



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-324118-26**

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<b>Development</b>	Derelict Site situated at Monerea House, Monerea Terrace, Albert Road, Cork
<b>Location</b>	Monerea House, Monerea Terrace, Albert Road, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	DS1846/DSP1851
<b>Notice Party</b>	Frank O' Callaghan.
<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 Monerea House, Monerea Terrace, Albert 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 Monerea House, Monerea Terrace, Albert Road, Cork, which is located along N27 Albert Street and approximately 820m southeast of the centre of Cork City.
- 2.2. The subject site consists of a two-storey red brick dwelling and has a stated site area of 0.010018 hectares (c. 100.18 sqm). The site includes the dwelling itself; there is a small front garden. The site is in a significant state of disrepair and significant vegetation covering the front of the dwelling and only a replace door visible. From the street, it is impossible to determine if a dwelling is located on the site due to the extensive vegetation.
- 2.3. Based on a comparison of photographs attached to the Local Authority's Compulsory Acquisition Report (dated 25<sup>th</sup> July 2025). 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 (Frank O'Callaghan) 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 situated at Monerea House, Monerea Terrace, Albert Road, Cork bounded on the north by Cork City Council Operations depot, on the east by number 4 Monerea Terrace, Albert Road, Cork on the south by numbers 1,2 and 3 Monerea Terrace, Albert Road, Cork and on the east by Albert Road, Cork. Ref: DS1846/DSP1851.

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 Frank O'Callaghan.

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:

- Repeated concerns with the adjacent building owned by the City Council which provided antisocial behaviour outside the subject dwelling and was resolved when the building was demolished.
- The demolished building collapsed against the north gable of the dwelling and across the front yard and destroyed ladders which provided access to the roof for maintenance.
- Currently trying to get the house up and running. Health issues have interfered with this.

### 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 Sites Report from dated 26<sup>th</sup> November 2021 noting an inspection was carried out on 23<sup>rd</sup> November 2021 and recommendation by the Senior Executive Technician and Senior Executive Planner is that the property should be placed on the Derelict Sites Register as the property is in derelict condition.
- Copy of Derelict Sites Report dated 5<sup>th</sup> July 2024 noting an inspection was carried, the site meets the criteria for inclusion on the DSR. The property meets the threshold to be considered derelict under Section 3 of the Derelicts Site Act taking the following factors into account. Overgrown vegetation, unsightly boundaries, plants grown out of masonry roof, litter missing/broken/leaking rainwater gutters or downpipes and it is recommended that the property should be placed on the Derelict Sites Register.
- On the 12<sup>th</sup> August 2024, CCC sent a letter to the owner/occupier stating that CCC are of the opinion that the site constitutes a “derelict site”. The letter informs the owner/occupier to complete an enclosed section 29 form providing information in relation to their interest in the property and to confirm the site boundary and to carry out necessary works to remove the site from dereliction. The letter also outlines that failure to address dereliction will result in the site being entered onto the Derelict Sites Register where it will be subject to an annual levy of 7% of the market value (unpaid levies also incur interest and may result in court proceedings). All derelict sites, and particularly those on the Derelict Sites Register, may be subject to Compulsory Acquisition. The letter also informs the owner/occupiers of multiple supports available to assist homeowners in addressing dereliction and vacancy.
- On the 13<sup>th</sup> December 2024, CCC send a letter to the owner/occupier enclosing Frequently Asked Questions in relation to the Vacant Property Refurbishment Grant and the Vacant Property Refurbishment Grant Application.

- On the 27<sup>th</sup> February 2025 a Derelict Site Report was prepared and recommended that the site should be considered under Section 3 of the Derelicts Site Act. In addition, the falling slates from the property is a health and safety issue. The report was further updated on the 3<sup>rd</sup> July 2025 following a site visit and it is noted no change to the condition and status of the building and recommendation remains.
- On the 28<sup>th</sup> April 2025, CCC sent a letter to the owner/occupier stating that CCC are of the opinion that the site constitutes a “derelict site”. The letter informs the owner/occupier to complete an enclosed section 29 form providing information in relation to their interest in the property and to confirm the site boundary and to carry out necessary works to remove the site from dereliction. The letter also outlines that failure to address dereliction will result in the site being entered onto the Derelict Sites Register where it will be subject to an annual levy of 7% of the market value (unpaid levies also incur interest and may result in court proceedings). All derelict sites, and particularly those on the Derelict Sites Register, may be subject to Compulsory Acquisition. The letter also informs the owner/occupiers of multiple supports available to assist homeowners in addressing dereliction and vacancy.
- A similar letter was sent to Bank of Ireland and ICS Mortgages on the 7<sup>th</sup> May 2025.
- A copy of the letter sent on the 16<sup>th</sup> July 2025 to the owner/occupier stating a Section 8(2) Notice under the Derelict Sites Act, 1990 to give intention to enter particulars of the property on the Derelict Sites Register.
- A copy of the letter sent on the 12<sup>th</sup> September 2025 to the owner/occupier stating the property will be entered on the Derelict Sites Register from the 19<sup>th</sup> September 2025 in accordance with Section 8(7) of the Derelict Sites Act, 1990.
- A copy of Derelict Site Register confirming the site was entered on the register on 19<sup>th</sup> September 2025
- 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 photographs.
- Copy of email of objection to the compulsory acquisition by the owner Frank O'Callaghan on dated 3<sup>rd</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 19<sup>th</sup> September 2025 and that no progress has been made by the owner/occupier to remove the dereliction, various correspondence occurred between Owner/occupier and staff of the Derelict Sites Unit, whereby the owner/occupier was advised that he could 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. A submission was made to the Coimisiún by Frank O'Callaghan in response to the application for compulsory acquisition. This can be summarised as follows:

- The owner/occupier tried to engage with the Council but only receive a response when it suits CCC.
- The new South Link Road degraded the property.
- Anti-social behaviour and drinking spots created by CCC beside the dwelling.
- The demolished adjacent building destroyed the owners' ladders and removed ability to access and maintain the roof.
- Due to health reasons, the owner is unable to maintain the property.

- The Planning Department canvassed neighbours to object to the proposed kitchen extension.

#### 4.4. Oral Hearing

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

### 5.0 Planning History

#### 5.1. Planning History

Adjacent site at No. 1 Monerea Terrace, Albert Road, Cork

**PA Ref: 0024769:** Permission granted for the construction of a two-storey extension to the rear of existing two storey dwelling on 16<sup>th</sup> February 2001.

### 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. 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.

- 6.2.3. 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 Monerea House.
- 7.1.2. Monerea House is a detached two storey dwelling located along a busy national route. The property is in a considerable state of disrepair. The dwelling is almost completely overgrown with vegetation; the side entrances are boarded up but a number of boards are missing and there is rubbish located at the side elevation. The front door has been replaced with a new temporary door, and the first-floor windows are missing. The front wall and both gables appear to be intact, but 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, specifically the details submitted by CCC in relation representation submitted by email in February 2020 from a nearby homeowner citing serious concerns about slates and render falling from the subject dwelling, I do consider that the structure is likely to be in a dangerous condition, and that it is considered ruinous, given the extent of the vegetative growth around the dwelling, the missing front windows and the broken

boards to the side elevations. 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 I note large amounts of litter collection/deposits on the site, the site vegetation is growing all over the front elevation and extending out onto the footpath. Given the evidence on my site inspection, I do 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 16<sup>th</sup> July 2025 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 12<sup>th</sup> September 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 19<sup>th</sup> September 2025.
- 7.3.2. Prior to the subject site registration on the Derelict Site Register: On the 12<sup>th</sup> August 2024, CCC sent a letter to the owner/occupier stating that CCC are of the opinion that the site constitutes a "derelict site". The letter informs the owner/occupier to complete an enclosed section 29 form providing information in relation to their interest in the property and to confirm the site boundary and to carry out necessary works to remove the site from dereliction. The letter also outlines that failure to address dereliction will result in the site being entered onto the Derelict Sites Register where it will be subject to an annual levy of 7% of the market value (unpaid levies also incur interest and may result in court proceedings). All derelict sites, and particularly those on the Derelict Sites Register, may be subject to Compulsory

Acquisition. The letter also informs the owner/occupiers of multiple supports available to assist homeowners in addressing dereliction and vacancy.

- 7.3.3. On the 4<sup>th</sup> September 2024, the owner/occupier send an email to Derelict Sites Unit stating he has tried to call but the line is always busy, but he has contacted a roof repairer and he was informed that there are “city living grants” available to fix the roof.
- 7.3.4. CCC state a series of email correspondence followed between the owner/occupier and the staff in Derelict Sites Unit and on the 9<sup>th</sup> December 2024, the owner/occupier stated he was very interested in getting the work done by grants. Following this, the Derelict Site Unit replied with a hyperlink containing information and an application form for the Vacant Property Refurbishment Grant. The following was also stated: “My colleague Ivan O’Leary has received your correspondence of the 4<sup>th</sup> and 25<sup>th</sup> September and is awaiting completion of the Section 29 (attached) issued to you which is a statutory notice under the Derelict Sites Act 1990 which requires the owner/occupier to provide details of their legal rights or interests in the property and to confirm site boundary to be completed within 14 days of issue”. The owner/occupier emailed on the 13<sup>th</sup> December 2024 requesting if the information and application forms for the Vacant Property Refurbishment Grant could be posted to him. Later that day the Derelict Sites Unit posted Frequently Asked Questions in relation to the Vacant Property Refurbishment Grant and the Vacant Property Refurbishment Grant Application as requested. The Derelict Sites Unit have confirmed a completed application form from the Vacant Property Refurbishment Grant has not been received to date in respect of Monerea House, Monerea Terrace, Albert Road, Cork.
- 7.3.5. 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.
- 7.3.6. On the 3<sup>rd</sup> February 2026, the owner/occupier objective to the compulsory acquisition and made a number of points including that an adjacent building owned by CCC which had scaffolding erected in front of it provided shelter for anti-social behaviour to occur. This building was demolished in the autumn of 2018 and therefore CCC do not considered relevant to the ongoing dereliction at the subject site. The objection also raised concerns in relation to the collapsed building against

the North gable of Monerea House and across the yard which destroyed his ladders which were on steel brackets bolted to the gable and therefore maintenance to the roof could not be facilitated. CCC have included a montage of 8 photographs from Google Street View of Monerea House from October 2010-May 2024. The first image of Monerea House taken in October 2010 shows the emergence of vegetation on the front wall Monerea House from the right-hand side of the property and has gradually over the years spread extensively to cover almost all of the front elevation of the property. These photographs demonstrate that no attempt has been made to cut back vegetation from the front of Monerea House from October 2010 to the Autumn of 2018 prior to demolition of the adjacent building on the left-hand side owned by CCC.

- 7.3.7. 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. However, no letter was sent to the owner/occupier.
- 7.3.8. 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 as well as in the post. 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.
- 7.3.9. 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 2025 and evidently vacant since 2010 (as per google images) 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 Monerea House, Monerea Terrace, Albert Road, Cork, (0.010018 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) & (c) 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) & 3 c) 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