



An
Coimisiún
Pleanála

Inspector's Report

ACP-324017-26

Development	Derelict Site - The Gate Lodge, East Main Street, Lismore, Co. Waterford
Location	The Gate Lodge, East Main Street, Lismore, Co. Waterford
Local Authority	Waterford City and County Council
Notice Party	Mr. Brendon R. Ottman
Date of Site Inspection	23 rd February 2026
Inspector	Bernadette Quinn

1.0 Introduction

- 1.1. This case relates to a request by Waterford City and County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site at East Main Street, Lismore, Co. Waterford in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

- 2.1. The site at The Gate Lodge, East Main Street, Lismore is located on the northern side of East Main Street within the village of Lismore. The property contains a detached single-bay two-storey building with a pitched roof. The front elevation is unpainted render. The property contains a front entrance doorway and window opening at ground floor and a window opening at first floor. There are wooden access gates to the west of the building and metal gates to the east of the building. The overall site has a stated area of 0.0083ha.
- 2.2. Properties along the northern side of this section of East Main Street are detached buildings with a stone wall and the side elevation of a stone finished building located to the west and to the east is a former church which is now in use as a community hall. On the opposite side of the road there is a terrace of two and three storey buildings which appear to be largely in residential use.
- 2.3. My observations of the site on the date of the inspection include the following:
- The front façade of the building is faded and discoloured and there are cracks apparent under the first floor window and beneath the ground floor window
 - At ground level there is no window frame or window. The window opening has been boarded up with wooden material and the hinges thereon are stained and rusted.
 - The front door comprises similar material to that in the boarded front window. The door hinges and door handle are stained and rusted.

- At first floor the window frame is in poor condition with broken or missing glass in the four pane openings and the paintwork on the window frame is peeling and neglected.
- A first floor window on the western side elevation contains broken glass and the window frame appears in poor condition and neglected.
- There is vegetation growing from the gutters on the front façade.
- Rainwater pipes on the front elevation are rusted and discoloured.
- There appears to be dense vegetation growing to the rear of the property close to the rear façade.

3.0 Application for Consent for Acquisition

3.1. Waterford City and County Council applied to The Commission for consent to compulsorily acquire the site under Section 16 of the Derelict Sites Act, 1990, as amended. I note from the Derelict Sites Report on file that this application is subsequent to the serving of notices as follows:

- Section 8(2) Notice on 29th September 2005 advising of the Local Authority's intention to enter the site on the register of derelict sites.
- Section 8(7) Notice on 19th December 2005 advising of the Local Authority's decision to enter the site on the register of derelict sites.
- Section 15(1)(b) Notice dated 14th November 2025 notifying of the Local Authority's intention to acquire the site compulsorily.
- Section 15(1)(a) Notice published in a local newspaper dated 21st November 2025 notifying of the Local Authority's intention to acquire the site compulsorily.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

4.1.1. Notice of Waterford City and County Council's intention to acquire the site compulsorily was served on the owners/occupiers/lessee, Mr. Brendon R. Ottoman

on the 14th November 2025 and was published in the Dungarvan Observer newspaper dated 21st November 2025. The site was described as follows in the notice:

- The property known as The Gate Lodge, East Main Street, Lismore, Co. Waterford, covering an area of 0.0205 acres or thereabouts, in the District Electoral Division of Dungarvan - Lismore and as more particularly delineated on Map Ref. CPA 2025-20-Plot 101.

4.1.2. I consider that the notice was in accordance with the requirements of Section 15(1)(a) and (b) of the Derelict Sites Act, 1990, as amended.

4.2. Objection to Acquisition

4.2.1. An objection to the proposed compulsory acquisition was submitted to Waterford City and County Council by Mr. Brendon R. Ottoman dated 12th December 2025. The objection can be summarised as follows:

- While the building has been unused for some time it does not meet the criteria for classification as a derelict site under the Derelict Sites Act 1990.
- The buildings current state contradicts the necessary criteria as defined in the Act with reference to its condition or appearance.
- In relation to structural integrity, the building is neither ruinous nor partially demolished. Its structure is sound.
- In relation to external appearance, there is no evidence of loose or falling masonry and the roof is intact. The existing roof was replaced and soffits replastered in 1998 to ensure the building remained watertight.
- In relation to aesthetics and maintenance there is no graffiti, accumulation of litter on or around the building and no plants or weeds growing out of the masonry or roof.
- The windows were boarded up solely to secure and protect the property after repeated vandalism resulting in broken glass, not because of decay or ruin.
- The buildings condition is maintained and protected from decay and its appearance does not detract from the amenity, character, or appearance of the area in a way that warrants the 'derelict' classification.

- The Gate Lodge is an integral and historically significant part of the Mall House complex of buildings. The building is part of a cohesive whole, originally constructed as part of the external period stone-built stable and out house range of the Mall House.
- The buildings frontage forms the natural boundary of the Mall House grounds, and the structure sits naturally within the main house courtyard.
- The building's authentic façade and original design are crucial to the historical and architectural integrity of the adjacent period buildings. Any alteration, change of use or demolition arising from an acquisition would substantially and negatively detract from the authentic appearance of the entire complex.
- The proposed acquisition fails to account for the property's limited original use and structural constraints. The building has not been used as a dwelling in living memory and served as a cobbler's shop for over 35 years until the cobbler retired.
- The building is physically constrained comprising a single ground floor room of approx. 12 sq.m. with a ceiling height of approx. 2.2m, an overhead loft accessible by external ladder, contains no water or sanitation facilities and access through a doorway straight onto the street. These constraints limit its potential future use.
- The overall property, including The Gate Lodge, is currently subject to restoration plans and funds have been secured and put in place for the restoration project.
- Based on the submission that the Gate Lodge does not satisfy the criteria for dereliction, its undeniable architectural relationship to the Mall House Complex, its physical limitations on use and the restoration plans, it is requested that the CPA be withdrawn by Waterford City and County Council.
- Photographs of the internal rooms and the rear and front elevation are included.

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 12th January 2026 and was accompanied by the following:
- Copy of Compulsory Acquisition Site Location Map.
 - Copy of the Section 15 Notice served on the owners/ occupiers/ lessee of the site dated 14th November 2025 and copy of CE Order dated 07th November 2025 to the Notice Party, Mr. Brendon R. Ottman.
 - Copy of the newspaper notice published in the Dungarvan Observer newspaper dated 21st November 2025.
 - Copy of the objection made by Notice Party Mr. Brendon R. Ottman.
 - Local Authority Compulsory Acquisition Report dated 31/10/2025 which sets out the Local Authority's strategic approach to derelict sites in the county, a description of the site, the background to the case and the details of correspondence to the owner. The report includes photographs, a site location map and findings of ownership and site investigations.

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

- The Rural Vacancy and Dereliction Fund (RVDF) aims to tackle properties that have been long term vacant and derelict in rural settlements across the County and bring them back into active use. The RVDF aligns and is consistent with the URDF and Housing for All plan which seeks to ensure existing vacant homes are brought back into productive use and is a key priority in terms of sustainable development within communities, and Waterford City and County Council's Development Plan 2022-2028.
- In line with the identified need to bring existing derelict and long-term vacant properties into use for residential and other purposes, WCCC seek to compulsory acquire the derelict and vacant property at The Gate Lodge, East Main Street, Lismore.
- The property is located within the Architectural Conservation Area (ACA) of Lismore.

- The condition of the site, which contains a detached two-storey property, is described as being a very long term vacant and derelict property since it was last used as a cobblers shop.
- The property is believed to be the former gate lodge of the Mall House and is part of a cluster of two storey stone buildings either side of a gated entrance to the rear courtyard of the mall House, and faces onto East Main Street.
- The property has one window and one doorway entrance directly onto the public footpath with both boarded up, while on the first floor has a 4 pane timber window with all 4 glass panes broken and has been in this condition since before the initial Derelict Sites inspection on 28th July 2005.
- Details of derelict site inspections and findings carried out in 2005, 2012 and 2015 are outlined.
- Most recent site inspections in August 2025 and October 2025 found the following issues:
 - Vegetation growing out of the corner of the gutter and the chimney at roof level.
 - Whilst there is no access to the area directly to the rear of the property, from site visit and aerial images there are signs of debris building up to the rear of the Gate Lodge. The open space is becoming very overgrown with large sized mature trees overshadowing the roof apex and shrubs growing uncontrolled.
 - Ivy was significantly covering the western elevation and hiding a previously visible broken window. On a follow up site visit on 24th October this ivy was cut back and died, exposing the still visibly broken western gable window and rotting timber frame.
 - The chimney stack continues to experience significant damage and loss of plasterwork exposing the brick / block structure underneath. As the plaster work to the chimney is crumbling, this is likely to lead to significant source of moisture ingress into the property from the roof and further damaging the interior of the building and its fabric.

- The gutter and fascia to the front is showing signs of deformation, while the cast iron downpipe paintwork is peeling and in poor condition visibly.
- There are no signs of remaining paintwork on the walls, the plasterwork is fading and showing possible signs of commencement of spalling off and there is a significant crack after appearing from the 1st floor window lower corner leading down to the lintel over the ground floor window. This is likely to be exposing the stone wall fabric underneath to moisture ingress, and will disimprove the overall structural fabric of the wall.
- The front façade door and window openings are boarded up with what look to be solid timber shutter type construction and makeup.
- The history of the case is outlined, including:
 - Details of an initial site inspection by the Planning Authority and derelict site report prepared in July 2005;
 - In September 2005 a Section 8(2) Notice was served and issued to the reputed owner Mr Jackie Walsh (former cobbler) and a copy addressed to 'The Owner / Occupier' was affixed to the property. Following this a letter was received by the Derelict Sites team in October 2005 from Mr. Brendon Ottman stating that the property was part of Mr. Ottman's overall property at the Mall House along East Main St and details of works that have been carried out and proposed works are outlined.
 - In December 2005 a Section 8(7) Notice was issued by registered post to Mr. Brendon Ottman and a copy affixed to the property. No known response was received and there has been no material change to the property's condition following the issuing of the notices.
 - In March 2006 a letter from Mr. Ottman was received by the Derelict Sites team stating that the subject property would be refurbished within the next 12 months.
 - Details of valuation of the property and correspondence to the owner in this regard in 2006 are outlined.

- Details of the issuing of Section 23 notices issued to Mr. Brendan Ottman in 2007 and 2008 are outlined and it is noted that there was no response to these notices and no material change to the property's condition.
 - A further site inspection in October 2008 noted the site was still in a derelict condition and correspondence to Mr. Ottman asking for any changes in the status of the property is outlined. No response was received by the PA and no material change to the property's condition was undertaken.
 - Details of the issuing of Section 23 notices issued to Mr. Brendon Ottman in 2009, 2010, 2011, 2012 and 2013 are outlined and it is noted that these notices were returned undelivered and there was no material change to the property's condition.
 - A site inspection in April 2015 by the Derelict Sites Team noted the subject property was still in a derelict condition.
 - Details of notices issued under Section 22(3), Section 23(5) and Section 23(8) issued in 2023, 2024 and 2025 are outlined and it is noted that there was no material change to the property's condition.
 - Details of a Derelict Sites Team site inspection undertaken on 20th August 2025 and 24th October 2025.
- The site is considered to materially detract from the character and amenity of the surrounding area and falls within the definition of a derelict site as set out by the Act.
 - The site is within Lismore Settlement Boundary and is zoned 'RS' Existing Residential and 'RV' Rural Village.
 - The site is within the Zone of Notification for R178156 (RMP & SMR) and is within the Lismore Architectural Conservation Area. The Mall House is a protected structure WA750817 and NIAH Ref 22809191.
 - The subject property is not included on the NIAH and is not a Protected Structure.

- Relevant Development Plan Objectives relating to Derelict Sites, Regeneration and Built Heritage are outlined.
- Details of ownership investigations are outlined and the reputed owner is stated as Mr. Brendon Ottman.
- Having regard to the observed condition of the property at The Gate Lodge (“Cobblers House”), East Main Street, Lismore, in particular its neglected and unsightly state over a period in excess of 20 years, it is considered that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.

4.4. Objectors Submission

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

4.5. Oral Hearing

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

5.0 Planning History

- 5.1. No recent relevant planning history.

6.0 Policy and Legislation Context

6.1. Development Plan

- 6.1.1. The Waterford City and County Development Plan 2022 to 2028 is the operative Development Plan and includes the following of relevance:
- The subject property is located within the settlement boundary of Lismore and the functional area of the Development Plan. Lismore is defined as a ‘3B Urban Town (Town's or Villages of above 1,500 population, which provide a housing employment or service function. The category is broad and ranges from large commuter towns to more remote towns and villages)’.
 - The site is within the Lismore Architectural Conservation Area.

- The site is zoned RS-Existing Residential with the objective 'Provide for residential development and protect and improve residential amenity'.
- The building is not included on the Record of Protected Structures (RPS) or the National Inventory of Architectural Heritage (NIAH). The adjoining properties to the east and west are included on the RPS and the NIAH.
- To the west, Protected Structure RPS Number WA750817 The Mall House, described as a detached three-bay two-storey house, c.1840, on a corner site possibly retaining some original fenestration. This structure is also included on the NIAH, reference number 22809191.
- To the east Protected Structure RPS Number WA750142, Lismore Presbyterian Church, described as a detached four-bay single-storey red brick Presbyterian church, c.1885, with single-bay single-storey side (south) elevation, and single-bay single-storey lower porch to south-east. Pitched slate roofs with decorative red clay ridge tiles, cut-limestone. This structure is also included on the NIAH, reference number 22809174.
- The site is located within Sites and Monuments Record (SMR) R178156.

6.1.2. The following policies and objectives are relevant:

Chapter 4 refers to Economic Development and includes Policy Objective ECON 04 City and Town Centre First Approach which states 'We will support national policy as stated in Town Centre First: A Policy Approach for Irish Towns (DHLG&H/ DRCD) 2022 across Waterford City and County. When considering advancing local authority initiatives, and submitted development proposals, we will adopt a city and town and city centre first approach in a manner consistent with the principles of compact growth and mixed-use development, as committed to in 'Town Centre First'.' This policy objective also states that the Council will promote, facilitate, and undertake works and initiatives aimed at incentivising the regeneration, upgrading and reuse of underused and vacant building stock.

6.1.3. Policy Objective ECON 07 Active Land Management states: To carry out the functions of the local authority in a co-ordinated manner in order to assist in the proactive targeting of underutilised, vacant and derelict lands and buildings, and general building stock, in pursuing the achievement of the policy objectives of this

Development Plan), and in order to facilitate an Active Land Management approach to the sustainable growth and development of Waterford City and County. This will be achieved/assisted by The acquisition by agreement or compulsory purchase, of vacant, derelict or underutilised sites or buildings, in order to address incidents of urban decay and vacancy, ensure revitalisation and conservation of our built heritage; regeneration of underutilised sites/ buildings, and bring about long-term economic and social/ community development and sustainability.

- 6.1.4. Chapter 7 deals with Housing and Sustainable Communities. Section 7.1 Regeneration and Active Land Management contains the following text: The National Planning Framework and the Southern Regional Spatial and Economic Strategy identify 'Compact Growth' as the means to deliver sustainable growth in our urban settlements. The Council is committed to consolidation, redevelopment and regeneration of infill, brownfield, underused, vacant and/or derelict sites within the existing urban footprints, rather than the continued sprawl of urban development into the open countryside.
- 6.1.5. Policy Objective H06 'we will utilise legislative power under the Derelict Sites Act 1990, The Urban Regeneration and Housing Act 2015, as amended and general CPO powers to prevent anti-social behaviour and remove dereliction and vacancy where appropriate.'
- 6.1.6. Chapter 8 deals with Placemaking and Policy Objective Place 01 contains the following of relevance:
- identify obsolete and potential opportunity sites within the City and County and encourage and facilitate the reuse and regeneration of derelict land and buildings in the urban centres;
 - work with landowners and development interests to pursue the potential of suitable, available and viable land and buildings for appropriate development/renewal;
 - use specific powers, such as the compulsory purchase orders (CPO's) and statutory powers under the Derelict Sites Act 1990 and the Urban Regeneration and Housing Act 2015, as amended, to address issues of dereliction, vacancy and underutilisation of lands in settlements across Waterford.

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

6.2. Derelict Sites Act 1990 (as amended)

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

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

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

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

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

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

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

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

ensure that any land in their functional area does not become or continue to be a derelict site.

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

7.0 Assessment

7.1. Site Inspection

- 7.1.1. Internal access and rear access to the property was not possible on the date of my site inspection on 23rd February 2026, however I was able to view the subject property from East Main Street fronting the site.
- 7.1.2. My observations of the subject property on the day of site inspection include the following:
- The property appeared vacant.
 - The front façade is faded and discoloured and there are cracks apparent under the first floor window and beneath the ground floor window.
 - At ground level there is no window frame or window. The window opening has been boarded up with wooden material and the hinges thereon are stained and rusted.
 - The front door comprises similar material to that in the boarded front window. The door hinges and door handle are stained and rusted.

- At first floor the window frame is in poor condition with broken or missing glass in the four pane openings and the paintwork on the window frame is peeling and neglected.
- A first floor window on the western side elevation contains broken glass and the window frame appears in poor condition and neglected.
- There is vegetation growing from the gutters on the front façade.
- Rainwater pipes on the front elevation appear rusted and discoloured.
- There appears to be dense vegetation growing to the rear of the property close to the rear façade.
- There is an unkempt and neglected appearance to the building.
- I was unable to gain access to the rear of the property to confirm the condition of the rear.

7.1.3. The subject property is a detached building located adjacent to a number of other detached buildings which appear to be in residential and community use. On the opposite side of the road is a terrace of buildings. Other properties on the street are, for the most part, in residential use and appear occupied and were noted to be well maintained. The property is not included on the RPS or on the NIAH, however the adjacent properties to the east and west are included in both the RPS and NIAH. The property is within an Architectural Conservation Area. The property is within an area zoned Existing Residential and is located close to Lismore town centre. Overall, I am satisfied that the subject property unduly detracts from the character of the streetscape and unduly impacts on the visual amenities of the area.

7.1.4. I have considered the images in the planning report of the Local Authority and I have found no evidence of improvements or positive alterations on my site visit.

7.2. Category of Dereliction

7.2.1. I note that the Local Authority considered that the site, in particular its neglected and unsightly state, is considered to materially detract from the amenity, character and appearance of land in the neighbourhood and is, therefore, a derelict site within the meaning of Section 3 of the Derelict Sites Act 1990, as amended.

- 7.2.2. Based on the condition of the subject property which I observed during my site inspection I do not consider that the subject property falls within category (a) of Section 3 of the Act, which relates to structures which are in a ruinous, derelict or dangerous condition. Having inspected the site and reviewed the material on the file, I do not consider that the structure(s) are likely to be in a dangerous condition, or that they could be considered ruinous. Therefore, on balance I do not consider that the condition of this structure results in the wider property being considered to fall under category (a) of Section 3 of the Act.
- 7.2.3. In respect of category (b) of Section 3 of the Act, I note the condition of the building which has a door and windows on the front elevation in poor condition, including broken windowpanes and missing door frame and window frame with these openings boarded over, rainwater pipes in a neglected condition, and weeds growing from gutters and cracks on the front building façade. I note that the general appearance of the property has a neglected, unsightly and objectionable condition and I consider that the site falls within category (b) of Section 3 of the Derelict sites Act, 1990. I particularly note that the subject property is located in an established residential and commercial area and that other properties in the vicinity of the appeal site are for the most part attractive and well maintained.
- 7.2.4. I do not consider the property to fall within category (c) of Section 3 of the Act as there was no rubbish evident at the time of my inspection.
- 7.2.5. Having regard to the category of dereliction as set out under Category (b) of Section 3 of the Derelict Sites Act 1990, as amended, it is my view that the structure is detracting to a material degree from the amenity, character, and appearance of land in the neighbourhood of the land in question which in my view renders it derelict under Section 3 of the Act.
- 7.2.6. It is my consideration that the appearance of the subject property has not materially changed or improved since the Section 15 Notice was issued. I consider that the subject property is detracting to a material degree from the amenity, character and appearance of land in the neighbourhood in question.

7.3. Action of Local Authority

- 7.3.1. I note the actions of the Local Authority, including their efforts to ascertain the owner and contact same as outlined in the Compulsory Acquisition Report dated

31/10/2025. The report refers to correspondence with the owner in 2005 and the serving of Section 8(2) and Section 8(7) Notices on the owner in 2005 and commitments from the owner in 2006 to address the condition of the building. Details of Section 22 and Section 23 notices issued between 2009 and 2025 are also outlined, along with details of further site inspections. The planning report notes no material change in the condition of the property was observed on 20th August 2025 and 24th October 2025.

- 7.3.2. The subsequent Compulsory Purchase Acquisition notice was served on Mr. Brendon Ottman on 14th November 2025 and noted that an objection could be lodged on or before 19th December 2025. A response was received by the Local Authority from Mr. Ottman dated 12th December 2025 objecting to the proposed compulsory purchase.
- 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 Local Authority have attempted to engaged with the owners/occupiers since 2005 with regards to the derelict state of the property. I note that the first correspondence issued to the owner was issued in September 2005. In my view, the Local Authority has been fair and reasonable, giving the owner the time and opportunity to address the dereliction.

7.4. Compliance with Development Plan

- 7.4.1. I note that the Waterford City and County Development Plan 2022-2028 specifically Policy Objectives ECON 04, ECON 07, H06 and Place 01 and Section 7.1 seek to address instances of dereliction and decay in the urban and rural environment, seeks to reuse and revitalise derelict, vacant and underutilised sites and disused buildings and bring properties back into active reuse. Therefore, I consider that the subject property and proposed compulsory acquisition would be consistent with the policies and objectives of the development plan and will ensure that the lands do not continue to be in a derelict condition.

7.5. Actions of the Owner to Address Dereliction

- 7.5.1. I note that there is no evidence on the file and no evidence from the site visit that the owner or their agent has undertaken any actions to address the dereliction.

- 7.5.2. I note that the objection to the proposed acquisition of the subject property made to Waterford City and County Council by the owner dated 12th December 2025 which outlines that the building does not meet the criteria for classification as a derelict site under the Derelict Sites Act 1990; that the building is part of the Mall House complex; that the physical constraints of the building limit its future use; and that restoration plans are proposed. I note that no additional details or evidence of proposals to address the current condition of the building were detailed in the objection and having inspected the site the property continues to have a neglected appearance and be in a derelict state. Having regard to my findings following inspection of the site I do not agree with the objector's contention that the building does not meet the criteria for classification as a derelict site under the Derelict Sites Act. I also see no evidence that any alteration, change of use or demolition arising from an acquisition would substantially and negatively detract from the authentic appearance of the entire complex as outlined by the objector and noting the current condition of the property and I do not consider these are relevant considerations in determining the derelict condition of the property. Furthermore, I do not consider that constrained layout of the building or that it has not been used as a dwelling are relevant considerations to the assessment of the derelict condition of the building or for the purposes of the compulsory acquisition of the property.
- 7.5.3. I note that owner/occupiers have obligations (under section 9 of the Act) to "take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site". It is my opinion that a significant time has passed since the Section 8(2) and Section 8(7) notices were first affixed to the property in September 2005. Having inspected the site, there is no evidence of any attempt to render the site non-derelict and the property remains in a neglected and unsightly condition. I am satisfied the proposed compulsory acquisition is proportionate given the circumstances of this particular case.

8.0 Conclusion

- 8.1. I am satisfied that the process and procedures undertaken by Waterford City and County Council have been fair and reasonable, that the Local Authority has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.

- 8.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising the site and premises situated at East Main Street, Lismore, Co. Waterford covering an area 0.0083 hectares or thereabouts, as set out in the Notice issued under Section 15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 14th November 2025 and on the deposited map ref. DS23014, pursues, and was rationally connected to, a legitimate objective in the public interest, namely, to ensure that the lands do not continue to be in a derelict condition.
- 8.3. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in the submissions to the Commission and I am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.
- 8.4. The effects of the compulsory acquisition on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands would be consistent with the policies and objectives of the Waterford City and County Development Plan 2022-2028, and specifically Policy Objectives Policy Objectives ECON 04, ECON 07, H06 and Place 01 which seek to actively address instances of dereliction and decay in the urban and rural environment and bring properties back into active re-use and to revitalise towns and villages. Accordingly, I am satisfied that 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. Having regard to the observed condition of the application site, in particular the neglected, unsightly and objectionable state of the land and the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.

- 9.2. I consider it reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I recommend that the Commission grant consent to Waterford City and County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

- 10.1. Having regard to the neglected, unsightly and objectionable state of the land, having considered the objection made to the compulsory acquisition, and also:

- a) the constitutional and convention protection afforded to property rights,
- b) the public interest, and
- c) the provision of the Waterford City and County Development Plan 2022-2028

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

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

Bernadette Quinn
Planning Inspector

13th March 2026