



An
Coimisiún
Pleanála

Inspector's Report ACP-323766-25

Development	Compulsory acquisition of Derelict Site known as Muckno Street, Castleblaney, Co. Monaghan (Folio 10129).
Location	Muckno Street, Castleblaney, Co. Monaghan.
Local Authority	Monaghan County Council
Notice Party	CS Pringle on behalf of Nial Kearney
Date of Site Inspection	6 th February 2026
Inspector	Dan Aspell

1.0 Introduction

- 1.1. This case relates to by Monaghan County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site at Muckno St., Castleblaney, Co. Monaghan, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

2.0 Site Location and Description

- 2.1.1. The property which is the subject of this CPO (referred to hereafter as the 'subject property') is located east of Muckno St., between Muckno St. and Lough Muckno. It generally comprises open land, a yard and a former dwelling. The site has a stated area of 0.7588 hectares. On the day of my site inspection, I was unable to gain entry to the interior of the structures on site. I noted the following:
- The windows and external doors of the former dwelling are mostly boarded up. The majority of the roof is no longer intact and has collapsed or has been removed. There is visible damage to parts of the external walls. The roof sections of the sheds and out-houses to the rear are also largely collapsed or removed. The boundary walls and fences are largely intact;
 - The yard to the front is overgrown. The open lands to the rear are heavily overgrown. Trees adjoining the former dwelling are overgrown. The site has not been well maintained. I would characterise the appearance and disused, overgrown and not well maintained;
 - Whilst the majority of the visible accessible and visible parts of the site appeared free from litter, rubbish, debris or waste on the site, some waste (disused cycle and pallets) were visible to the rear of the site.
- 2.1.2. The site is bounded by an access road and a vacant commercial warehouse/office premises to the south (former veterinary surgery and vehicle testing centre). Muckno Street is to the west. Across Muckno Street are dwellings and a vacant commercial premises. There is a dwelling and open land to the north. Lough Muckno and an area of open land are to the east.

3.0 Application for Consent for Acquisition

- 3.1.1. Monaghan County Council has applied to the Commission for consent to compulsorily acquire the site (Ref. DSN 56/24) under Section 16 of the Derelict Sites Act, 1990, as amended. This application is subsequent to the County Council serving notices under Section 8(2) of the Act, dated 14th May 2024, advising of the Local Authority's intention to enter the site on the register of derelict sites, and under Section 8(7), on the 28th August 2024, advising of the Local Authority's decision to enter the site on the register of derelict sites (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 Monaghan County Council's intention to acquire the site compulsorily was served upon the owners/occupiers Mr. John Kearney, dated the 22nd July 2025 and was published in the Northern Standard dated 24th July 2025. The site was described in the notices, as follows:

- *“Single storey residential property with associated lands at Muckno Street, Castleblaney, Co. Monaghan-Folio 10129”.*
- A map outlining the site in red was provided.

- 4.1.2. I consider the notices were generally in accordance with the requirements of Section 15 (1) (a) and (b) and 2 of the Derelict Sites Act 1990, as amended.

4.2. Objection to Local Authority Acquisition

- 4.2.1. An objection to the proposed acquisition was submitted to Monaghan County Council by Noel McGuigan, for CS Pringle, obo Niall Kearney in a letter dated the 12th August 2025. I summarise the objection as follows:

- Objection refers to mapping errors relating to flood extents on the site made by Dundalk Urban District Council (UDC) at the time of a previous compulsory acquisition relating to the site (c. 1979);
- Objection refers to a previous compulsory acquisition relating to the site (c.2017) by Irish Water and related negotiations activities by Irish Water on the site;

- The issue of flooding and mapping of the flood plain has seriously devalued the owner's lands and left them in a position where they could not sell the lands. The area of lands extends to 1.676 acres. 100% of the site is shown as having a floodplain burden on this folio (MD10192). Monaghan County Development Plans 2019-2025 and 2025-2031 indicated that only 34% of the property should be shown as having this burden. The property is zoned Town Centre in the current Development Plan. Objection states owner is negotiating with Irish Water to rectify the above error by deed to show the correct flood extent. Once completed the lands will be a lot more valuable on the open market;
- Objection refers to the Derelict Sites process and the site owner's experience with Irish Water regarding the property, and states the owner is in the impossible position of being unable to develop or sell the property;
- Owner strenuously objects to the compulsory acquisition. Objection comments on difficulties regarding compulsory purchase process with Irish Water.

4.2.2. Objection includes a map extract of Castleblaney from the Monaghan County Development Plan.

4.3. **Local Authority Application for Consent**

4.3.1. The Local Authority application for the consent to the Commission for the compulsory acquisition of the site was received 25th September 2025, and included:

- Cover letter;
- Copy of Executive Order;
- Derelict Sites report and related appendices.

Derelict Site Report

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

- Description, Planning & Ownership history: Details of site and ownership set out. Planning permission granted 1975 for dwelling extension; no applications since;
- Derelict Site history: From initial survey in April 2024; Section 8 and 22 Notices (May-November 2024); Levy demand & reminder (May & July 2025); Section 15 Notice (July 2025); and acknowledgement of objection (August 2025);

- Inspections: Details of site inspections set out:
 - First inspection: Site incorporated a single storey property with no windows that appeared to have been burnt out some time ago. Property surrounded by hoarding also in poor condition. The area surrounding the building and entire site incorporated overgrown vegetation;
 - Second & Third inspections: No change in appearance of property and site;
- Assessment of Dereliction: Report refers to a fourth inspection (1st Sept. 2025). It states the following:
 - The property is in an area that is poorly maintained and overgrown. It considers the structure remaining is in a ruinous, derelict or dangerous condition, particularly in its current inactive state. Having regard to these observations it is considered that subsection (a) of Section 3 applies;
 - It is very clear the land & structure have been left unoccupied and neglected for a considerable time. Site is visibly neglected, unkempt, and subject to significant weed growth. Section 3 makes no distinction in terms of neglected, unsightly, or objectionable condition of the land or any structure on the land. Report considers subsection 3(b) applies as the condition of the lands is neglected as appreciated from the public domain along the streetscape and the private domain of neighbouring properties along the street;
 - There is no substantial litter, rubbish, debris or waste to the rear of the site. Report considers the property does not fall within category (c) of Section 3;
 - Regarding subsections (a) & (b), report considers that on balance having regard to the prominence of the site in the town streetscape setting, proximity to adjacent occupied properties, and its position immediately adjoining the town centre, and the visual context created by the unkempt nature of the site on a main road entering the town centre detracts significantly from the visual amenity of the streetscape and from the adjoining residential amenities. Accordingly, the report considers the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood;
- Objection: One objection was received (12th August 2025). This was the first correspondence received in relation to the site since the Derelict Sites process

began (14th May 2024). The objection asserts that Dundalk UDC made an error in the mapping of the burden placed on the owner's lands, and sets out details of a dispute with Irish Water CPO proceedings;

- Local Authority response to Objection: Owner has owned the site since 2009, and upon acquiring the site would have been cognisant of the existence of the burden placed on the site since in 1979;
- Current situation: Site visit on Sept. 2025 indicates the site remains in a derelict state and continues to deteriorate. The building has a vacant, neglected, unsightly and objectionable appearance from the public road and the surrounding area has a grubby/dirty appearance and is unkept;
- Conclusion: The Local Authority is proactively pursuing dereliction in the County. The acquisition of the site presents an opportunity for the Authority to undertake required remedial works to the make the property and surrounding site non-derelict and brought back into use.

4.3.3. The report includes copies of folios; the objection received by the Council from the site owner; copies of registered post records; copies of Notices sent under Sections 8, 15, and 22 of the Act; and photographs of the site. Owner questions the nature of the burden and asserts that attempts have been made to remove it, however no action has been taken by the owner, and legal documents clearly indicate the burden remains in place. Report acknowledges the roadway to the south of the site is not derelict; to ensure a comprehensive approach to the case, the entirety of the site has been included in the Notice.

4.4. **Objection to the Commission**

4.4.1. An objection was received by Commission (dated 17th October 2025) from CS Pringle on behalf of Nial Kearney, which I summarise as follows:

- Correspondence: Owner resides in Northern Ireland. He was not formally and properly served with the Dereliction Notice in accordance with the Act. No direct correspondence to the owner's address was received. Owner was not aware the Notice was erected as it was erected on a gate well back from / not easily visible from the road;

- Area Action Plan: The area is designated for an Area Action Plan for the past 3 no. Development Plans and none was prepared by the Council. There was no lead from the Council to help owners of derelict properties in Muckno St. to plan and develop their properties;
- Lough Muckno Master Plan: A Draft Masterplan is to be prepared in early 2026. The owner's lands are connected to the proposed masterplan;
- Floodplain: There is a floodplain burden placed over the owner's entire property. This has been placed on the site since the Dundalk Augmentation Scheme in the late 1990's. The owner was not aware of this when he purchased the property;
- Development of the property: Development of the property has been curtailed for several reasons since 2006. The original sewer pumping station which is long since out of use was owned by Castleblaney UDC. The pump station took up a good part of the site as there were old sewer services running through the it. In recent times the Council have agreed to transfer the pump station to the site owner. Due to Irish Water this has not been closed out legally for the owner;
- Japanese Knotweed: A large percentage of the site is covered in Japanese Knotweed. Professional advice reported that it could be a long and expensive process to eradicate;
- Irish Water burden: The floodplain burden placed on the property was done in error. The County Development Plan floodplain levels support the owner's view;
- Derelict Site: While the old house on the site is derelict, it does not detract from the appearance or amenity of the area. The mature trees and growth around the building hides its dereliction from the public eye. The boundary wall is well fenced with decorative stone walling; there is nothing displeasing about the appearance of the property from the public view;
- Conclusion: Owner has looked into development of the site and tried to sell the property in the past. Nugent Auctioneers were tasked with carrying out a proposal on this & valuation. Due to the serious issues outlined above they advised the site could not be developed or sold. Owner is in a very weak position due to: non-performance of Local Authority in preparing Area Action over the last 15-20 years; curtailment from developing the site due to Local Authority sewer

plant, pipes & services; and Japanese Knotweed. Objection states owner could not have developed the property in its present state. There are serious issues to be resolved before site can be planned for development. Owner requests Commission to refuse the application;

- Correspondence with Irish Water regarding the floodplain has been ongoing for years and had been ignored. In recent months the owner has been informed Irish Water are going to engage and correct the error. When this is corrected two-thirds of owner's property can be redesignated as Town Centre zoning. This will leave the property in better standing for valuation and development. Owner submits the compulsory acquisition is premature taking account of the barriers faced by the owner to develop the property. Owner should be given time to agree a plan for this site in line with the Lough Muckno Mastepplan / Muckno Street Area Action Plan.

4.4.2. The objection includes photographs of the site.

4.5. **Oral Hearing**

4.5.1. No request received.

5.0 **Planning History**

5.1. **Subject site**

5.1.1. None recorded.

5.2. **Nearby sites:**

Muckno Street:

5.2.1. Part 8 Ref. 048031: Improvement works from Market Square to Lake View, Castleblayney. The proposed works will include the provision of parking bays and loading bays, upgrading of existing water and sewerage network, undergrounding of ESB services, the realignment and paving of footpaths, the resurfacing of the road, the provision of decorative lighting and street furniture and various ancillaries.

6.0 Local Planning Policy Context

Monaghan County Development Plan 2025 to 2031

Land use zoning

- 6.1.1. The western portion of the site is zoned 'Town Centre' and the eastern portion is zoned 'Recreation / Amenity' in the Monaghan County Development Plan 2025-2031. Land Use Zoning Categories & Objective "LUO 1 Town Centre" is *"To provide, protect and enhance town centre facilities and promote town centre strengthening. The principal permitted land use is town centre related uses including retail, residential, commercial, social, cultural, medical/health and other similar type uses.*

Land Use Zoning Categories & Objective "LUO 12 Local Area Action Plan" seeks *"To resist development which would prejudice the preparation and implementation of Local Area Action Plans for areas identified within the towns. Local Area Action Plans will be developed to establish strategic planning principles for each identified area."*

Action Plan

- 6.1.2. The site is identified as being within an Action Plan area. Strategic Objective SSO 11 seeks: *"To prepare, as resources permit, specific local area action plans and/or masterplans for the towns to provide for the most efficient and suitable co-ordinated development to take place"*.
- 6.1.3. Section 9.13 Local Area Actions Plans (LAAPs). Local Area Action Plan Objective "Objective LAAPO 1" seeks *"To prepare and implement Local Area Action Plans for lands identified on maps of the Monaghan County Development Plan 2025-2031, in conjunction with all relevant stakeholders. All Local Area Action Plans shall be consistent with the provisions of national and regional policy as well as the relevant objectives and policies of the Monaghan County Development Plan 2025-2031."*

Derelict sites

- 6.1.4. Section 9.3.1 'Derelict Sites'
- Retail Objective RTO 6 *"To encourage the reuse of derelict sites and vacant town centre commercial premises for appropriate and acceptable alternative uses, and adapt a flexible approach to reoccupation, particularly where this can*

complement the existing service base, whilst also having due regard to the need to not adversely affect: surrounding residential amenity, protected bat species, European sites, and areas of biodiversity value: and the need to appropriately conserve-built heritage.”

- Strategic Objective for the Towns and Villages SSO 20 *“To promote and encourage the regeneration of the back lands in the towns and Tier 4 villages as well as appropriate development on infill sites, derelict sites, vacant properties and brownfield sites.”*
- Urban Regeneration Objectives URO 3 *“To address the impact of derelict site(s)/structure(s) upon the amenity of an area through the application of the statutory mechanisms afforded through the Derelict Sites Act 1990.”*
- Urban Residential Developments Objective UDO 5 *“To encourage the refurbishment and reuse of derelict buildings and development on derelict lands and infill sites in the towns for residential developments which will result in the renewal and regeneration of towns.”*
- Urban Residential Developments Objective UDO 8 *“To encourage and support proposals for new residential development that will result in the regeneration/renewal of town centre areas and/or a reduction in vacancy/dereliction in the context of the proper planning and sustainable development of the area.”*
- Town Centre Objective TCO 1 *“To promote and develop the town centres as the principal location for retail, office, leisure, entertainment, cultural and service uses and to encourage the refurbishment, renewal and re-use of existing buildings and derelict sites within it.”*
- Town Centre Objective TCO 4 *“To use statutory legislation to discourage and prevent dereliction and encourage regeneration and development in the town centres.”*
- Castleblayney Town Centre Objective CBO 1 *“To encourage new developments which will facilitate the restoration and refurbishment of existing buildings in order to regenerate the town centre and eliminate dereliction”*

- 6.1.5. The Housing Need and Demand Assessment (HNDA) for Monaghan 2023 sets out the forecast increase in housing need in the County over the Plan period. The HNDA indicates Castleblaney had the highest increase in rents of towns in the County in the preceding 5 years. It also indicates that Castleblaney has the highest proportion of social housing of urban areas in the County. In terms of supply it also indicates Carrickmacross-Castleblaney MD has the highest number of housing completions in the County. It also indicates Castleblaney has the lowest percentage of residential vacancy of assessed towns in the County.
- 6.1.6. Regarding flood risk, Appendix 19 'Strategic Flood Risk Assessment' indicates generally that minor areas at the eastern edge of the site are impacted by flood risk, including in the High End Future Scenario. The Appendix appears to indicate drains within the site along the eastern and south-eastern boundary.

7.0 Legislation

- 7.1.1. 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. 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—*
- *the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or*
- *the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or*
- *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.”*

- 7.1.2. I summarise other relevant provisions of the Act 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.

8.0 **Assessment**

8.1. **Description of Condition**

8.2. I carried out my site inspection on 6th February 2026. Internal access to the property and access to the rear of the site was not available at the time, and accordingly I carried out my inspection from the public road, lands adjoining the site, and from the open areas in the front of the site. My observations of the site include the following:

- The site appears to have remain disused and vacant over the long term;

- Regarding whether the site is in a ruinous, derelict or dangerous condition, the majority of the roof is no longer intact, and has collapsed or has been removed. Most of the windows and external doors have been removed and boarded up. Rainwater goods are only partly in place. There is tree growth within the remaining dwelling structure;
- Regarding whether the site is in a neglected, unsightly or objectionable condition, the yard to the front was overgrown. The open areas to the back are heavily overgrown. There are a number of trees growing within and immediately adjacent the former dwelling structure which are heavily overgrown. The site appears disused, not well maintained, and in a poor state of repair. There is no hoarding on-site. In terms of visual amenity and character, I would characterise the site as being at-odds with the surrounding character of the street and this part of the town centre;
- Regarding litter, rubbish, debris or waste, I did not observe any significant litter, debris or waste on the site however some waste primarily in the form of disused bicycle and pallets)were visible to the rear of the site.

Impact on site and area

8.2.1. Regarding context and the impact of the site on the area, I consider the following:

- The site is located generally at the eastern edge of Castleblaney town, between Muckno St. and Lough Muckno. The front of portion of the site along Muckno St. comprises the eastern edge of lands zoned Town Centre in the Development Plan. The site is about 250m from West St. It is located along the R181 leading north out of Castleblaney. The front of the subject site is visible from over 250m on approach from the north, and over 150m on approach from the south, however the building on site is of modest visibility within the streetscape as it is set back from the roadside;
- The R181 is one of the 4 no. main roads into Castleblaney, and whilst busy throughout the day I could not characterise it as heavily trafficked;
- The roadside boundary is in reasonably good condition, with no hoarding;
- The immediate area to the north, west, and south-west are primarily residential, however I would characterise lands to the south as being primarily

commercial and forming part of the town centre proper. Dwellings to the north are a mix of semi-detached and terraced dwellings addressing the road.

Buildings to the west opposite the site comprise a terrace along the roadside;

- The dwellings to the north and west are older, in good condition and well maintained. I consider the terraces to the west and south are in poorer condition and generally not well maintained. A large former commercial building in the terrace opposite appears vacant and in poor condition. The commercial sites to the south of the subject site are vacant. A roof of a dwelling to the south-east of the site is collapsed and the dwelling vacant;
- The subject site is not a Protected Structure or near one or is not in an ACA;
- Whilst the site backs onto Lough Muckno, there are no publicly accessible amenities nearby;
- The site is bounded along the north and along the roadside by low walls and is easily accessible on foot. Vehicular access to the site is secured. Door and window openings to the structure on the site are generally secure. No evidence of vandalism, graffiti or anti-social behaviour is evident;
- Regarding safety, whilst single storey and not easily accessible, I would not consider the existing structure to be safe. The site backs onto Lough Muckno and those parts of the site were not accessible at the time of my site visit;
- The external envelope is not watertight and continued exposure to the elements will cause the structure to further deteriorate.

8.2.2. In broad terms the site appears generally in the same condition since the Council application to the Commission was lodged. No obvious works to address the condition of the site appear to have been carried out at the property since the receipt of the application by the Commission.

8.3. **Category of Dereliction**

8.3.1. I have assessed the site in the context of Section 3 of the Act, including whether the site detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the site. I conclude the following:

- Regarding subsection (a) of Section 3 of the Act, having inspected the site, and given the condition, in particular the open roof, tree growth within the structure, and absence of windows, I consider the structure to be in a ruinous, derelict or dangerous condition. I am satisfied that the land 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 its condition in these regards. I am satisfied the site falls within category (a) of the Derelict Sites Act 1990;
- Regarding subsection 3(b) of the Act I note the overgrowth within the site and extent of damage to the building on site. I note that the property is located alongside residential and commercial properties, the majority of which are in good condition, however I note properties to the west and south are in a poorer condition, with some show signs of vacancy and dereliction. I am satisfied the land 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 its condition in these regards. Having regard to the foregoing, I consider that the site falls within category (b) of section 3 of the Derelict Sites Act, 1990 as drafted and is in a neglected, unsightly and objectionable condition;
- In relation to subsection 3(c), whilst all parts of the site were not accessible or visible at the time of my site visit, I observed some litter, rubbish, debris or waste to the rear of the site. However I am satisfied that the land does not detract, and is not 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 its condition in these regards. Accordingly, I do not consider there is evidence that the site falls within subsection (c) of Section 3 of the Act.

8.3.2. Having regard to the foregoing, I consider the property is in a ruinous, derelict or dangerous, and in a neglected, unsightly or objectionable condition (Sections 3 (a) & (b) of the Act) and I am satisfied that the site detracts or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the site in these regards. Accordingly, in my view this renders the site as being a Derelict Site as defined under Section 3 of the Act.

8.4. Compliance with Development Plan Policy

- 8.4.1. The Local Authority and owner referenced the former residential use of the building on site. The Local Authority is seeking the compulsory acquisition of the site with the intention of undertaking required remedial works to make the property and surrounding site non-derelict and brought back into use.
- 8.4.2. I have had regard to the provisions of the Monaghan County Development Plan 2025 to 2031, in particular Objectives RTO6 SSO20, and UDO8 which, variously, promote and encourage the reuse, development, and refurbishment of derelict sites for appropriate and acceptable alternative uses, including residential development. I also note the provisions of the HNDA and the forecast increase in housing need over the Plan period, including indicators of increased demand in Castleblaney.
- 8.4.3. Given the foregoing, including the nature of the area, I am satisfied the intended remedial works and bringing the site back into use as set out would be broadly in accordance with the policies and objectives of the Development Plan. In my opinion, confirmation of the compulsory acquisition would facilitate meeting a demonstrated community need identified in the form of residential development in the Development Plan and that the property would broadly speaking be suitable in this regard.

8.5. Engagement of Local Authority

- 8.6. Under Section 10 of the Derelict Sites Act 1990, as amended, the Local Authority has a duty *'to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any land situate in their functional area does not become or continue to become a derelict site.'* I have had regard to the documents on the case file which set out the Local Authority actions, including the following:
- Notices issued under Section 8(2) of the Council's intention to add the property to the Derelict Sites Register (dated 14th May 2024). The Notice was issued to Hornbuckle Mitchell Trustees Ltd and John Nial Kearney;
 - Notices issued under Section 8(7) of the entry of property onto the Derelict Sites Register (dated 28th August 2024). The Notice was issued Hornbuckle Mitchell Trustees Ltd and John Nial Kearney;

- Notices determining the market value of the site (dated 14th April 2024) were issued to Hornbuckle Mitchell Trustees Ltd and John Nial Kearney;
- Notices of Local Authority's intention to acquire the property compulsorily (22nd July 2025) was served to Hornbuckle Mitchell Trustees Ltd and John Nial Kearney. Notice was published in the Northern Standard dated 24th July 2025.

8.6.1. In relation to the notices of July 2025, I am generally satisfied the requirements of Section 15 to serve notice on every owner, lessee and occupier have been satisfied. I note the owner's points in this regard. I note the registered post records submitted.

8.6.2. No outstanding planning permissions for the site are recorded.

8.6.3. I have reviewed the Monaghan County Council Derelict Sites Register. The site remains on the Derelict Sites Register (Ref. DSN 56/24) at the time of writing.

8.6.4. Overall, I consider the steps taken by the Local Authority to address the condition of the property broadly align with the provisions of the Act. I acknowledge that application of powers of compulsory purchase under S.15 appears to have been the focus of the Authority's efforts. I address steps taken by the owner separately below.

8.7. **Efforts of Owner to Address Dereliction**

8.7.1. Owners/occupiers have obligations (under Section 9 of the Act) to "*take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site*". I note the correspondence and objections from the site owner Niall Kearney received by the Local Authority and Commission.

8.7.2. I note the owner's references to issues with the Derelict Sites notification process; the absence of an Area Action Plan and Lough Muckno Masterplan; a floodplain burden on the site; the ownership of a pumping station on the site; and issues arising in relation to Japanese Knotweed. I note the owner's points regarding engagement with the relevant local authorities in the area over time and with Irish Water, and their referenced efforts in relation to a number of legal matters. I also note their points of being unable to develop or sell the property. I further note their reference to more recent engagement from Irish Water regarding legal burdens on part of their property, and emerging policy documents from the Local Authority.

- 8.7.3. I also note the owner's reference to the appearance of the site; the effects of mature tree growth and decorative stone walling which the owner states hides the dereliction from the public eye. I also note their objection to the site's compulsory acquisition.
- 8.7.4. However, I see no reference from the owner or Local Authority as to efforts by the owner to resolve the referenced dereliction, although I acknowledge the owner statement's that the dereliction is hidden from the public eye and that there is nothing displeasing about the appearance of the property from the public view.
- 8.7.5. Whilst I acknowledge the matters raised as inhibiting sale and development of the site, from my observations I am satisfied no works have been undertaken in response to the Local Authority's engagement, including any significant works to the structure or wider site to resolve the stated dereliction.
- 8.7.6. Regarding resolution of the referenced legal, infrastructural, and invasive species issues, the owner has provided no further updates as to their resolution since the making of their objection to the Commission. No reference to the site being placed for sale is made.
- 8.7.7. I am satisfied that, in particular given the apparent timeframe the site has been disused, the owner has not demonstrated active engagement with the Local Authority to address the referenced dereliction on the site, or stated any intention to actively engage on this site in order to address the stated dereliction. Accordingly, I am satisfied the owner has not taken the steps required of them or those identified by the Local Authority to resolve the matters raised above.

8.8. Likelihood of timely resolution

- 8.8.1. With regard to the likelihood of the stated dereliction being resolved in a timely manner, I note again the matters stated by the Local Authority and the observations made during my site visit. On balance I consider those matters, in particular the condition of the building on site, are significant.
- 8.8.2. As above, I have considered the absence of reference to concrete steps taken by the owner to address the physical condition of the site. I note the owner's acknowledgement the former house on the site is derelict, and points that this does not detract from the appearance or amenity of the area. I also note their statements that they had looked into the development and the sale of the site but were advised

that the site could not be developed or sold. No updated as to resolution of the legal and invasive species issues referenced on the site has been provided.

- 8.8.3. No clear information is on file as to how long the site has been vacant, or in the current uninhabitable condition. I am satisfied that the site has been vacant and uninhabitable for some years.
- 8.8.4. Given the above, I do not consider the likelihood of a resolution of the stated dereliction in a timely manner is clear based on the available information. I am not satisfied the matters raised as contributing to the stated dereliction, or indeed that the efforts to date to resolve legal and other matters relating to the site will be resolved in a timely fashion. On balance, I am not satisfied, based on the available evidence, including the continued condition of the site, that the stated dereliction of the site will be resolved in a reasonably foreseeable timeframe.
- 8.9. **Assessment of fairness & reasonableness: Reasonable test**
- 8.10. I have considered condition of the site and the owner's points, in particular the matters inhibiting development or sale of the site. However, having regard to the wording of the Derelict Sites Act, I am satisfied the site can be considered to be a Derelict Site as defined under Section 3 of the Act. I am satisfied that in the context of the Act the property is in a ruinous, derelict or dangerous condition (Section 3 (a)) and is in a neglected, unsightly or objectionable condition (Section 3 (b)). I am also satisfied the site detracts or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the site.
- 8.11. In this regard, I consider the following:
- The Local Authority's concerns regarding the site, its condition, the intentions of the Authority to make the site non-derelict and bring it back into use; and that the site appears to have been vacant and disused for a number of years;
 - The legal, infrastructural, and invasive species matters raised by the owner which they state inhibit the redevelopment or sale of the site. I note the owner's reference to potential full/partial resolution of flood related burdens on the site will improve the market value of the site. No reference to the site being placed for sale is made, and no update as to the resolution of these matters is provided;

- The owner's acknowledgment that the building on site is derelict, and their comments as to the mitigating factors which hide the dereliction from the public. I am satisfied however that the Local Authority's is correct that the site comes within the provisions of Section 3 of the Act;
- The apparent absence of stated intentions or actions from the owner to improve the condition or appearance of the site. I consider the condition of the site has not improved since the Local Authority took steps under S.8 of the Act;
- I am not satisfied the necessary steps to address the dereliction are straightforward or likely to be undertaken in a reasonably foreseeable timeframe.

8.11.1. Regarding common good and the provisions of the Development Plan, I am satisfied the policies of the Plan support works to address derelict sites and bring them back into use. Overall, I am satisfied the property would be suitable for the intended works and return to use and would broadly accord with the provisions of the Plan.

Regarding the need for the intended development, I am satisfied the Plan, including HNDA, demonstrates the need for the intended works and re-use.

8.11.2. Regarding the proposed land-take, I have considered this matter and the make-up of the site which comprises a relatively modest former dwelling on an extensive open area adjacent Lough Muckno. I note again the owner's reference to significant infrastructural, invasive species and flood-related matters at the site. Given the relatively larger size of the site, and the significant issues raised, I am satisfied the land take proposed is reasonable to enable the matters above to be addressed and return the developable proportion of the site to a state of non-dereliction and active use. As such, I am satisfied the intended land-take is reasonable and proportionate.

8.11.3. Having regard to the foregoing, I am satisfied the Local Authority gave the owner sufficient time and opportunity to address the site's condition; that the process and procedures undertaken by the County Council have been reasonable; that the Local Authority demonstrated the required grounds; and that the acquisition of the land is reasonable to ensure that the lands do not continue to be a derelict site.

8.11.4. Given the foregoing, I am broadly satisfied that the property continues to be in a neglected, unsightly or objectionable condition as set out in sub-sections 3(a) and (b) of the Act; that it detracts to a material degree from the amenity, character and appearance of the area; and that on balance, and having regard to the constitutional

and convention protection afforded to property rights, I am satisfied the resolution of the condition of the site under Section 15 is reasonable.

9.0 Conclusion

- 9.1. I am satisfied that the process and procedures undertaken by Meath 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.
- 9.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the site comprising a single storey residential property with associated lands at Muckno Street, Castleblaney, Co. Monaghan (Folio 10129) containing 0.7588 ha or thereabouts, as set out in the Derelict Site Notice issued under Section 15(1) of the Derelict sites Act 1990, as amended, and dated 22nd July 2025 and on the deposited maps Ref. DSN 56/24, 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.
- 9.3. 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. I have considered alternative means of achieving the objective referred to in the submissions to the Commission and 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.
- 9.4. 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 Monaghan County Development Plan 2025-2031, specifically Objectives RTO6 SSO20, and UDO8 which generally promote and encourage the reuse, development, and refurbishment of derelict sites for appropriate and acceptable alternative uses, including residential development. Accordingly, I am satisfied

the grant of consent to compulsorily acquire these lands is justified by the exigencies of the common good.

10.0 Recommendation

- 10.1.1. Having regard to the observed condition of the application site, in particular that the site appears in a ruinous, derelict or dangerous condition, and the neglected, unsightly or objectionable state of the land and the structure thereon, I consider 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.
- 10.1.2. I consider that it is reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I recommend, therefore, that the Board grant consent to Monaghan County Council to compulsorily acquire the site.
- 10.1.3. I recommend, therefore, that the Board grant consent to Monaghan County Council to the compulsory acquisition of the site.

11.0 Reasons and Considerations

- 11.1.1. The Commission considered the policies and objectives of the Monaghan County Development Plan 2025-2031, the Derelict Sites Act 1990, as amended, and the submissions of the Notice Party and the report of the Planning Inspector.
- 11.1.2. Having regard to the neglected, unsightly and objectionable 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 Meath County Development Plan 2021-2027,
- 11.1.3. 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 sections 3 (a) & (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.-

Dan Aspell
Inspector
9th February 2026