



An
Coimisiún
Pleanála

Inspector's Report

ACP-323884-25

Development	Proposed compulsory acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act 1990, as amended
Location	3 Rossa Place, Cavan, County Cavan H12 HK83
Planning Authority	Cavan County Council
Notice Parties	Michael Mooney
Date of Site Inspection	24 th March 2026
Inspector	Terence McLellan

1.0 Introduction

- 1.1.1. This case relates to a request by Cavan County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of 3 Rossa Place, Cavan, Co. Cavan, in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

- 2.1. The property that is the subject of this application for consent for compulsory acquisition (hereafter referred to as the 'subject property'), is located at 3 Rossa Place, Cavan. The subject property is a two-storey mid-terrace dwelling. Access to the subject property was not available at the time of my site inspection and as such my site inspection was undertaken from the public road. On the date of my site inspection the subject property was secure. An assessment of the subject property is set out in Section 7 below.

3.0 Application for Consent to Acquire

- 3.1. Cavan County Council has applied to the Commission for consent to compulsorily acquire the site under Section 14 of the Derelict Sites Act, 1990, as amended. This application is subsequent to the serving of notices under Section 8(2) on 6th March 2024, advising of the Local Authority's notice of intention to enter the site on the register of derelict sites, and also under Section 8(7) on the 29th April 2024 confirming the Local Authority's decision to enter the site on the register of derelict sites, and again on 5th May 2024, confirming that the site had been entered on the register of derelict sites.
- 3.2. A Section 15(1) notice was published on the 18th September 2025 in the Anglo Celt newspaper, in accordance with Section 15(1)(a) of the Act, advising of the intention of Cavan County Council to compulsorily acquire the subject property. The Council have advised that the property is not registered with the Land Registry and engagement with the owner is therefore not possible as the owner is unknown. A Section 15(1) notice was therefore served on the 'owner', affixed to the front of the property, on the 18th September 2025, again advising of the Council's intention to compulsorily acquire

the subject property. This approach is fully in line with Section 6(1)(d), 6(2) and 15(1)(b) of the Derelict Sites Act 1990 as amended.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

- 4.1.1. As set out in Section 3.2 above, the Council have advised that the property is not registered with the Land Registry and engagement with the owner has not been possible as the owner is unknown. On that basis a Section 15(1)(a) notice was published on the 18th September 2025 in the Anglo Celt newspaper and a Section 15(1)(b) notice was served on the 'owner', affixed to the front of the property, on the 18th September 2025, again advising of the Council's intention to compulsorily acquire the subject property. I am satisfied that the notices were served in accordance with the provisions of Sections 15(1)(a)(b), Section 6(1)(d), and Section 6(2) of the Derelict Sites Act 1990 as amended.

4.2. Objection to Acquisition

- 4.2.1. Correspondence was received by email on the 24th September 2025 from Mr Michael Mooney advising that whilst he does not know who the owner is, he has been using the property for over 22 years without interference. Mr Mooney is the owner of the Slieve Rossa public house adjoining the site.
- 4.2.2. Further correspondence was received by post on the 21st October 2025 from Garrett Fortune of Garrett J. Fortune and Co. LLP, representing Mr Mooney, reasserting his claim he has been in continued use of the property for a period in excess of 20 years. Whilst not the registered owner of the property, Mr Mooney has instructed his solicitors to bring forward an application for registration of the property on the basis of long possession.

4.3. Local Authority's Application for Consent

- 4.3.1. Cavan County Council request the consent of the Commission to the compulsory acquisition of the derelict site. The application for consent was received on the 20th November 2025 and was accompanied by the following:

- Report to An Coimisiún Pleanála on Compulsory Acquisition

- Derelict Site Location Map
- Copy of the Section 15 (1)(a) newspaper notice dated 18th September 2025
- Copy of the Section 15 (1)(b) notice issued to the Owner dated 18th September 2025.
- Copies of Section 8(2) and 8(7) notices.
- Copy of objection letter.
- Copy of correspondence from Mr Mooney and Cavan County Council response.
- Inspection photos from the case file.

4.3.2. The Compulsory Acquisition Report can be summarised as follows:

- The site is located on Rossa Place in Cavan Town Centre, on a major vehicular and pedestrian route. URDF Call 3 funding applies to the property. The key objective is to ensure the property is brought out of vacancy and dereliction.
- The property is not registered with the Land Registry and the owner is unknown.
- The Council first inspected the property in April 2023, identifying it as a derelict site as defined under Section 3 of the Act.
- In March 2024 a Section 8(2) notice was issued, followed by a Section 8(7) notice in May 2024 confirming that the site had been entered on the derelict sites register.
- Notices pursuant to Section 15 were issued in September 2025.
- The report sets out the development plan objectives. From the initial inspection, it was noted that the property was in a poor condition with external walls being excessively dirty, with mould growth on the walls and window cills. Vegetation was present in the gutters, the roof was mossy, there was a ground floor broken window, peeling paintwork and a crack in the wall at plinth level. A further eight inspections have taken place with no improvement in appearance.
- Correspondence was received from Mr Mooney, who claims to have been using the property for more than 20 years. Further correspondence has been received from Mr Mooney's solicitor advising that they have been instructed to bring an application for registration based on long possession.

- In response, the Council advised of their obligations under the Derelict Sites Act 1990 as amended and a request was made for written consent of the owner for third party representation.
- The site is deemed to be derelict by definition under Section 3 of the Act. It detracts or is likely to detract to a material degree from the amenity, character, or appearance of land in the neighbourhood. The unkempt appearance of the building detracts significantly from the visual amenity of the streetscape and the adjoining residential and commercial amenities.
- The acquisition is an opportunity to address the dereliction and bring the property back into residential use.

4.4. Submissions to An Coimisiún Pleanála

- 4.4.1. The Commission wrote to Mr Mooney, c/o Garrett J. Fortune & Co. LLP on 10th December 2025 seeking observations regarding the proposed compulsory acquisition of the site by Cavan County Council. No response has been received to date.

5.0 Planning History

- 5.1. No recent planning history of specific relevance.

6.0 Policy Context

6.1. Cavan County Development Plan 2022-2028

Zoning

- 6.1.1. The site is zoned Town Core. Section 14.3.1 confirms that the objective is to protect and enhance the special physical and social character of the town and village core while providing and/or improving town/village centre facilities.
- 6.1.2. Section 14.3.2 states that the vision is to maintain and build on accessibility, vitality and viability of the existing town and village centres in the County. Develop and consolidate these town/village cores with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the

urban fabric in accordance with the principles of urban design, conservation and sustainable development. Refurbishment, renewal, reuse and regeneration of existing buildings and derelict sites will be encouraged.

Development Management

- 6.1.3. Section 13.3.8 Derelict Sites: A Derelict Site is defined in the Act 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 of structures which are in a ruinous, derelict or dangerous condition, the neglected, unsightly or objectionable condition of the land or any structures on the land or the presence of litter, rubbish, debris or waste on the land. The removal of such sites is important to the overall appearance and productivity of the urban areas within the county.
- 6.1.4. Objective DS02: It is a development objective of Cavan County Council to identify under-utilised and obsolete areas for potential renewal and encourage and facilitate the re-use and regeneration of derelict land and buildings in the county's main towns, villages and smaller centres. The Council will use its statutory powers, where appropriate, to facilitate this and will consider such buildings and lands for inclusion in the Register of Derelict Sites or the Vacant Sites Register.

Urban Regeneration and Development Fund (URDF)

- 6.1.5. Section 2.11.2 refers to the Urban Regeneration and Development Fund (URDF). The €2 billion ten-year Urban Regeneration and Development Fund (URDF) was launched in 2018 to support compact sustainable development, through the regeneration of Ireland's cities and large towns, in line with the objectives of Project Ireland 2040 – The National Planning Framework (NPF) and the National Development Plan (NDP) 2018 -2027.
- 6.1.6. The types of proposals eligible for funding include strategic development areas, active land management, measures to address building vacancy and refurbishment, public realm improvements, enabling infrastructure, sustainable mobility and transition to low carbon and climate resilience.
- 6.1.7. It is a policy of Cavan County Council to promote measures to reduce vacancy and the underuse of existing building stock and support initiatives that promote the reuse,

refurbishment and retrofitting of existing buildings within urban centres. URDF funding applies to this property, approved by the Department of Housing, Local Government, and Heritage under ID Call3_Cav016.

6.2. Derelict Sites Act 1990 (as amended)

- 6.2.1. The Derelict Sites Act 1990, as amended, makes provisions to prevent land being or becoming a derelict site. Amongst other things, it enables Local Authorities to require landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.
- 6.2.2. Section 3 of the Act defines 'derelict site' as:
- 6.2.3. "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—
- 6.2.4. (a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or
- 6.2.5. (b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or
- 6.2.6. (c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law."
- 6.2.7. 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.
- 6.2.8. Section 9 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.
- 6.2.9. Section 10 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.

- 6.2.10. 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.
- 6.2.11. Section 14 provides that a Local Authority may acquire by agreement or compulsorily any derelict site situated in their functional area.
- 6.2.12. Section 15 sets out arrangements for giving notice, if the Local Authority intend to acquire a derelict site compulsorily.
- 6.2.13. Section 16 sets out arrangements if the owner/occupier wish to object to the acquisition. Specifically, section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the Local Authority without the consent of the Commission.

7.0 Assessment

- 7.1.1. Access to the property and rear yard was not possible on the date of my site inspection. I was able to view the front of the site from the public road on Rossa Place. From the street the property looks neglected and unmaintained. There is a thick carpet of moss on the roof in addition to significant vegetation growth in the gutters. The blocked gutter has caused damp to the front façade and window cills. At ground floor level the window cill is carpeted in moss. Below the cill a significant part of the front wall is covered in thick moss and mould growth. The general state of the harling on the front elevation is poor. The window reveals have significant peeling paintwork. All windows are poorly maintained/dirty and the ground floor window is smashed. The front door is in poor condition, paintwork has worn/weathered away and the wood is cracked and work in places. There is a large crack at plinth level below the door. The neglected and unsightly condition of the property detracts from the character of the building and the quality of the streetscape.

7.2. Category of Dereliction

- 7.2.1. I note the Local Authority considered that the property continued to be a “derelict site” within the meaning of the Act. 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.”

7.2.2. Based on my site inspection and my assessment above I do not consider the property to be ruinous, nor are there any apparent issues with regards to litter, rubbish, debris or waste. As such, I do not consider that Category (a) or (c) of Section 3 would apply. However, it is clear to me that the subject property should be considered to fall under Category (b) of Section 3 of the Act, given the neglected, unsightly, and objectionable condition of the building. It is therefore my view that the subject property and lands are detracting to a material degree from the amenity, character and appearance of land in the neighbourhood, which in my view renders it derelict under Section 3(b) of the Act.

7.3. Action of Local Authority

7.3.1. I note the actions of the Local Authority and the statutory notices served in respect of the site. The Council served notices under Section 8(2) on 6th March 2024, advising of the Local Authority’s notice of intention to enter the site on the register of derelict sites, and also under Section 8(7) on the 29th April 2024 confirming the Local Authority’s decision to enter the site on the register of derelict sites, and again on 5th May 2024, confirming that the site had been entered on the register of derelict sites.

7.3.2. The Council have advised that the property is not registered with the Land Registry and engagement with the owner has therefore not been possible as the owner is unknown. On that basis a Section 15(1)(a) notice was published on the 18th September 2025 in the Anglo Celt newspaper and a Section 15(1)(b) notice was served on the ‘owner’, affixed to the front of the property, on the 18th September 2025, again advising

of the Council's intention to compulsorily acquire the subject property. I am satisfied that the notices were served in accordance with the provisions of Sections 8(2), 8(7), 15(1)(a)(b), Section 6(1)(d), and Section 6(2) of the Derelict Sites Act 1990 as amended

7.3.3. I note that Local Authorities have a duty (under section 10) "to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any such land does not become/continue to be a derelict site." The policy of the Local Authority is to identify under-utilised and obsolete areas for potential renewal and to encourage and facilitate the re-use and regeneration of derelict land and buildings in the county's main towns, villages and smaller centres. In terms of derelict sites, the Council's policy notes that the removal of such sites is important to the overall appearance and productivity of the urban areas within the county.

7.3.4. It is almost three years since the site was first identified as a derelict site and first attempts were undertaken to identify and engage with the owner who remains unknown. With this in mind, it is unlikely that the building will be brought out of dereliction without regularisation of the title. Having regard to the forgoing I am satisfied that the Local Authority have taken appropriate steps to address the dereliction and the efforts of the Local Authority have been fair and reasonable.

7.4. Compliance with Development Plan

7.4.1. I note that the Cavan County Development Plan 2022-2028, specifically Development Objective DS02, Section 13.3.8, and Section 14.3.2 seeks to address instances of dereliction and to reuse and revitalise derelict, vacant and underutilised sites and disused buildings and bring properties back into active reuse. I consider that the subject property detracts to a material degree from the character and appearance of the surrounding area. Therefore, I consider that the subject property and proposed compulsory acquisition would be consistent with the policies and objectives of the Development Plan and will ensure that the lands do not continue to be in a derelict condition.

7.5. Action of Owner

7.5.1. As noted by the Local Authority, the owner is unknown and the site is not registered with the Land Registry. In terms of the correspondence from Mr Mooney, I note that no evidence or substantive supporting information/documentation was submitted to

the Council. Furthermore, no response was received to the appeal to substantiate the claims made. In any event, Mr Mooney acknowledges that he is not the owner and that he does not know who the owner is. I consider Mr Mooney's claims of adverse possession to be a separate matter to be addressed directly with the Local Authority.

- 7.5.2. 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 that the Local Authority's application for consent to compulsorily acquire the site at 3 Rossa Place is granted.

8.0 Conclusion

- 8.1. I note that the site is not registered with the Land Registry and that the Council have been unable to identify the owner. I have also had regard to the submission of Mr Mooney and his solicitor. I have considered the timelines in this application for compulsory acquisition, the current state of the property, and the clear long-term nature of the vacancy/neglect. Based on the information on file and having regard to the foregoing, I am of the view that, in the absence of compulsory acquisition, there is no reasonable prospect of the site being brought out of dereliction. I therefore consider that the Commission should grant consent for the compulsory acquisition.
- 8.2. I am satisfied that the process and procedures undertaken by Cavan County Council have been fair and reasonable, that the Local Authority has demonstrated the need for the site to be acquired are both necessary and suitable to ensure that the lands do not continue to be derelict.
- 8.3. Having regard to the Constitutional and Convention provision afforded to property rights, I consider that the proposed acquisition of the site and premises located at 3 Rossa Place, Cavan, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, (as amended) and dated 18th September 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.
- 8.4. I am also satisfied that the acquisition authority had demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. The effects of the compulsory acquisition on the rights of the affected landowner 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 Cavan County Development Plan 2022-2028, which seeks to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment.

9.0 Recommendation

9.1. Having regard to the observed condition of the application site, in particular the neglected, unsightly and objectionable state of the land and the structures thereon, I consider that the site detracts to a material degree 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. It is further considered that the acquisition of the site by the Local Authority is warranted in order to render the site non-derelict and to prevent it continuing to be a derelict site. I therefore recommend that the Commission grant permission to Cavan County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

10.1. Having regard to the derelict condition of the structure and to the neglected, unsightly and objectionable state of the land and structure, 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 Cavan County Development Plan 2022-2028.

10.2. It is considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in section 3 (b) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the Local Authority is necessary in order to render the site non-derelict and to prevent it from continuing to be a derelict site. It is also considered that the objection made cannot be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Terence McLellan
Senior Planning Inspector

31st March 2026

