



An
Coimisiún
Pleanála

Inspector's Report

ACP-324240-26

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. 11 Hazel Court, Convent Road, Ballinrobe, Co. Mayo.

Planning Authority

Mayo County Council

Notice Party

Patrick Connolly

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 11 Hazel Court, Convent Road, Ballinrobe, 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. 11 Hazel Court, Convent Road, Ballinrobe, Co. Mayo.
- 2.2. Hazel Court is arranged around a central area of open space. At time of site visit, this area was not well maintained.
- 2.3. The subject property is a two-storey semi-detached dwelling on a site with a stated area of 0.024 (hectares) (0.061 acres). External finishes to the dwelling consist of painted render with quoin detailing to the south side of the front (southeast) elevation.
- 2.4. The dwelling has a gable roof profile with an apex feature on the front elevation.
- 2.5. The property addresses the road with a south-east facing orientation.
- 2.6. At time of site visit I observed the following in relation to the property;

On the front elevation,

- The painted render, chimney and windowsills are in disrepair,
- The front door is in a state of disrepair.
- The light at the front door is loose.
- Within the apex at first floor level there is a hanging wire.
- There is vegetation growing in the gutters.
- The front garden area is not maintained and there are weeds growing through the tarmac.

At the side elevation,

- The dividing boundary between the subject property and the adjacent dwelling to the south (i.e. No. 10), is broken with remnants of the fencing lying across the side passageway. Only the concrete posts are remaining.

- There are building blocks being stored in a stacked pile to the side.
- There were window / door frames being stored and there was broken glass and other materials blocking the side passageway including overgrown vegetation.

At the rear elevation,

- The rear garden was completely overgrown, and the rear fence was missing some panels.

- 2.7. The adjacent dwelling, no. 10, Hazel Court also appears uninhabited and in a state of disrepair.
- 2.8. 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).
- 2.9. To the southwest of the subject site, at the entrance to Hazel Court lies an unfinished development, likely a mixed-use development.
- 2.10. The urban core of Ballinrobe is located to the west of Hazel Court. St. Josephs Primary School and Ballinrobe Community School are also located to the west of the subject site and Friars Lodge Nursing Home is located to the northeast, all of which are situated on Convent Lane.

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 16th of September 2025 advising of the Local Authority's intention to enter the site on the register of derelict sites.

Section 8(2) Notice was also affixed to the property on the 7th October 2025.

- Section 8(7) Notice of the Derelict Sites Act 1990 on 3rd of December 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 on 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.

Section 15(1)(b) Notice was affixed to the property on the 16th March 2025.

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 Pat Connolly and Michael Finnegan on the 3rd of March 2026.

The notices set out the address of the property with a stated site area of 0.061 acres (0.024 hectares), the location where the map of the derelict site is deposited.

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

The notices set out the timeframe for the making of an objection, i.e. 3rd April 2026.

I note that the notice sent by post to Michael Finnegan was subsequently returned to Mayo County Council. Following receipt of the returned notice, Mayo County Council subsequently affixed a notice on the 16th of March 2026 at No. 11 Hazel Court, Ballinrobe for the attention of Michael Finnegan.

I consider that the published notice in the newspaper and the notice sent by post to the reputed owners are in accordance with the requirements of Section 15(1)(a) and (b) of the Derelict Sites Act 1990, as amended.

The reference of the Planning Authority for the subject site is DS2025/56.

I note that the Derelict Site Reference number on the Section 15 (1)(b) notice issued to the reputed owners is DS2025/44 and is referenced in some of the documentation of the Planning Authority.

The reference number on the Section 15 (1)(a) notice published in the newspaper and the deposited map is DS2025/56. I refer to the Chief Executive Orders associated with the notices issued under Section 8 of the Derelict Site Act 1990, as amended which refers to DS2025/56.

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 Swaine Solicitors LLP, received by Mayo County Council on the 27th of March 2026 (date stamp).

The objection can be summarised as follows;

- Sets out the background;
- Everyday Finance DAC, Mortgagee, appointed Ken Fennell and Mark Degnan as Receivers over lands belonging to Pat Connolly.
- There is an ongoing dispute between the parties in relation to the validity of the purported security relied upon by the Mortgagee in respect of certain loan facilities.
- This dispute is currently the subject of High Court proceedings (2021/3756P)
- Pat Connolly obtained orders against the Mortgagee and the Receivers restraining the marketing and sale of the lands at issue.
- The proceedings have progressed.
- The sole remaining procedural step prior to fixing the hearing date is the completion of discovery.
- It is anticipated that the matter will be listed for hearing later this year.

- The Receiver's remain formally appointed; they are restrained from taking any steps to interfere with or dispose of the property.
- Pat Connolly's position is likewise preserved pending the determination of the High Court proceedings.
- Contends that it would be premature and inappropriate to proceed with any compulsory purchase of the property until such time as the extant litigation has been finally determined.

The Objection contains Orders relevant to Record 2021 No. 3756 P dated 28th May 2021, 8th June 2021, 6th August 2021 and Plenary Summons (date unclear, year 2021)

4.3. Local Authority's Application for Consent

4.3.1. The Local Authority requests the consent of An Coimisiun Pleanála to the compulsory acquisition of the derelict site. The application for consent was submitted on the 24th of April 2026 and was accompanied by 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 Pleanála for CPO of 11 Hazel Court, Convent Road, Co. Mayo, the report can be summarised as follows;

- No. 11 Hazel Court, Ballinrobe was built approximately 20 years ago, was never fully finished or occupied.
- The property has become derelict in the intervening years.
- Development contributions have not been paid in respect of House No. 11.
- The full cash deposit was not paid but the development has been taken in charge by Mayo County Council on 9th of December 2013.
- The subject site was identified on 21st of October 2024 by Mayo County Council as being in a derelict state.
- The first letter was sent to the reputed owners on 3rd of January 2025 setting out the information available in relation to the incentives available to property owners of vacant properties.
- No response was received to this letter.

- The second letter was sent to the reputed owners on 15th of July 2025 offering the same information.
- Pat Connolly (one of the reputed owners) by telephone on 22nd of July 2025 informed Mayo County Council that the property is currently in court with a vulture fund. Mr. Connolly estimated that the case could take another five months and stated that he would have no issue speaking to Mayo County Council about the options available in relation to the property.
- As no progress had been made to render the property non-derelect, the Central Housing Section of Mayo County Council recommended that the property be surveyed.

The derelict site report can be summarised as follows;

- The site was inspected on 7th August 2025.
- The category of dereliction was ‘the neglected, unsightly or objectionable condition of the structures on the land in question.
- The works required to be carried out to prevent the site from continuing to be derelict included;
 - Clear and dispose of rubbish from external areas.
 - Repair / replace side gate and boundary fencing.
 - Power wash façade of house including boundary walls and chimney.
 - Paint façade of house including boundary walls and chimney.
 - Power wash footpaths.
 - Clean and paint front door.
 - Clear overgrown vegetation from side and rear gardens.
 - Clean out rainwater gutters.
 - Secure and maintain property in a tidy condition thereafter.
- The period specified to carry out these works was one (1) month.
- The notice under Section 8(2) of the Derelict Sites Act 1990, as amended was issued on 16th September 2025.

- Following return of an undelivered Section 8(2) Notice, the notice was affixed to the property on 7th of October 2025.
- The notice under Section (8)(7) of the Derelict Sites Act 1990, as amended was issued on 3rd of December 2025.
- Pat Connolly, reputed owner by telephone informed Mayo County Council, that the property is owned by vulture funds. Mayo County Council instructed Mr. Connolly to outline the circumstances in writing.
- The property was valued at €140,000 on 26th November 2025 by an estate agent on behalf of Mayo County Council.
- The Memo of the Environment, Climate Change and Agriculture, Mayo County Council, dated 20th of January 2026, can be summarised as follows;
 - Provides a background to the engagement with the reputed owners, issuance of notices under Section 8(2) and Section 8(7) details of date of entry onto the Derelict Sites Register.
 - Sets out the address and details of registered owners
 - The valuation of the property of €140,000.
 - Details regarding costing in terms of acquisition and refurbishment costs.
 - Concludes that Mayo County Council is of the view that all attempts have been undertaken under the Derelict Sites Act 1990, to have this property taken out of its current unsightly and neglected derelict condition.
 - Recommendation that the Council proceed with the Compulsory Purchase of the property under the Derelict Sites Act, 1990.
- The notices under Section 15 of the Derelict Sites Act, 1990 were issued on the 3rd of March 2026.
- A telephone call by Swaine Solicitors on behalf of Pat Connolly and Michael Finnegan to Mayo County Council on the 10th of March 2025 to state that the property in question is subject to a high court case with a receiver appointed.
- A telephone call by Pat Connolly to Mayo County Council on the 12th of March 2026 to state that Mr. Connolly is willing to renovate the house and has applied

for a 'vacant homes' grant through the Housing Office. Mr. Connolly also confirmed the court order which is in place preventing the sale of the property by the banks.

- Following receipt of returned Section 15 Notices to Mayo County Council, a copy of the notice was subsequently affixed to the property on the 16th of March 2026.

4.4. Objectors Submission

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

4.5. Oral Hearing

No request has been received for an Oral Hearing.

5.0 Planning History

PA Ref. 04655 – Permission granted to Pat Connolly and Michael Finnegan on the 19th of August 2004 for the construction of 60 dwellings and retail area which consisted of one ground floor retail unit, one creche and 4 no. first floor apartments. At time of site visit, the main housing development of 58 units was constructed and established. House No. 21 and 22 have not been constructed as per the requirements of Condition No. 3. The structure indicated for the retail and creche use was constructed but not completed and in an objectionable condition with unmaintained grass.

Condition No. 3

House numbers 21 and 22 shall be removed from the site. The creche / retail / apartment block shall be moved south-east from the road towards this area. Car parking for the creche / retail / apartment block shall be located in this area on the housing estate side of the block. The applicant shall liaise with the Roads Department of Mayo County Council in relation to this provision. A landscaping plan shall be submitted for this location. The applicant shall submit a copy of the revised layout of the creche / retail/ apartment block, landscape plan and parking provisions for written approval by Mayo County Council prior to the commencement of any development.

Reason: In the interests of traffic safety.

Condition No. 5

No structures, except boundary walls shall be constructed within the 800mm diameter water pipeline wayleave located on the site or within 10 meters of the centreline of the pipeline. The route of the watermain shall be determined accurately on site in advance of any other site works. The water services section of Mayo County Council shall be advised of the exact time of pipeline location works and shall be on site before such work commences in order to ensure proper protection of the pipeline. The pipeline shall be protected during construction and a minimum of 1 metre depth of cover from the top of the pipe to ground level shall be maintained during and after construction.

Reason: In the interests of proper planning and development.

6.0 Policy Context

6.1. Mayo County Development Plan 2022-2028.

- 6.1.1. The site is located within Ballinrobe which is designated as a Tier II ‘Self-sustaining Growth Town’.

The site is zoned ‘Existing Residential’, the objective of which seeks ‘*To protect the amenity and character of existing residential areas*’

Ballinrobe 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;

Settlement Strategy Objective

SSO 6

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.

SSO 7

To promote measures to reduce vacancy and the underuse of existing building stock and support initiatives that promote the reuse, refurbishment and retrofitting of existing buildings and the regeneration of under-utilised lands within all settlements in the Settlement Hierarchy and the rural countryside.

BRO 9

To use active land management measures, such as the vacant site levy and derelict site levy to ensure the delivery of the projected housing units for Ballinrobe, as set out in the Core Strategy, on Town Centre Opportunity Sites and residential zoned lands

Settlement Strategy Objective

Housing Strategy Objectives

HSO 4

To seek to procure vacant homes where needed and appropriate, to ensure their continued use for residential purposes and develop housing on infill / brownfield sites within town and village centres for social and affordable housing provision.

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

Section 9.4.4 Regeneration

‘...Active land management measures will be required to ensure such lands become developable over the lifetime of the plan..’

BEO 37

To use specific powers, such as the Vacant Sites register to address issues of vacancy and underutilisation of strategic lands in town centre locations and within the built-up footprints of Tier I to V towns and villages, including the implementation of the Vacant Sites Levy in accordance with the Urban Regeneration and Housing Act 2015. Each year of the plan period, the planning authority will assess the county’s settlements for the purposes of identifying vacant sites for addition to the Vacant Site’s Register and accordingly implement the statutory provisions for same.

BEO 39

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

Section 12.3.1.3 Tier II and Tier III Settlements

Policy GSP 4

To encourage re-development of all derelict buildings within all settlement plan areas listed on the Derelict Sites Register.

Objective GSO 6

To use active land management measures, such as the Vacant Site Levy (Urban Regeneration and Housing Act 2015, as amended) and Derelict Site Levy (The Derelict Sites Act 1990 (as amended)), to ensure the delivery of the projected housing units in the identified Town Centre Opportunity Sites and residential zoned lands in Tier II Self- Sustaining Growth Towns, as set out in the Core Strategy or any subsequent Town Centre Opportunity Sites identified over the lifetime of the plan.

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 (southwest) and partially to the rear (northwest)

The property was vacant, appears unfinished internally (visible through ground floor windows) and has never been lived in. The property has a neglected 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 painted render, chimney and windowsills are in disrepair
- The front door would require repair and repainting or replacement.
- The light at the front door is loose off the connection.
- Within the apex at first floor level there is a hanging wire.
- There is vegetation growing in the gutters.
- The front garden area is not maintained and there are weeds growing through the tarmac / footpath at the front door.

Side Elevation

- The dividing boundary between the subject property and the adjacent dwelling to the south (i.e. No. 10), is in disrepair with remnants of the fencing lying across the side passageway.
- There are building blocks being stored in a stacked pile at the side of the dwelling but visible from the streetscape.

- There were window or door frames being stored and broken glass present and other materials blocking the side passageway including overgrown vegetation.

Rear Elevation

- The rear garden was overgrown, and the rear fence was missing some panels.

7.1.3. Save for the adjacent property to the southwest which has a similar appearance to the subject property, I note that the surrounding buildings are maintained to a good standard.

7.2. Category of Dereliction

7.2.1. Within the Derelict Site Report, I note the Local Authority considered that the property and lands fall under Category (b)

‘The neglected, unsightly or objectionable condition of the land or any structures on the land in question.

7.2.2. I note the definition of ‘derelict site’ above. Based on my site inspection, it is my view that the subject property is in need of general maintenance and notwithstanding the presence of waste material along the side passageway, I do not consider that the condition of the dwelling overall, ‘demonstrably detracts from the amenity, character and appearance of the land in the vicinity of the site to an unacceptable degree, that would render it derelict under Section 3 of the Act.

- I do not consider that the dwelling falls within the definition of Section 3(a) of the Act; the dwelling does not display signs of a ruinous, derelict or dangerous condition.
- In relation to Section 3(b), while the paintwork is in need of washing/ repainting in addition to the painting or replacement of the front door and replacement of the fence which could be described as being neglected, unsightly or objectionable, I do not believe that it is of such an extent or significance that it detracts to a “material degree” from the amenity, character or appearance of the land in the neighbourhood.

- In relation to Section 3(c), I acknowledge the presence of debris and blocks along the side passageway of the dwelling. I would submit that this is behind the front building line of the dwelling and not within the front area of the dwelling. I do not consider the debris detracts to a material degree from the amenity, character or appearance of the land in the neighbourhood of the land in question.

7.3. Action of Local Authority

- 7.3.1. The Compulsory Acquisition Report of the Local Authority submitted with the application sets out the attempted engagement with the reputed landowners between January 2025 and the issuing of the Notices under Section 15 of the Derelict Sites Act, 1990.
- 7.3.2. The subject site was identified as being in a derelict state on the 21st of October 2024 during a derelict site strategic survey of urban centres of population.
- 7.3.3. Two letters were issued by Mayo County Council on 3rd January 2025 and 15th July 2025 to each of the reputed owners, from the Vacant Homes Central Housing Office.
- 7.3.4. No response was received to the first letter. Following the issuance of the second letter of 15th of July 2025, on the 22nd of July 2025, Pat Connolly, one of the reputed owners, contacted Mayo County Council to advise that he was involved in a court case with a vulture fund in relation to the subject property. Mr. Connolly submitted that he was hopeful that if the case was successful in his favour, that he would contact Mayo County Council again and he had no problem discussing the options available in relation to the subject property. Mr. Connolly anticipated that the case could take another five months.
- 7.3.5. The report of the Planning Authority states that at as no progress had been made by the owners to render 11 Hazel Court, non-derelict, the Central Housing office of Mayo County Council recommended that the property be surveyed under the Derelict Sites Act 1990. This survey took place on the 7th of August 2025, despite the reputed owner previously estimating that the legal case could take approximately five months.

- 7.3.6. The Derelict Site Report set out the works to be undertaken to prevent the site from continuing to be derelict (as set out above).
- 7.3.7. I note that the initial Section 8(2) was served on the reputed owner on the 16th of September 2025 and subsequently affixed to the property on 7th of October 2025.
- 7.3.8. Email correspondence between the Central Housing Office and Claremorris Swinford Municipal District, Mayo County Council, November 2025 identified a need for No. 11 Hazel Court, Ballinrobe.
- 7.3.9. On the 26th of November 2025, the property was valued at €140,000. The documents provided do not reference a notice issued under Section 22(3) of the Derelict Sites Act 1990, as amended in relation to the right of appeal by the owner to the Tribunal against the determination made by the local authority within twenty-eight days from the date on which the notice is received by him.
- 7.3.10. I note that the Section 8(7) was served on the reputed owner on the 3rd of December 2025.
- 7.3.11. The property was placed on the Derelict Site Register on the 3rd of December 2025.
- 7.3.12. On the 8th of December 2025, following the issuance of the Derelict Site Notice, the Senior Executive Engineer, Vacant Homes Office, Mayo County Council, met with Pat Connolly (reputed owner) at Hazel Court, Ballinrobe. Limited information is provided regarding the context and outcome of the meeting. It is submitted that the discussion related to what land and buildings that are owned in Hazel Court and additional lands abutting the site but not yet developed.
- 7.3.13. By Memo dated 20th January 2026, the Environment, Climate Change and Agriculture Section of Mayo County Council concluded that the authority has carried out all attempts under the Derelict Sites Act, 1990, to have the property taken out of its current unsightly and neglected derelict condition and recommends proceeding with the Compulsory Purchase of the property.

- 7.3.14. Notices under Section 15 of the Derelict Site Act, 1990 as amended, were issued to the reputed owners and published in the Connaught Telegraph on the 3rd of March 2026.
- 7.3.15. As a notice was returned undelivered to the local authority, Mayo County Council affixed a copy of the notice on the property on the 16th of March 2026.
- 7.3.16. A site visit was undertaken by Mayo County Council on 24th of April 2026 and it was confirmed that the site remains in a derelict state and there has been no changes or attempts to remove the property from dereliction since the site visit of December 2025.
- 7.3.17. 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.
- 7.3.18. 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”.
- 7.3.19. As outlined in the report of the Local Authority, Mayo County Council have demonstrated engagement with the owners since January 2025 in relation to the objectionable state of the property with the property being placed on the Derelict Site Register since the 3rd of December 2025.
- 7.3.20. It is evident that Mayo County Council have attempted to address the issue of contended dereliction of the property. While I acknowledge that Mayo County Council contended that all attempts under the Derelict Sites Act 1990, as amended, were undertaken to have this property taken out of its current unsightly and neglected derelict condition, I note that there is no evidence that a Notice under Section 11 of the Derelict Sites Act 1990, as amended was issued to the reputed owners.
- 7.3.21. Notwithstanding the foregoing, having regard to the condition of the property, I am not satisfied that the efforts of the Local Authority have been fair and reasonable in this instance.

7.4. Compliance with the Development Plan

- 7.4.1. The property has been constructed for approximately 20 years but has not been completed internally at ground floor level and therefore has never been lived in. The result is the house has been in an objectionable state for a number of years.
- 7.4.2. I consider that the proposed compulsory acquisition for the property would be consistent with the policies and objectives of the Development Plan.

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, the subject property was in a neglected condition at the time that the application to acquire the site was lodged.
- 7.5.2. The derelict condition of the property came to the attention of the Local Authority during a derelict site strategic street survey of urban centres of population on 21st of October 2024.
- 7.5.3. The reputed owners did not respond to the initial engagement with Mayo County Council arising from the letters issued on the 3rd of January 2025.
- 7.5.4. The property has been on the Derelict Sites Register since the 3rd of December 2025 (PA Ref. DS2025/56).
- 7.5.5. I consider that the works required by Mayo County Council to prevent the property from continuing to be derelict as set out in the Derelict Site Report are not onerous and would not be unreasonable to address. I do acknowledge that the owners did not act upon receipt of the Derelict Site Notice.
- 7.5.6. I acknowledge the objection by Swaine Solicitors to the compulsory acquisition which refers to the ongoing dispute between the reputed owner and the Mortgagee and Receivers.

- 7.5.7. The objection sets out that following the institution of the proceedings, the reputed owner obtained orders against the Mortgagee and the Receivers restraining the marketing and sale of lands at issue. The objection further states that similar undertakings were provided by the Defendants to the Court.
- 7.5.8. It is contended by the objector that while the Receivers remain formally appointed, they are presently restrained from taking any steps to interfere with or dispose of the property and that the reputed owner's position is likewise preserved.
- 7.5.9. Legal proceedings commenced in 2021. The objection sets out that it is anticipated that the matter will be listed for hearing later this year.
- 7.5.10. Legal documentation included within the objection submitted by Swaine Solicitors spans a timeframe of 28th May 2021 up to 6th August 2021. I refer to my own search of the High Court database in respect of Record 2021 No. 3756 and specifically the section on Court Lists which indicates further activity in relation to this case between 2021 and up to the 17th of December 2025. No details of this further correspondence have been included within the objection submitted by Swaine Solicitors.
- 7.5.11. I note the contents of the objection received and restrictions upon the mortgagee and receivers, however no details have been provided which sets out any relevant restrictions upon the reputed owner to undertake any of the required works at the subject site to address the condition of the property.
- 7.5.12. I refer to internal email correspondence of Mayo County Council, dated 10th March 2026 (copy on file), post issuance of the notices under Section 15 of the Derelict Sites Act, which refers to a phone call from Swaine Solicitors regarding 11 Hazel Court. The purpose of the phone call was to advise Mayo County Council that No. 11 Hazel Court is subject to a high court case and a copy of the court order issued previously to pause the sale of the site by the receivers would be sent on.
- 7.5.13. There is no evidence of any works that have been undertaken at the site. However, I refer to internal email correspondence of Mayo County Council, dated 12th of March 2026 (copy on file) which refers to a conversation between Mayo County Council and

Pat Connolly (reputed owner). It is stated that Pat Connolly, reputed owner, is willing to renovate the property and has applied for a 'Vacant Homes' grant through the housing office of Mayo County Council. As part of this discussion, Mr. Connolly again referred to the court order which is in place preventing the sale of the property by the banks.

- 7.5.14. I note that the above referenced email correspondence predates the formal objection made by Swaine Solicitors to the Local Authority following receipt of the Section 15 Notices on 27th March 2026. I acknowledge that neither the objection nor the report of the Local Authority refers to the reputed owner's application for the Vacant Homes grant or the stated willingness of the reputed owner set out on 12th of March 2026 to renovate the property.
- 7.5.15. However, having regard to the required works listed within the Derelict Site Report of Mayo County Council and from my site visit I would submit that the condition of the property could be addressed by the owner.
- 7.5.16. The legal documentation on the file refers to a restriction upon the Mortgagee and the Receivers against the marketing and sale of the lands and does not appear to restrict the ongoing maintenance.
- 7.5.17. Notwithstanding the absence of information regarding the reputed owner's application for a vacant homes grant, the copy of the email correspondence with stated intended actions of the reputed owner cannot be discounted. It is my opinion that this statement demonstrates the owners attempt to address the condition of the property and that the Compulsory Acquisition of the property by the Local Authority would not be necessary to render the site non-derelict.
- 7.5.18. Having regard to the limited scale of works required to be undertaken when considered with the owner's recent engagement with Mayo County Council and willingness to renovate the property, I would contend that it would be unreasonable and not proportionate to the end to be achieved, at this point in time to confirm consent for the compulsory acquisition of the property.

8.0 Conclusion

- 8.1. Having regard to the Constitutional and Convention Protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising of a two storey dwelling with a stated site area of 0.061 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 the deposited map reference 11 Hazel Court, Ballinrobe, Co. Mayo, F31 YK83 – DS 2025-56, pursues, and is rationally connected to a legitimate objective in the public interest, namely to ensure that the lands do not continue to be in a derelict condition.
- 8.2. I am further satisfied that the proposed acquisition of these lands by the acquiring authority, which are currently in an unsightly and objectionable condition, was consistent with the policies and objectives of the Mayo County Development Plan 2022-2028, and specifically BRO 9, SSO 6, SSO 7, HSO 4, HSO 5, BEO 37, BEO 39, GSO 6 and Policy GSP 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. However, I am not satisfied that the condition of the site is so unsightly and objectionable that it detracts to a material degree from the amenity and character of the neighbourhood.
- 8.3. I am not satisfied, therefore, that the process and procedures undertaken by Mayo County Council have been fair and reasonable, or that the local authority has demonstrated the need for the lands, or that all the lands being acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site. It is further acknowledged that the acquiring authority has not adequately demonstrated that the means chosen to achieve the objective in the public interest would have impaired the property rights of affected landowners as little as possible, and that the effects of the compulsory acquisition on the rights of affected landowners were proportionate to the objective being pursued at the time.
- 8.4. In this respect, I have considered alternative means of achieving the objective referred to in the submissions to the Commission and am satisfied that the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate. Having regard to the current condition of

the site, I am no longer satisfied that that the grant of consent to compulsorily acquire the lands is justified by the exigencies of the common good at this point in time.

9.0 Recommendation

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

10.0 Reasons and Considerations

Notwithstanding the current unsightly and objectionable condition of the site, having considered the objection(s) made to the compulsory acquisition, and also:

- a. The constitutional and Convention protection afforded to property rights,
- b. The public interest, and
- c. The provisions of Mayo County Development Plan 2022-2028,

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

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

Carol Hurley
Planning Inspector

9th July 2026