



An
Coimisiún
Pleanála

Inspector's Report

ACP-324239-26

Nature of Application

Application for consent for compulsory acquisition of a derelict site in accordance with Section 16 of the Derelict Sites Act 1990, as amended

Location

No. 31 Highland Park, Kilkelly, Co. Mayo.

Planning Authority

Mayo County Council

Notice Party

Sean Grealy and Eamon Henry

Date of Site Inspection

8th June 2026.

Inspector

Carol Hurley

1.0 Introduction

- 1.1. This case relates to a request by Mayo County Council for the consent of An Coimisiun Pleanala to the compulsory acquisition of the subject site at No.31 Highland Park, Kilkelly, Co. Mayo, in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

- 2.1. The subject site is located at No. 31 Highland Park, Kilkelly, Co. Mayo.
- 2.2. The property is two storey and semi-detached on a site with a stated area of 0.075 acres (0.030 hectares). The dwelling addresses the road with a southwest facing orientation.
- 2.3. This dwelling is the southern dwelling of the pair of semi-detached units.
- 2.4. Highland Park is an established residential development which is accessed via the Kilmore Road to the south of the site.
- 2.5. The access road serving Highland Park rises upwards in a northerly direction. There are three pairs of semi-detached dwellings addressing Kilmore Road with a south easterly orientation. Save for with a block of 4 pairs of semi-detached bungalows, the remainder of the dwellings are arranged in a linear format along the eastern side of the site.
- 2.6. The dwelling is located within the termination of a cul de sac in which there are two other pair of semi-detached dwellings located to the south of the subject property.
- 2.7. There is a large area of open space located to the southwest of the site. The lands to the north and northwest of the site are in an unfinished state and closed off with Palladin fencing.
- 2.8. The existing building is in an unfinished and dilapidated state.
- 2.9. On the front elevation, the dash is discoloured, the finished ground level surrounding the dwelling has not been completed nor has any landscaping to the front or rear been undertaken, the area surrounding the dwelling is in gravel with weeds, the front door is in need of repair, there was loose wiring hanging above the front door, there is vegetation in the gutter.

The lower plinth of the dwelling was in a dilapidated state.

The door of the ESB Meter Box was not present and the box internally was damaged and there were no services in place in the box.

There was exposed ducting.

There were several excavated trenches around the base of the dwelling.

There was exposed and unfinished pipework on the rear elevation at ground floor level and above the ground floor level.

There was exposed expanding foam between the base of the dwelling and the ground level.

There was graffiti on the walls of the rear elevation and remnants of building materials.

There was no dividing boundary treatment to the rear between the subject property and the adjoining dwelling No. 32 to the north. There was a timber shed placed between the two rear projections of No. 31 and No. 32. There were overgrown weeds at the access door and graffiti on the structure itself.

There is no boundary treatment between the subject property and the adjacent dwelling to the south, no. 30 and similarly to the rear boundary.

- 2.10. The subject site is not located within an Architectural Conservation Area and is not a Protected Structure and is not listed on the National Inventory of Architectural Heritage (NIAH).
- 2.11. Highland Park is located to the northeast of the village of Kilkelly. The village of Kilkelly is located on the northwestern side of the N17.
- 2.12. There appears to be a quarry operation to the rear (east) of Highland Park.

3.0 Application for Consent of Acquisition

- 3.1. Mayo County Council has applied to An Coimisiun Pleanála for consent to compulsorily acquire the site under Section 16 of the Derelict Sites Act, 1990, as amended.
- 3.2. I note that this application is subsequent to the serving of notices as follows;

- Section 8(2) Notice of the Derelict Sites Act 1990 on the 20th of March 2025 advising of the Local Authority's intention to enter the site on the register of derelict sites
- Section 8(7) Notice of the Derelict Sites Act 1990 on the 19th of May 2025 advising of the Local Authority's decision to enter the site on the register of derelict sites.
- Section 15(1)(a) Notice published in the Connaught Telegraph of the 3rd of March 2026 notifying of the Local Authority's intention to acquire the site compulsorily.
- Section 15(1)(b) Notice dated 3rd of March 2026 notifying of the Local Authority's intention to acquire the site compulsorily.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

Notice of Mayo County Councils intention to acquire the site compulsorily was published in the Connaught Telegraph on the 3rd of March 2026.

The notice was sent by registered post to Sean Grealy, John Healy and Eamon Henry on the 3rd of March 2026.

The notices set out the address of the property with a stated site area of 0.075 acres, the location where the map of the derelict site is deposited.

The notices stated the times during which the details may be inspected.

I note that the notice published in the Connaught Telegraph stated that an objection could be submitted to Mayo County Council 'on or before the 3rd of April 2026'.

I note that the notice sent to the registered owners does not specify a time within which an objection to the acquisition of the derelict site could be made.

I consider that the published notice in the newspaper is in accordance with the requirements of Section 15(1)(a) of the Derelict Sites Act 1990, as amended.

I note that the notice which was sent to the registered owners of the site is not in accordance with Section 15(1)(b) of the Derelict Sites Act 1990, as amended. I am

bringing this to the attention of the Commission however, as noted below, an objection was made. It is my opinion that the reputed owners of the site were not prejudiced by the notice and their rights were not undermined.

4.2. Objection to Acquisition

An objection to the proposed acquisition was submitted to Mayo County Council by Sean Grealy and Eamon Henry, received by Mayo County Council on the 31st of March 2026 (date stamp).

The objection can be summarised as follows;

- The site was the subject of a legal dispute and bankruptcy.
- This resulted in the site being left in limbo.
- There was a problem with subsidence to the rear of the four houses.
- The last number of years have been spent sourcing and successfully implementing an ongoing system to reinstate the houses.
- The owners have regularly corresponded with Mayo County Council regarding the site however there has been very little engagement from anyone.
- The owners are available to meet and discuss with Mayo County Council at any time.

4.3. Local Authority's Application for Consent

- 4.3.1. The Local Authority requests the consent of An Coimisiun Pleanala for the compulsory acquisition of the derelict site. The application for consent was submitted on 24th April 2026 and was accompanied with the following;

- Site Location Map
- Newspaper notice published in the Connaught Telegraph on the 3rd of March 2026.

Report entitled 'Report for Submission to An Coimisiun Pleanala for CPO of 29-32 Highland Park, Kilkelly, Co. Mayo, the report can be summarised as follows;

- Sets out the planning history, i.e. thirty-two houses were built out of the thirty six houses granted permission.
- Four of the thirty-two houses constructed has never been completed or occupied and have become derelict.
- House No.'s 29, 30 and 31 are registered to Sean Grealy, John Healy and Eamon Henry.
- House No. 32 is registered to Sean Grealy and Eamon Henry.
- House No.'s 29 to 32 were built over 20 years ago and have never been completed or occupied and have therefore become derelict in the intervening years.
- Highland Park is not in the charge of Mayo County Council.
- Mayo County Council undertook works to the development in 2014-15 under a seized bond and Special Resolution Fund.
- Works to the public lighting were undertaken in 2016 through Municipal Funding.
- Mayo County Council subsequently took the public lighting in charge.
- The sites were identified on 2nd December 2024 as part of a strategic street survey.
- Copy of the letter sent to the owners on 3rd January 2025 from the Vacant Homes Office, Mayo County Council.
- No response was received to this letter from Sean Grealy or Eamon Henry. The letter to John Healy was returned by An Post.
- Copy of the letter sent to the owners on 15th July 2025 advising of the letter sent on 3rd January 2025, from the Vacant Homes Office, Mayo County Council.
- No response was received to this letter from Sean Grealy or Eamon Henry. The letter to John Healy was returned by An Post.
- The report sets out that as no response was received from any party, the Central Housing Section of Mayo County Council recommended that the properties be surveyed under the Derelict Sites Act 1990.
- Houses 29-32 Highland Park were surveyed on 20th February 2025.
- The reports were forwarded to the Environment Section of Mayo County Council, and all notices and correspondence were dealt with by the Environment Section.

- Following receipt of an email dated 16th December 2025 (no copy included) this requested contact be made with Sean Grealy or Eamon Henry.
- A discussion between Mayo County Council and Sean Grealy centred around works that they were doing on site to render the houses non-derelect and return the house into habitable accommodation.
- No works have taken place since to render the properties non-derelect.
- Claremorris Municipal District have confirmed a need for this property. (Copy of email correspondence, July 2025 included)
- Mayo County Council undertook a site visit on 23rd April 2026 and confirm that the four houses at 29-32 Highlands Park, Kilkelly, Co. Mayo remain uninhabited and in a derelect state after 20 years.
- It is recommended that the CPO of these properties should be progressed through An Coimisiun Pleanala.
- The report contains photographs of each of the four properties.

The Derelect Site Report relative to No. 31 Highland Park, can be summarised as follows;

- The site was surveyed on the 19th of February 2025.
- No specific category of dereliction was set out.
- The works required to be carried out to prevent the site from continuing to be derelict included;
 - Power was the entire building.
 - Repair ESB and Telecom consumer boxes.
 - Remove all vegetation from around the building.
 - Remove all dumped waste from the rear of the building and around the site.
 - Remove vegetation from walls, roof and gutters.
 - Repair all gutters and downpipes.
 - Repair/replace front door.
 - Complete ground works around the site.
 - Secure all access to the site and make safe.
 - Maintain property and grounds in a tidy condition thereafter.
- The period specified to carry out these works was 30 days.

- The notice under Section 8(2) of the Derelict Sites Act 1990, as amended was dated 18th of March 2025 and issued on the 20th of March 2025.
- A copy of the notice under Section 8(2) of the Derelict Sites Act 1990, as amended was affixed to the property by Mayo County Council on the 11th of April 2025.
- The notice under Section 8(7) of the Derelict Sites Act 1990, as amended dated the 19th of May 2025 and issued on the 19th of May 2025.
- A copy of the notice under Section 8(7) of the Derelict Sites Act, 1990, as amended was affixed to the property by Mayo County Council on the 28th of May 2025.
- The property was valued at €70,000 on the 17th of September 2025 by an estate agent on behalf of Mayo County Council.
- The Memo of the Environment, Climate Change and Agriculture, Mayo County Council dated 19th January 2026 (copy included) can be summarised as follows;
 - Provides background to the engagement with the reputed owners, issuance of notices under Section 8(2) and Section 8(7).
 - Sets out the addresses and registered owners.
 - The valuation of the property of €70,000.
 - Details regarding the costing in terms of acquisition and refurbishment costs.
 - Concludes that Mayo County Council is of the view that it has carried out all attempts under the Derelict Sites Act, 1990, as amended to have the property taken out of its current unsightly and neglected derelict condition.
 - Recommended that the Council proceed with the Compulsory Purchase of the property under the Derelict Sites, 1990.
- The notices under Section 15 of the Derelict Sites Act 1990 were issued on the 3rd of March 2026.

4.4. Objectors Submission

- 4.4.1. No submissions were received by An Coimisiun Pleanála from the objectors.

5.0 Planning History

Concurrent applications made to the Commission for Compulsory Acquisition;

These properties comprise of two pairs of semi-detached dwellings which are located in the northeast of Highland Park.

ACP-324238-26 – 29 Highland Park, Kilkelly, Co. Mayo.

ACP-324236-26 – 30 Highland Park, Kilkelly, Co. Mayo.

ACP-324235-26 – 32 Highland Park, Kilkelly, Co. Mayo.

PA Ref. 99/2795 – Outline planning permission granted to Highland Park Homes on 10th May 2000 for the construction of housing. The report of the Planning Authority state that related to the provision of 10 no. dwellings.

PA Ref. P01/833 – Permission granted to Highland Park Homes on the 26th of July 2001 for a change of house type for 20 no. semi-detached dwellings and the construction of 6 no. semi-detached dwellings.

PA Ref. P02/2417 – Permission granted to Martin and Veronica Tunny on the 13th March 2003 for a change of house type of sites 3&4 from that granted under PA Ref. 99/2795.

Lands to the immediate north of the cul de sac

PA Ref. 05531 – Permission granted to Highland Park Development Ltd. on 15th of December 2005 for the construction of an additional 12 no. semi detached dwellings, permitted to use the existing access road. These dwellings have not been constructed.

Lands to the west which address the main area of open space.

PA Ref. 0851 – Permission granted to Therese Healy on the 18th April 2008 for the change of house types on plots 33, 34, 35 and 36 to that granted under PA Ref. 279500. These dwellings have not been constructed.

6.0 Policy Context

6.1. Mayo County Development Plan 2022-2028.

- 6.1.1. The site is located within Kilkelly which is designated as being a Rural Settlement (Tier IV).

Section 2.8.1.3 of the Development Plan sets out that a single category mixed-use zoning applies to the rural settlement plans i.e. Rural Settlement Consolidation Zoning.

Section 12.18 Settlement Plans for Tier IV Rural Settlements and Tier V Rural Villages sets out that the single category zoning approach provides for a mix of development types, which supports the sustainable growth of the rural area, while providing an alternative in terms of housing choice in the form of vibrant rural communities. A common set of policies and objectives apply to Tier IV Rural Settlements and Tier V Rural Villages.

Kilkelly Settlement Plan is contained within Chapter 12 of the Mayo County Development Plan 2022-2028

- 6.1.2. The following objectives from the County Development Plan are considered relevant;
Section 2.8.1.3 Rural Settlements (Tier IV)

In order to realise the consolidation of these villages, each Rural Settlement Plan defines the village boundary and encourages development to be delivered in a sustainable sequential manner from the village core outwards, while promoting the reuse and redevelopment of vacant and derelict sites and buildings. A single category mixed-use zoning applies to the rural settlement plans i.e. Rural Settlement Consolidation Zoning. Facilitating population growth through the provision of housing of suitable scale and character in these villages, subject to availability of services, is considered paramount to ensuring their future vitality and viability. The availability of serviced sites, in tandem with schemes such as the Irish Water Scheme for Small Towns and Villages, will further help to achieve this objective

Settlement Strategy Objective

SSO6

To strengthen the core of settlements and encourage the compact growth of settlements by way of the development of infill sites, brownfield lands, under- utilised land / buildings, vacant sites, and derelict sites within the existing built-up footprint of the settlements and develop outwards from the centre in a sequential manner.

Housing Strategy Objectives

HSO5

To seek to procure vacant sites or derelict/substandard sites where needed and appropriate, to facilitate the regeneration and repopulation within town and village centres for social and affordable housing provision.

Regeneration Objectives

BEO 39

To identify derelict sites and vacant sites which are suitable for redevelopment and to maintain the respective registers.

Section 12.18 Settlement Plans for Tier IV Rural Settlements and Tier V Rural Villages

New development is encouraged to be delivered in a sustainable, sequential manner from the village core outwards, while promoting the reuse and redevelopment of vacant and derelict sites and buildings.

Rural Settlement and Village Settlement Plan Policies

RSVP 4

To support, promote and encourage the appropriate development of infilling, brownfield or the use of derelict or under-utilised land or premises, subject to siting, design, protection of residential amenities and normal planning considerations.

6.2. Derelict Sites Act 1990 (as amended)

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:

“Any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of –

- (a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or
- (b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or
- (c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law.”

- 6.2.3. 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 /owners of their intention to do so.
- 6.2.4. 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.
- 6.2.5. 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.
- 6.2.6. Section 11 of the Act enables Local Authorities to serve 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.
- 6.2.7. Section 14 of the Act provides that a Local Authority may acquire by agreement or compulsorily any derelict site situated in their functional area.
- 6.2.8. Section 15 of the Act sets out arrangements for giving notice, if the Local Authority intend to acquire a derelict site compulsorily.

- 6.2.9. Section 16 of the Act sets out 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 of Issues

7.1. Site Inspection

- 7.1.1. Internal access to the property was not possible on the date of my site inspection on 8th June 2026, however I was able to view the site from the public road and from within the site to the side (south) and rear (east)

The property was vacant and appears to be uninhabited. The property has a neglected, unsightly and objectionable appearance from the public road and the surrounding area.

- 7.1.2. My observations of the site on the date of the inspection include the following;

Front elevation

- The finished ground level surrounding the dwelling has not been completed nor has any landscaping to the front or rear been undertaken, the area surrounding the dwelling is in gravel with weeds,
- The dash finish is discoloured.
- There are cracks in the quoins.
- The plinth of the dwelling was in a state of disrepair
- The front door is in need of repair.
- There was loose wiring hanging above the front door.
- There was vegetation growing in the gutters

Side (south) elevation

- The base plinth of the dwelling is in a state of disrepair.
- No door on the ESB Meter Box, the internal structure of the box was damaged and there were no services within the box.
- There was ducting projecting from the ground.
- There were several excavated trenches around the base of the dwelling.
- Unfinished / open vent.
- There was no boundary treatment to the south between the subject property and the adjacent property No. 30, i.e. just concrete posts in place.

Rear (East) elevation

- There were excavated trenches.
- Exposed insulation foam between the base of the dwelling and the ground level.
- There was exposed and unconnected pipework at ground and above ground level.
- There was graffiti and building material.
- There is no garden area laid out, and the surface is stone and vegetation.
- There was no dividing boundary treatment between the subject site and the adjoining dwelling, No. 32, to the north.
- The concrete posts were in place along the rear boundary but no fencing in place.

7.1.3. Save for property no.'s 29, 30 and 32, I note that the surrounding buildings are maintained to a good standard.

7.2. Category of Dereliction

7.2.1. The Derelict Site Report of the Local Authority does not set out the specific category or dereliction within which the property would fall under.

7.2.2. Based on my site inspection, it is my view that the subject property and lands may fall within Category (a), (b) and (c) of the Section 3 of the Act, on the basis of the following.

- (a) The structure is in a ruinous, derelict or dangerous condition.
- (b) The neglected unsightly or objectionable condition of the land and structures on the land in question.
- (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 statute or by common law.

7.2.3. I refer to the definition of 'Derelict Site'.

- The subject property has never been completed and having regard to the state of disrepair I would submit that the property is derelict. At the time of site visit, the overall site was wholly accessible with trenches around the base of the dwelling and construction material. In this regard I would consider that the lands are of a dangerous condition. I submit that the property and lands falls within the definition of Section 3(a) of the Derelict Sites Act, 1990, as amended.
- The subject property has never been completed or inhabited and is in a state of disrepair. Save for No. 29, 30, and 32 Highland Park which are also subject to an application for Compulsory Acquisition, the surrounding area and open space is well maintained. I submit that the property and lands have a neglected, unsightly and objectionable condition and falls within the definition of Section 3(b) of the Derelict Sites Act, 1990, as amended.
- There was waste and construction material strewn across the rear of the site. I would submit that the property and lands falls within the definition of Section 3(c) of the Derelict Sites Act, 1990, as amended.

Based on my site visit I consider that the property and lands detract to a material degree from the amenity, character or appearance of land in the neighbourhood of the land.

7.3. Action of Local Authority

- 7.3.1. The Compulsory Acquisition Report of the Local Authority submitted with the application sets out the engagement of the Local Authority with the reputed landowners between January 2025 and the issuing of the notices under Section 15 of the Derelict Sites Act, 1990.

The subject site was identified as being in a derelict state on the 2nd of December 2024 during a derelict site strategic street survey of urban centres of population.

Two letters were issued by Mayo County Council on the 3rd of January 2025 and the 15th of July 2025 to each of the reputed owners, from the Vacant Homes Central Housing Office.

These letters state that Mayo County Council takes a partnership approach with property owners to bring vacant homes back into use.

No response was received to the first letter with the letter addressed to John Healy being returned to Mayo County Council as being undelivered.

No response was received to the second letter with the letter address to John Healy being returned to Mayo County Council as being undelivered.

- 7.3.2. I note that the initial Section 8(2) notice was served on the reputed owner on the 20th of March 2025 and subsequently affixed to the property on the 11th of April 2025.
- 7.3.3. I note that the Section 8(7) Notice was served on the reputed owners on the 19th of May 2025 and subsequently affixed to the property on the 28th of May 2025.
- 7.3.4. The property was placed on the Derelict Sites Register on the 19th of May 2025.
- 7.3.5. The property was valued at €70,000 on the 17th of September 2025.
- 7.3.6. By Memo dated 19th of January 2026, the Environment, Climate Change and Agriculture Section of Mayo County Council concluded that the authority had carried out all attempts under the Derelict Sites Act, 1990, as amended to have the property

taken out of its current unsightly and neglected derelict condition and recommended proceeding with the Compulsory Purchase Order.

- 7.3.7. On the 3rd of March 2026, Mayo County Council, served a Notice of Intention to Acquire the Derelict Site Compulsorily under the Derelict Sites Act, 1990, as amended, by registered post, on Eamon Henry, John Healy and Sean Grealy.
- 7.3.8. This notice was also published in the Connaught Telegraph on the 3rd of March 2026.
- 7.3.9. At Section 4.1 I have noted that the notice issued under Section 15(b) sent to the registered owners of the site does not specify a time frame within which an objection to the acquisition of the derelict site could be made. Section 15(b) of the Derelict Sites Act 1990, as amended requires that the notice specify the time within which (not being less than one month) and the manner in which objections to the acquisition of the derelict site may be made to the local authority.
- 7.3.10. I am bringing to the attention of the Commission this omission however I submit that an objection was received by Mayo County Council from two of the reputed owners. In this regard I am satisfied that the omission of a specified date did not prejudice two of the owners from making an objection.
- 7.3.11. I acknowledge that there are three owners, however I note from the correspondence on the application that the notice to the third owner was returned to Mayo County Council by An Post.
- 7.3.12. I do not consider that the rights of the owners were undermined in this regard.
- 7.3.13. A site visit was undertaken by Mayo County Council on the 23rd of April 2026, and it was confirmed that the site remains uninhabited and in a derelict state and that the CPO of the property should be progressed.
- 7.3.14. Having regard to the above, I am satisfied that the Local Authority complied with the requirements of Section 6(1)(c), Section 8(2), Section 8(7) and Section 15 of the Derelict Sites Act 1990, as amended.

- 7.3.15. I note that Local Authorities have a duty (under Section 10) “to take all reasonable steps (including the exercise of any appropriate powers) to ensure that any such land does not become / continue to be a derelict site”.
- 7.3.16. As outlined in the report of the Local Authority, Mayo County Council have demonstrated active engagement with the owners since January 2025 in relation to the derelict state of the property with the property being on the Derelict Site Register since the 19th of May 2025.
- 7.3.17. It is evident that Mayo County Council have attempted to address the issue of dereliction of the property over a period of time.
- 7.3.18. As I have previously noted, the letters issued to the reputed owners set out that Mayo County Council takes a partnership approach with property owners to bring vacant homes back into use.
- 7.3.19. The subject site has been in a state of disrepair for a considerable period of time. I note from review and comparison of the photographs within the Derelict Site Report prepared by Mayo County Council on the 20th of February 2025 that there is evidence of a certain level of waste and vegetation that has been removed from site relative to my site visit.
- 7.3.20. I also note from the site photographs dated 11th of April 2025 at time of affixing the Section 8(2) notice to the property that there was an excavated trench surrounding the whole of the front and side of the dwelling. At time of my site visit on the 8th of June 2026, this trench appears to have been back filled with remaining elements open.
- 7.3.21. The subject application is being made concurrent to applications on the adjoining sites No. 29, 30 and 32 which are in a similar state of disrepair.
- 7.3.22. From undertaking a site visit, notwithstanding the comparison of photographs, I consider that there are substantial works remaining that are required to bring the property and the adjacent properties out of dereliction and to be completed. It did not appear to me that any recent works have been undertaken at the site.

7.3.23. I refer to the accompanying report of the local authority which refers to a discussion with one of the reputed owners on the 16th of December 2025, the focus of which was centred around the works being undertaken to render the houses non-derelict. No further works have been undertaken since.

7.3.24. Claremorris Municipal District Housing Office has confirmed a need for this property due to sufficient demand in the Kilkelly Area. This is a positive objective and would be consistent with national and local policy.

7.3.25. I consider that the need and interest of the common good would be met by the proposed acquisition of the subject property. I consider that the proposed compulsory acquisition of the subject property would be proportionate to the end to be achieved.

7.3.26. Having regard to the foregoing, together with the condition of the property, I am satisfied that the efforts of the Local Authority have been fair and reasonable.

7.4. Compliance with the Development Plan

7.4.1. I note that the Mayo County Development Plan 2022-2028, specifically Section 2.8.1.3 'Rural Settlements Tier IV), Objective SSO6, Objective HSO5, Objective BEO 39, Section 12.18 'Settlement Plans for Tier IV Rural Settlements and Tier V Villages' and Policy RSVP 4, seek to address instances of dereliction and the reuse and regeneration of derelict and vacant sites.

7.4.2. The property has been in a derelict state for a number of years. I consider that the subject property detracts to a material degree from the character and appearance of the surrounding area. Therefore, I consider that the proposed compulsory acquisition for the property would be consistent with the policies and objectives of the Development Plan and will ensure that the lands do not continue to remain in a derelict condition.

7.5. Action of the Owner to Address Dereliction

7.5.1. I note that owners/occupiers have obligations (under Section 9 of the Act) to 'take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site'. From the evidence on file, it is clear that the subject property has been

in a derelict, neglected and unsightly condition which detracted considerably from the character and visual amenities of the area at the time that the application to acquire the site was lodged.

- 7.5.2. The condition of the property came to the attention of the local authority during a derelict site strategic survey or urban centres of population on the 2nd of December 2024.
- 7.5.3. Two letters issued from Mayo County Council to each of the reputed owners on the 3rd of January 2025 and the 15th of July 2025. No responses were received by the local authority in this regard.
- 7.5.4. The notice under Section 8(2) and Section 8(7) were issued on the 20th of March 2025 and the 19th of May 2025 respectively.
- 7.5.5. I refer to internal email correspondence dated 28th of May 2025 which accompanies ACP-324238-26 but is not within the documentation associated with the subject application, and states that at time of site visit by the representative of Mayo County Council to affix notices, the reputed owners were present and stated that they were in the process of trying to bring the properties back to a tenantable condition.
- 7.5.6. The internal memo of Mayo County Council dated 7th of November 2025 refers to correspondence received by the Environment Section from Mary Grealy on the 17th of June 2025. This correspondence has not been included with the documents associated with the subject property.
- 7.5.7. I refer the Commission to the documents associated with ACP-324236-26 which includes this correspondence. Ms. Grealy, wife of one of the reputed owners stated that they were in the process of getting the property structurally safe and plan to commence the remaining works outlined by Mayo County Council. An invitation was extended to the Derelict Sites team to visit the site and view the works undertaken. Ms. Grealy was advised by Mayo County Council that once all works are fully complete to contact Mayo County Council and a reinspection would be rearranged.

I note that this correspondence does not set out specifics works that have been undertaken or what the process has involved to get the property structurally safe.

- 7.5.8. I also refer to additional engagement between Sean Grealy and Mayo County Council on the 16th of December 2025 the focus of which related to works that were being undertaken on the site to render the houses non-derelict and return them to a habitable accommodation. The report of the local authority state that no works have taken place since to render the properties non-derelict.

I also note that the report of the local authority does not expand on the extent of the works which were subject of this conversation.

- 7.5.9. I note from the objection of the owner that the site has been subject to a legal dispute and bankruptcy of one of the partners. The effect of this dispute is the site being left in a state of limbo.

The objection also refers to the issues of subsidence to the rear of the property (ies). The objection contends that the previous number of years have been spent sourcing and successfully implementing an ongoing system to reinstate the house(s).

- 7.5.10. I acknowledge the owner's submission in this regard, however I would argue that no supplementary information has been included to demonstrate what has been the successful implementation of the ongoing system to reinstate the houses or a detailed breakdown of the works which have been undertaken thus far. I also contend that the owners have not set out any specific timelines for a schedule of works and anticipated completion date.

- 7.5.11. The owner submits that they have regularly corresponded with Mayo County Council regarding this site but have had very little engagement. I submit that no evidence of the details of this regular correspondence has been provided by the owners.

- 7.5.12. I note the correspondence within the report prepared by Mayo County Council and submit that no specific details have been provided at each interaction with the reputed owners stating what works have been undertaken.

- 7.5.13. I acknowledge the owner's availability to meet with Mayo County Council at any time. On the basis of the information available to me, the reputed owners have not responded to any correspondence issued from the local authority. I submit that the respective period for such engagement was at the initial stage of the process or in response to the notice served under Section 8(2) of the Derelict Sites Act, 1990 as amended where the Local Authority outlined the works required to bring the property out of dereliction and enabled consideration of any representations made by the reputed owners in writing.
- 7.5.14. The property has been on the Derelict Sites Register since 19th of May 2025 (PA Ref. DS2025/20). I do not consider that there is sufficient evidence of any significant works that have been undertaken or that would be undertaken in the short term that would render the site non-derelict.
- 7.5.15. Having regard to all of the information available and the continued appearance and condition of the subject property, it is concluded that the property continues to constitute a derelict site.

8.0 Conclusion

- 8.1. I am satisfied that the process and procedures undertaken by Mayo 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 comprising of a two storey dwelling with a stated site area of 0.075 acres, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, (as amended) and dated 3rd March 2026 and on deposited map reference '31 Highland Park, Kilkelly, Co. Mayo F35 HP40-DS 2025/20', 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 am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.
- 8.4. The effects of the proposed compulsory acquisition on the rights of affected landowner(s) are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands would be consistent with the policies and objectives of the Mayo County Development Plan 2022-2028 and specifically Section 2.8.1.3 'Rural Settlements Tier IV), Objective SSO6, Objective HSO5, Objective BEO 39, Section 12.18 'Settlement Plans for Tier IV Rural Settlements and Tier V Villages' and Policy RSVP 4 which seek to actively address instances of dereliction and decay in the urban and rural environment and bring properties back into active re-use and to revitalise towns and villages.
- 8.5. Accordingly, I am satisfied that the grant of consent to compulsory 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 application site, in particular the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, the neglected, unsightly and objectionable state of the land and structure thereon and 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 statute or by common law, I consider that the site materially detracts from the amenity, character and appearance of the land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.
- 9.2. I consider that it is 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 Mayo County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

10.1. Having regard to the structures which are in a ruinous, derelict or dangerous condition, the neglected, unsightly and objectionable state of the land and structure thereon and 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 statute or by common law, having considered the objection made to the compulsory acquisition, and also:

- The constitutional and convention protection afforded to property rights,
- The public interest, and
- The provisions of Mayo County Development Plan 2022-2028,

It is considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in section 3 (a), (b) and (c) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the Local Authority is necessary in order to render the site non-derelict and to prevent it from continuing to be a derelict site. It is also considered that the objection made cannot be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

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

Carol Hurley
Planning Inspector

14th July 2026

