



An
Coimisiún
Pleanála

Inspector's Report ACP-322808-25

Development	Derelict site at 2 Manor Hill, County Waterford
Location	2 Manor Hill, County Waterford
Local Authority	Waterford City and County Council
Notice Party	Dr. Patrick Kelly
Date of Site Inspection	15 th 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 2 Manor Hill, Co. Waterford in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

- 2.1. The appeal site at no. 2 Manor Hill is a mid-terrace two storey property located in a terrace comprising three dwellings at no.'s 1 – 3 Manor Hill. The front elevation is of unpainted render and contains a front door and one window at ground floor and one window at first floor. There is a shared pedestrian access to the front of the terrace which is elevated above the level of Manor Hill road and is separated from Manor Hill road by a stone wall and railing. The site is approximately 800 metres south-west of Waterford City Centre.
- 2.2. The subject property is listed on the National Inventory of Architectural Heritage (NIAH) and is identified of Regional Importance and of Architectural interest therein. The NIAH record describes the property as a terraced two-bay two-storey house, c.1900, retaining original fenestration. Reroofed, pre-1999. One of a terrace of three. Pitched (shared) roof with replacement artificial slate, pre-1999, clay ridge tiles, rendered (shared) chimney stacks, and replacement uPVC rainwater goods, pre-1999, on overhanging timber eaves. Unpainted rendered walls. Square-headed window openings with stone sills, and 1/1 timber sash windows. Square-headed door opening with timber door. Set back from line of road on elevated base with random rubble stone retaining wall having hoop iron railings over.
- 2.3. On inspection of the site I noted that the front elevation was clean, the front door is clean and in good condition and appears to be new, windows appear to have recently been painted and curtains hanging in windows on the front elevation are clean and tidy.

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 on 18th July 2024 (advising of the Local Authority's intention to enter the site on the register of derelict sites).
- Section 8(7) Notice on 19th August 2024 (advising of the Local Authority's decision to enter the site on the register of derelict sites).
- Section 15(1)(b) Notice on 17th 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 23rd 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 Mr. John Brennan on the 17th April 2025 and was published in the Irish Examiner newspaper dated 23rd April 2025. The site was described as follows in the notice:

The property known as 2 Manor Hill, Waterford City, covering an area of 0.013 acres or thereabouts, in the District Electoral Division of Waterford City South as more particularly delineated on Map Ref. CPA 2025-04.

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/occupier Dr. Patrick Kelly dated 22nd May 2025. The objection can be summarised as follows:

- Dr. Kelly's late grandmother indicated her ownership of the property in the late 2000's. Proof of a search for the property at the Registry of Deeds Office and online search via landdirect.ie to clarify the status of the property can be provided (if required).
- The previous occupant, now deceased, paid a token rent each January with the understanding that he would maintain the property. The last such payment was made circa January 2021.
- Dr. Kelly's late grandmother's estate included a nearby property at 44 Barrack Street where works were carried out by Dr. Kelly subsequent to a Notice under Section 3 of the Local Government (Sanitary Services) Act, 1964, issued in February 2015. That property was subsequently refurbished.
- It is requested that Waterford City and County Council withdraw the Notice or alternatively agree a works schedule that will allow voluntary remediation and removal of the property from the Derelict Sites Register.
- The right is reserved to make further submissions and to be heard orally by An Bord Pleanála should the Council decide to proceed.

4.2.2. The Local Authority responded to the submission on 22nd May 2025 requesting evidence of ownership. No reply is attached to the documents on file.

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 submitted on 19th June 2025 and was accompanied by the following:

- Copy of signed CPA Map.
- Copy of the Section 15 Notice served on the owners/ occupiers/ lessee of the site dated 17th April 2025 and CE Order dated 16th April 2025.
- Copy of the newspaper notice published in the Irish Examiner newspaper dated 23rd April 2025.
- Copy of the objection made by the Notice Party Dr. Patrick Kelly.
- Copy of letter to Dr. Patrick Kelly dated 22nd May 2025 requesting evidence of ownership.

- 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 with the owner. The report included photographs and a site location map and 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 complements 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 compulsorily acquire the derelict and vacant property at 2 Manor Hill, Bunkers Hill, Waterford, X91 KH5H.
 - The condition of the site, which contains a two-storey mid-terrace property, is described as follows:
 - The subject property is a derelict and long term vacant two storey residential property which appears not to be occupied.
 - The property is rendered with 1 No. timber front door in very poor condition, located to the LHS of one timber sash type window, and one timber sash type window also on the first floor.
 - 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, loose items on the roof, timber doors and windows require significant repair and repainting;
 - Signs of vegetation overgrown in the open space to the rear;

- Paint is flaking off the front elevation on the doorway and windows, and the plasterwork requires washing / repair;
 - Entrance doorway is partially broken, paint peeling while internally curtains are drawn and in mouldy dirty and unsightly condition with the build up of debris on the window cills.
- The report includes photographs from site visits on 11th July 2024, 19th August 2024, 04th October 2024, 12th February 2025 and 3rd April 2025 and notes that 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 the history of the Derelict Site case noting an initial site inspection undertaken on 11th July 2024, issuing of a Section 8(2) Notice on 18th July 2024 and 29th July 2024. These were followed with a Section 8(7) notice and a copy erected at the property.
 - On 18th September 2024, a Mr. John Brennan called to the Derelict Sites Office and detailed that his aunt purchased the property over 50 years ago and gave it to his brother who had lived there until his death in 2023 and that the property is not registered on Land Direct.
 - Following the issuing of notices that the derelict property had been value and that Derelict Site Levies were due, the report states that no known correspondence has been received.
 - On 02nd April 2025 an email was received from Mr. Walter Brennan claiming to be a relative of the recent occupant, the late Frederick Brennan and stating that he was attempting to locate title deeds.
 - The Derelict Sites Team has undertaken searches and there is no record of deeds in the late Frederick Brennan's name or any changes to the property being registered on the PRA website. There is also no record of the property of the late Frederick Brennan's estate registered with the probate court.
 - During the most recent site visit by the Derelict Sites Team subsequent to the above correspondence, the building's front door had been

opened forcibly without a key, and a new temporary pad bolt and lock had been placed on the front door, but there has been no material change to the composition of the property as of the week ending 4th April 2025.

- The site is considered to materially detract from the character and amenity of the surrounding area, its condition is affecting neighbouring properties and such falls within the definition of a derelict site as set out by The Act.
- The site is within the Waterford City settlement boundary, is located within a Regeneration and Opportunity Site with an objective to “provide for the development and enhancement of town core uses including retail, residential, commercial civic and other uses” and is zoned RS- Residential.
- No. 2 Manor Hill is on the NIAH, reference 22830229, and is the only one of the 3 No. terrace properties that is.
- 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. Heritage Strategic Objectives and Built Heritage Policy Objective BH 08 Reusing our Heritage Buildings and Policy Objective BH 13 Vacant and Derelict Structures are also noted of relevance.
- The recommendation of the report states that having regard to the observed condition of the property at 2 Manor Hill, 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

4.4.1. None received.

4.5. Oral Hearing

- 4.5.1. A request has been received for an Oral Hearing. On 27/08/2025 the Commission decided that there was sufficient written evidence to enable an assessment of the issues raised and that an Oral hearing should not be held.

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:

- The subject property is located within the settlement boundary of Waterford City in the development plan.
- The site is zoned 'RS - Existing Residential RS with the stated objective 'Provide for residential development and protect and improve residential amenity'.

- 6.1.2. The site is lies outside the Waterford City Architectural Conservation Area, and the building is not on the Record of Protected Structures.

- 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.

6.1.8. In Chapter 11, Heritage Strategic Objectives and Built Heritage Policy Objective BH 08 Reusing our Heritage Buildings and Policy Objective BH 13 Vacant and Derelict Structures are also noted of relevance.

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 fronting the site and from the pedestrian path in front of the property.
- 7.1.2. My observations of the subject property on the day of site inspection include the following:
 - It is unclear whether the house is vacant or occupied.
 - The front elevation is clean.

- The front door is clean, secure and in good condition and appears to be new and recently installed.
- The windows frames, window sills and window surrounds appear to be recently painted and are clean. Windows are intact and secure. Curtains hanging inside the windows are clean and tidy.
- Gutters are in place and appear in good condition. Eaves are made of timber and appear clean and in good condition.
- All roof tiles appear to be in place with no evidence of leaking or broken roof tiles.
- There is an overall clean and tidy appearance to the site.

7.1.3. The subject property is not a Protected Structure and is not located within an Architectural Conservation Area (ACA). The site is listed on the National Inventory of Architectural Heritage (NIAH) Reg No 22830229. The subject property is located in a busy area characterised by a mix of uses including educational and religious uses to the east and west and a mix of retail and other commercial uses along with residential properties to the north on Barrack Street. The adjoining 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 found evidence of improvements on my site visit. The front façade of the existing dwelling is clean and window frames and surrounds appear to have been recently painted and a new front door installed. Curtains hanging in the front windows have been replaced. I consider that these works have significantly addressed the state of dereliction noted in the reports of the Local Authority at the time of their inspections and I do not consider the subject property unduly detracts to a material degree from the character of the streetscape or that it unduly impacts on the visual amenities of the area.

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.
- 7.2.3. In respect of category (b) of Section 3 of the Act, I note the condition of the dwelling wherein the front elevation is clean with windows and doors in good condition. I note that the general appearance of the property does not have a neglected, unsightly and objectionable condition and 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. There was no evidence of rubbish and litter within the site. I therefore do not consider that the site falls under Category (c) of the Derelict Sites Act 1990, as amended.
- 7.2.5. It is my consideration that the appearance of the subject property has changed since the Section 15 Notice was issued. 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. I note the actions of the Local Authority, including their efforts to ascertain the owner and contact same as outlined in the Derelict Sites CPA report. The report refers to the serving of a Section 8(2) notice on the owner in July 2024 and that a Section 8(7) notice issued in August 2024 and that the notice was sent to the owner and affixed to the property. The report notes the contact was made with the Planning Authority from stated family members of the most recent occupant of the property who is deceased. Follow up correspondence was issued by the Local Authority in late 2024

and early 2025. Following this there was no material change to the composition of the property.

7.3.2. The subsequent Compulsory Purchase Acquisition notice dated 17th April 2025 served on the owner noted that an objection could be lodged on or before 23rd May 2025.

7.3.3. 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 2024 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.

7.4. Compliance with Development Plan

7.4.1. 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.

7.4.2. Therefore, I consider that the subject property and proposed compulsory acquisition would be consistent with the policies and objectives of the development plan.

7.5. Actions by the owner to address dereliction

7.5.1. I note that the objection to the proposed acquisition of the subject property made to Waterford City and County Council by Dr. Patrick Kelly dated 22nd May 2025 requesting agreement of a works schedule to allow voluntary remediation of the property and its removal from the Derelict Sites Register. Having inspected the site and reviewed the documents on file, including photographs attached to the Local Authority Derelict Sites Report and Compulsory Acquisition Report, I note as described in Section 7.1 above there is evidence of actions to address dereliction include replacing the front door and painting and repairing windows and painting window sills and window surrounds.

- 7.5.2. 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”. Communication with the owner commenced in July 2024 in relation to the derelict state of the subject property. 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.

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 situated at 2 Manor Street, Waterford City covering an area of 0.0053ha 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 17th April 2025 and on the deposited map ref. DS23192, 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. I am further satisfied that the proposed acquisition of these lands 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.
- 8.3. It is further acknowledged that at the time of the lodgement of the application with An Coimisiún, the acquiring authority had adequately demonstrated that the means chosen to achieve that objective 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. However, having regard to the works carried out to the front façade which is clean, the replacement of the front door and painting of window's, window sills and window surrounds undertaken to date which have addressed the dereliction, I am no longer satisfied that this is still the case. In this respect, I have considered alternative means of achieving the objective referred to in the submissions to The Commission 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.

8.5. Having regard to the efforts made to date by the owner to address the matters that gave rise to the derelict condition of the site and the progress made on site, I am no longer satisfied that that the grant of consent to the compulsory acquisition is justified by the exigencies of the common good at this point in time. I am of the opinion that, given the works carried out to date on site, it would be appropriate to allow time to progress matters on site.

9.0 Recommendation

9.1.1. Taking account of the evidence of the ongoing efforts being made by the Notice Party to address the dereliction on the site and to bring the property back into use, which include cleaning the front façade, the replacement of the front door and painting of windows, window sills and window surrounds, I do not consider it reasonable that the local authority now seeks to compulsorily acquire the land (at this point in time), as provided by Section 14 of the Act. I recommend, therefore, that The Commission refuses consent to Waterford City and County Council to the compulsory acquisition of the site.

10.0 Reasons and Considerations

10.1.1. Having regard to the current condition of the site and 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 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. The Commission 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

29th August 2025