



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-323797-25**

### **Development**

Derelict Site at No.7 St. Patrick's  
Terrace, Lower Glanmire Road, Cork

### **Location**

No. 7 St. Patrick's Terrace, Lower  
Glanmire Road, Cork

### **Local Authority**

Cork City Council

### **Notice Party**

Connecticut Real Estate Ltd.

### **Date of Site Inspection**

2<sup>nd</sup> December 2025.

### **Inspector**

Carol Smyth

## **1.0 Introduction**

- 1.1. This case relates to a request by Cork City Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of a site at No. 7 St Patrick's Terrace, Lower Glanmire Road, Cork, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

## **2.0 Site Location and Description**

- 2.1. The property which is the subject of this application for consent for compulsory acquisition (referred to hereafter as the 'subject property') at No. 7 St Patrick's Terrace, Lower Glanmire Road, Cork, is located on the north side of Lower Glanmire Road approximately 193 metres to the east of the junction with MacCurtain Street, Summerhill North and Brian Boru Street.
- 2.2. The subject property is a two-storey end of terrace house with 2 no. front facing dormer windows. The terrace of houses is elevated from the street and there is pedestrian access only to the front of the property, which comprises a set of steps. The site includes the dwelling itself, an elevated front garden and a small rear garden. The site is in a state of disrepair with broken gutters, a broken first-floor window. The ground floor window and front door are boarded up. The front and rear gardens are completely overgrown. There is a significant amount of vegetation growing up the gable wall of the property and on the chimney and roof. There is also a significant amount of vegetation growing in the front garden of the subject property which blocks the pedestrian access to the property.

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

- 3.1. Cork City Council has applied to the Board for consent to compulsorily acquire the site under Section 14 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to Cork City Council serving a notice on 30<sup>th</sup> July 2025 under Section 15 on 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 Cork City Council's intention to compulsorily acquire the site was served upon the owners/ occupiers Connecticut Real Estate Ltd. and Nicholas Cushnahan agent acting on behalf of Connecticut Real Estate Ltd. and Company Secretary, on the 31<sup>th</sup> July 2025 and was published in the Irish Examiner dated 1<sup>st</sup> August 2025. A notice was also fixed to the front gate of the subject property on the 1<sup>st</sup> August 2025. The site was described in the notices, as follows:

- Derelict Property at No. 7 St. Patrick's Terrace, Lower Glanmire Road, Cork, bounded on the North by 'Harrow', 35 Summerhill North, on the East by No. 8, St. Patrick's Terrace, Lower Glanmire Road, on the South by Lower Glanmire Road and on the West partly by a pedestrian pathway from the public road to numbers 1 to 4 Saint Patrick's Presbytery and partly by No. 4 Saint Patrick's Presbytery, Lower Glanmire Road, Cork.

4.1.2. I consider the notices were 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. One no. submission expressing objection to the proposed acquisition was submitted to Cork City Council by Nicholas Cushnahan the agent acting on behalf of Connecticut Real Estate Ltd. (the property owner) and Company Secretary.

4.2.2. The objection to the proposed acquisition was submitted by email on 9<sup>th</sup> September 2025, the final date for objections.

4.2.3. The objection can be summarised as follows:

- Finance was only secured to carry out the necessary works to the property in the weeks prior to the Notice of Cork City Council's intention to compulsorily acquire the site. The loan agreement is attached to the email.
- The property will be refurbished and put on the rental market.
- It is the intention to have the works completed by the end of January 2026.

### **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 7<sup>th</sup> October 2025 and included the following:

- Derelict Sites Register Entry (Register Entry no. 320) dated 7<sup>th</sup> January 2022
- Copy of site map.
- Photograph of Notice of Intention to Acquire Derelict Site Compulsorily under Section 15 (1) (a) of the Derelict Sites Act, 1990 (as amended) dated 30<sup>th</sup> July 2025 affixed to the front of No. 7 St. Patrick's Terrace on 1<sup>st</sup> August 2025.
- The Irish Examiner dated 1<sup>st</sup> August 2025 containing Notice of Intention to Acquire Derelict Site Compulsorily under Section 15 (1) (a) of the Derelict Sites Act, 1990 (as amended) dated 30<sup>th</sup> July 2025.
- Copy of the letters and Notices of Intention to Acquire which were served by registered post on both Nicholas Cushnahan, Nicholas Cushnahan & Associates Ltd. and Connecticut Real Estate Ltd on 31<sup>st</sup> July 2025.

The application from Cork County Council also includes a significant amount of correspondence between Cork City Council and Nicholas Cushnahan which is summarised in Section 7.2 of the assessment below. The submission from Cork City Council states numerous representations have been received from the neighbouring property No. 8 St Patrick's Terrace in relation to the dereliction of No. 7 St Patrick's Terrace including damp in their home and vegetation on the walls, roof and garden which is encroaching into their property and is behind the external plaster of their house. The submission confirms that the subject property, No. 7 St. Patrick's Terrace was entered on the Derelict Sites Register with effect from 7<sup>th</sup> January 2022 and despite numerous correspondence and agreed deadlines to refurbish the subject property no progress has been made by the owner to remove the dereliction. On that basis the Council seek the consent of the Commission to compulsorily acquire the property.

#### **4.4. Objector's Submission**

4.4.1. None on file.

#### **4.5. Oral Hearing**

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

## 5.0 Planning History

5.1. There is no recent relevant planning history relating to 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. Cork City Development Plan 2022 to 2028

6.2.1. The subject site is zoned ZO 01: Sustainable Residential Neighbourhoods and Local Centres, with the stated objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

### 6.2.2. Core Strategy Objective 2.24: Underutilised Sites

6.2.3. Cork City Council will seek to address issues of dereliction, vacancy and underutilisation of sites within Cork City by encouraging and facilitating their re-use and regeneration subject to good planning and the infrastructural carrying capacity of the area.

### 6.2.4. Core Strategy Objective 27: Derelict Sites Register

6.2.5. Progress, by way of the Derelict Sites Register, the development of derelict sites for housing and regeneration purposes through consultation with landowners and the application of powers under the Derelict Sites Act 1990 (as amended) and other means available to Cork City Council.

## 7.0 **Assessment**

### 7.1. Site Inspection

7.1.1. The following assessment is based on a site inspection carried out on the 2<sup>nd</sup> December 2025. I inspected the site from the Lower Glanmire Road, onto which the property fronts. At the time of site inspection, the house was not accessible for internal inspection.

7.1.2. The house is vacant and has a neglected, unsightly and objectionable appearance from the public road. The windows on the front façade are in a state of disrepair. One of the first-floor windows is completely broken and the sash window frame has dropped. Ripped curtains are hanging from the broken first floor window on the outside of the property. The other first floor window has vegetation growing on the sill. The ground floor window and front door are boarded up. There is extensive vegetation growing up the gable wall and over the chimney and roof. There appears to be slates loose on one of the dormer windows. The front gutter is broken. There are minor cracks visible on the front façade. The building is painted and the paint work is in very poor condition. There is extensive and significant vegetation growing in the front garden of the subject property which is blocking the pedestrian access to the property. The current poor state of the house and the fact that it is open to the elements creates a likelihood of further decline. I note that since the Photographic Survey taken by David McCall of Cork City Council on and 27<sup>th</sup> June 2025, that the paintwork has further deteriorated and the amount of vegetation has increased.

### 7.2. Category of Dereliction

7.2.1. With respect to the nature of dereliction, I am of the opinion that the site falls within category (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. Apart from the broken window and some minor cracks visible on the front façade, the house appears to be in reasonable structural condition externally. There is no obvious evidence of significant cracking or structural damage to the external walls, and the roof structure appears to be generally intact. With regard to category (a) this relates to structures which are in a ruinous, derelict or dangerous condition; having inspected the site, I do not consider that the structure is in a dangerous condition, nor in the absence of any visible evidence of structural damage could be considered ruinous.

7.2.3. As there was no litter within the application site or any evidence of waste being stored externally, I do not consider that the site falls within category (c) of Section 3 of the Act.

7.2.4. There is little evidence of any attempt to render the site non-derelict and the house remains neglected and unsightly. I therefore consider that the site remains in a derelict condition. In conclusion, I consider that the property detracts to a material degree from the amenity, character and appearance of land in the town centre, which in my view, renders it derelict under Section 3 of the Act.

### 7.3. Action of the Local Authority

7.3.1. I note the actions of the Local Authority, and the statutory notices served on the owners in respect of the dwelling. The Local Authority entered the subject site on the register of derelict sites on the 7th January 2022.

7.3.2. A Section 15(1)(a) notice was issued to Connecticut Real Estate Ltd. on the 13<sup>th</sup> September 2024. Correspondence was received by Cork City Council from Nicholas Cushnahan and Associates Ltd., on the 21<sup>st</sup> October 2024 stating that they are the agent for the owner Connecticut Real Estate Ltd. and Company Secretary and that the owner had started redevelopment of the property but this work has temporarily stopped to allow time for a structural survey to be carried out. The letter indicates that the results of the survey and a timeframe for the completion of the works will be submitted to the Local Authority within 28 day of the date of the letter.

7.3.3. Cork City Council issued further correspondence on the 25th October 2024 and 14th November 2024 to Nicholas Cushnahan requesting the results of the survey and a timeframe for the completion of the works.

7.3.4. On the 18th November 2024, Nicholas Cushnahan provided a 6-month timeframe for the submitted schedule of works which included clearing the gardens and house, underpinning works, new floors, new roof joists, new windows, plumbing and electrical works, insulation and plastering and a new kitchen. The accompanying letter indicated that the front and rear gardens would be cleared before Christmas and that the substantive works on the property would begin on the 1st February 2025. The letter further indicated that a structural report and confirmation that the site has been cleared would be furnished to the Local Authority by the 9th December 2024.

7.3.5. On foot of the submitted schedule of works, Cork City Council wrote to Nicholas Cushnahan on 28th November 2024, acknowledging the commencement date of the works on the 1st February 2025 and stating that the Local Authority will not be proceeding with the compulsory acquisition of the property under the Derelict Sites Act 1990 (as amended) at this time. The letter indicated that the Council reserved the right to recommence the process of compulsory acquisition of the property if the dereliction at the property is not removed.

7.3.6. On the 14th February 2025 and the 26th March, Cork City Council issued letters to Nicholas Cushnahan requesting an update on the works which were due to commence on the 1st February 2025. On the 6th April 2025, Nicholas Cushnahan sent an email to Cork City Council stating that funding for the works has been approved and the works will commence towards the end of April 2025.

7.3.7. A Council Official visited the site on the 27th June 2025 and took photographs which indicate that the property has been derelict and overgrown for some time and that no works or site clearance has commenced.

7.3.8. Cork City Council wrote to Nicholas Cushnahan on the 27th June 2025, stating that no works have commenced on the property and that it remains in a state of dereliction. The letter requested an update by the 8th July 2025 or the Council will proceed with the commencement of the compulsory acquisition of the property under the Derelict Sites Act, 1990 (as amended). No update was received from Nicholas Cushnahan.

7.3.9. A Notice of Intention to Acquire Derelict Site Compulsorily under Section 15 (1) (a) of the Derelict Sites Act, 1990 dated 30<sup>th</sup> July 2025 was served by registered post on

both Nicholas Cushnahan, Nicholas Cushnahan & Associates Ltd. and Connecticut Real Estate Ltd on 31<sup>st</sup> July 2025, was affixed to the front of No. 7 St. Patrick's Terrace on 1<sup>st</sup> August 2025 and published in the The Irish Examiner dated 1<sup>st</sup> August 2025.

- 7.3.10. On the 9th September 2025, the final day on which to lodge an objection, Nicholas Cushnahan emailed Cork City Council objecting to the Council's plan to acquire the property. The email states that finance was concluded in the prior weeks, that the property will be refurbished and rented and that the works will be completed by the end of January 2026. Cork City Council responded to Nicholas Cushnahan on the 12th September 2025 noting the objection to the compulsory acquisition and stating that Cork City Council are proceeding to request An Coimisiún Pleanála for the compulsory acquisition of the property.
- 7.3.11. The objection to the compulsory acquisition of the property made on behalf of the owner indicates the reason for the delays has been as a result of funding and that finance has now been approved. In this regard I note that the submission from the Local Authority indicates that the loan approval was for 7 no. properties one of which includes the subject site. However, I also note that Nicholas Cushnahan sent an email to Cork City Council on 6th April 2025 which states that funding to renovate the subject property was approved and the works will commence towards the end of April 2025.
- 7.3.12. It is my opinion that although the applicant demonstrated an intent to undertake improvement works and to bring the site out of dereliction, a significant time has passed since the initial Notice of Intention to Acquire Derelict Site Compulsorily on the 13<sup>th</sup> September 2024. I consider the owner has had more than sufficient time in this instance to commence the works on the subject property and it is my opinion that Cork City Council have given the owner a number of opportunities to progress the site.
- 7.3.13. Given that the site has been on the derelict sites register since 2022, it is my view that no demonstratable efforts have been made to redevelop the dwelling or clear the site to bring it out of dereliction. On balance, I consider that the compulsory acquisition of the subject building should be confirmed to ensure that the remedying of its derelict site can be expedited.

7.3.14. Having regard, therefore, to all of the information available on the file and the continued appearance and condition of the property, which as stated constitutes a derelict site, I consider that it is appropriate to confirm the Local Authority's application for consent to compulsorily acquire the site at 7 St. Patrick's Terrace, Lower Glanmire Road, Cork.

## 8.0 Conclusion

- 8.1. I am satisfied that the process and procedures undertaken by Cork City 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 No. 19 St Patrick's Terrace, Lower Glanmire Road, Cork, as set out in the Derelict Site Notice issued under Section 15(1)(a) of the Derelict sites Act 1990, (as amended) and dated 30<sup>th</sup> July 2025, 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 Cork City Development Plan 2022-2028, and specifically Objectives 2.24 and 27, which seek, inter alia, to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment. 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 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 Cork City Council to compulsorily acquire the site.

## **10.0 Reasons and Considerations**

- 10.1.1. Having regard to the derelict, unsightly and objectionable condition of the subject property, which detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, having considered the objection(s) made to the compulsory acquisition, and also:
  - a) the constitutional and convention protection afforded to property rights,
  - b) the public interest, and
  - c) the provision of Cork City 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 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.

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Carol Smyth  
Planning Inspector

18 December 2025