



An
Coimisiún
Pleanála

Inspector's Report

ACP-324209-26

Development

Derelict site known as 'Hilltop',
Greenfield Road, Knockroe,
Castlerea. Co. Roscommon.

Location

"Hilltop", Greenfield Road, Knockroe,
Castlerea. Co. Roscommon

Local Authority

Roscommon County Council.

Notice Party

Christopher and Emma Coates.

Date of Site Inspection

9th June 2026.

Inspector

C. Daly.

1.0 Introduction

- 1.1. This cases relates to a request by Roscommon County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site at 'Hilltop', Greenfield Road, Knockroe, Castlerea. Co. Roscommon, 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 'Hilltop', Greenfield Road, Knockroe, Castlerea. Co. Roscommon, which is c.425m south-west of the town centre.
- 2.2. The subject property consists of a hipped roof detached bungalow dwelling with rear flat roof extension element. The dwelling is setback from the public road with front and rear gardens and a front/side driveway and gate. The front garden, of modest depth, consisted of long grass on the date of my visit. The low front boundary walls and pillars and the front elevation of the dwelling appeared to require painting owing to the dirt on the elevations. Part of the rear garden of substantial depth was inaccessible due to overgrown hedging and the rear garden that was visible behind this consisted of long grass and the garden boundaries included overgrown hedging.
- 2.3. There was a shed/outbuilding in the rear garden without roof, windows and door. There was another shed building and an oil tank with plants growing on top of /around these structures to the rear of the dwelling. The parts of the dwelling that I could observe by looking in the windows appeared to have some kitchen appliances, some furniture, shelter and no structural issues such that it appeared to be in a habitable condition. I noted double glazed windows and I observed no degradation to the roof of the dwelling. I noted some vegetation in parts of the eaves gutters and there was some ivy growth on part of one of the side walls of the dwelling.
- 2.4. The dwelling sits within a building line of bungalows of similar design and scale on Greenfield Road. By comparison with the photos on file from the local authority, I note no substantial differences to the property from my site visit. The site backs on to John Morley Avenue, a residential street.

3.0 Application for Consent for Acquisition

- 3.1. Roscommon County Council applied to the Commission to compulsorily acquire the subject property under Section 14 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to Roscommon County Council serving a notice on 7th October 2025 under Section 14 of the Derelict Sites Act, 1990, as amended, advising of the Local Authority's intention to compulsorily acquire under the Act, the derelict site as described.

4.0 Application and Objection

4.1. Initial Notice of Intention to Acquire

Notice of Roscommon County Council's intention to compulsorily acquire the site was served upon the owners/ occupiers (Christopher Coates and Emma Coates) on the 7th October 2025 and was published in the Roscommon People newspaper dated 10th October 2025. The site was described in the notices, as follows:

- The property known as 'Hilltop', Greenfield Road, Knockroe, Castlerea, Co Roscommon F45 H295 comprised in Folio RN41313F of the Register of County Roscommon and comprising an area of approximately 0.0743 ha or thereabouts.

I consider that 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. Initial Objection to Acquisition

One submission (by the property owner) expressing objection to the proposed acquisition was submitted to Roscommon County Council by Christopher Coates and Emma Coates.

The objection to the proposed acquisition was submitted and received on 10th November 2025, the deadline was advised as 11th November 2025.

The objection can be summarised as follows:

- The property is currently in the process of being sold and contracts are expected to be completed shortly.
- The prospective new owners are aware of this matter and are committed to carrying out all necessary remedial and improvement works.
- The sale of the property will discharge any outstanding monies owed ensuring the settlement of all financial and legal obligations.
- The Council is requested to withdraw the compulsory acquisition process to allow the sale to proceed and the new owners to undertake the required works.

4.3. Initial Local Authority Response to Objection and Responses to this

The Local Authority wrote to the property owners on 17th November 2025 and this letter included a request for them to submit evidence of the sale of the property within 7 days. It noted that failure to submit this would result in the file along with the objection being forwarded to An Coimisiún Pleanála for review.

The Local Authority received a letter from Laura Routledge dated 27th November 2025 stating that she has expressed an interest in purchasing the house as is and completing the works required by the Council on completion of the purchase. She stated that she is in the process of obtaining legal advice and is almost in a position to buy the house.

On 3rd December 2025 the Local Authority informed the property owners by letter of the letter received from Laura Routledge. The L.A. stated that it required the property owners to provide documents from their legal representatives within 10 days showing conveyancing has commenced. It noted that a failure to submit the documents would result in the file and objection being forwarded to the Commission.

There is a valuation of the property dated 12th December 2024 on the file valuing it at €80,000. This noted the house has not been lived in for 6 to 7 years.

4.4. Initial Local Authority Application for Consent

The Local Authority requested the consent of the Commission to the compulsory acquisition of the derelict site on 30th January 2026. This was rejected as it was greater than one month after the expiration date within which objections could be made to the proposed acquisition.

4.5. Second Notice of Intention to Acquire

A second notice of Roscommon County Council's intention to compulsorily acquire the site was served upon the owners/ occupiers (Christopher Coates and Emma Coates) on the 24th February 2026 and was published in the Roscommon People newspaper dated 27th February 2026. The site was described in the notices, as follows:

- The property known as 'Hilltop', Greenfield Road, Knockroe, Castlerea, Co Roscommon F45 H295 comprised in Folio RN41313F of the Register of County Roscommon and comprising an area of approximately 0.0743 ha or thereabouts.

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

4.6. Second Objection to Acquisition

One submission (by the property owner) expressing objection to the proposed acquisition was submitted to Roscommon County Council by Christopher Coates and Emma Coates. This included an enclosure from Staunton Caulfield and Co. Solicitors and from Creaton Auctioneering.

The objection to the proposed acquisition was received on 25th March 2026, the deadline was advised as 25th March 2026.

The objection can be summarised as follows:

- The uncertainty of the situation led the interested buyer to withdraw and the Council should pause or withdraw the compulsory purchase.

- An auctioneer has been instructed in respect of the sale and is preparing to put the property on the market.
- Confirmation that the owners hold the title documents and that contracts for sale can issue expeditiously once a sale is agreed.
- An enclosure from Creaton Auctioneering stating they are awaiting payment of fees for advertising the property for sale as instructed and that once payment is received the property will be made available to the market.

4.7. Second Local Authority Application for Consent

The Local Authority requested the Consent of the Commission to the compulsory acquisition of the derelict site. The application for consent was received on the 7th April 2026 and included the following:

- Cover letter from Roscommon County Council including a list of the notices issued under the Derelict Sites Act to the owners of the property.
- Copy of deposit map.
- Derelict Sites Act 1990 Certificate of Inspection and Report of the Council, including site photos.
- Section 8(2) and Section 29 Notices issued by the Council to the owners dated 23rd October 2023 and CE Order H/594/23.
- Email dated 3rd November 2023 from property owners confirming ownership and Council response to owner of 6th November 2023 outlining works to be completed to render the property non-derelict. The works required were:
 - Cut back and maintain all garden areas.
 - Remove vegetation growing on the property and garage.
 - Clean and paint the property.
 - Clean and paint the front boundary wall.
 - Clear vegetation from driveway and footpath around the property.
 - Remove vegetation from eave gutters.

- L.A. Letter to the owners of 31st January 2024 outlining works required and timeframe for completion.
- Section 8(7) notice issued by the L.A. confirming entry of property on the Derelict Sites Register on 18th April 2024 and Section 11 issued on 18th April 2024 specifying the works to be carried out and timeframe and CE Order H/285/24.
- Section 22 notice issued by the L.A. to the owners dated 21st January 2025 and Section 23 notices issued to owners dated 25th March 2025.
- L.A. Notice of intention to acquire compulsorily served on 7th October 2025 and CE Order H/824/25.
- L.A. Notice of intention to compulsorily acquire derelict site published in Roscommon People on 10th October 2025.
- The Council received a letter on 10th November 2025 from the owners stating the property was in the process of being sold.
- Council letter of 17th November 2025 to property owners requesting evidence showing the sale of the property.
- Letter of 27th November 2025 from Laura Routledge stating her interest in potentially buying the property and Council letter to owners of 3rd December 2025 requesting evidence of the sale of the property.
- Auctioneer's valuation of the property dated 12th December 2024.
- Letter from An Coimisiún Pleanála returning file to the Council.
- Council letter to owners outlining intention to compulsorily acquire the subject property of 24th February 2026 and CE Order H/194/26.
- Notice of intention to compulsorily acquire the subject property published in the Roscommon People newspaper of 27th February 2026.

4.8. Oral Hearing

No request has been received for an oral hearing.

5.0 Planning History

None relevant.

6.0 Legislation and Policy Context

6.1. Derelict Sites Act 1990 (as amended)

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

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.”

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 Board.*

6.2. Roscommon County Development Plan 2022-2028 (the CDP)

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Policy Objective CS 2.6 To promote, support, and facilitate the re-use of under-utilised or vacant lands, or lands identified for regeneration, through a co ordinated approach to active land management between the Council and stakeholders.

Section 4.6 Addressing Depopulation and Vacancy

....Whilst the causes of vacancy can be numerous and complex, the primary objective should remain focused on securing the re-occupation of vacant properties. Roscommon County Council's Vacant Homes Office, established in 2018, continues to actively work to identify vacant properties and to engage with owners or other stakeholders, with a view to promoting the re-occupation of vacant units. In addition, other mechanisms such as the Development Contribution Scheme (which currently provides for reductions / exemptions in respect of redevelopment projects involving changes of use) will continue to be utilised as part of a proactive approach to tackling vacancy in the towns and villages of the county.

Section 4.7 Urban Regeneration and the Vacant Site Levy

... The Council maintains a Vacant Site Register, with each site on the register being liable for a levy on an annual basis. This site activation measure aims to stimulate the regeneration of vacant urban sites and encourage the release of zoned lands in order to deliver housing at appropriate locations. The Vacant Site Levy may be applied to lands within an urban settlement which are identified as being in need of renewal and/or regeneration or are residentially zoned.

Section 4.8 Derelict Sites

Policy Objective TV 4.14 *Introduce incentives to encourage the regeneration of vacant and underutilised town/village centre sites which detract from the amenity value of the area and undermine ambitions for consolidated, multifunctional settlements.*

Policy Objective TV 4.15 *Continue to engage with owners of sites and properties which are vacant and or in a derelict/ruinous condition to seek to redress this. Where necessary, apply the available statutory mechanisms (Derelict Sites Act 1990) to address the impact of a derelict site/ structure upon the amenity of an area.*

Policy Objective TV 4.19 *Encourage the appropriate development of infill sites, brownfield lands, and lands identified on the Vacant Site Register and the Derelict Site Register.*

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The subject property is zoned for 'existing residential' development.

Single residential unit is permitted in principle. Figure CA1 lists the full land use zoning matrix for Castlereagh.

Map CA4 of the CDP shows the property to be within the regeneration and residential area.

Policy Objective CA2

Identify and facilitate the development and renewal of vacant sites, obsolete areas, derelict sites and derelict buildings in a manner appropriate to the area.

Vacant Site Levy

The purpose and legislative basis for the application of the Vacant Site Levy have been set out in Section 4.7 of Chapter 4 (Towns and Villages) in Volume I (Written Statement). In the context of Castlerea, the provisions of the Vacant Site Levy are applicable on zoned lands identified for 'Regeneration' or 'Residential' purposes. Such lands are identified on Map 4 (Regeneration and Residential) in this Settlement Plan. The hatching identifies lands where the Vacant Site Levy may apply.

Policy Objective CA 8

Encourage the regeneration of derelict buildings and appropriate mixed use development on infill sites, including residential development and upper floor apartments.

7.0 Assessment

7.1. Site Inspection

- 7.1.1. On the date of my site visit, I was able to view the outside of the property including its front and rear gardens and its side areas. I was unable to gain access to the inside of the house although I did manage to view some rooms through the external windows.
- 7.1.2. The subject property is detached and along a residential local road towards the outskirts of the town of Castlerea. I did not note any significant signs of disrepair to the dwelling and site other than some overgrowth in parts of the gutters, dirt on the front boundary walls and front elevation of the house both of which are in need of painting and some overgrowth around the rear shed and oil tank and a separate shed in the rear garden without a roof, windows or doors.
- 7.1.3. From observing the outside of the dwelling and some parts of the internal rooms from the outside, it appears that it is in a habitable condition. I note that no works appear to have been undertaken to address the issues the Council raised. I note that the property has not deteriorated significantly by comparison with the photos in the Council's file.

7.2. Category of Dereliction

- 7.2.1. I note that in its inspection report (dated 25/09/2023), prior to entering the property on the derelict sites register, the L.A.'s assessment considered the site *"to be of a derelict nature...the property detracts to a material degree from the area and other well maintained houses in the area. The site is neglected and unsightly"*. It specified the works required to render the property non-derelict. This appears to be the Local Authority's case in relation to this matter.
- 7.2.2. I note that category (a) of Section 3 of the Act relates to structures which are in a derelict, ruinous or dangerous condition. While the dwelling is currently vacant, based on the habitable condition of the dwelling which I observed including its double glazed windows and walls and roofs not in poor structural or functional condition, I consider that the site does not meet the criteria of category (a).
- 7.2.3. In relation to category (b), I note some overgrowth to the front and rear of the site, noting the accessibility of the site and its general appearance with only some long grass, dirty walls and sizeable bushes to the rear notable. I consider the condition of the gardens and the front walls of the property to be neglected, unsightly or in objectionable condition. Therefore, in my opinion the site falls within category (b) of Section 3 of the Derelict Sites Act, 1990. I note this considering that the works required to address these issues would be modest and that the category (b) test is a relatively low bar.
- 7.2.4. In this context I note that as well as meeting one or more of the categories, the test is whether the dereliction *"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"*. I consider that the *"neglected, unsightly or objectionable condition"* is not significant as it could be remedied relatively quickly with the small scale works required by the L.A. and that the visual impact is quite limited.
- 7.2.5. I consider that no significant harm is being caused to the site and to the residential street and streetscape by failing to meet category (b). I consider that the property does not significantly detract from the amenity, character or appearance of the area and is therefore not considered derelict on this basis.

- 7.2.6. In relation to category C, on my site visit I did not observe any litter, debris, waste or similar on the site. While noting some overgrowth on the site, I consider that the site does not fall within category (c) of Section 3 of the Act.

7.3. Action of Local Authority and Responses

- 7.3.1. I note that the L.A. outlined in November 2023 to the owners the works it required to be completed to render the property non-derelect. Following further correspondence to the owners, in April 2024 it issued an order entering the site onto the derelect sites register.
- 7.3.2. I note that in October 2025 a notice was issued to the owners and to the public of the Council's intention to compulsorily acquire the property. This process ceased in February 2026 when the Commission returned the Council's application for the compulsory acquisition as it was made outside of the statutory timeframe.
- 7.3.3. On the 24th February 2026 the Local Authority again issued notices of its intention of compulsorily acquire the property. Following receipt of an objection from the landowners on 25th March 2026, the L.A. applied for consent for compulsory acquisition to the Commission and this application was received on 7th April 2026.

7.4. Issues of Proportionality

- 7.4.1. Having reviewed the actions of the L.A. I consider that it actively engaged with the owners and gave more than sufficient time and opportunity to address the works it required to be undertaken (see Section 4.7 above). I note that the requirements to serve notice on every owner, lessee and occupier have been satisfied. I note that the owners failed to undertake any of the works requested by the L.A. and that they stated they were in the process of selling the property.
- 7.4.2. I note that constitutional protections apply to individual property rights per Articles 40 and 43 of the Constitution. Based on case law, should the Commission consider that allowing the compulsory purchase of the property is justified based on any of the categories of dereliction assessed in Section 7.2 above, I note that it should also be satisfied that the following tests are met to ensure the proportionality and reasonableness of the proposed action.

- The works to be carried out should accord with, or at least not be in material contravention of, the policy and objectives contained in the statutory development plan relating to the area.
- There is a community need that is to be met by the acquisition of the lands in question.
- The project proposed and the associated acquisition of lands is suitable to meet the community need.
- Any alternatives proposed to meet the community need have been considered but are not demonstrably preferable.
- The extent of land-take should have due regard to the issue of proportionality.

7.4.3. In relation to Development Plan policy, I note that addressing dereliction of urban sites is provided for by policy and encouraged. As I have assessed above that the site is not derelict, I consider there would be material conflicts with CDP policies noted in Section 6.2 above.

7.4.4. In terms of meeting a community need to, for example, address dereliction, I note that no such need arises as I have not assessed the site as being derelict. The proposal is therefore not suitable to meet such a community need.

7.4.5. I note the alternative of waiting for the property to be sold and that the use of the vacant site levy over time could potentially achieve the objective sought by the Local Authority. In my opinion, the significant extent of property acquisition proposed is not proportional given the modest works required by the L.A. to the property which in my opinion is not derelict.

8.0 Conclusion

8.1. Having regard to the constitutional and convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising a Hilltop', Greenfield Road, Knockroe, Castlerea. Co. Roscommon, F45 H295 comprised in folio F45 H295, containing 0.0743 hectares or thereabouts, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 24th February 2026 and on the deposited maps (DS 046-2023), pursues, and is 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.

- 8.2. I am not satisfied that the proposed acquisition of these lands by the acquiring authority, which are currently in an unsightly and objectionable condition, is consistent with the policies and objectives of the Roscommon County Development Plan 2022-2028, as I am not satisfied that the condition of the site is so unsightly and objectionable that it detracts to a material degree from the amenity and character of the property and the neighbourhood.
- 8.3. I am not satisfied, therefore, that the process and procedures undertaken by Roscommon County Council have been fair and reasonable, or that the local authority has demonstrated the need for the lands, or that all the lands being acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site given that I do not consider the subject property to be derelict. It is further acknowledged that the acquiring authority has not adequately demonstrated that the means chosen to achieve the objective in the public interest would have impaired the property rights of affected landowners as little as possible, and that the effects of the compulsory acquisition on the rights of affected landowners were proportionate to the objective being pursued at the time.
- 8.4. In this respect, I note the alternative of waiting for the property to be sold and the use of the vacant site levy could achieve the objective sought by the Local Authority and I am satisfied that the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate at this time. Having regard to the current condition of the site, I am not satisfied that that the grant of consent to compulsorily acquire the lands is justified by the exigencies of the common good at this point in time.

9.0 Recommendation

- 9.1. Notwithstanding the current unsightly condition of the subject property, the site does not detract to a material degree from the amenity, character and appearance of the streetscape and surrounding land in the neighbourhood. I do not, therefore, consider it reasonable that the local authority seeks to compulsorily acquire that land as provided for in Section 14 of the Derelict sites Act. I recommend, therefore, that the

Commission refuses consent to Roscommon County Council to the compulsory acquisition of the site.

10.0 Reasons and Considerations

10.1. Notwithstanding the current unsightly and objectionable condition of the site, 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 provisions of Roscommon County Development Plan 2022-2028,

it is considered that the site does not detract to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, that the compulsory acquisition of the site by the local authority is not necessary in order to render the site non-derelict. The Commission is not satisfied, therefore, that the objection made cannot be sustained, having regard to that said necessity or that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

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

Ciarán Daly
Planning Inspector

21st July 2026