



An
Coimisiún
Pleanála

Inspector's Report

ACP-323182-25

Development

Application for consent for compulsory
acquisition of a derelict site under
Section 14 and 16 of the Derelict Sites
Act 1990, as amended

Location

Knockroe, Castlerea, Co. Roscommon

Local Authority

Roscommon County Council

Notice Party

David Healy

Date of Site Inspection

5th September 2025

Inspector

F O'Donnell

1.0 Introduction

- 1.1. This case relates to a request by Roscommon County Council for the consent of An Coimisiún Pleanála to the Compulsory Acquisition of the subject site, 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 CPO (referred to hereafter as the 'subject property') is located at Knockroe, Castlerea, County Roscommon. The site is on the northern side of the R377 Regional Road within c. 500 metres to the southeast of the centre of Castlerea. The subject property comprises a vacant single storey detached structure, a detached single storey garage to the rear and associated front and rear amenity and circulation space. The subject appeal site forms part of a terrace which includes both single and two storey detached and semi-detached dwellings. The site has a stated site area of 0.108 hectares.
- 2.2. The subject property is not listed as a Protected Structure and is not listed on the National Inventory of Architectural Heritage (NIAH). The site is not located within an Architectural Conservation Area (ACA).
- 2.3. On the day of my site inspection, I was unable to gain entry to the interior of the dwelling structure, and the property appeared to be unoccupied. I specifically note the following:
 - The front garden area and associated access laneway to the side and rear was overgrown by vegetation. The front left had side window was obscured by overgrown vegetation to above eaves level. Ivy growth was evident in 2 no. places along the front elevation. Overgrown vegetation was also present on and over the front roadside wall of the property and this has begun to extend onto the public footpath.
 - The rear of the property was similarly overgrown. The rear and part of the sides of the property had extensive overgrowth of vegetation above eaves level. The front of the rear detached garage structure was entirely overgrown and obscured by vegetation.
 - The front window and door openings were sealed by metal screens.

- Some ridge tiles were missing. The gutters to the sides were full of overgrown vegetation. The external paintwork and plaster were in a poor state of repair. The front gate was rusted and had not been painted recently. The front boundary wall has not been painted or recently cleaned. The overall property was in a poor state of repair.
- Aside from the clearance of a considerable amount of vegetation to the front of the property, no other obvious works to address dereliction appear to have been carried out at the property since the initial Inspection and Report of the Local Authority dated 16th August 2022.

3.0 Application for Consent for Acquisition

3.1. Roscommon County Council has applied to the Board for consent to compulsorily acquire the site under Section 14/ 16 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to Roscommon County Council serving a notice under Section 14 of the Derelict Sites Act, 1990, as amended, (i.e. advising of the Local Authority's intention to acquire compulsorily under the said Act, the derelict site as described).

4.0 Application and Objection

4.1. Notice of Intention to Acquire

4.1.1. Notice of Roscommon County Council's intention to compulsorily acquire the site was served upon the owners/ reputed owners (Ms Mary Tolan, (Address on file)) dated the 9th June 2025 and was published in the Roscommon Hearld dated 10th June 2025. The site was described in the notices, as follows:

- ALL THAT AND THOSE the property known as Knockroe, Castlerea, co. Roscommon, comprised in Folio RN 18662 of the Register of County Roscommon and comprising an area of approximately 0.108 hectares or thereabouts.

4.1.2. I consider the newspaper 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. 1 no. submission (from the owner/ reputed owner (Ms. Maura Tolan) expressing objection to the proposed acquisition was submitted to Roscommon County Council and is dated 23rd June 2025.

4.2.2. The grounds of the objection can be summarised as follows:

- Ground 1:
 - The owner intends to make a planning application to demolish the house contained within the subject folio, ref. RN18662. The owner states they are appointing a named relative as their agent to deal with further matters including said planning application. The appointment may extend to that of an appointed contractor.
 - The Objector requested the Local Authority to acknowledge the Objection and either withdraw or cease the Notice of Intention to Acquire Compulsorily the subject property. The email address of the appointed relative was provided.

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 28th July 2025 and included the following:

- Copy of Derelict Sites Report (Certificate of Inspection and Report) dated 3rd August 2022 together with 3 no. Appendices (Appendix 1 (5 no. photographs), Appendix 2 (Land Registry Extracts including folio map extract and folio extract) and Appendix 3: Site Location Map).
- Copy of Derelict Sites Notice under Section 29 of the Derelict Sites Act, 1990, as amended, comprising a letter addressed to the Owner/ reputed Owner dated 26th August 2022 and referring to the subject property at Knockroe, Castlerea, County Roscommon. The letter has attachments which include a site location map and extracts from Section 11 (Power of local authority to require measures to be taken in relation to derelict sites), Section 27 (Prosecutions) and Section 28 (Offences) of the Derelict Sites Act, 1990, as

amended. A response in writing was requested within a 14 day period of the date of the Notice to include:

- Particulars of the estate,
- Interest or right by virtue of which you occupy or receive rent from rent from land,
- The name and address of every person who to your knowledge has any estate or interest in or right over or in respect of such land.
- Copy of a Derelict Sites Notice under Section 8 (2) of the Derelict Sites Act, 1990, as amended, addressed to the owner/ reputed owner. The notice/ letter is dated 25th August 2022 and states, *inter alia*, that representations which you may wish to make in this matter may be made in writing and submitted to the Local Authority within 14 dates of the date of the Notice and that the Local Authority may either make entry or not in the Register as they think proper having regard to such representations.
- Copy of a Chief Executives Order dated 26th August 2022 referring to both Notices (Section 8 (2) and Section 29).
- Copy of Derelict Sites Notice under Section 8 (7) of the Derelict Sites Act, 1990, as amended, dated 22nd May 2023 stating the Local Authority has entered the land (Being the lands situate at Knockroe, Castlerea, Co. Roscommon) onto the Register of Derelict Sites maintained by the Local Authority in accordance with Section 8 (7) of the Derelict Sites Act, 1990, as amended. The Notice was issued to the (1) the Owner at the above address and (2) the Owner (Ms Mary Tolan, (Address on file)).
- Copy of Derelict Sites Notice under Section 11 of the Derelict Sites Act, 1990, as amended, dated 22nd May 2023 relating to the subject property (Knockroe, Castlerea, Co. Roscommon). The letter/ notice sets a series of specific works that are required to be carried out, in order to prevent the property specified from continuing to be a Derelict Site. The stated works are as follows:
 1. *Clear all vegetation from the property.*
 2. *Secure all windows and doors of property.*

3. *Clean and paint exterior of property, front wall and gate.*
4. *Repair/ replace any damaged or missing eave gutters and downpipes.*
5. *Remove rubbish from surrounding gardens and maintain regularly.*
6. *Remove vegetation and secure shed to the rear of property.*
7. *Repair any damaged sections of the roof of the property.*

It is stated that the specified works should be completed within a period of eight weeks. The Letter/ Notice was issued to the (1) Owner at the address of the subject property (Knockroe, Castlerea, Co. Roscommon) and (2) the Owner (Ms Mary Tolan, (Address on file)).

- Copy of a Chief Executives Order dated 22nd May 2023 referring to both Notices (Section 8 (2) and Section 11).
- Copy of Property Valuation from Local Authority Appointed Valuers dated 9th October 2023.
- Copy of Local Authority Notice of Valuation and Letter (Derelict Sites Act, 1990, as amended, Section 22) both dated 27th November 2023. The Letter is addressed to the Owner (Ms Mary Tolan).
- Copy of a Cover Letter re Derelict Site Ref. DS-29/2022 from the Local Authority to the Owner (Ms Mary Tolan (Address on file) referring to the Derelict Property at Knockroe, Castlerea, County Roscommon and, in particular, to Demand Notice for Derelict Sites Levy for calendar year 2024. The letter is dated 19th March 2024.
- Copy of a Demand Notice (Section 23 of the Derelict Sites Act, 1990, as amended) Demand for Payment of Derelict Sites Levy for the 2024 Local Financial Year dated 19th March 2024. The Demand Notice is addressed to (1) The Owner of the Derelict Site to which the Demand Note relates and (2) the Owner (Ms Mary Tolan (Address on file) and refers to land at Knockroe, Castlerea, Co. Roscommon.
- Copy of a Cover Letter re Derelict Site Ref. DS-29/2022 from the Local Authority to the Owner (Ms Mary Tolan (Address on file) referring to the

Derelict Property at Knockroe, Castlerea, County Roscommon and, in particular, to Demand Notice for Derelict Sites Levy for calendar year 2025.

The letter is dated 21st January 2025.

- Copy of a Demand Notice (Section 23 of the Derelict Sites Act, 1990, as amended) Demand for Payment of Derelict Sites Levy for the 2025 Local Financial Year dated 21st January 2025. The Demand Notice is addressed to (1) The Owner of the Derelict Site to which the Demand Note relates and (2) the Owner (Ms Mary Tolan (Address on file) and refers to land at Knockroe, Castlerea, Co. Roscommon.
- Copy of Notice of Intention to Acquire Derelict Site Compulsorily Under Derelict Sites Act, 1990, as amended, dated 9th June 2025. The Notice is addressed to (1) the Owners of the Property at Knockroe, Castlerea, County Roscommon and (2) the Owner (Ms Mary Tolan (Address on file)). The Notice is accompanied by a site location map. A copy of the Notice of Intention was forwarded to 8 no. members of Castlerea Towns Trust.
- Copy of a Chief Executives Order dated 9th June 2025 referring to the intention of the Local Authority to proceed under Section 14 of the Derelict Sites Act 1990 (as amended by the Planning and Development Act, 2000) to acquire compulsorily the property/ land, which is a derelict site Knockroe, Castlerea, County Roscommon, as delineated on attached map. The reputed owners of the property are stated to be:
 - Mary Tolan (Address on file)
 - 9 no. named members of Castlerea Towns Trust

It is also stated that 'In accordance with Section 15 of the Act, all parties be served with the appropriate notices regarding the Council's intention.

- Copy of Cover Letter from the Local Authority to An Coimisiún Pleanála in relation to Application for Consent to Compulsorily Acquire a Derelict Site. The letter is dated 24th July 2025.

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

- The Derelict Site Report is dated 16th August 2022, ref. DS-29-2022.
- The Report relates to the subject property at Knockroe, Castlerea, County Roscommon.
- Reference is made to the Definition of a Derelict site as per Part 1, Section 3 of the Derelict Sites Act, 1990, as amended.
- The Background Information presented in the Report notes the following:
 - Following an inspection in 2008, the site was found to be in a Derelict State. The site forms part of a folio which also includes other sites.
 - A named person, who has since deceased, is stated to have owned the property. This person's Daughter, Ms. Mary Tolan was written to. Ms. Tolan was identified as the owner and in August 2008 was issued Section 8 (2) and Section 29 Notices. The Owner (Ms. Mary Tolan) contacted the Local Authority in February 2009 and advised that she was due to refurbish the property. No works were completed, and the folder contains no further information.
- Following a review of old files and having been noted by a Local Councillor, a site inspection was carried out on 3rd August 2022. The site is stated to have been completely overgrown and no longer visible from the public road aside from part of the roof which was visible from a neighbouring site. From older photos stored on older files, the site contains a detached single storey dwelling and a shed to the rear. A total of 5 no. photos are provided, 2 no. of which are from 2008.
- The Assessment section of the Report considers the site to be a Derelict Site under the meaning of the Derelict Sites Act, 1990, as amended, as:
 - The site is neglected and unsightly in a residential area of the town
 - The site contains a structure which is derelict in nature due to a lack of maintenance.

In order to render the property non-derelict, a series of works a) to f) are referenced in the Report. For ease of reference, these include the following:

- a) *Cut back and clear vegetation on site.*
 - b) *Clean driveway of vegetation and rubbish of the property.*
 - c) *The vegetation that has consumed the dwelling and shed on the site needs to be trimmed back while ensuring the structure is not compromised.*
 - d) *Complete required works on the structures (clean, paint and maintenance) once vegetation has been removed to prevent it from remaining derelict.*
 - e) *All cleared vegetation and rubbish removed from the site to be disposed in a licensed facility.*
 - f) *Clean and paint the front boundary wall and gate of the site.*
- The Local Authority Assistant Engineer (Housing), recommends that Section 8 2) and Section 29 Notices be issued to the members of the Town Trust Office and to Ms. Mary Tolan to confirm the owner of the property and to inform said parties that the Local Authority are seeking to enter the property into the Derelict Sites Register unless there is a response within 14 days. The Report is endorsed by an Acting Senior Executive Engineer. The Report includes 3 no. Appendices (Appendix 1 – Site Photographs, Appendix 2 – RN Folio details and Appendix 3 – Site Location Map).

4.4. Objector's Submission

- 4.4.1. No Objector's submission was received by An Coimisiún Pleanála.

4.5. Oral Hearing

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

5.0 Planning History

5.1. Planning History

- There is no recent planning history on the subject site.

6.0 Legislation and Policy Context

6.1. Derelict Sites Act 1990 (as amended)

6.1.1. The Derelict Sites Act 1990, as amended, makes provision to prevent land being or becoming a derelict site. Amongst other things, it enables local authorities to require landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

6.1.2. Section 3 of the Act defines 'derelict site' as:

"Any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of—

(a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or

(b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or

(c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law."

6.1.3. Other relevant provisions of the Act are summarised below:

- Section 8 of the Act requires Local Authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/owners of their intention to do so.
- Section 9 of the Act places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site.
- Section 10 of the Act places a similar duty on Local Authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that any land in their functional area does not become or continue to be a derelict site.

- Section 11 of the Act enables Local Authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.
- Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in its functional area.
- Section 15 sets out arrangements for giving notice if the local authority intends to acquire a derelict site compulsorily.
- Section 16 sets out arrangements if the owner/occupier wishes to object to the acquisition and it provides that if an objection is made, then the derelict site shall not be acquired compulsorily by the local authority without the consent of the Board.

6.2. Local Planning Policy Context

- ***Volume 1 of the Roscommon County Development Plan, 2022 to 2028***

6.2.1. Chapter 4 of Volume 1 relates to Towns and Villages. Section 4.8 relates to Derelict Sites and includes the following Policy Objective which is considered to be of relevance in this instance:

- ***Policy Objective TV 4.15: Continue to engage with owners of sites and properties which are vacant and or in a derelict/ruinous condition to seek to redress this. Where necessary, apply the available statutory mechanisms (Derelict Sites Act 1990) to address the impact of a derelict site/ structure upon the amenity of an area.***
- ***Volume 2 (Plans) of the Roscommon County Development Plan, 2022 to 2028***

6.2.2. Section 2 of Volume 2 relates to Settlement Plans. Section 2.2 relates to Castlerea. Under the heading of Compact Growth and Regeneration the following Policy Objective is referenced and is considered to be of relevance in this instance:

- ***CA 2: Identify and facilitate the development and renewal of vacant sites, obsolete areas, derelict sites and derelict buildings in a manner appropriate to the area.***

6.2.3. The subject property is zoned 'Outer Core' on the Castlerea Land Use Zoning Map set out in Section 2.2 (Castlerea) of Section 2 (Settlement Plans) of Volume 2 (Plans) of the Roscommon County Development Plan, 2022 to 2028. The following is stated in relation to the Outer Core:

The outer core zone will seek to provide an appropriate level of development, which will serve to provide a range of land uses, services and amenities which are easily accessible and compliment rather than detract from the vitality of the town core.

7.0 **Assessment**

7.1. Site Inspection

7.1.1. I carried out my site inspection on 5th September 2025. Internal access to the building was not available. There was considerable vegetation overgrowth throughout the site, particularly to the front and rear. The overall property was in a poor state of repair. I inspected the front and sides of the overall property.

7.2. Category of Dereliction

7.2.1. Based on the condition of the subject property which I observed during my site inspection, I consider the site falls within subsection (b), of Section 3 of the Derelict Sites Act, 1990, as amended, due to the land and structure being in a neglected, unsightly and objectionable condition.

7.2.2. With regards to subsection (a), which relates to the existence on the land of 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 structures are likely to be in a dangerous condition, or that they could be considered ruinous. Thus, it is not considered that the site falls within subsection (a) of the Derelict Sites Act 1990, as amended.

7.2.3. I do not consider the property to fall within category (c) of Section 3 of the Act as there was no significant or noticeable litter, rubbish, debris or waste, evident at the time of my inspection.

7.2.4. In conclusion, I consider that the property detracts to a material degree from the

7.2.5. amenity, character and appearance of land in the neighbourhood, which in my view, renders it derelict under Section 3 of the Act.

7.3. Action of Local Authority

7.3.1. The subject property first came to the attention of the Local Authority in 2008 when it was found to be in a derelict state. In August 2008 the owner (Ms. Mary Tolan) was issued Section 8 (2) and Section 29 Notices. In February 2009 the owner contacted the Local Authority and advised she was due to refurbish the property. No works were completed.

7.3.2. Following a site inspection in August 2022 the property was found to be in a derelict state. The Local Authority issued a Section 8 (2) Notice and a Section 29 Notice to the owner in late August 2022.

7.3.3. The Local Authority subsequently issued a Section 8 (7) Notice and a Section 11 Notice to the owner in May 2023.

7.3.4. The Local Authority then issued a Notice of Valuation and an associated Letter to the owner in November 2023.

7.3.5. Demand Notices (Section 23 of the Derelict Sites Act, 1990, as amended) and associated letters were then issued by the Local Authority to the owner in March 2024 and January 2025.

7.3.6. A Copy of Notice of Intention to Acquire the Derelict Site under Section 14 of the Derelict Sites Act, 1990, as amended, was issued in June 2025.

7.3.7. A Letter of Objection from the Owner to the Intention to Acquire the Derelict Site was received by the Local Authority in June 2025.

7.3.8. Owing to the Objection received, the Local Authority in July 2025 then applied to the Commission for Consent to Compulsorily Acquire the Derelict Site under Section 14 and 15 of the Derelict Sites Act, 1990, as amended.

7.4. Compliance with Development Plan

7.4.1. I note that the Roscommon County Development Plan 2022-2028, and specifically Policy Objective TV 4.15, which seeks to address dereliction through engagement with owners of sites/properties, and where necessary, applying the available statutory mechanisms (Derelict Sites Act 1990, as amended) to address the impact

of a derelict site/ structure upon the amenity of an area. The property has been in a derelict state for some time and detracts to a material degree from the character and appearance of the surrounding area. Therefore, I consider that the compulsorily acquisition of the subject property 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. Having regard to the condition of the subject property I consider that the proposed compulsory acquisition of the property would be consistent with the policies and objectives of the Development Plan and will ensure that the lands do not continue to be in a derelict condition.

7.5. Action of the Owner to Address Dereliction

- 7.5.1. I note the objection to the proposed compulsory acquisition lodged for and on behalf of the Owner of the property dated 23rd June 2025. I note the Derelict Sites Report of the Local Authority dated 16th August 2022 and the photographs attached to same, including 2 no. photos from 2008. Although some vegetation clearance has taken place on the site since the date of the Local Authority Derelict Sites Report, the site and subject dwelling is still in a poor state of repair. I note the Owner refers to the Appointment of a relative as her agent and that it was intended to lodge a planning application to demolish the house. A search of the online planning register indicates that no planning application has been received to date.
- 7.5.2. Having inspected the site, I am satisfied there is no evidence of any recent significant action having been taken by the Owner to address dereliction and that the site has remained on the Derelict Sites Register.

8.0 Conclusion

- 8.1. I am satisfied that the process and procedures undertaken by Roscommon County Council have been fair and reasonable, that the Local Authority has demonstrated the need for the land to be acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.
- 8.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising the site and premises situate at and known as Knockroe, Castlerea, County Roscommon, containing 0.108 hectares 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 9th June 2025 and on the deposited map CPO-DS-29-22, 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 Roscommon County Development Plan 2022-2028, and specifically Policy Objective TV 4.15, which seeks to address dereliction through engagement with owners of sites/ properties, and where necessary, applying the available statutory mechanisms (Derelict Sites Act, 1990, as amended) to address the impact of a derelict site/ structure upon the amenity of an area. Accordingly, I am satisfied that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

9.0 Recommendation

- 9.1.1. Having regard to the observed condition of the site, in particular the derelict condition, the unsightly and objectionable condition of the land and the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and there is therefore a derelict site within the meaning of Section 3 b) 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 Roscommon County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

10.1.1. Having regard to the neglected, unsightly and objectionable condition of the site, the ruinous, derelict or dangerous condition of the structures, the deposit or collection of debris within the site and also:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the public interest, and,
- (c) the provisions of Roscommon 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 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.

F O'Donnell
Planning Inspector

10th December 2025