning of the site. Therefore, I consider that the subject property and proposed compulsory acquisition 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.

7.8. Actions of the Owner to Address Dereliction

7.8.1. I note the removal of a timber sheet from the doorway and removal of what appears to be a satellite dish from the front elevation. I note that there is no evidence on the file and no evidence from the site visit that the owner or any agent of his has undertaken any further actions to address the dereliction.

7.9. I note that the objection to the proposed acquisition of the subject property made to Waterford City and County Council by the owner on 25th March 2025 outlines that numerous works have been carried out including a new roof, new chimney, new windows, gutters and the whole house newly plastered. Correspondence from the owner to An Coimisiun Pleanála dated 15th May 2025 states that the property is far from derelict, it has been newly plastered to the front, rear and sides, new windows at front and back, new chimney and prior to break ins the front door was secure; the back yard is clear with no vegetation, roof does not need repairing and loose slate referred to belongs to a neighbouring house, guttering and downpipes are not

damaged and are clear from debris, windows are clean, the front door has been repaired and chipboard removed and the door freshly painted, a hole in the front wall has been repaired and a grill fixed to the wall and that the house will be washed and painted in the next few weeks. No evidence or further details of these works has been included with the submission. At the time of my inspection of the subject property (01st July 2025), I noted that the measures to address the condition of the property outlined in the submission do not appear to have been carried out. Whilst I note the windows appear clean and secure, the front door, door frame and plaster reveals are in poor condition and unpainted, a hole remains in the front elevation, loose wires are hanging from the front elevation and the front elevation does not appear to have been washed or painted. The property continues to have a neglected appearance and be in a derelict state.

- 7.10. I note that owner/occupiers 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 my opinion that a significant time has passed since correspondence first issued to the owner regarding the subject property and its upkeep in June 2023 and correspondence to Waterford City and County Council by the owner in relation to works to be carried out to address the condition of the property. Having inspected the site, there is no evidence of any attempt to render the site non-derelict and the property remains in a neglected and unsightly condition. I am satisfied the proposed compulsory acquisition is proportionate given the circumstances of this particular case.

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 proposed acquisition of the Derelict Site comprising the site and premises situate at 15 The Glen, Trinity Without, Waterford covering an area of 0.0037 hectares or thereabouts, as set out in the Notice issued under Section

15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 19th February 2025 and on the deposited map ref. DS23124, 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 I 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, H06 and Place 01, which seek to actively address instances of dereliction and decay in the urban and rural environment and bring properties back into active re-use and to revitalise towns and villages. 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 application site, in particular the neglected, unsightly and objectionable state 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 neglected, unsightly and objectionable state of the land, having considered the objection made to the compulsory acquisition, and also:

- a) the constitutional and convention protection afforded to property rights,
- b) the public interest, and
- c) the provision 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 compulsory acquisition of the site by the Local Authority is necessary in order to render the site non-derelict and to prevent it from 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.

Bernadette Quinn
Planning Inspector

18th August 2025