



An
Coimisiún
Pleanála

Inspector's Report

ACP-322803-25

Development

Derelict site at Main Street, Ardmore,
County Waterford

Location

Main Street, Ardmore, County
Waterford

Local Authority

Waterford City and County Council

Notice Party

Estate of Mr. Michael O'Reilly
(deceased) c/o Mr. Dominic Creedon
of Dominic Creedon & Co Solicitors;
Ms. Ellen Mary Harris

Date of Site Inspection

15th August 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 Coimisiún Pleanála to the compulsory acquisition of the subject site at Main Street Ardmore, 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 application for consent for compulsory acquisition (referred to hereafter as the 'subject property'), is located on the northern side of Main Street in Ardmore village. The property contains a two storey dwelling located at the end of a terrace of two storey properties containing a mix of residential and commercial uses.
- 2.2. The front elevation of the dwelling directly adjoins an adjacent public footpath. There is an access lane running along the western boundary which leads to the rear garden of the subject site as well as serving other properties to the rear. The subject property as indicated on the Local Authority Compulsory Acquisition Maps comprises two plots, Plot 101 which comprises the rear garden and structures adjoining the rear elevation of the dwelling and has a stated area of 0.0107 hectares and Plot 102 which comprises the two-storey dwelling and has a stated area of 0.0063 hectares amounting to an overall site area of 0.017 hectares.

3.0 Application for Consent for Acquisition

- 3.1. Waterford City and County Council applied to An Coimisiún 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 dated 10th January 2025 (advising of the Local Authority's intention to enter the site on the register of derelict sites).
 - Section 8(7) Notice on 13th February 2025 (advising of the Local Authority's decision to enter the site on the register of derelict sites).

- Section 15(1)(b) Notice dated 16th April 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 April 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, the estate of Mr. Michael O'Reilly c/o Mr. Dominic Creedon of Dominic Creedon & Co Solicitors and Ms. Ellen Mary Harris on the 17th April 2025 and was published in the Dungarvan Leader newspaper dated 25th February 2025. The site was described as follows in the notice:

- The property known as Main Street, Ardmore, Co. Waterford, covering an area of 0.0265 acres or thereabouts, in the District Electoral Division of Dungarvan, Lismore and as more particularly delineated on Map Ref. CPA 2025-07-Plot 101.
- The property known as Main Street, Ardmore, Co. Waterford, covering an area of 0.0156 acres or thereabouts, in the District Electoral Division of Dungarvan, Lismore and as more particularly delineated on Map Ref. CPA 2025-07-Plot 102.

- 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 Dominic Creedon of Dominic Creedon & Co. Solicitors dated 23rd May 2025. The objection can be summarised as follows:

- Dominic Creedon is the Executor of the estate of the late Michael O'Reilly who in turn was the Executor of the estate of the late Alice Flynn Deceased.

- The site is not derelict within the meaning of the Derelict Sites Act and the estates of the late Michael O'Reilly and Alice Flynn are desirous of making arrangements for the purposes of remediating the property and restoring it to a standard such that the property is not derelict and as such nullifying the need for compulsory acquisition.
- The right is reserved to set out additional grounds in relation to the exercise by the Council of its powers under the legislation which arguably are being exercised in excess of the Councils powers under the Derelict Sites Act.

4.3. Local Authority's Application for Consent

4.3.1. The Local Authority requests the consent of An Coimisiún to the compulsory acquisition of the derelict site. The application for consent was received on 19th June 2025 and was accompanied by the following:

- Local Authority Derelict Sites Report dated 25th September 2024.
- Copies of Section 8(2) notice of intention to make an entry on the Derelict Sites Register addressed to The Owner, Main Street, Ardmore, Co Waterford P36R971; The late Michael O'Reilly c/o Dominic Creedon & Co Solicitors; and Mr Michael O'Reilly (deceased) c/o Dominic Creedon Solicitors dated 10th January 2025.
- Copy of Chief Executive's Order dated 13th February 2025 regarding entry of the property at Main Street Ardmore onto the Derelict Site Register and Notice of same to Michael O'Reilly (Deceased) c/o Dominic Creedon of Dominic Creedon & Co Solicitors dated 13th February 2025.
- Local Authority Compulsory Acquisition 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, a site location map and findings of ownership and site investigations.
- Copy of Compulsory Acquisition Site Location Map.
- Copy of the Section 15 Notice served on the owners/ occupiers/ lessee of the site dated 16th April 2025 and copy of cover letter to the Notice Parties, the

estate of Mr. Michael O'Reilly c/o Dominic Creedon and Ms Ellen Mary Harris, Ardmore, Co. Waterford dated 17th April 2025.

- Copy of the newspaper notice published in the Dungarvan Leader newspaper dated 25th April 2025.
- Copy of the objection made by Notice Party Dominic Creedon Solicitor.

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 'Flynn's', Main Street, Ardmore, Co Waterford, P36R971.
- The site is zoned 'RV' Rural Village and is located within the settlement boundary of Ardmore and Ardmore Architectural Conservation Area. St. Declan's Church and Ardmore Round Tower and its associated ecclesiastical monuments lies directly to the southwest some 300m away, Sites and Monuments Record R130567.
- The condition of the site, which contains a two-storey mid-terrace property, is described as follows:
 - The site is a derelict and long term vacant property which appears not to be occupied.
 - The property is rough cast rendered façade with a PVC front door in very poor condition.
 - The derelict and vacant property is in a very poor state of repair.

- The property is neglected, unsightly and has an objectionable appearance from the public road, the adjacent laneway and surrounding residential area i.e. (door and windows are dirty, downpipes/gutters damaged and in need of replacement, loose items on the roof, doors and windows require significant cleaning, repair and repainting);
 - Signs of severe vegetation overgrowth in the open space to the rear, with the side doorway to the laneway severely damaged;
 - Paint is flaking off the visible front and side elevations and around the doorway and window reveals, and the plasterwork requires washing/repair works;
 - Entrance doorway is partially discoloured from mould, with paint around the reveals peeling while internally curtains are drawn and in mouldy dirty and unsightly condition with the build up of debris on the window cills;
 - Roof tiles are loose and missing, and the overall roof needs tiles to be replaced and repaired to make the building weather tight again;
 - Gutters and downpipes are damaged, have vegetation in them, and / or sections are missing, requiring repair and replacement to ensure water is kept away from the public façade
- The history of the case is outlined, including first correspondence dated October 2024 with Mr Dominic Creedon, Solicitor acting on behalf of the estate of the late Mr. O'Reilly. This included a request to confirm Mr. Creedon's client's interest in the property, or every person who to his knowledge has any interest in the property within 14 days of the date of this first correspondence. No response to this request is included on the file.
 - Following issuing of section 8(2) notices and affixing same to the property in January 2025, contact was made with the Local Authority by persons who may have a claim to the property. Details of discussions between the Local Authority and persons who may have an interest in the property and further correspondence from Mr. Dominic Creedon are outlined in the report.

- Details of correspondence dated 23 Jan 2025 from Dominic Creedon Solicitor to the Local Authority outlines the stated legal position with regard to the title to the property which states that the late Michael O'Reilly took title to the property from the HSE. The letter states a copy of the Deed of Assurance from the HSE showing good title to the dwelling house is attached. The letter states that at the rear of the property is a garden which was held with the dwelling house, but which did not form part of the HSE title and would still be in the possessory title of the late Alice Flynn and her family and that her estate would have possessory title to it and that the title is not registered. The letter refers to a marked-up map by the late Vincent O'Connor depicting the portion of the garden that was subject to this possessory title. This map or evidence of the HSE Deed of Assurance are not attached to the file and a letter was issued to the solicitor from the Local Authority requesting same with no response received.
- It is considered that the site materially detracts from the character and amenity of the surrounding area, its condition is affecting neighbouring properties and as such falls within the definition of a derelict site as set out by the Act.
- Ownership and site investigations show land registry details for the plot to the rear (Plot 101) dated 14 Nov 1951 in the ownership of Ellen Mary Harris.
- 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.

4.4. Objectors Submission

No submission from the owner of the property was received by An Coimisiun.

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 Ardmore Village and the functional area of the development plan.
- The site is within the Ardmore Architectural Conservation Area.
- The site is zoned 'RV – Rural Village with the stated objective 'Protect and promote the character of the Rural Village and promote a vibrant community appropriate to available physical and community infrastructure'.

6.1.2. The building is not on the Record of Protected Structure or 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 An Coimisiún.

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 15th August 2025, however I was able to view the subject property from the public road and from the access laneway adjoining the western elevation of the site. I was able to view the rear garden from the laneway.

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 and secure.
- The front door was in place, intact and secure. The paintwork surrounding the front door and window openings is peeling and requires re-painting.
- The paintwork on the front elevation is peeling away where the elevation meets the footpath, otherwise, with the exception of around windows and doors, the front elevation is generally clean and in reasonable condition.
- The western side elevation has staining and requires cleaning or repainting.

- Rainwater goods are in place, albeit in need of painting, and appear intact.
- The roof appeared to have all roof tiles in place, however a number of roof tiles to the front of the property appear to be broken.
- A pedestrian access door to the rear garden is no longer in place. The door frame is in place and is in poor condition and appears rotten. The rear garden is visible through this opening.
- The rear garden is overgrown. A window serving a structure to the rear of the dwelling at ground floor is broken. It is unclear whether this structure is a garden shed or an extension to the dwelling.

7.1.3. The subject property is located in a prominent location on Main Street in Ardmore Village. The site is situated at the end of a terrace comprising two storey residential and commercial properties. I note properties in the vicinity of the site are, for the most part, attractive and well maintained. I note the condition of the dwelling which has areas of paintwork in poor condition surrounding the front door, windows and side elevation and appears to have a number of broken tiles on the roof. I also note the rear garden is overgrown, an access doorway to the rear garden is missing and there is a broken window on a structure to the rear of the dwelling. However, I note that the paintwork on the front elevation is generally in reasonable condition, windows and doors are intact, secure and in reasonable condition, and rainwater goods are in place. Having regard to the condition of the property when viewed from Main Street I do not consider the subject property unduly detracts from the character of the streetscape or that it unduly impacts on the visual amenities of the area.

7.1.4. I have considered the images in the planning report of the Local Authority and I have found no evidence of any works carried out since the application was submitted. I note that the door to the rear garden has been completely removed when compared to images in the Local Authority Planning Report. The door frame is still in place.

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.
- 7.2.3. In respect of category (b) of Section 3 of the Act, I note the condition of the dwelling which has areas of paintwork in poor condition surrounding the front door, windows and side elevation and a number of broken tiles on the roof. I also note the rear garden is overgrown, an access doorway to the rear garden is missing and there is a broken window on a structure to the rear of the dwelling. However, I note that the paintwork on the front elevation is generally in reasonable condition, windows and doors are intact, secure and in reasonable condition, and rainwater goods are in place. Whilst I note aspects of the property as outlined above require attention, I do not consider these elements detract to a material degree from the amenity, character or appearance of land in the neighbourhood. As such I do not consider the site is so neglected, unsightly or objectionable that it detracts to a material degree from the amenity, character or appearance of land in the neighbourhood. I therefore do not consider that the site falls within category (b) of Section 3 of the Derelict sites Act, 1990.
- 7.2.4. I do not consider the property to fall within category (c) of Section 3 of the Act as there was no substantial rubbish evident at the time of my inspection.
- 7.2.5. In conclusion, I do not consider that the property detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, which in my view, does not render it derelict under Section 3 of the Act.
- 7.3. Action of Local Authority
- 7.3.1. Under Section 10 of the Derelict Sites Act 1990, as amended, 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.'

7.3.2. 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 14/04/2025. A letter on file from Dominic Creedon solicitor to the Local Authority states that Mr Creedon is acting as the Personal Representative of the late Michael O'Reilly who had acquired the property in his capacity as Administrator of the Estate of Alice Flynn, deceased and that the Estate of Alice Flynn has an entitlement to the property. Land Registry details are attached to the file for the rear garden and are dated 14 Nov 1951 in the ownership of Ellen Mary Harris. I note that notice of intention to compulsorily acquire the site was issued on the solicitor acting on behalf of Michael O'Reilly and was also issued to Ms. Ellen Mary Harris. I also note the Local Authority report outlines discussions with persons who may have a claim to the property. I note Section 15 1 (b) of the Act requires, inter alia, that the notice is served on '...every owner, lessee and occupier (except tenants for a month or a period less than a month) of the land a notice in the prescribed form stating their intention to acquire the derelict site to which it relates, ...' Having regard to the documents on file I am satisfied that the Section 15 Notice has been served upon all owners of the property.

7.3.3. 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, that the Local Authority gave the property owner sufficient time and opportunity to address the dereliction and that the efforts of the Local Authority have been fair and reasonable. However, I note for An Coimisiun that the property was only recently entered onto the Derelict Sites Register on 13th February 2025, and the correspondence on file that the previous owner has deceased and that the executer of her will has also deceased. I also note the intent outlined in the letter from Dominic Creedon Solicitor that the estates of the late Michael O'Reilly and Alice Flynn are desirous of making arrangements for the purposes of remediating the property and restoring it.

7.4. Compliance with Development Plan

7.4.1. I note 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.

7.5. Actions of the Owner to Address Dereliction

- 7.5.1. I note that owners/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”.
- 7.5.2. I note the objection to the proposed acquisition of the subject property made to the Local Authority dated 23rd May 2025. The objection states that the site is not derelict within the meaning of the Derelict Sites Act and that the estates of the late Michael O'Reilly and Alice Flynn are desirous of making arrangements for the purposes of remediating the property and restoring it.
- 7.5.3. Having inspected the site I note that no works appear to have been carried out to the property since the Local Authority site inspections as detailed in the Derelict Sites CPA report dated 14/04/2025.
- 7.5.4. Having inspected the site and having regard to the details on the file and to the submission in objection to the acquisition and having regard to my findings as outlined in Section 7.1 and 7.2 above, I do not consider the site is in a state of dereliction. Having regard to the above, I am not satisfied that the proposed compulsory acquisition is proportionate given the circumstances of this particular case.

8.0 Conclusion

- 8.1. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising the property known as Main Street, Ardmore, Co. Waterford, covering an area of 0.017ha or thereabouts, in the District Electoral Division of Dungarvan, Lismore and as more particularly delineated on Map Ref. CPA 2025-07-Plot 101 and Plot 102, 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 April 2025 and on the deposited maps DS24065 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.

- 8.2. I am further satisfied that the proposed acquisition of these lands by the acquiring authority, which are currently in an unsightly and objectionable condition, was consistent with the policies and objectives of the Waterford City and County Development Plan 2022-2028, and specifically Policy Objectives 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. However, I am not satisfied that the condition of the site is so unsightly and objectionable that it detracts to a material degree from the amenity and character of the neighbourhood.
- 8.3. I am not satisfied, therefore, that the process and procedures undertaken by Waterford City and County Council have been fair and reasonable, or that the local authority has demonstrated the need for the lands, or that all the lands being acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site. It is further acknowledged that the acquiring authority has not adequately demonstrated that the means chosen to achieve the objective in the public interest would have impaired the property rights of affected landowners as little as possible, and that the effects of the compulsory acquisition on the rights of affected landowners were proportionate to the objective being pursued at the time.
- 8.4. In this respect, I have considered alternative means of achieving the objective referred to in the submissions to An Coimisiún and am satisfied that the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate. Having regard to the current condition of the site, I am no longer satisfied that that the grant of consent to compulsorily acquire the lands is justified by the exigencies of the common good at this point in time.

9.0 Recommendation

- 9.1. Notwithstanding the current unsightly condition of the site, the site does not detract to a material degree from the amenity, character and appearance of the streetscape and surrounding land in the neighbourhood. I do not, therefore, consider it reasonable that the local authority seeks to compulsorily acquire that land as provided for in Section 14 of the Derelict sites Act. I recommend, therefore, that An Coimisiún refuses consent to Waterford City and County Council to the compulsory acquisition of the site.

10.0 Reasons and Considerations

Having regard to the current unsightly and objectionable condition of the site, having considered the objection(s) 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 does not detract to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, that the compulsory acquisition of the site by the local authority is not necessary in order to render the site non-derelict. An Coimisiun is not satisfied, therefore, that the objection made cannot be sustained, having regard to that said necessity or 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

26th August 2025