



An
Coimisiún
Pleanála

Inspector's Report

ACP-324216-26

Nature of Application

Compulsory Purchase Acquisition
(CPA) No. 3 of 2026 - 6 Barrack
Street, Tallow, Co. Waterford

Location

6 Barrack Street, Tallow, Co.
Waterford

Planning Authority

Waterford City and County Council

Notice Party

Francis O'Keeffe

Date of Site Inspection

19th of June 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 property 6 Barrack Street, Tallow, Co. Waterford, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

2.0 Site Location and Description

- 2.1. The subject property no. 6 Barrack Street is located within the town of Tallow in Co. Waterford. Tallow is situated circa 23km to the north-west of Youghal, Co. Cork.
- 2.2. There is a mix of residential and commercial uses along Barrack Street. No. 6 Barrack Street is located on the western side of street. It is situated within a terrace containing 7 no. similar single storey dwellings. To the north there is a two-storey building where an antiques shop is located. On the opposite side of the street there is a modern two-storey building which contains a medical clinic. Tallow Fire Station is located to the south of this.
- 2.3. The property on site is a single storey mid-terrace dwelling. The dwelling has frontage of circa 5.5m onto Barrack Street. The curtilage of the property extends back circa 32m. On inspection of the site, I observed that the property was vacant and is in a considerable state of disrepair. In relation to the roof of the property, it was evident that there has been deterioration in its condition in terms of a build-up of moss between the slates. There is grass and vegetation growing out of the chimney flue and its crown. The rainwater gutter is sagging below the roof ridgeline. In relation to the external finish of the property, the paintwork is stained, fading and peeling. The brown paint work to the front door and window frame is also peeling off.

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 Francis O'Keeffe and was published in the Dungarvan Leader on the 6th of February 2026. The site was described as follows in the notices:

- The property known as 6 Barrack Street, Tallow, 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 objection to the proposed acquisition was submitted by Mr. John Corcoran on behalf of the property owner Mr. Francis O'Keeffe, on the 11th of February 2026.

4.2.2. The letter of objection states that Mr. John Corcoran makes the objection to the compulsory acquisition of the property no. 6 Barrack Street, Tallow, Co. Waterford on behalf of the property owner Mr. Francis O'Keeffe.

4.2.3. It is stated that Mr. O'Keeffe lives and works in England and that he plans to return in the near future and make the property no. 6 Barrack Street, Tallow his home.

4.2.4. Mr. John Corcoran confirms that Mr. Francis O'Keeffe has given his consent that Mr. Corcoran act on his behalf in relation to the matter.

4.2.5. Mr. Corcoran confirms that he is willing to help Mr. O'Keeffe to work on the property in order to bring it to a habitable standard. Mr. Corcoran states that he is Francis O'Keeffe's first cousin and that he is his closest remaining relative.

4.2.6. It is stated that Mr. O'Keeffe apologises for the lack of communication with the Council on the matter. Mr. Corcoran stated that he tracked Mr. O'Keeffe down through his workplace and a registered letter which was sent.

4.2.7. It is confirmed that Mr. O'Keeffe is willing to cooperate with whatever procedures Waterford City and County Council may suggest.

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 26th 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 owners/occupiers of the site.
- Copy of the newspaper notice, dated 6th of February 2026.
- Copy of the objection made by Francis O'Keeffe submitted to the Local Authority on the 11th of February 2026.
- Copy of their further correspondences and acknowledged responses
- Photographs from the derelict site case file on the property.

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

- It is set out that the Waterford City and County Council's 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 residential use.
- It is set out in the report that the acquisition aligns with and is consistent with the aims and objectives of URDF Circular 03/2023 and 01/2023 and the Housing for All Plan which seeks to ensure existing vacant homes are brought back into productive use. It is also a key priority in terms of achieving sustainable development within communities as set out in the Waterford City and County Council Development Plan 2022-2028.
- In relation to the description of dereliction, it is set out that the property is in a very poor state of repair with the following issues identified;
- There is vegetation growing out of the gutter. The gutter is filling with vegetation/soil it is sagging and pulling away from the property. This has caused rainwater to spill out of the gutter which has damaged the fascia timberwork on the façade and the paintwork.

- It was stated in the report that there is no direct access to the rear of the property. From aerial images there are signs of debris in the rear open which has become heavily overgrown. The Derelict Site Team note while on site that there was anecdotal information regarding complaints from neighbours about vegetation and pest infestations.
- The roof of the property is in poor condition. There is slight deformation of the apex, joists and slope of the roof. There is an ongoing build up of moss between the slates.
- The chimney has an unpainted finish; it is heavily stained and is in poor condition. There is significant grass and vegetation growing out of the chimney flue and its crown.
- The painted walls on the front façade are stained, fading and peeling. The plasterwork is visibly damaged at the footpath level from the rainwater gutter overflowing. The reveals to the windows and doors are in need of repainting. The front door and window openings to the front are timber and are in poor condition. The brown paintwork has largely gone and is peeling off.
- It is concluded that the property is showing signs of being run down, long term vacant and in a poor state of repair and derelict condition in accordance with the Derelict Sites Act (1990) as amended.
- In relation to the history of the case an initial site inspection was carried out on the 5th of December 2024 and a report was prepared.
- On the 13th of January 2025 a letter and notice were issued under Section 9 notifying 'the owner/reputed owner' of the property no. 6 Barrack Street of the poor condition of the site.
- On the 24th of March 2025 a Section 8(2) Notice was issued under the Derelict Sites Act (1990) as amended. The notice was issued by registered post to the 'the owner/reputed owner/lease' of the property at 6 Barrack Street, Tallow. It is stated that a copy addressed to the owner was affixed to the incorrect property no. 5 Barrack Street. The registered letter was undelivered and returned to the Derelict Sites Team on the 1st of April 2025.

- On the 25th of March 2025 an ownership notice notifying the owner that the property was recently inspected by the Planning Department was issued by post to the correct subject property 6 Barrack Street, Tallow and a copy was affixed to the doorway of same property.
- On the 1st of April 2025 the Derelict Sites Team received a call from Mr. Kevin Coakley, married to Brid Coakley who is an aunt of the reputed owner Mr. Francis O'Keeffe. The Derelict Sites Team informed Mr. Coakley that the property would be moved through the derelict process if the reputed owner did not make contract with the Derelict Sites Team.
- On the 15th of April 2025 a Section 8(7) Notice was served under the Derelict Sites Act (1990) (as amended). The notice was issued by registered post to 'The Owner' of the property. The registered letter was returned undelivered on the 22nd of April 2025. The notice was resent by normal post on the 23rd of April 2025 this was returned undelivered on the 8th of May 2025.
- On the 25th of August a Section 8(2) Notice was issued under the Derelict Sites Act (1990) (as amended). The notice was issued by registered post to the Owner/Occupier/Leasee of the property 6 Barrack Street, Tallow. A copy addressed to the 'Owner' was affixed to the same property 6 Barrack Street, Tallow. The registered letter was noted as undelivered and was returned to the Derelict Sites Team on the 8th of September 2025. The notice was re-issued by normal post on the 10th of September 2025. Following the reissuing of these Section 8(2) Notices there has been no response received on record from the owner or reputed owner and there has been no material change to the property's derelict condition.
- On the 23rd of October 2025 a Section 8(7) Notice was issued under the Derelict Sites Act (1990) (as amended). The notice was issued by post to the 'Owner' of the property at 6 Barrack Street, Tallow. A copy addressed to the 'Owner/Occupier' was affixed to the same property 6 Barrack Street, Tallow. The registered letter was noted as undelivered and was returned to the Derelict Sites Team on the 5th of November 2025. The notice was reissued by normal post on the 6th of November 2025. Following the reissue of these Section 8(7) Notices, there was no response received from the owner or

reputed owner and there has been no material change to the property's derelict condition.

- On the 9th of October 2025 a Section 22(3) Notice, was issued by normal post to 'The Owner' of the property at 6 Barrack Street, Tallow, notifying that the derelict property in question was valued by Real Estate Agents (REA) qualified under Section 22(4) of the Derelict Sites Act, 1990 to the value of €70,000. Further to the valuation being issued there are no known responses on file and there has been no material change to the composition of the property.
- It was concluded having regard to the detail set out above that the site is considered to materially detract from the character and amenity of the surrounding area and falls within the definition of a derelict site as set out by the Act.
- The following provisions of the Waterford City and County Development Plan 2022 – 2028 (As varied) are detailed in the compulsory acquisition report. The site is located within the settlement boundary of Tallow and it is zoned Rural Village (RV) with an objective to "protect and promote the character of the Rural Village and promote a vibrant community appropriate to available physical and community infrastructure". The site is located within the zone of notification of – R131322 (RMP & SMR). The is located within Tallow Architectural Conservation Area (ACA).
- The following policies and objectives in the Development Plan are cited in relation to derelict sites:
- Policy Objective Core Strategy CS 18: CPO powers and enabling the Development Plan - Waterford City and County Council will support and, where necessary and appropriate, initiate the use of Compulsory Purchase Orders (CPOs) for the acquisition of land and/or property. This measure will be considered where such acquisition is essential to secure the implementation of the core strategy and policy objectives of the Development Plan, facilitate necessary development, and achieve the proper planning and sustainable development of the City and County's settlements. The use of CPO powers will be pursued in accordance with statutory procedures and

only when deemed necessary to deliver key strategic outcomes aligned with national policy, specifically the National Planning Framework (NPF), and regional policy, particularly the Southern Regional Spatial and Economic Strategy (RSES) and local policy.

- Policy Objective ECON 04 City and Town Centre First Approach: 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.
- Policy Objective ECON 07 refers to Active Land Management it seeks - 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.
- Policy Objective H0 5 refers to Regeneration - To maximise the efficient use of existing infrastructure and services and promote a positive modal shift towards sustainable transport use, we will facilitate the sustainable, compact, sequential regeneration and redevelopment of urban areas through the appropriate development of identified key infill and brownfield sites as per Table 3.2 and Appendix 21 for a mix of uses appropriate to the location. To assist in this regard, we will carry out a viability assessment for key brownfield sites during the lifetime of the development plan with a view to assisting in delivery of regeneration projects. Development proposals which are not fully consistent with the provisions of the land use zoning matrix (Volume 2 – DM Standards Table 11.2) will be considered on their own merits where it can be demonstrated that the proposed development is consistent with the 'Vision' for

the site, and is in accordance with the proper planning and sustainable development of the area.

- Policy Objective H0 6 refers to Regeneration - We will utilise our 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.
- Policy Objective Place 01 refers to General Place Making - 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. It further states, provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land whilst promoting sympathetic reuse of structures.
- Heritage Strategic Objective seeks the protection, sustainable management and enhancement of Waterford's built heritage; to promote the appropriate regeneration and reuse of our historic structures which strengthen a sense of place; to promote awareness and enjoyment of our built heritage for the present and future generations.
- Policy Objective BH 08 refers to 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.
- Policy Objective BH 13 refers to 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.

- It was concluded in the report that having regard to the observed condition of the property at 6 Barrack Street, Tallow, Co. Waterford in particular its neglected and unsightly state 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.

4.5. Objector's Submission

4.5.1. None received.

4.6. Oral Hearing

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

5.0 Planning History

5.1.1. None

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 Tallow. The property is located within an area zoned 'RV.' 'protect and promote the character of the Rural Village and promote a vibrant community appropriate to available physical and community infrastructure.'
- 6.1.2. The subject property is located within the Architectural Conservation Area (ACA) of Tallow.
- 6.1.3. The following policies and objectives are relevant:
- 6.1.4. Chapter 2 refers to Spatial Vision and Core Strategy
- 6.1.5. Policy Objective Core Strategy CS 18: CPO powers and enabling the Development Plan - Waterford City and County Council will support and, where necessary and appropriate, initiate the use of Compulsory Purchase Orders (CPOs) for the

acquisition of land and/or property. This measure will be considered where such acquisition is essential to secure the implementation of the core strategy and policy objectives of the Development Plan, facilitate necessary development, and achieve the proper planning and sustainable development of the City and County's settlements. The use of CPO powers will be pursued in accordance with statutory procedures and only when deemed necessary to deliver key strategic outcomes aligned with national policy, specifically the National Planning Framework (NPF), and regional policy, particularly the Southern Regional Spatial and Economic Strategy (RSES) and local policy.

6.1.6. Chapter 4 refers to Economic Development

6.1.7. Policy Objective ECON 04 refers to City and Town Centre First Approach

6.1.8. 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.

6.1.9. Policy Objective ECON 07 refers to Active Land Management

6.1.10. 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;

6.1.11. Chapter 7 refers to Housing and Sustainable Communities.

6.1.12. 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.

6.1.13. Chapter 8 refers to Placemaking

6.1.14. 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.

6.1.15. Chapter 11 refers to Heritage

6.1.16. 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.

6.1.17. 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. Derelict Sites Act

- 6.2.1. 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.
- 6.2.2. Section 3 of the Act defines 'derelict site' as:
- 6.2.3. "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– (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."
- 6.2.4. 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.
- 6.2.5. 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

- 7.1.1. 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 of the property.
- 7.1.2. No. 6 Barrack Street is a single storey mid-terrace dwelling located on the western side of the street. It is located within Tallow ACA and is situated within a terrace of seven similar residential properties. The subject property is in a considerable state of disrepair. In relation to the roof of the property, it was evident that there has been deterioration in its condition in terms of a build-up of moss between the slates. There is grass and vegetation growing out of the chimney flue and its crown. The rainwater gutter is sagging below the roof ridgeline. In relation to the external finish of the property, the paintwork is stained, fading and peeling. The brown paintwork to the front door and window frame is also peeling off.

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.
- 7.2.2. 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 having a neglected, unsightly and objectionable condition and I consider that the site falls within category (b) of Section 3 of the Derelict sites Act, 1990.
- 7.2.3. Thirdly, in relation to category (c) of Section 3 of the Act, there is no litter collection/deposit to the front of the property. I note that the compulsory acquisition report of the Council referred to the matter. The report stated that from aerial images there are signs of debris in the rear open area of the property which has become heavily overgrown. In the absence of access to the rear of the property, it is not possible to determine the presence of rubbish, debris or waste on the site.

Accordingly, on that basis I do not consider the site falls in category (c) of the section of the Derelict Sites Act, 1990.

- 7.2.4. In conclusion, I consider that the property detracts to a material degree from the amenity, character and appearance of land in the town centre, which in my view, renders it derelict under Section 3 of the Act.

7.3. Action of the Local Authority

- 7.3.1. The Compulsory Acquisition Report of Waterford City and County Council sets out the chronology of the action which was taken in relation to the subject property. Having reviewed the photographic evidence on the file I note that dereliction would appear to be an issue at the subject property since c. 2019.
- 7.3.2. As detailed in the Compulsory Acquisition Report the initial site inspection was carried out on the 5th of December 2024 and a report was prepared. A letter and notice were issued under Section 9 notifying 'the owner/reputed owner' of the property of the poor condition of the site on the 13th of January 2025.
- 7.3.3. On the 25th of March 2025 an ownership notice notifying the owner that the property was recently inspected by the Planning Department was issued by post to the correct subject property 6 Barrack Street, Tallow and a copy was affixed to the doorway of same property. The Derelict Sites Team received a call from Mr. Kevin Coakley an uncle of the reputed owner of the property Mr. Francis O'Keeffe on the 1st of April 2025. Mr. Coakley was advised by the Derelict Sites Team that the property would be moved through the derelict process of the reputed owner did not make contract with the Derelict Sites Team.
- 7.3.4. A Section 8(7) Notice was served under the Derelict Sites Act (1990) (as amended) on the 15th of April 2025. It was issued by registered post to 'the Owner' of the property. The registered letter was returned undelivered on the 22nd of April 2025. The notice was resent by normal post on the 23rd of April 2025 this was returned undelivered on the 8th of May 2025.
- 7.3.5. A Section 8(2) Notice was issued under the Derelict Sites Act (1990) (as amended) on the 25th of August 2025. The notice was issued by registered post to the Owner/Occupier/Leasee of the property and a copy addressed to the 'Owner' was affixed to the same property. In relation to this notice, it was undelivered and was

returned to the Derelict Sites Team on the 8th of September 2025. The notice was reissued by normal post on the 10th of September 2025. There was no recorded response following the issuing of these notices.

- 7.3.6. A Section 8(7) Notice was issued on the 23rd of October. The notice was issued by post to the 'Owner' of the property and a copy addressed to the 'Owner/Occupier' was affixed to the same property 6 Barrack Street, Tallow. The registered letter was noted as undelivered and was returned to the Derelict Sites Team on the 5th of November 2025. The notice was reissued by normal post on the 6th of November 2025. Following the reissue of these Section 8(7) Notices, there was no response received from the owner or reputed owner and there has been no material change to the property's derelict condition.
- 7.3.7. On the 9th of October 2025 a Section 22(3) Notice, was issued by normal post to 'The Owner' of the property at 6 Barrack Street, Tallow notifying that the derelict property in question was valued by Real Estate Agents (REA) qualified under Section 22(4) of the Derelict Sites Act, 1990 to the value of €70,000. Following the notification of the owner of the property of its valuation as detailed above there was no response received and there has been no material change to the composition of the property.
- 7.3.8. 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." Based on the information on the file I note that Waterford City and County Council have attempted to have the site rendered non-derelict by establishing the identity of the owner, and then by issuing a Section 8(2) and Section 8 (7) Notice. I note there was no direct engagement between Waterford City and County Council with the property owner during the course of this process until the objection to this compulsory acquisition was submitted on the 11th of February 2026. I am generally satisfied that the efforts of the Local Authority have been fair and reasonable.

7.4. Compliance with the Development Plan

- 7.4.1. The Waterford City and County Development Plan 2022-2028 (As Varied), contains a number of general and more specific policy objectives which directly or indirectly support the subject compulsory acquisition.
- 7.4.2. Chapter 2 of the Development Plan refers to Spatial Vision and Core Strategy. Policy Objective Core Strategy CS 18: refers CPO powers and enabling the Development Plan. It states that Waterford City and County Council will support and, where necessary and appropriate, initiate the use of Compulsory Purchase Orders (CPOs) for the acquisition of land and/or property. This measure will be considered where such acquisition is essential to secure the implementation of the core strategy and policy objectives of the Development Plan, facilitate necessary development, and achieve the proper planning and sustainable development of the City and County's settlements. It is set out in the plan that this objective provides a clear framework indicating the Council's commitment to utilising all available tools, including CPO to proactively implement the Development Plan and secure a sustainable future for Waterford City and County.
- 7.4.3. Chapter 4 of the Development Plan refers to Economic Development. Policy Objective ECON 04 refers to City and Town Centre First Approach. It is set out that the Council 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. It further states, 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'. One of the specific measures set out under this objective is to incentivise the regeneration, upgrading and reuse of underused and vacant building stock.
- 7.4.4. Policy Objective ECON 07 refers to Active Land Management. This policy specifically refers to vacant and derelict lands and buildings. It sets out that the Council will seek 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. It is further detailed that 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.

- 7.4.5. Chapter 7 of the Development Plan refers to Housing and Sustainable Communities. Policy Objective H06 refers to Regeneration it states that the Council 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.
- 7.4.6. Chapter 8 of the Development Plan refers to Placemaking. Objective Place 01 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.
- 7.4.7. Chapter 11 of the Development Plan refers to Heritage. The subject property no. 6 Barrack Street, Tallow is located within the Tallow Architectural Conservation Area (ACA). Policy Objective BH 08 refers to Reusing our Heritage Buildings. It states that 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.
- 7.4.8. Policy Objective BH 13 refers to Vacant and Derelict Structures. It states that 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.
- 7.4.9. Having regard to the condition of the subject property, I consider that the proposed compulsory acquisition of the property would be consistent with the policy objectives of the Development Plan set out above and will ensure that the lands do not continue to be in a derelict condition.

7.5. Action of the Owner to Address Dereliction

- 7.5.1. The objection to the compulsory acquisition of the property is made by Mr. John Corcoran on behalf of the owner Mr. Francis O'Keeffe. Mr. Corcoran is a first cousin of Mr. O'Keeffe. It is detailed in the objection that Mr. O'Keeffe lives and works in England. It is stated that in the objection that he plans to return in the near future and make the property no. 6 Barrack Street, Tullow his home.
- 7.5.2. Mr. Corcoran confirms that he is willing to help Mr. O'Keeffe to work on the property in order to bring it to a habitable standard. It is stated that in the objection that Mr. O'Keeffe is willing to cooperate with whatever procedures Waterford City and County Council may suggest.
- 7.5.3. Accordingly, while it is stated in the letter of objection that the owner of the property Mr. O'Keeffe plans to return from the UK and make the property his home, I note that no timeframe for this has been provided. Furthermore, there are no detailed proposals in the letter of objection in relation how the owner plans to bring the property out of its current derelict condition. In the absence of such details, it is not possible to determine when the derelict condition of the property will be addressed. Therefore, I would conclude that the most appropriate way to address the long-term dereliction of the property is for the Council to acquire it.
- 7.5.4. In my opinion, no demonstratable efforts have been made to redevelop the dwelling or to bring the site out of dereliction and the objection to the compulsory acquisition of the property has not presented adequate proposals to rectify the condition of the site and subject building. Accordingly, given that the site has been in a derelict condition since c.2019, I recommend a grant of consent to compulsory acquisition of the site in question.

8.0 **Conclusion**

- 8.1. I am satisfied that the process and procedures undertaken by Waterford City and County Council have been fair and reasonable, that the Local Authority has demonstrated the need for the lands to be acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.

- 8.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site at 6 Barrack Street, Tallow, 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.
- 8.3. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in the submissions to the Commission and I am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.
- 8.4. I am further satisfied that the proposed acquisition of these lands was consistent with the policy objectives of the Waterford City and County Development Plan 2022 2028 (As Varied), and specifically Policy Objective Core Strategy CS 18 which refers CPO powers and enabling the Development Plan. It states that Waterford City and County Council will support and, where necessary and appropriate, initiate the use of Compulsory Purchase Orders (CPOs) for the acquisition of land and/or property.
- 8.5. 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 are all directly supportive of the compulsory acquisition of derelict properties.
- 8.6. Accordingly, I am satisfied that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

9.0 Recommendation

- 9.1. Having regard to the observed condition of the site, in particular the derelict condition, the unsightly and objectionable state of the land and the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and that it is therefore a derelict site within the meaning of Section 3 (b) of the Derelict Sites Act, 1990, as amended.
- 9.2. I consider it reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I recommend that the Commission grant consent to Waterford City and County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

- 10.1. Having regard to the neglected, unsightly and objectionable condition of the subject property, which detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, having considered the objections made to the compulsory acquisition, and also:

- a) the constitutional and convention protection afforded to property rights,
- b) the public interest, and
- c) the provision of Waterford City and County Development Plan 2022-2028 (As Varied),

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 objections 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 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

1st of July 2026