



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-324117-26**

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<b>Development</b>	Derelict Site situated at number 8 Grange Terrace, Grange Road, Cork
<b>Location</b>	Number 8 Grange Terrace, Grange Road, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	DS1843/DSP1959
<b>Notice Party</b>	Dermot Costello.
<b>Date of Site Inspection</b>	25 <sup>th</sup> May 2026.
<b>Inspector</b>	Jennifer McQuaid

## 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 the subject site at No. 8 Grange Terrace, Grange 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') is located at No. 8 Grange Terrace, Grange Road, Cork, which is located along R851 Grange Road and approximately 4km southeast of the centre of Cork City.
- 2.2. The subject site consists of a two-storey semi-detached dwelling and has a stated site area of 0.0205 hectares (c. 205 sqm). The site includes the dwelling itself, there a small front garden and a rear garden. The site front is part of an historic terrace; this dwelling and the wider terraces are considered protected structures and are listed on the National Inventory of Architecture (NIAH). The site is in a significant state of disrepair with a broken windows and trees and other vegetation growing from the property. The property is currently secured with temporary mesh fencing. The fascia board also appears to be rotting and in a poor state of repair. The roof is sagging in parts putting pressure on the roof gutters.
- 2.3. Based on a comparison of photographs attached to the Local Authority's Compulsory Acquisition Report (dated 3<sup>rd</sup> March 2026) I note that no works or improvements have been carried out at the subject property.

## 3.0 Application for Consent for Acquisition

- 3.1. Cork City Council has applied to the Coimisiún 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 19<sup>th</sup> December 2025 under Section 15 of the Act 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 (Dermot Costello) on the 19<sup>th</sup> December 2025 and was published in the Irish Examiner dated 22<sup>nd</sup> December 2025. The site was described in the notices, as follows:

- Derelict Site at number 8 Grange Terrace, Grange Road, Cork bounded on the north by Grange Road, on the east by number 7 Grange Terrace, Grange Road, Cork, on the south by number 2 Kingslea, Grange Terrace, Grange 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 (by the property owner) expressing objection to the proposed acquisition was submitted to Cork City Council by Dermot Costello.

4.2.2. The objection to the proposed acquisition was submitted by post and received on 3<sup>rd</sup> February, the day before the deadline.

4.2.3. The objection can be summarised as follows:

- It was derelict when the site was acquired and a substantial clean-up was carried out.
- Covid prevented the owner from doing works.
- Dereliction fines have prevented funds for construction.
- No assistance from Cork City Council.
- There is a history of communication with Cork City Council.

### **4.3. Local Authority's Application for Consent**

4.3.1. The Local Authority requests the consent of the Coimisiún to the compulsory acquisition of the derelict site. The application for consent was received on 3<sup>rd</sup> March 2026 and included the following:

- Copy of derelict site register dated 18<sup>th</sup> November 2022.
- Photographs of the subject site.
- Copy of Derelict Sites Report from dated 20<sup>th</sup> July 2020 noting an inspection was carried out on 20<sup>th</sup> July 2020 and recommendation by the Senior Executive Planner is that the property should be placed on the Derelict Sites Register as the property is still in dereliction condition.
- Copy of Derelict Sites Report dated 29<sup>th</sup> October 2021 noting an inspection was carried out on 29<sup>th</sup> October 2021, the site is still in poor condition and Technician recommended that the property should be placed on the Derelict Sites Register.
- Copy of Section 8(2) letter dated 8<sup>th</sup> December 2021, of Council's intention to enter the subject site on the Derelict Sites Register
- Copy of Derelict Sites Report dated 14<sup>th</sup> November 2022, an inspection at the time confirmed that the property remains derelict and has for a considerable period of time, and it is recommended that the site is placed on the Derelict Sites Register.
- Copy of Section 8(7) letter dated 15<sup>th</sup> November 2022, stating the subject site will be entered on the Derelict Sites Register effective from the 18<sup>th</sup> November 2022.
- Copy of Derelict Sites Report dated 28<sup>th</sup> March 2025, an inspection was carried out on 28<sup>th</sup> March 2025, and the site remains in a ruinous and neglected condition, under section 11 of the Derelict Sites Act 1990, the owner/occupier is required to undertake measures to render the site non-derelict and address the safety and amenity concerns.
- Copy of Section 11(2) Notice dated 21<sup>st</sup> May 2025 requiring the owner/occupier to carry out works specified in the schedule attached to the letter.

- Copy of newspaper notice dated 22<sup>nd</sup> December 2025.
- Copy of Notice of Intention to Acquire Derelict Site dated 19<sup>th</sup> December 2025 and erected on 19<sup>th</sup> December 2025 stating the owner can make an objection on or before 4<sup>th</sup> February 2026 and photographs of notice erected on site dated 19<sup>th</sup> December 2025.
- Copy of Site location map.
- Copy of email of objection to the compulsory acquisition by the owner Donal Harrington dated 26<sup>th</sup> November 2024.
- Copy of letter of objection to the compulsory acquisition by the owner Dermot Costello dated 27<sup>th</sup> January 2026 and received on 3<sup>rd</sup> February 2026.
- Copy of a letter from the Local Authority to An Coimisiún Pleanála received on 3<sup>rd</sup> March 2026 seeking the confirmation of a Compulsory Acquisition in respect of the subject property.

The submission from Cork City Council confirms that the property was entered on the Derelict Sites Register with effect from 18<sup>th</sup> November 2022 and that no progress has been made by the owner to remove the dereliction, various email correspondence occurred between Owner/occupier and staff of the Derelict Sites Unit, whereby the owner/occupier advised that he intended to apply for the Vacant Property Refurbishment grant, however this did not occur. On that basis the Council seek the consent of the Coimisiún to compulsorily acquire the property.

### **Objector's Submission**

4.3.2. No submission was received from the owner/occupier.

#### **4.4. Oral Hearing**

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

## **5.0 Planning History**

5.1. Planning History

**PA Ref: 164647:** Permission granted for the construction of a two-storey extension to the rear of existing two storey dwelling, alterations to elevations to include new

windows and roof light and all associated site works (to a Protected Structure No. 20908624).

## 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 Coimisiún.

## **6.2. Cork City Development Plan 2022 to 2028**

- 6.2.1. The subject site is zoned as ZO 01: Sustainable Residential Neighbourhoods.
- 6.2.2. The site is a listed NIAH Building Reg. No. 20908624 and noted as a worker's house.
- 6.2.3. Core Strategy Objective 2.24: Underutilised Sites – 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 – 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. On the day of my site inspection, internal access to the dwelling was not possible due to its current state of repair. I therefore carried out my inspection from the outside of the dwelling, on Grange Terrace.
- 7.1.2. No. 8 Grange Terrace is a semi-detached property located a regional route R851. The property is in a considerable state of disrepair. The dwelling is missing roof tiles and fascia board to front elevation, a first-floor window is boarded up, bricks are missing from the side elevation with a large opening to the side elevation, which is propped up and open to the elements, which appears to be like this for a considerable period of time. There's vegetation growing from the gutters and chimney. The front garden is overgrown with vegetation growing out onto the public road. The dwelling is clearly in a ruinous and derelict state.

### 7.2. Category of Dereliction

- 7.2.1. Based on the condition of the subject property which I observed during my site inspection I do consider that the site 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 consider that the structure is likely to be in a dangerous condition, and that it is considered ruinous, given the state of the roof, the missing bricks from the side elevation and the opening created to the side elevation which suggests issues in terms of structural stability. Therefore, I do consider that the condition of this structure results in the wider property being considered to fall under category (a).
- 7.2.2. In respect of category (b) of Section 3 of the Act, I note the condition of the property and the general appearance of the property and grounds having 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.
- 7.2.3. In terms category (c) of Section 3 of the Act, there is a small front garden of note and as such no litter collection/deposits, within the site vegetation is growing from the gutters and chimney. However, no rubbish or debris was noted, although I did not have access or visual inspection of the internal of the dwelling. However, given the

evidence on my site inspection, I do not consider the site falls in category (c) of the section of the Derelict Sites Act, 1990.

7.2.4. In conclusion, I consider that the property detracts to a material degree from the amenity, character and appearance of land in the city along a major route, which in my view, renders it derelict under Section 3 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 on the owners in respect of the dwelling. Section 8(2) notices were served on the 8<sup>th</sup> December 2021 advising of the Local Authority's intention to enter the site on the register of derelict sites. A notice under section 8(7) on the 15<sup>th</sup> November 2022 was issued advising of the Local Authority's decision to enter the site on the register of derelict sites and the property was entered on the register on the 18<sup>th</sup> November 2022.

7.3.2. On the 3<sup>rd</sup> July 2024, the owner/occupier sent an email explaining that he would like to discuss timeframes and plans to do up the property and that he intends to apply for the vacant property grant. Cork City Council (CCC) acknowledged the email on the 3<sup>rd</sup> July 2024 and offered to arrange a meeting with the owner/occupier.

7.3.3. On the 8<sup>th</sup> October 2024, CCC sent an email to the owner/occupier and stated that no Croi Conaithe Vacant Property Refurbishment Grant application has been applied for and that another complaint regarding the condition of the property was received and requested a timeline for applying for the Vacant Property Refurbishment Grant and timeline for the commencement of works to be undertaken. The owner/occupier replied and stated the application would be submitted in the next three weeks.

7.3.4. The owner/occupier sent an email on 23<sup>rd</sup> October 2024 and stated the application would be filed early next week.

7.3.5. A follow up email was sent on 26<sup>th</sup> November 2024 and stated no application has been received to date.

7.3.6. On the 11<sup>th</sup> December 2024, the owner/occupier stated he had to post in the application. And on the 10<sup>th</sup> January 2025, CCC stated the application submitted was not complete and required to be sent in again.

- 7.3.7. On the 13<sup>th</sup> February 2025, a further email was sent, and it was noted that no application form was submitted for a Vacant Property Refurbishment Grant. The owner/occupier responded and stated he will send the application in again. CCC replied and requested the owner/occupier to inform them of when the application is submitted.
- 7.3.8. On the 13<sup>th</sup> March 2025, no application was received and CCC informed the owner/occupier under Section 14 of the Derelict Sites Act, 1990 that CCC can take action through a Compulsory Acquisition process where all other options have been exhausted and where CCC consider action is required in the common good to bring the property back into use. CCC also sent links for the Vacant Property Refurbishment Grant and leaflets with some other grants and schemes that can be of assistance.
- 7.3.9. On the 10<sup>th</sup> April 2025, CCC informed the owner/occupier by email that the 2025 Derelict Sites Levies were sent via registered post but the letter came back undelivered marked as “not called for” and the letters are attached to the email to ensure the owner/occupier gets the letter and it was issued by ordinary post. The email also requested an update in relation to the previous email seeking submission of the Vacant Property Refurbishment Grant application.
- 7.3.10. A section 15(1)(a) notice was issued on 19<sup>th</sup> December 2025 with a newspaper notice published on 22<sup>nd</sup> December 2025.
- 7.3.11. Following further correspondence from Cork City Council with the owner on the 20<sup>th</sup> June 2024 and on the 16<sup>th</sup> August 2024, the owner failed to respond or consult with Cork City Council to discuss further plans to bring the property out of dereliction. As a result, Cork City Council issued a further section 15(1)(a) notice on 25<sup>th</sup> October 2024 with a newspaper notice published on the same date.
- 7.3.12. On the 28<sup>th</sup> March 2025, a section 11 report under the Derelict Sites Act 1990 was carried out listing measures to be undertaken by the owner/occupier to render the site non-derelict and address the identified safety and amenity concerns. The report stated the works should be completed within a period of 8 weeks from the date of issue of the Section 11 Notice. The works were recommended by Senior Executive Technician and agreed with by Senior Executive Planner and Director of Services, and a letter was sent to the owner/occupier on the 21<sup>st</sup> May 2025.

- 7.3.13. I acknowledge that the owner/occupier has consulted with CCC, however, no significant attempt has been demonstrated to bring the property out of dereliction. I note CCC tried to accommodate the owner/occupier and sent links for the Vacant Property Refurbishment Grant application and other various grants. CCC also offered to meet with the owner/occupier. It is my opinion that the applicant has not demonstrated an intent to undertake improvement works or to bring the site out of dereliction, a significant time has passed since the owner/occupier implied that he would apply for a Vacant Property Refurbishment Grant and no such application has been made to date. It is my opinion that Cork City Council have given the owner a number of opportunities to progress the site, but the owner has not cooperated.
- 7.3.14. In my opinion, no demonstratable efforts have been made to redevelop the dwelling or to bring the site out of dereliction, given that the site has been on the derelict sites register since 2022 and from viewing google maps, the property has been vacant since at least 2009, I recommend a grant of consent to compulsory acquisition of the site in question.

## **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. 8, Grange Terrace, Grange Road, Cork, (0.0205 hectares), as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 19<sup>th</sup> December 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 Coimisiún 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 (a) & (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 Coimisiún 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 a) & 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, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.*

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Jennifer McQuaid  
Planning Inspector  
2<sup>nd</sup> June 2026