



An
Coimisiún
Pleanála

Inspector's Report ACP-324197-26

Development

Application for the compulsory acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act 1990, as amended.

Location

The Square, Rathdowney, County Laois.

Local Authority

Laois County Council

Notice Parties

Walsh Brothers (Rathdowney) Limited

Date of Site Inspection

22nd June 2026

Inspector

Terence McLellan

1.0 Introduction

- 1.1.1. This case relates to a request by Laois County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of a derelict site located at The Square, Rathdowney, County Laois, in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

- 2.1. The property and site that is the subject of this application for consent for compulsory acquisition (hereafter referred to as the 'subject property'), is located at The Square, Rathdowney, County Laois. The subject property comprises a two storey building and adjoining land. The subject property would originally have formed part of a continuous terrace, however, buildings were lost due to a fire some 20 years ago and subsequently demolished. The subject building comprises a traditional shopfront with coach entrance. The adjoining land is fenced off from the street and overgrown. Access to the property was not available and my site inspection was therefore undertaken from the public road.

3.0 Application and Objection

3.1. Notice of Intention to Acquire

- 3.2. Laois 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 12th 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 23rd May 2024, confirming the Local Authority's decision to enter the site on the register of derelict sites.
- 3.2.1. Laois County Council served a Section 15(1)(b) notice to the owners, Walsh Brothers (Rathdowney) Limited, on the 13th February 2026. I note that this notice was served to Walsh Brothers (Rathdowney) Limited and the Company Secretary at the company's registered address. I am satisfied that this was in compliance with the requirements of Section 15(1)(b) of the Act.

- 3.2.2. Laois County Council advertised a 'Notice of intention to acquire derelict site compulsorily under the Derelict Sites Act 1990, (as amended by the Planning and Development Act, 2000, as amended)' on the 17th February 2026 (Leinster Express). The notice invited submissions on or before the 19th March 2026. Section 15(1)(a) reads as follows:

15. (1) A local authority intending to acquire any derelict site compulsorily under this act shall-

(a) publish in one or more newspapers circulating in their functional area a notice stating their intention to acquire the derelict site compulsorily under this Act, describing the land to which it relates, naming the place where a map of the derelict site is deposited and the times during which it may be inspected and specifying the time within which (not being less than one month) and the manner in which objections to the acquisition of the land may be made to the local authority.

- 3.2.3. I am satisfied that the notice meets the requirements of Section 15(1)(a) of the Act.

3.3. Objection to Acquisition

- 3.3.1. An objection to the proposed acquisition was submitted to Laois County Council by Pamela Cassidy, Solicitor, representing the owners, Walsh Brothers (Rathdowney) Limited, (herein referred to as the owners/company), in letters dated 25th February 2026, 16th March 2026, and 3rd April 2026. The letters contain the following points of note:

25th February 2026

- Notices have not been served properly. Notice was not served on the company secretary at the registered company address.
- No copies of the newspaper notice were attached or enclosed, despite being stated as such in correspondence.
- Following a meeting with the Council the Company actively engaged with an architect and preliminary planning submissions were made on 30th October 2025 by email.

- A member of the planning team telephoned Harry Walsh, one of the owners, in respect of this application, on the 8th December 2025.
- Discussions with the Council continued into February and the Council confirmed that the process is ongoing, as per correspondence from the Council dated 17th February 2025.
- The Council's position that that there was no planning submission and a lack of significant progress in activating the site is therefore false as the company has and continues to actively engage with the Council/planning department.
- There is no basis for issuing a Notice and it appears that there is another agenda at work.
- If the Council are pursuing a separate agenda, noting that the Housing Section are stated to be interested in the site, then the Council should share that agenda with the Company and work with them.

16th March 2026

- The letter reiterates the points made in the letter of the 25th February 2025.
- The approach taken by Laois County Council seems intent on hindering the Company's plans to develop the site.
- Members of Laois County Council provided assurances that no CPO would be issued if the Company progressed with the plans.

3rd April 2026

- Note that the Council have opted to treat past correspondence as a formal objection even though the company's position was expressly reserved.
- Request that the Council provide An Coimisiún Pleanála with copies of letters to the Council dated 9th and 17th December 2025, 5th January 2026, and 25th February 2026.
- Reiterate that correspondence with the Council on the company scheme was ongoing on 17th February 2026.

3.3.2. The Commission will note that the objection requested that Laois County Council provide the Commission with previous correspondence (9th and 17th December 2025,

and 5th January 2026) and will further note that the letter of the 25th February 2026 was received following service of Notices and has therefore been addressed as an objection.

3.3.3. By way of history, the Commission will note that Section 15 Notices were previously issued in November 2025. Ms. Cassidy's letter of the 9th December 2025 sets out a detailed objection to said Notices. Substantive matters raised can broadly be summarised as follows:

- Invalidity of notices and lack of jurisdiction/basis/authorisation.
- The Notices were served incorrectly to one of the owners (Mr Edward Walsh), at their private address and in a personal capacity. They were not served on the company secretary as required, nor were the notices served at the company address.
- Serving the Notice on Mr Walsh, noting his private address, is inappropriate, unlawful and in breach of the constitutional right to privacy.
- The lands are incorrectly described and are inconsistent between the map and the Notice.
- The Notices are invalid and Ultra Vires, relying on the signature of the Cathaoirleach and County Secretary rather than the Chief Executive.
- Failure to identify relevant statutory provisions.
- There is no jurisdiction on foot of the Notice that would allow the Commission to engage in a process that is enshrined in the Derelict Sites Act 1990.
- A site plan has been submitted, and discussions are underway with the planning department.
- If the Council proceed with the Notice, then the only remedy available to the company is judicial review and relevant notice would be required in terms of the decision date in order to allow proceedings to be brought within the relevant time period.
- Reasons are required for the decision to CPO the site, but they have not been provided.

- The company disputes the characterisation of the site as derelict. The procedure is invalid and void.
- The company has submitted detailed and specific proposals, prepared at considerable expense. Discussions remain ongoing.

3.3.4. The Section 15 Notices issued in November 2025 were subsequently rescinded and the Council advised that new notices would be issued and served to the company and company secretary.

3.3.5. The letter of the 17th December 2025 raised no substantive points, rather it sought a response to the earlier correspondence issued by Ms. Cassidy on the 9th December 2025.

3.3.6. The letter of the 5th January was in response to a letter from the Council dated 23rd December confirming that the earlier Section 15 Notices issued in November were to be rescinded and that the Council would pursue a new CPO with new Notices. The letter from Ms. Cassidy on the 5th January covers the points summarised earlier in this report under the letter dated 25th February 2025.

3.4. **Local Authority's Application for Consent**

3.4.1. Laois County Council requests the consent of the Commission to the compulsory acquisition of the subject property. The application for consent was received on the 1st April 2026 and was accompanied by the following:

- Compulsory Acquisition Report.
- Derelict Site Location Map.
- Copy of the Section 15 (1)(b) Notice issued to the owner (company and company secretary).
- Copy of the Section 15 (1)(a) newspaper notices dated 17th February 2026.
- Copy of objection letters and Laois County Council acknowledgements and responses.
- Inspection photos from the case file.
- Correspondence with the Planning Department.

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

- Laois County Council established a regeneration team unit to address vacancy and dereliction in towns and villages in County Laois and bring said properties back into use with a particular focus on areas of high housing demand and town and village centres. It is stated that the Council seek to work proactively with property owners, with timely actions and improvement of sites through positive engagement, with use of the powers under the Derelict Sites Act 1990 being employed only when necessary.
- The site is a prominent location in the town square of Rathdowney and detracts from the quality of the space where other properties are well maintained.
- The site includes the old H.G Perry structure and the vacant site adjoining which was formerly occupied by a supermarket prior to being destroyed by fire over 20 years ago, with the structure and site being vacant and derelict ever since.
- The site is deemed to be derelict by definition under Section 3 of the Derelict Sites Act 1990 due to the neglected, unsightly or objectionable condition of the land or any structures.
- The site and remaining building thereon are in an unsightly and neglected condition, detracting from the amenity, character, and appearance of the well maintained neighbouring properties.
- The H.G. Perry building is a Protected Structure. It has a dirty and unpainted appearance, there are damaged/missing roof slates, broken and leaking guttering/downpipes, several damaged windows, and the site is overgrown with vegetation.
- The site was first inspected and identified as a derelict site in October 2020. Ownership was established through the Land Registry system, and the Council have been in continuous contact with the owner/Company to encourage the reactivation of the property, however no meaningful action has taken place, and the site remains vacant and derelict.
- A meeting took place on 24th June 2025 with the owners, their sons and Laois County Council. The owners were advised that the Council wished to see the site brought back into use.

- The Owners were advised that if they did not activate the site, then the Council would be interested in acquiring it for housing purposes. A timeline of correspondence can be summarised as follows:
 - 19th October 2020 – Letter sent to the owners identifying the site as derelict.
 - 2nd November 2020 – Response from owner stating that a development plan was being worked on.
 - 22nd July 2021/30th July 2021 – Letter/email from Urban Arq on behalf of the owner stating that a design proposal was being prepared.
 - At this point the Council decided not to put the property on the Derelict Site Register to allow development to progress.
 - 12th March 2024 – Following inaction a Section 8(2) Notice was issued by registered post (no response).
 - 23rd May 2024 – A Section 8 (7) Notice was issued by registered post confirming entry of the site to the Derelict Site Register (no response).
 - 9th May 2025 - Letter sent to the owners regarding plans to return the site to use (no response).
 - 30th May 2025 – Letter issued to owners advising of Laois County Council's intention to compulsorily acquire the site due to failure of owners to activate it.
 - 3rd June 2025 - Response from Mr Edward Walsh (owner) requesting a meeting.
 - 24th June 2025 – Meeting with owners and the Council. The Council advised they wanted to see progress on the site. Owner advised they were open to developing the site independently or jointly with the Council. Council's preferred action being that the owner take steps to either activate the property or put it on the market. Council advised they would be interested in acquiring the site if the owner did not make progress. Owner was given 1 month to advise the Council of plans.

- 14th August 2025 – Email from owner seeking planning advice regarding a proposed site plan and response from Council advising that a pre-planning request be submitted.
 - 6th October 2025 – Letter to owner from the Council offering to purchase the site and email response from owner on 8th October advising that a plan was being drafted for the site.
 - 13th October 2025 - Letter to owner advising that CPO process would be initiated as no planning application had been submitted.
 - 23rd October 2025 – Request from a Laois Councillor to pause the CPO for one week to allow owner to submit a planning application. No application submitted.
 - 10th November 2025 – Section 15 Notice issued to owner advising of intention to compulsorily acquire the site.
 - 9th December 2025 – Letter of objection from Owner's solicitor (Pamela Cassidy), objecting on procedural grounds. Following this, the CPO was rescinded.
 - 14th January 2026 – Pre-planning meeting with owner and representatives. No application subsequently submitted.
 - 13th February 2026 – Letter to owner advising of intention to compulsorily acquire the site enclosing the Section 15 Notice, Map and advert.
 - 16th March 2026 - Letter of objection received from Owner's solicitor (Pamela Cassidy).
- The inaction of the property owners and failure of their duties under the Derelict Sites Act jeopardises the future use of properties in the area due to their continued neglected and derelict state.
 - The site has a neglected, unsightly and objectionable appearance. The matter has been raised by local community groups. It detracts to a material degree from the amenity, character, appearance, and streetscape of the area.

- The Town Centre First Plan for Rathdowney noted that the town centre derelict sites have a significant impact on the vibrancy and general environment of the town and noted the major significance of dereliction and vacancy, with a rate of 33% compared to a 15% average across the County.
- The timeline provided demonstrates a failure of duty of the owner, with the only option available to the Council being compulsory purchase in order to activate the site, render it non-derelict, and bring it back into use.
- On many occasions the owner has indicated plans to develop the site, but no application has ever been submitted.
- Acquisition of the site provides an opportunity to remove the dereliction and provide social housing.

Response to objection

- The preliminary submission by the Owner was a simple sketch and letter from Urban Arq, stating that a draft masterplan would be prepared within approximately two weeks. No masterplan or application was submitted.
- References in the owner's objection to 'the process being ongoing' and 'a submission having been received' do not relate to the subject site and were raised in the context of a separate discussion concerning the rezoning of land adjoining the GAA Club.
- There are currently no ongoing planning discussions regarding this site.
- The Council's main agenda is the activation of this town centre site that has been derelict for more than 20 years. The Council advised their preference would be for the owner to activate the site. The Council offered to purchase the site when no action was taken.
- The Council has been open and transparent. The Council has engaged extensively with the owner and has allowed sufficient time and opportunity to enable to owners to redevelop the site.
- Although the Company has repeatedly indicated its wishes and plans to develop the site, nothing has ever materialised and the site remains vacant and derelict with no meaningful action taken.

- The site is in a key location where much regeneration work and public realm improvements have taken place. The primary concern is to address dereliction and bring the site back into use.

3.5. Submissions to An Coimisiún Pleanála

3.5.1. On the 8th April 2026, the Commission wrote to the Owners' solicitor and representative, Pamela Cassidy, seeking any observations regarding the proposed compulsory acquisition of the site by Laois County Council. A response was received on 27th April 2026 and can be summarised as follows:

- The application is premature, the company has sought to engage and is currently engaging with the Planning Department of the Council for the development of the site.
- There are CDP compliant detailed design proposals for the development of the land and Stage 1 Screening (habitats) has already taken place, as has preliminary examination for EIA.
- It is in all interests that the site is developed in a manner that enhances Rathdowney, stimulates the economy, and improves amenities of the overall area. The company is anxious that this proceeds.
- It is not in anybody's interest to delay the inevitable sterilisation of the lands by initiation of a compulsory purchase application which will frustrate development of the site and delay the making of an application and the future development of the site.
- The company is anxious to incorporate any reasonable proposals desired by the Council to secure a speedy and appropriate level of development.
- In the context of this objective and the ongoing discussions with the Planning Department, it is untenable for Laois County Council to assert that the purpose of the CPO is to return the site to use. This is the objective of the company.
- It is for the Planning Department to indicate to the company, in light of discussions, what is acceptable in the context of the Town Regeneration Plan.
- Laois County Council made an offer to purchase the site at a gross undervalue of 45,000.

- Following an FOI request, the Council produced a report from an auctioneer valuing the property at 170,000 (auctioneer report submitted). The undervalue calls into question the good faith of the Council who have made no secret that they wish to develop the property themselves.

3.5.2. The Commission will note that the objection included copies of previous correspondence with the Council. These has been addressed earlier in this report at Section 4.2.2.

4.0 Planning History

4.1. No planning history available.

5.0 Policy Context

5.1. Laois County Development Plan 2021-2027

- 5.1.1. The site is zoned Town/Village Centre, the stated objective of which is ‘To protect and enhance the special physical and social character of the existing town centre and to provide for and improve retailing and commercial activities.’.
- 5.1.2. The H.G. Perry building is a Protected Structure (RPS Ref.).
- 5.1.3. CS 06 - 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 and targeted settlements in the County.
- 5.1.4. HPO 5 - To engage in active land management and site activation measures, including the implementation of the vacant site levy on all vacant residential and regeneration lands, and address dereliction and vacancy to ensure the viability of towns and village centres, i.e. Portlaoise, Portarlinton, Mountmellick and Graiguecullen.
- 5.1.5. HPO 14 – Promote residential development addressing any shortfall in housing provision through active land management and a coordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites, and underutilised sites. This includes backland development, thus promoting a more efficient use of zoned land.

- 5.1.6. HPO 21 - The Council will facilitate the acquisition of lands by Compulsory Purchase Order to secure such lands for housing provision.
- 5.1.7. RTP 5 - Encourage and facilitate the reuse and regeneration of derelict sites and buildings and vacant buildings for retail uses with due cognisance to the sequential approach as indicated in the regional planning guidelines.
- 5.1.8. REG 3 - Use the Derelict Site legislation to identify and address issues of dereliction within the towns and villages of the County.
- 5.1.9. Rathdowney is categorised as a Small Town in the Settlement Strategy (Volume 2 of the CDP). It is noted that a relatively compact town centre, the heritage qualities and character of Rathdowney are largely derived from its development of mainly 19th century two storey structures fronting onto Market Square and along Main Street which later developed to the south along the R435. Relevant written objectives for Rathdowney include:
- 5.1.10. RD2 -Reinforce the urban structure of The Square in particular by way of maintenance, renovation, redevelopment and infill development.
- 5.1.11. RD 3 - Encourage redevelopment or restoration of derelict, vacant or underused buildings within the town centre as appropriate and also infill development and backland development; encourage the maintenance and use of all town centre structures, especially the upper storeys to secure their longevity and support the town's vibrancy.

5.2. Rathdowney Town Centre First Plan October 2023

- 5.2.1. Chapter 5 relates vacancy and dereliction. On the Town Square, particular reference is made to the subject site - 'the derelict site adjacent to AIB Bank is particularly prominent and detracts from the quality of the space.'
- 5.2.2. In terms of built heritage, specific reference is made to the H.G. Perry building (the subject site) – 'The Perry name is also evident on the former premises of HG Perry & Sons, a two-storey house, built c.1835, with an integral carriageway. According to its entry in the National Inventory of Architectural Heritage, it was renovated c.1940, with a pub front inserted to the ground floor.'

5.3. Derelict Sites Act 1990 (as amended)

- 5.3.1. 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.
- 5.3.2. Section 3 of the Act defines 'derelict site' as:
- 5.3.3. "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—
- 5.3.4. (a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or
- 5.3.5. (b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or
- 5.3.6. (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."
- 5.3.7. 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.
- 5.3.8. 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.
- 5.3.9. 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.
- 5.3.10. 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.
- 5.3.11. Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in their functional area.

- 5.3.12. Section 15 sets out arrangements for giving notice, if the local authority intend to acquire a derelict site compulsorily.
- 5.3.13. 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.

6.0 Assessment

- 6.1.1. The site is in a prominent location on The Square in the centre of Rathdowney. The adjoining properties are in a good state of repair, as are the majority of properties in the locality. Internal access to the property was not possible on the date of my site inspection on 22nd June 2026, however, I was able to view the site from the public road. I considered the property to be vacant and in a derelict state.
- 6.1.2. Firstly, I note where the fire damaged portion of the building has previously been demolished (c. 20 years), the exposed stone former party wall now forming a gable end. The poor state of this stone work is clearly visible on this gable as is vegetation growing from same. The rear wing of the building is visible from the public domain and is in a very poor condition with missing windows and a number of significant holes in the roof. Prominent vegetation growth is visible both from within the roof and on the façade.
- 6.1.3. On the street facing elevation I note that the paintwork and render is in poor condition, with large parts of the render cracked and bulging/detached. The window frames are chipped and in very poor condition with missing glazing bars. Furthermore, several window panes are completely missing, leaving the interior open to the elements. The rainwater goods are in poor condition, with plant growth from the gutters and downpipes. Vegetation growth is also evident on the roof and there are several missing tiles. Overall, the structure has a poor appearance and is clearly neglected. Given the state of the roof and the missing windows, the property cannot be considered weatherproof and there is likely significant water ingress.
- 6.1.4. In terms of the adjoining land, the vacant nature of this site affords views to the neglected rear wing of the building as detailed above. The land is overgrown with

colonising vegetation, which is clearly evident from the street, noting that some plants are growing on the street side of the fence giving a very neglected appearance.

6.2. Category of Dereliction

6.2.1. I note the Local Authority considered that the property continued to be a “derelict site” within the meaning of the Act. Based on my site inspection, it is my view that the subject property and lands may be considered to fall under Category (b) of Section 3 of the Act.

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

6.2.2. I do not consider the property to fall within category (a) or (c) of Section 3 of the Act as the buildings are not yet ruinous and there was no apparent rubbish evident at the time of my inspection. Having regard to (b) above, it is 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 of the Act.

6.3. Action of Local Authority

6.3.1. A detailed history of the actions of the Local Authority is set out in the Compulsory Acquisition Report and summarised in Section 3.4 of this report. The Local Authority first inspected the property in 2020 and sent a letter to the owner in October of that year identifying the site as derelict. Subsequent to this, the owner replied in November 2020 stating that a development plan was being worked on and in July of 2021, correspondence was received from the owners’ architects, Urban Arq, stating that a design proposal was being prepared. On foot of this, the Local Authority decided not to place the site on the Derelict Site Register in order to allow development plans to progress.

6.3.2. Three years then passed with no meaningful action having taken place and on 12th March 2024, the Local Authority issued a Section 8(2) Notice, followed by a Section 8(7) Notice on the 23rd May 2024, confirming the entry of the site onto the Derelict Site Register. No response was received to either notice and a year later, 9th May 2025, a further letter was sent from the Local Authority to the owners regarding plans to return the site to use, again there was no response recorded.

- 6.3.3. On the 30th May 2025, a further letter was issued to the owners advising of the intention of Laois County Council to compulsorily acquire the site due to failure of owners to activate it. This elicited a response from the owners who requested a meeting in a letter of 3rd June 2025. A meeting was held between the owners and the Local Authority where the owners advised that they were open to developing the site independently or jointly with the Council. The Local Authority stated that their preferred action was for the owner to take steps to either activate the property or put it on the market. On this basis the owner was given 1 month to advise the Council of plans.
- 6.3.4. Further correspondence took place between the Local Authority and the owner, with the owner again maintaining that a plan was being developed for the site (6th October 2025). Following a further pause to allow the owner to submit an application, the Council issued Section 15 Notices advising of the intention to compulsorily acquire the site in November, however these were rescinded following an objection by the owners' solicitor raising procedural matters with the serving of the Notices.
- 6.3.5. On the 14th January 2026, a pre-application meeting took place on Microsoft Teams, based on a simple sketch site plan submitted on the 30th October 2025. The Local Authority then proceeded to issue Section 15 notices on the 13th February 2026, Section 15(1)(b), and 17th February 2026, Section 15(1)(a). I am satisfied that these notices have been issued in accordance with the Act. Subsequent to the issue of notices, correspondence was received from the owners Solicitor on the 23rd February, 16th March, and 3rd April, as detailed in Section 3.3 of this report.
- 6.3.6. The Local Authority have taken the view that the owners' claimed intention to carry out works at the property do not reflect the history on the site. I note that the owners first made a commitment to develop a plan for the site back in November 2020. This was reiterated in July of 2021 when correspondence was received from the owners' architects, Urban Arq, stating that a design proposal was being prepared. Importantly, the Local Authority held off on placing the site on the Derelict Site Register on foot of this commitment from the owners. However, a further three years passed with no action on site and no evidence of any planning scheme coming forward.
- 6.3.7. Whilst I accept that a meeting was held between the Council and the owner in June 2025 at the owners' request, this was after the serving of Section 8 Notices and appears to have been entirely instigated by the Local Authority's letter of 30th May

advising of Laois County Council's intention to compulsorily acquire the site, with earlier correspondence and attempts to engage going unanswered. It is clear that action from the owner has in all cases been reactive to Council actions. Furthermore, no further detail was submitted following the preliminary planning meeting on the 14th January 2026.

- 6.3.8. Although I acknowledge the objectors claims that discussions are ongoing with the Council, the Council have stated categorically that there are no ongoing discussions (as of 19th March) and that references made by the objector to ongoing discussions in an email of 17th February relate to an unrelated site. Based on the information submitted, I have no reason to doubt this. Furthermore, I note that to date, no planning application has been submitted, this despite work on design development apparently commencing as far back as 2021 and continuing to the present, noting that the information submitted to the Council comprised a simple sketch site plan.
- 6.3.9. The site has been vacant now for almost 20 years and has been identified as derelict since 2020. During that period the building has continued to deteriorate and is now in a very poor condition. On that basis the Local Authority consider that the owner has not complied with their duties under the Derelict Sites Act, 1990 (as amended), that the property continues to be in a derelict state and detracts from its surrounds. The report states that the only option open to Laois County Council to address the dereliction is to acquire the property compulsorily.
- 6.3.10. 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." It is c. 6 years since Laois County Council initiated communication in relation to the derelict state of the property and I note that the Council allowed for a period of c. 3 years to allow the owner to develop a scheme to remedy the dereliction and vacancy prior to placing the building on the Derelict Sites Register to no avail.
- 6.3.11. Having regard to the timeline since the site was first identified as derelict, the long term vacant and derelict nature of the site (c. 20 years) and following the serving of Section 8 and Section 15 Notices, I do not consider that the owner has made sufficient progress in bringing the site out of dereliction. No remedial works have taken place, no substantive planning scheme has been provided, despite work commencing on a

design development in July 2021, and no planning application has been submitted, despite assurances that a scheme has been prepared. Having regard to the foregoing I am of the view that there is no reasonable prospect of the owner bringing the site out of dereliction and I am satisfied that the Local Authority gave the owner sufficient time and opportunity to address the dereliction. Therefore, I am satisfied that the efforts of the Local Authority have been fair and reasonable.

6.4. Compliance with Development Plan

- 6.4.1. I note the provisions of Laois County Development Plan 2021-2027 specifically Objectives HPO 5, HPO 14 and REG 3 which essentially seek to utilise Derelict Site legislation to identify/address issues of dereliction in County Laois; engagement in active land management/site activation measures to address dereliction and vacancy to ensure the viability of settlements; and promote residential development through active land management in a coordinated manner on appropriately zoned lands at key locations such as vacant/underutilised sites to promote an efficient use of zoned land. RP-02 states that it is Council policy to promote and encourage the suitable redevelopment of derelict and vacant sites as an alternative to new build on greenfield sites.
- 6.4.2. I also note that written objective RD3 of the Settlement Strategy (Volume 2 of the CDP) states that it is an objective to encourage redevelopment or restoration of derelict, vacant or underused buildings within the town centre (Rathdowney) as appropriate and also infill development and backland development; encourage the maintenance and use of all town centre structures, especially the upper storeys to secure their longevity and support the town's vibrancy.
- 6.4.3. The site has been in a derelict state for a considerable period of time and detracts to a material degree from the character and appearance of the surrounding area. As such, I consider that the compulsorily acquisition of the subject property would be consistent with the policies and objectives of the Laois County Development Plan and would ensure that the lands do not continue to be in a derelict condition.

6.5. Action of Owner

- 6.5.1. From the Council's timeline, the owner first responded to the Council's identification of the site as derelict back in November 2020, advising that a development plan was being worked on and this was followed by a response from the owners' architect Urban

Arq in July 2021 stating that a design proposal was being prepared. No documentation was submitted and the site continued to deteriorate for a further three years when it was then placed on the Derelict Site Register.

- 6.5.2. Following a letter from the Local Authority on 30th May 2025 advising of their intention to compulsorily acquire the site, the owner requested a meeting with the Local Authority to discuss development of the site. The owner was given one month to advise the Council of their plans. This meeting request was in direct response to correspondence issued by the Council advising of their intent to acquire the site, rather than being the owners own intentions. The owners commitments to develop the site have in all cases been reactive to the actions of the Council.
- 6.5.3. The owner submitted documentation to the Planning Department on 30th October 2025 as part of preliminary planning. This information was limited to a simple sketch site plan with an accompanying letter stating that a draft schematic masterplan would be prepared for the owners within two weeks, however, no further documentation was submitted to the Council. The pre-planning meeting was held remotely on 14th January 2026 and from the information before me, no further documentation has been submitted.
- 6.5.4. I note the objectors claims that discissions are ongoing with the Council. The Council refute this and state that references made by the objector to 'ongoing discussions' in an email of 17th February relate to an unrelated site. As stated previously, based on the information submitted by the Local Authority, I have no reason to doubt this.
- 6.5.5. To date, no planning application has been submitted, even though design development work appears to have commenced back in 2021. The substantive information submitted to the Council comprised a simple sketch site plan which remains the last meaningful planning documentation submitted regarding the development of the site, despite claims that a scheme has been worked up.
- 6.5.6. As stated previously, the site has been vacant now for almost 20 years and has been identified as derelict since 2020 and on the Derelict Sites Register since 2024. During that period the building has continued to deteriorate and is now in a very poor condition. No remedial works appear to have been undertaken over the years by the owner.

- 6.5.7. 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 the owner has had ample opportunity over the years to address the dereliction. Whilst I note that a sketch site plan was submitted, I also note that a considerable period of time has passed since design development work apparently first commenced and that no further planning submissions have been made. The sketch site plan does not comprise a detailed or meaningful response or planning scheme and it is not reflective of the time that has passed since development works is stated to have commenced.
- 6.5.8. Given the history of correspondence and previous unfulfilled commitments by the owner to address the dereliction/provide a development plan for the site, I am not convinced that appropriate or meaningful measures would be undertaken in the short to medium term and having regard to the longstanding dereliction of the property, its neglected and unsightly condition, and its impact on the amenities and appearance of the area, I am satisfied the proposed compulsory acquisition is proportionate given the circumstances of this particular case.

7.0 Conclusion

- 7.1. I am satisfied that the process and procedures undertaken by Laois County Council have been fair and reasonable and that the Local Authority has demonstrated that the need for the site to be acquired is both necessary and suitable to ensure that the lands do not continue to be derelict.
- 7.2. 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 The Square, Rathdowney, County Laois, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, (as amended) and dated 13th February 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.
- 7.3. I am also satisfied that the acquisition authority has 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 Laois County Development Plan 2021-2027, which seeks to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment.

8.0 Recommendation

- 8.1. Having regard to the observed condition of the subject 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 Laois County Council to compulsorily acquire the site.

9.0 Reasons and Considerations

- 9.1. 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 Laois County Development Plan 2021-2027,
- 9.2. 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Terence McLellan
Senior Planning Inspector

6th August 2026