



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323057-25

### Development

Derelict site at 20 Church St.,  
Dungarvan, Co. Waterford (CPA No. 9  
of 2025)

### Location

20 Church St., Dungarvan, Co.  
Waterford

### Local Authority

Waterford City and County Council

### Notice Party

Joeseeph P. Gordon & Co.

### Date of Site Inspection

15<sup>th</sup> 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 20 Church Street, Dungarvan, Co. Waterford in accordance with the provisions of the Derelict Sites Act 1990, as amended.

## **2.0 Site Location and Description**

- 2.1. The site at No. 20 Church Street is a terraced property and is one of two attached three-storey houses with a pitched roof, which are the subject of concurrent Derelict Site notices with the same Notice Party for both sites (the other site being No. 21 Church Street).
- 2.2. No. 20 is the southernmost of the two properties. The front of the property adjoins the footpath and surrounding properties appear to be residential in use for the most part. Quay Street is located approximately 50m to the rear of the site, beyond which is Dungarvan Harbour. Dungarvan Town Centre is approximately 200m northwest of the site.
- 2.3. Both No. 20 and the adjoining No. 21 are included on the NIAH register. No. 20 (Reg No 22821133) is described therein as being in use as an Office with its original use identified as a house. The property is described as a terraced three-bay three-storey house, c.1760, retaining original aspect. Now in use as offices. One of a pair. Pitched (shared) slate roof with clay ridge tiles, rendered chimney stacks, and cast-iron rainwater goods on rendered eaves having iron brackets. Unpainted rendered walls with rendered pier to right ground floor, stringcourse to first floor, and rendered quoined pier to end to upper floors. Square-headed window openings (in elliptical-headed recesses to ground floor) with cut-limestone sills (forming sill course to first floor). 3/6 and 6/6 timber sash windows. Round-headed door opening in elliptical-headed recess with cut-limestone step, timber panelled door, and decorative fanlight. Road fronted with concrete footpath to front.
- 2.4. On the date of my site inspection the property was secure. I was unable to gain access to the interior of the property or to the rear garden. However, I was able to view the front of the property from Church Street and I was able to view part of the

upper floor rear elevation from New Lane to the south. The property has a stated area of 0.0233 hectares.

2.5. My observations of the site on the date of the inspection include the following;

- The property is secured and appeared vacant.
- Windows and the front door are in place. Window frames are in poor condition and window sills and window surrounds require cleaning. Curtains hanging in the front windows have a neglected appearance.
- The paintwork on the front door is in reasonable condition. However, there are holes in the front door which appear to be where a central doorknob and doorbell may have previously been located.
- The front elevation is of unpainted render and is, in part, stained and requires cleaning.
- Vegetation is growing on the rear elevation up to eaves level.
- A window at first floor on the rear elevation appears to contain broken glass.

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

3.1. Waterford City and County Council applied to The Commission 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 16<sup>th</sup> November 2023 (advising of the Local Authority's intention to enter the site on the register of derelict sites).
- Section 8(7) Notice dated 15<sup>th</sup> December 2023 (advising of the Local Authority's decision to enter the site on the register of derelict sites).
- Section 15(1)(b) Notice dated 19<sup>th</sup> May 2025 notifying of the Local Authority's intention to acquire the site compulsorily.
- Section 15(1)(a) Notice published in a local newspaper dated 23<sup>rd</sup> May 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, Joseph P. Gordon and Co. Solicitors on the 19<sup>th</sup> May 2025 and was published in the Dungarvan Observer newspaper dated 23<sup>rd</sup> May 2025. The site was described as follows in the notice:

- The property known as 20 Church Street, Dungarvan, Co. Waterford, covering an area of 0.0577 acres or thereabouts, in the District Electoral Division of Dungarvan - Lismore and as more particularly delineated on Map Ref. CPA 2025-09-Plot 101.

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 Joseph P. Gordon & Co. Solicitors dated 18<sup>th</sup> June 2025. The objection can be summarised as follows:

- Within the recent past significant expenditure has been incurred on conservation and visual enhancement of these properties.
- The owners intend either to dispose of the properties or ensure occupation of the properties within a period of five months. This time scale is required to either place the properties in serviceable internal condition or to place the properties in marketable condition.
- It is denied that the classification of the property in question as being derelict was made in accordance with the law in manner alleged or at all.
- It is denied that circumstances ever existed such as lawfully entitled the authority to designate the property as being derelict.
- It is denied that the property is now derelict or that circumstances exist which would render the property capable of being so designated.

- The subject property is and has at all material times been serviced by utilities and has at all times material been occupied.
- The property is fully heated.
- Since the purported designation as derelict the Revenue Commissioners have been paid the appropriate charges leviable on such property thereby rendering nugatory the designation claimed to have been lawfully made.
- By virtue of the council's acceptance of commercial rates the council is now estopped by law from seeking to have a compulsory purchase order made in respect of said property.

A copy of an objection to the planning authority dated 7th of December 2023 in relation to a notice affixed to the property on 29<sup>th</sup> November 2023 is enclosed with the objection which includes the following points:

- The noticed affixed to the premises is not a good and valid notice as the issuing authority has not complied with the provisions of Section 6(1) of the Derelict Sites Act 1990, in that the owner and/or occupier of the notice has not been named in the notice.
- The Authority has not complied with Section 6(1), paragraphs A, B, C, and D of said Act.
- No particulars are included in the notice giving details of the assertion made by the authority that the property falls within the definition of dereliction as set forth in the state.
- The property is a solid three story building fully serviced and habitable.
- It is denied any features exist in respect of the building which would bring the property within the definition of a derelict building as set forth in the statute.
- Having regard to its maturity the property does not fall within the category of dereliction.
- Local Property Tax has been discharged.
- Second house property tax is paid to date on the property.
- Categorisation of the property as being derelict constitutes an abusive process by the relevant authority.

- Maintenance and conservation works are ongoing.

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

4.3.1. The Local Authority requests the consent of The Commission to the compulsory acquisition of the derelict site. The application for consent was received on 16<sup>th</sup> July 2025 and was accompanied by the following:

- Copies of Section 8(2) notice of intention to make an entry on the Derelict Sites Register dated 16<sup>th</sup> November 2023.
- Copy of Chief Executive's Order dated 15<sup>th</sup> December 2023 regarding entry of the property at 20 Church Street, Dungarvan onto the Derelict Site Register.
- Copy of Compulsory Acquisition Site Location Map.
- Copy of the Section 15 Notice served on the owners/ occupiers/ lessee of the site dated 19<sup>th</sup> May 2025 and copy of CE Order dated 09<sup>th</sup> May 2025 to the Notice Party, Joseph P. Gordon Solicitors.
- Copy of the newspaper notice published in the Dungarvan Observer newspaper dated 23<sup>rd</sup> May 2025.
- Copy of the objection made by Notice Party Joseph P. Gordon Solicitors.
- Local Authority Compulsory Acquisition Report dated 02/05/2025 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 includes photographs, a site location map and findings of ownership and site investigations.

4.3.2. The Local Authority Compulsory Acquisition 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 compulsorily acquire the derelict and vacant property at 20 Church St., Dungarvan, Co Waterford, X35RD42.
- 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 three bay three storey terrace dwelling and does not appear to be occupied or in use.
  - To the rear of No. 20 there is a large open space / garden courtyard which was inaccessible during site inspections.
  - The property and the adjoining 21 Church St. are listed as protected structures and are included on the NIAH.
  - The derelict property is in a very poor state of repair with the following issues identified:
    - Broken and damaged windows on the front and rear facades.
    - Paint on the front door and window canopy in a very poor state of repair.
    - Rainwater goods in very poor condition.
    - Vegetation growing on the rear elevation.
    - Excess vegetation growing in the rear garden.
  - There has been no improvement or works undertaken on the property during the course of the dereliction process and no update on the condition.
- The history of the case is outlined, including:
  - details of an initial site inspection by the Planning Authority and derelict site report developed in July 2023;
  - issuing of a Section 8(2) Notices in November 2023.
  - Details of an objection to Section 8(2) Notice from Joseph P. Gordon on behalf of the owner received in December 2023.

- Details of Section 8(7) and Section 29(1) Notices issued in December 2023 and January 2024.
- Further objection from Joseph P. Gordon on behalf of their client in December 2023.
- Details of correspondence relating to site valuation dated August 2024 and correspondence from Joseph P. Gordon requesting a copy of the valuation.
- Details of further correspondence and Section 29(1) notice to Joseph P. Gordon in December 2024 requesting a response within 14 days. No response was received and no material change to the property was undertaken.
- Details of Section 23(5) Derelict Site Levy notice issued in January 2025 to Joseph P. Gordon Solicitors and Maher Claire Dalton. Ms. Dalton presented at the Local Authority noting that she not owned 20 Church Street since 2000, when she sold the property to a Mr. Paddy Gordon. No known response was received to this notice from Joseph P. Gordon and there has been no material change to the composition of the property apart from vegetation cut from gable wall.
- Details of Section 23(8) Derelict Site Levy interest notice posted to Joseph P. Gordon Solicitor in April 2025 with no response received and no material change to the composition of the property undertaken.
- The site is within the Dungarvan and Ballinroad Settlement Boundary and is zoned 'TC' Town Centre. The site is within the Zone of Notification for R131279 (RMP & SMR), is within the Dungarvan Architectural Conservation Area, is a Protected Structure RPS DV40010 and included on the NIAH Ref 22821133.
- Relevant Development Plan Objectives relating to Derelict Sites and Built Heritage are outlined.
- Details of ownership investigations are outlined and the reputed owner is stated as Joseph P. Gordon.
- Having regard to the observed condition of the property at 20 Church St., in particular its neglected and unsightly state, it is considered that the site materially

detracts from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.

#### 4.4. Objectors Submission

No submission from the owner of the property was received by The Commission.

#### 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 Dungarvan and Ballinroad Settlement Boundary and the functional area of the development plan.
- The site is within the Dungarvan Architectural Conservation Area.
- The site is zoned 'TC – Town Centre' with the stated objective 'Provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses'.
- The building is included on the Record of Protected Structures RPS DV740010 wherein it is described as 'Terraced three-bay three-storey house, c.1760, retaining original aspect. Now in use as offices. One of a pair. Pitched (shared) slate roof with clay ridge tiles, rendered chimney stacks, and cast-iron rainwater goods on rendered eaves'.
- The building is included on the National Inventory of Architectural Heritage (NIAH Ref 22821133) wherein it is described as being of regional importance and of Architectural interest with the appraisal noting 'The house, together with the

second in the pair, forms an appealing feature in the streetscape, and contributes to the visual appeal of Church Street’.

- The site is within the Zone of Notification for Sites and Monuments Record (SMR) including Record of Monuments and Places (RMP) reference R131279.

6.1.2. 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.

6.1.3. 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.

6.1.4. 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.

6.1.5. 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.'

6.1.6. 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.

6.1.7. In Chapter 11, Heritage Strategic Objectives, Built Heritage Policy Objective BH 08 relating to Reusing our Heritage Buildings and Policy Objective BH 13 relating to Vacant and Derelict Structures are also 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 The Commission.

## **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 15<sup>th</sup> August 2025, however I was able to view the subject property from Church Street fronting the site. I was able to view the rear upper floors from outside of the site on New Lane located to the south of the site.

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

- The property is secured and appeared vacant.
- Wooden window frames on all elevations are in poor condition with paintwork dirty, cracked and peeling. Window sills and window surrounds on the front elevation are stained and require cleaning. A window at first floor on the rear elevation appears to contain broken glass.
- Curtains hanging in the front windows are in poor condition and have a neglected appearance.
- The paintwork on the front door is in reasonable condition. There are holes in the front door which appear to be where a central doorknob and doorbell may have previously been located.
- The front elevation is of unpainted render and is, in part, stained and requires cleaning.
- Vegetation is growing on the rear elevation up to eaves level.
- There is an unkempt and neglected appearance to the building.

7.1.3. The subject property is located in a terrace of dwellings. The adjoining property to the north at No. 21 appears to also be vacant. The adjoining properties to the south appear occupied and in good condition. Other properties on the street are, for the

most part, in residential use and appear occupied and were noted to be well maintained. The property is included on the Record of Protected Structures and on the National Inventory of Architectural Heritage and is within an Architectural Conservation Area. The property is within the area zoned for Town Centre uses and is located close to Dungarvan Town Centre. Overall, I am satisfied that the subject property unduly detracts from the character of the streetscape and 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 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. 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 windows, window surrounds and window sills in poor condition on the front and rear elevations, holes in the front door, staining on the front elevation, vegetation growing over the rear elevation, and a broken window on the rear 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 the adjoining property to the north at no. 21 Church Street is 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 Compulsory Acquisition Report dated 02/05/2025. The report refers to the serving of a Section 8(2) notice on the owner and objection to same from Joseph P. Gordon in December 2023, details of Section 29(1) notices issued to Joseph P. Gordon requesting particulars of ownership of the property in December 2023 and December 2024. The planning report notes no material change in the condition of the property was observed as of 30<sup>th</sup> April 2025.
- 7.5. The subsequent Compulsory Purchase Acquisition notice was served on Joseph P. Gordon 19<sup>th</sup> May 2025 and noted that an objection could be lodged on or before 20<sup>th</sup> June 2025. A response was received by the Local Authority from Joseph P. Gordon on 19<sup>th</sup> June stating that within the recent past significant expenditure has been incurred on conservation and visual enhancement of these properties and that the owners intend either to dispose of the properties or ensure occupation of the properties within a period of five months. The objection states that this time scale is required to either place the properties in serviceable internal condition or to place the properties in marketable condition. No evidence or details of the expenditure on conservation and visual enhancement of the property was included with the objection.

- 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. 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 seek to address instances of dereliction and decay in the urban and rural environment, seeks to reuse and revitalise derelict, vacant and underutilised sites and disused buildings and bring properties back into active reuse. 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 that there is no evidence on the file and no evidence from the site visit that the owner or their agent has undertaken any actions to address the dereliction.
- 7.9. I note that the objection to the proposed acquisition of the subject property received by Waterford City and County Council on 19<sup>th</sup> June 2025 outlines that within the recent past significant expenditure has been incurred on conservation and visual enhancement of the property. I note that no additional details or evidence of these works were detailed in the objection and having inspected the site 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 2023 and correspondence to Waterford City and County Council by the owner in relation to 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 situated at 20 Church Street, Dungarvan, Co. Waterford covering an area of 0.0233 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 19<sup>th</sup> May 2025 and on the deposited map ref. DS23211, 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 Commission 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 Commission 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

29<sup>th</sup> August 2025