



An
Coimisiún
Pleanála

Inspector's Report

ACP-324215-26

Nature of Application

Compulsory Purchase Acquisition
(CPA) No. 2 of 2026 - Blynd Quay,
Passage East, Co. Waterford

Location

Blynd Quay, Passage East, Co.
Waterford

Planning Authority

Waterford City and County Council

Notice Party

Jennie O'Neill

Date of Site Inspection

20/06/2026

Inspector

Siobhan Carroll

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site of the subject property is located within Passage East, Co. Waterford. Passage East is situated circa 12km to the east of Waterford City on the western shore of the River Suir. A carry ferry operates a continuous service from the harbour at Passage East to Ballyhack, Co. Wexford. The Regional Route the R683 links Passage East to the Waterford City.
- 2.2. The subject property lies immediately to the east of R683. The rear of the property addresses the regional route. The property fronts onto Blynd Quay it is situated on the western side of the street. The area is predominately residential in character with a mix of detached, semi-detached and terraced properties. The adjoining property to the north is a large two-storey dwelling with a garage. The neighbouring property to the south is two-storey and detached. It was built circa twenty years ago.
- 2.3. The property on the site is a single storey dwelling with an area of circa 70sq m. It is presently vacant and in a derelict condition. The roof of the property is intact however there are some loose tiles on the roof apex and to the front and rear roof planes. The external finish to the front of the property is rendered and painted. Some of the paint work has deteriorated and flaked particularly at the base and the northern side. There is an element of vegetation growth to the roof at the northern boundary.
- 2.4. At the rear of the property an extension to the original cottage has been demolished and the blocks and materials generated from that demolition have been left on site. The boundary wall at the southern side to the rear of the property is completely overgrown with ivy.

3.0 Application for Consent for Acquisition

- 3.1. Waterford City and 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. I note that this application is subsequent to Waterford City and County Council serving a notice dated 30th of January 2026 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

- 4.1.1. Notice of Waterford City and County Council's intention to acquire the site compulsorily was served on the owner/occupier Jennie O'Neill and was published in the Dungarvan Leader on the 6th of February 2026. The site was described as follows in the notices:

- Derelict residential property at Blynd Quay, Passage East, Co. Waterford.

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

4.2. Objection to Acquisition

- 4.2.1. One submission (by the property owner) expressing objection to the proposed acquisition was submitted to Waterford City and County Council, by Jennie O'Neill, on the 20th of February 2026.
- 4.2.2. In her letter of objection Jennie O'Neill confirms that she is the owner of the property which is the subject of the compulsory acquisition.
- 4.2.3. She objects to its compulsory acquisition on the basis that she intends to occupy the property as her future home.
- 4.2.4. It is set out in the objection that she has been working with an architect to produce plans in order to facilitate the refurbishment and extension of the property for habitable use.

- 4.2.5. It is stated in the objection that a Vacant Property Grant Application has been submitted to the Local Authority. Jennie O'Neill confirms in the objection that it is her intention to renovate the property as soon as possible and then move in.
- 4.2.6. In relation to the Vacant Property Grant Application Jennie O'Neill stated that once the grant is confirmed then it is intended that the works will start.
- 4.2.7. Correspondence on file submitted with the objection includes a letter from Mr. Dominic O'Neill the father of Jennie O'Neill which confirms that he will provide financial assistance to his daughter in order that the works on the property can be completed.
- 4.2.8. A drawing of the existing and the proposed floor plan of the dwelling has been submitted with the objection. This indicates a kitchen/living room and WC/shower to the main section of the building with a bedroom and studio to a proposed rear extension. A quotation from KCA Construction Ltd for the renovation and extension of the property has been submitted as part of the correspondence on file submitted with the objection. This details the demolition and construction works proposed for the property and the quoted cost for the project.

4.3. Local Authority's Application for Consent

- 4.3.1. The Local Authority requests the consent of the Commission to the compulsory acquisition of the derelict site. The application for consent was received on 16th of April 2026 and included the following:
- Compulsory Acquisition Report of Waterford City and County Council
 - Derelict Site Location Map
 - Copy of the notices served on the owner/occupier of the site.
 - Copy of the newspaper notice, dated 6th April 2026.
 - Copy of the objection made by Jennie O'Neill submitted to the Local Authority on the 20th of February 2026.
 - Photographs from the derelict site case file on the property.

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

- It is set out in that Waterford City and County Council Rural Vacancy and Dereliction Fund aims to tackle properties that have been long term vacant and derelict in rural settlements across the county and bring them back into active use predominantly for residential use.
- It is stated in the report that Waterford City and County Council Rural Vacancy and Dereliction Fund align with the aims and objectives of URDF Circular 03/2023 and 01/2023 and the Housing for All Plan.
- In relation to the description of the property, it is stated as being derelict and long term vacant. It is set out that it is in a poor state of repair with the following highlighted. The roof of the property has experienced significant damage. With damage to the apex ridge tiles, slates missing and multiple slates becoming misplaced and misaligned. The gutter and fascia to the rear have fallen off and the flat roof has partially collapsed. Internally the site is in a poor state of repair. The rear outdoor space is overgrown. The external walls have obvious signs of damage and are in a poor state of repair. The paintwork on the front façade is cracking and flaking. The plasterwork is fading and there are several large cracks in the façade.
- It was highlighted in the report that no improvement or works have been undertaken on the property during the course of the dereliction process and no update on the condition was provided.
- The timeline of the history of dereliction is detailed in the report. On the 8th of November 2022 the initial site inspection was carried out by the Planning Authority and a report was compiled. On the 16th of February 2023 the report of the Planning Officer was accepted and signed by the Senior Executive Planner. On the 15th of March 2023 a Section 8(2) Notice was served under the Derelict Sites Act (1990) (as amended). The notice was issued by registered post to the reputed owner. The postal copy was returned undelivered on the 21st of March 2023. On the 21st of March 2023 the Section 8(2) Notice was reissued by registered post to the reputed owner of the property at Blynd Quay. It was returned undelivered on the 4th of April 2023.

- On the 11th of April 2023 the owner of the property Jennie O'Neill made contact with the Planning Department. The Planning Officer explained that the property had been identified as a property in derelict condition. A Section 8(2) Notice was issued with a list of items to be remediated and responded to by the 12th of April 2023, otherwise the next step was the issuing of a Section 8(7) Notice placing the property on the Derelict Sites Register.
- Jennie O'Neill responded on the 12th of April 2023 and confirmed that she was the sole owner of the property and that it was her intention to apply for the vacant property grant to assist in rebuilding the property and she requested details of the scheme available to be sent on. On the 28th of November 2023 the Planning Officer wrote to the owner seeking an update on the steps taken since the last contact with the Derelict Sites Team. On the 13th of December 2023 the owner emailed the Derelict Sites Team. She detailed how she was working with a builder and architect with the objective to submit vacant homes grant application in early 2024.
- On the 1st of February 2024 a Section 8(7) Notice was served under the Derelict Sites Act (1990) (as amended). Following the issuing of this notice there were no known responses on file, and no material change to the composition of the property. On the 15th of August 2024 a Section 22(3) Notice was served to the owner notifying that the derelict property in question was valued by Real Estate Agents O'Shea O'Toole to the value of €40,000. There were no known responses on file, and no material change to the composition of the property.
- It is set out in the report that the site is considered to materially detract from the character and amenity of the surrounding area, its condition is affecting neighbouring properties and that it falls within the definition of a derelict site as set out in the Act.
- In relation to planning policy designations the following information is detailed in the report.
- Under the provisions of the Waterford City and County Council Development Plan 2022-2028 (as varied) the site is located within the Passage East settlement boundary, is zoned objective 'RS' – existing residential, within the

zone of notification of R133996 (RMP & SMR) and is within Passage East ACA.

- The property is listed on the NIAH – reference: 22807055.
- The following policy objectives in the development plan are referenced which related to derelict sites. Policy Objective ECON 04 which refers to City and Town Centre First Approach. Policy Objective ECON 07 which refers to Active Land Management. Policy Objective H06 which refers to Legislative power under the Derelict Sites Act 1990. Policy Objective Place 01 which refers to CPO's and Statutory Powers under the Derelict Sites Act, 1990. Policy Objective BH08 which refers to Reusing our Built Heritage. Policy Objective BH13 which refers to Vacant and Derelict Structures.
- It was concluded in the report that having regard to the observed condition of the property at Blynd Quay, Passage East, Co. Waterford, in particular its neglected and unsightly stated that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990 (as amended).
- It is considered reasonable that the local authority seeks to compulsorily acquire the lands as outlined in Figure 1, as provided by Section 14 of the Act to render the site non-derelict and to prevent it continuing to be a derelict site.

4.4. Objector's Submission

- 4.4.1. None received.

4.5. Oral Hearing

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

5.0 Planning History

- 5.1. Reg. Ref. 05/414 – Permission was granted to demolish existing substandard dwelling house and construct new two-storey dwelling house with drainage connections to existing public mains and construct new 2 metre high boundary walls.

Adjacent site to the south-east

- 5.2. Reg. Ref. 02/934 – Permission was granted to construct a new dwelling and all associated site works.

6.0 Policy Context

6.1. Waterford City and County Council Development Plan 2022-2028 (As Varied)

- 6.1.1. The subject property is located within the settlement boundary of the designated Rural town Passage East. The property is located within an area zoned 'RS.' Existing Residential Zone.
- 6.1.2. The subject property is located within the Architectural Conservation Area (ACA) of Passage East.
- 6.1.3. The following policies and objectives are relevant:
- 6.1.4. Chapter 4 refers to Economic Development
- 6.1.5. Policy Objective ECON 04 refers to City and Town Centre First Approach
- 6.1.6. We will support national policy as stated in Town Centre First: A Policy Approach for Irish Towns (DHLG&H/ DRCD) 2022 across Waterford City and County. When considering advancing local authority initiatives, and submitted development proposals, we will adopt a city and town and city centre first approach in a manner consistent with the principles of compact growth and mixed-use development, as committed to in 'Town Centre First'.
- The policy seeks to incentivise the regeneration, upgrading and reuse of underused and vacant building stock.
- 6.1.7. Policy Objective ECON 07 refers to Active Land Management
- 6.1.8. To carry out the functions of the local authority in a co-ordinated manner in order to assist in the proactive targeting of underutilised, vacant and derelict lands and buildings, and general building stock, in pursuing the achievement of the policy objectives of this Development Plan), and in order to facilitate an Active Land Management approach to the sustainable growth and development of Waterford City and County. This will be achieved/ assisted by:

- The acquisition by agreement or compulsory purchase, of vacant, derelict or underutilised sites or buildings, in order to address incidents of urban decay and vacancy, ensure revitalisation and conservation of our built heritage; regeneration of underutilised sites/ buildings, and bring about long-term economic and social/ community development and sustainability;

6.1.9. Chapter 7 refers to Housing and Sustainable Communities.

6.1.10. Policy Objective H06 states ‘we will utilise legislative power under the Derelict Sites Act 1990, The Urban Regeneration and Housing Act 2015, as amended and general CPO powers to prevent anti-social behaviour and remove dereliction and vacancy where appropriate.’

6.1.11. Chapter 8 refers to Placemaking

6.1.12. Policy Objective Place 01 contains the following which of relevance:

- identify obsolete and potential opportunity sites within the City and County and encourage and facilitate the reuse and regeneration of derelict land and buildings in the urban centres;
- work with landowners and development interests to pursue the potential of suitable, available and viable land and buildings for appropriate development/renewal;
- use specific powers, such as the compulsory purchase orders (CPO’s) and statutory powers under the Derelict Sites Act 1990 and the Urban Regeneration and Housing Act 2015, as amended, to address issues of dereliction, vacancy and underutilisation of lands in settlements across Waterford.

6.1.13. Chapter 11 refers to Heritage

6.1.14. Policy Objective BH 08 – Reusing our Heritage Buildings - It is a policy of the Council to encourage sympathetic development or reuse of historic buildings to promote heritage led economic growth and regeneration whilst not adversely detracting from the building or its setting. Any proposals shall respect features of the special architectural and historic character by appropriate design, materials, scale, and setting.

- 6.1.15. Policy Objective BH 13 – Vacant and Derelict Structures - It is the policy of the Council to encourage the sensitive redevelopment of vacant or derelict sites within the ACA and historic cores of the city, towns and villages whilst promoting a high standard design which respects urban plots, roof lines vistas and streetscape.

6.2. National Inventory of Architectural Heritage

- 6.2.1. Reg No: 2280055 – Refers to the subject property at Blynd Quay, Passage East, Co. Waterford. It is described as attached three-bay single-storey house with dormer attic, c.1820. Renovated and extended, c.1970, comprising two-bay single-storey flat-roofed return to south-west. Pitched slate roof with clay ridge tiles, rendered coping, square rooflights, and replacement uPVC rainwater goods, c.1995. Flat felt roof to return with timber eaves. Painted rendered walls (possibly over mud wall construction). Square-headed window openings with replacement concrete sills, c.1970, and replacement timber casement windows, c.1970. Square-headed door opening with replacement glazed uPVC door, c.1995. Road fronted with concrete footpath to front. It is designated of special Architectural Interest.

6.3. Derelict Sites Act

- 6.3.1. 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 required landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

- 6.3.2. 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 of 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.”

- 6.3.3. 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 of their intention to do so. 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. 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. 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.
- 6.3.4. Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in their functional area. Section 15 sets out arrangements for giving notice, if the local authority intend to acquire a derelict site compulsorily, and 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.

7.0 Assessment

7.1. Site Inspection

- 7.1.1. Internal access to the property was not possible on the date of my site inspection. However, I carried out my site inspection from the public road to the front and rear of the property.
- 7.1.2. The subject property at Blynd Quay, Passage East, Co. Waterford is a single storey dwelling which is attached to north to large two-storey dwelling. The property is in a state of disrepair with some loose tiles on the roof apex and to the front and rear roof planes. The paintwork on the front façade is cracking and flaking. There are several large cracks in the façade. At the rear of the property an extension to the original

cottage has been demolished and the blocks and materials generated from that demolition have been left on site. The boundary wall at the southern side to the rear of the property is completely overgrown with ivy.

7.2. Category of Dereliction

- 7.2.1. In relation to the category of dereliction which may be applicable to the subject property there are three set out under Section 3 of the Derelict Sites Act 1990, as amended. Regarding category 3 (a) which relates to structures which are in a ruinous, derelict or dangerous condition, based on my site inspection and material on file, I would not consider that the structure is in a dangerous condition in the absence of access the interior of the property or a structural survey. Secondly, in relation to category 3 (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. I particularly note that the subject property is located in the centre of Passage East and is located alongside properties which are attractive and well maintained.
- 7.2.2. Thirdly, in relation to category (c) of Section 3 of the Act, there are blocks and materials generated from the demolition the rear extension to the property which are deposited within the garden to the rear of dwelling. 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.
- 7.2.3. In conclusion, I consider that the property detracts to a material degree from the amenity, character and appearance of land in the town centre, which in my view, renders it derelict under Section 3 of the Act.

7.3. Action of Local

- 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 15th of March 2023 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 1st of February 2024 was issued advising of the Local Authority's decision to enter the site on the register of derelict sites.

- 7.3.2. Prior to the subject site registration on the Derelict Site Register as detailed in the Compulsory Acquisition report prepared by the Council, they had made efforts to issue the owner Jennie O'Neill with the original Section 8(2) Notice. Jennie O'Neill contacted the Planning Department on the 11th of April 2023. The Planning Officer advised her that the property had been identified as a property in derelict condition. A Section 8(2) Notice was issued with a list of items to be remediated and responded to by the 12th of April 2023, otherwise the next step was the issuing of a Section 8(7) Notice placing the property on 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).
- 7.3.3. Correspondence from the Planning Officer on the 27th of April 2023 to the owner set out that works would be required to be carried out within a time period of six months. Further contact occurred following this. The Planning Officer contacted the owner on the 14th of September 2023 seeking an update on progress. The owner Jennie O'Neill stated that she initially had engaged the services of an architect, but that arrangement had fallen through. The Planning Officer advised her that it would be appropriate to seek a Section 5 Declaration in order to ensure that any upgrade works to the property did not require planning permission.
- 7.3.4. The Council again made contact with the owner in late 2023. The Planning Officer wrote on the 28th of November 2023 seeking an update on the situation. On the 13th of December 2023 the owner Jennie O'Neill contacted the Derelict Sites Team by email and informed them that she was working with an architect and builder and was planning to make the vacant homes grant application in early 2024. Following the issuing of the Section 8(7) Notice on the 1st of February 2024, a Section 22(3) Notice was served to the owner notifying them that the derelict property was valued by Real Estate Agents O'Shea O'Toole to the value of €40,000. Following the issuing of this notice it was stated in the Compulsory Acquisition report that there were no further responses from the owner were received by the Council.
- 7.3.5. It was concluded in the Compulsory Acquisition report that the having regard to the observed condition of the property in particular its neglected and unsightly state that it is considered that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and that it is a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended. It was concluded

in the report that it was considered reasonable that the local authority seeks to compulsorily acquire the land as provided by Section 14 of the Act to render the site non-derelect and to prevent it continuing to be derelect.

7.4. Compliance with Development Plan

- 7.4.1. I note the provisions of the Waterford City and County Development Plan 2022-2028 (As Varied), and specifically Objective Place 01 which seeks to facilitate the re-use and regeneration of derelect land and buildings and, use statutory powers under the Derelect Sites Act 1990 to address issues of derelection. Objective H06 and Objective ECON7 similarly seek to use the provisions of the Derelect Sites Act 1990 to remove derelection and vacancy, and address incidents of urban decay and vacancy respectively. Objective BH 13 refers to Vacant and Derelect Structures, it seeks to encourage the sensitive redevelopment of vacant or derelect sites within the ACA and historic cores of the city, towns and villages whilst promoting a high standard design which respects urban plots, roof lines vistas and streetscape.
- 7.4.2. Having regard to the condition of the subject property I consider that the proposed compulsory acquisition of the property would be consistent with the policies and objectives of the Development Plan and will ensure that the lands do not continue to be in a derelect condition.

7.5. Action of the Owner to Address Derelection

- 7.5.1. As addressed above, the owner of the property Jennie O'Neill has liaised with Waterford City and County Council in relation to the matter. Initially she stated that she had engaged the services of an architect however that arrangement had fallen through. In her email to the Derelect Sites Team on the 13th of December 2023 Jennie O'Neill confirmed that she was working with a builder and architect with the objective to submit vacant homes grant application in early 2024.
- 7.5.2. In the objection to this proposed compulsory acquisition the owner sets out her plans for the property. Firstly, I would highlight that it is her intention to renovate the property as soon as possible and then move in. Secondly, in relation to the matter of addressing the existing condition of the property it is set out in the objection that the owner has been working with an architect to produce plans in order to facilitate the refurbishment and extension of the property for habitable use. The objection includes a drawing of the existing and the proposed floor plan of the dwelling. This indicates a

kitchen/living room and WC/shower to the main section of the building with a bedroom and studio to a proposed rear extension. A quotation from KCA Construction Ltd for the renovation and extension of the property has been submitted as part of the correspondence on file submitted with the objection. This details the demolition and construction works proposed for the property and the quoted cost for the project.

- 7.5.3. Regarding the funding or partial funding of the project, it is confirmed in the objection that the owner Jennie O'Neill has submitted an application for a Vacant Property Grant to the Local Authority. Furthermore, I note the correspondence on file submitted with the objection, a letter from Mr. Dominic O'Neill the father of Jennie O'Neill which confirms that he will provide financial assistance to his daughter in order that the works on the property can be completed.
- 7.5.4. Accordingly, on the basis of the fact that the owner has submitted an application for a Vacant Property Grant and is currently awaiting a decision on the matter and also having regard to the owner's plans to renovate and extend the property in order to return it to residential use, I am of the opinion that they are actively attempting to address the issue of dereliction. Therefore, while the property remains in a neglected and unsightly condition and detracts materially from the amenity and character of the area to an unacceptable degree, I would accept that the ongoing efforts by the owner to render the property non-derelict should be taken into account in this instance.
- 7.5.5. For this reason, it is considered that it would not be appropriate to consent to the compulsory acquisition of the site at this point in time. It is further noted that the Local Authority has powers under Section 11 of the Derelict Sites Act 1990 (as amended) to require the owner to take specified measures to address any outstanding issues contributing to the dereliction of the property, should this be deemed necessary. Having regard, therefore, to all of the information available on the file and the continued appearance and condition of the subject property, it is concluded that the property constitutes a derelict site.
- 7.5.6. Notwithstanding this, it is considered that there is evidence that adequate efforts are being made to render it non-derelict, and that as such, sufficient time should be afforded to carry out the necessary works. It is considered, therefore, that it is

appropriate to refuse the Local Authority's application for consent to compulsorily acquire the site at Blynd Quay, Passage East, Co. Waterford, Co. Waterford.

8.0 Conclusion

- 8.1. I am satisfied that the process and procedures undertaken by Waterford City and County Council have been fair and reasonable, that the Local Authority has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.
- 8.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site at Blynd Quay, Passage East, Co. Waterford, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 30th of January 2026, 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.
- 8.2.1. I am further satisfied that the proposed acquisition of these lands was consistent with the policies and objectives of the Waterford City and County Development Plan 2022 2028 (As Varied), and specifically Objective Place 01 which seeks to facilitate the re-use and regeneration of derelict land and buildings and, use statutory powers under the Derelict Sites Act 1990 to address issues of dereliction, and Objective H06 and Objective ECON7, which similarly seek to use the provisions of the Derelict Sites Act 1990 to remove dereliction and vacancy, and address incidents of urban decay and vacancy respectively. Objective BH 13 which refers to Vacant and Derelict Structures and seeks to encourage the sensitive redevelopment of vacant or derelict sites within the ACA and historic cores of the city, towns and villages is also directly supportive of the proposed acquisition of these lands.
- 8.3. Having regard to the efforts made to date by the owner to address the matters that gave rise to the derelict condition of the site, I am no longer satisfied that the grant of consent to the compulsory acquisition is justified by the exigencies of the common good at this point in time.
- 8.4. In this respect, I have considered alternative means of achieving the objective referred to in the submissions to the Commission, and I am satisfied that the

alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable and disproportionate.

9.0 Recommendation

- 9.1. Notwithstanding the current unsightly and objectionable condition of the site which detracts to a material degree from the amenity, character and appearance of the streetscape and surrounding land in the neighbourhood, taking account of the evidence provided on file that ongoing efforts are being made by the Notice Party to address the dereliction on the site and to bring the property back into use, I do not consider it reasonable that the Local Authority now seeks to compulsorily acquire the land (at this point in time), as provided by Section 14 of the Act. I recommend, therefore, that the Commission refuses consent to Waterford City and County Council to the compulsory acquisition of the site.

10.0 Reasons and Considerations

Having regard to the current unsightly and objectionable condition of the site, 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 Waterford City and County Development Plan 2022-2028
(As Varied),

The Commission considered that, notwithstanding the current unsightly and objectionable condition of the site which detracts to a material degree from the amenity, character and appearance of the surrounding land in the neighbourhood, taking into account the evidence on file of the ongoing efforts being made by the Notice Party to render the site non-derelect, the Commission does not consider that the compulsory acquisition of the site by the local authority is necessary at this time in order to render the site non-derelect. The Commission is not satisfied, therefore, 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 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.”

Siobhan Carroll
Planning Inspector

26th of June 2026