



An
Coimisiún
Pleanála

Inspector's Report

ACP-324273-26

Development

Proposed compulsory acquisition of a derelict site

Location

located at Kenlis Place, Kells, Co.
Meath, A82 X3R8 & A82 A3Y9

Planning Authority

Meath County Council

Notice Party:

Ros Liath Limited

Date of Site Inspection

8th September 2026

Inspector

Aisling Mac Namara

1.0 Introduction

- 1.1. This case relates to a request by Meath County Council for consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site at Kenlis Place, Kells, Co. Meath in accordance with the provisions of the Derelict Sites Act 1990, as amended.
- 1.2. The main parties in this are:
 - Meath County Council
 - Ros Liath Limited – the owner of the site and the objector

2.0 Site location and description

- 2.1. The site which is the subject of this proposed compulsory acquisition is located at Kenlis Place, Kells, Couty Meath (A82X3R8 & A82A3Y9) and is shown on the map for the notice DS1165. The site contains a two storey building accessed from Kenlis Place with large outdoor area to rear. The stated area of the site is 0.094ha. The building is vacant, uninhabitable and in poor condition. The building contains separate units. The eastern unit is a house. The western unit contained a shop/ office over ground and first floor. There is an archway access to the rear outdoor area located between both units.
- 2.2. The site is mid terrace on the street and is adjoined either side by existing properties. A two storey house adjoins to the western side boundary. A two storey building in use for Kells Theatre (St Vincent de Paul hall) adjoins to the eastern side boundary. The rear southern site boundary adjoins an undeveloped backland vacant site.
- 2.3. The site is located in a central urban area, close to shops and services including Kenlis Street car park, Kells Credit Union and Bank of Ireland and heath and community uses at Mercy convent site.

3.0 Application for consent of acquisition

- 3.1. Under section 14 of the Derelict Sites Act 1990 as amended, Meath County Council has the power to acquire a derelict site compulsorily.
- 3.2. Meath County Council issued notice of intention to acquire the derelict site compulsorily under section 15 of the Act.

- 3.3. An objection to the compulsory acquisition was received by Meath County Council from the owners of the site Ros Liath Ltd.
- 3.4. Meath County Council has now applied to the Commission in accordance with section 16 of the Act for the Commission's consent to the compulsory acquisition of the site. The application was received by the Commission on 8th May 2026.

4.0 Application and objection

4.1. Notice of intention to acquire

- 4.1.1. Notice of Meath County Council's intention to compulsorily acquire the site was served by way of a signed notice dated 16th February 2026. The notice was:

- fixed to the front of the property on 16th February 2026,
- sent by registered post to Ros Liath Ltd, Hoar Rock, Skerries, Dublin on 16th February 2026,
- sent by registered post to Mr. H. Morris, Alliance Auctioneers & Estate Agents & Valuers, Castlestreet, Townparks Kells on 16th February 2026,
- advertised in Meath Chronicle dated 7th March 2026.

- 4.1.2. The site is described in the notices as follows:

Map reference: DS-1165

Address: Site located at Kenlis Place, Kells, Co.Meath, Eircodes A82X3R8 & A82A3Y9

Description: Attached two-storey properties with gardens to the rear

The notices state that owner, lessees or occupiers (except tenant for period or month or less than a month) may on or before 13th April 2026, submit an objection to the local authority in writing.

- 4.1.3. I consider the notices are in accordance with the requirements of section 15 (1) of the Derelict Sites Act, 1990 as amended.

4.2. Local Authority's application for consent

4.2.1. The documentation submitted from Meath County Council to support the application includes the following:

- Application cover letter dated 8th May 2026
- Notice of Intention to Acquire Derelict Site Compulsorily Under Derelict Sites Act 1990 as amended and served on the registered owner and published in Meath Chronicle
- Senior Executive's recommendation to Chief Executive
- Chief Executive order
- Copy of notices served on the owners of the property
- Copy of newspaper advert
- Site maps
- Submissions with objections to compulsory acquire
- Letters of support to Meath County Council to CPO and end the dereliction
- Meath County Council's observations regarding submissions received
- Appendix A – evidence of site unregistered on landdirect.ie and initial reasonable efforts to determine ownership
- Appendix B – inspection reports and recommendations
- Appendix C – correspondence with Ros Liath Solicitors to confirm ownership of the Derelict site referenced DS-1165
- Appendix D – planning history for DS-1165
- Appendix E – last taken photographs of DS-1165 (24th April 2026)

From the information submitted, the following is a summary of the application case put forward by Meath County Council (MCC):

Background:

- Early 2023 - Brought to the attention of MCC during meeting with Kells Local Hero's community group involved in town rejuvenation. Council investigated ownership.
- 15th February 2024 – Derelict Site initial inspection report. Observed site in very poor ruinous neglected condition, roof tiles missing and close to falling off. Folio is unregistered, ownership is unknown. Site is derelict as defined in section 3 of Derelict Site Act. The report contains recommended actions - exterior of building to be painted and maintenance carried out, repair all broken slates, repair hole in roof, improve appearance of windows and doors, repair window(s), repair door(s), make good structural items.
- November 2025 – Review of google streetview showed 2021 image with signage showing for sale sign by Alliance Auctioneers marked 'sale agreed'. MCC contacted Alliance Auctioneers by phone requesting ownership details and noting property in dangerous and derelict condition (risk of glass and slates falling on footway). Agent advised that a sale was nearly finalised and will send on ownership details. No ownership details were provided.
- 1st December 2025 – Reports of Executive Engineer and Town Regeneration Officer recommend section 8(2) notice. Report notes difficulties in finding owner.
- 1st December 2025 – Section 8(2) notice issued. Notice under section 8(2) of Derelict Sites Act 1990 of an entry on the derelict sites register in respect of the land. Notice states that the Council is of the opinion that the land is a derelict site within the meaning of the Act and that it detracts to a material degree from amenity, character or appearance of land in the neighbourhood by reason of (a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, and / or (b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question. The Council gives notice of its intension to make an entry on the Derelict Sites Register in respect of the lands pursuant to section 8 of the Act.

Representations from owner / reputed owner / occupier can be made within one month. In the absence of representations, an appropriate entry shall be made by the Council. No representations were received. Photographs dated 1st December 2025 submitted showing notice attached to the front of the property.

- 6th January 2026 – Email sent by MCC to Mr. Morris, Alliance Auctioneers stating spoke with him on 26th November seeking information on ownership, building is risk to public using footway, aware he had property up for sale in last couple of years, would be grateful to receive ownership details, a section 8(2) notice placed, no correspondence received, next step is to issue section 8(7) notice, would be grateful to receive ownership details as last opportunity for owner to address dereliction before site added to DS register. Copy of section 8(2) notice attached to email.
- 7th January 2026 – DS-1165 Kenlis Place, Kells, Co. Meath-Two storey attached property consisting of both Eircodes:-(A82X3R8 & A82A3Y9) entered onto Derelict Sites Register.
- 7th January 2026 – Section 8(7) notice issued. Notice under section 8(7) of Derelict Sites Act 1990 of an entry on the derelict sites register in respect of the land. Photographs dated 7th January 2026 submitted showing notice attached to front of property. Report of Executive Engineer notes difficulties in ascertaining ownership.
- 20th January 2026 – MCC email correspondence with NLP Kells solicitors trying to source information on ownership. NLP Kells who state they have checked with local solicitors, have no information on ownership.
- 21st January 2026 – email sent by MCC to Alliance Auctioneers attaching copy of section 8(7) notice and advising Council is proceeding to compulsorily acquire the site.
- 23rd January 2026 – emails sent by MCC to T & J Gavigan Auctioneers seeking information on ownership of the building as wish to contact owner.
- 23rd January 2026 – planning search yielded that Ros Liath was applicant for permission in 2017. MCC sends letter by registered post to Ros Liath Ltd,

Hoar Rock, Skerries – letter states is trying to determine ownership of property, property has been served section 8(2) and 8(7) notices, have received no correspondence, Council intends to carry out compulsory acquisition of site, may have knowledge of who current owner is and would be grateful to provide information.

- 16th February 2026 – section 15 notice issued. Notice of Intention to acquire derelict site compulsorily under the powers of section 14 of Derelict Site Act 1990 (as amended by Planning and Development Act 2000). Photographs dated 16th February 2026 submitted showing notice attached to front of property. Notices sent by registered post to Ros Liath Ltd in Skerries and Mr.H Morris Alliance Auctioneers in Kells. Both letters state that they may be owner and if not please forward to owner / receiver. Enclosed is copy of section 15 notice.
- 19th March 2026 – letter from Michael O'Connor, solicitor acting on behalf of Ros Liath Ltd on the instructions of Mr.Wilde. Refers to letter of 23rd January 2026 which was handed to solicitor by his client. Confirms property is owned by Ros Liath Limited. Neither Ros Liath Ltd nor Mr. Wilde received the two notices from derelict site section of Meath County Council. Mr. Wilde had a property agent who saw a site notice on the property and advised Mr. Wilde that he would deal with it. Surprised to received letter of 23rd January advising that property had been placed on Derelict Sites Register. His clients preference is to work with the Council to have the property taken off the Derelict Sites Register. Client proposes to secure the property and make it safe by boarding up the windows and doors, securing the roof, power hose property and cleaned on outside and painted. Clients intention is to apply for planning permission to develop the site and sell it. Client not agreeable to compulsory acquisition of the property and is opposed to same. Client fully intent on working with the Council to satisfy it so that the property can be removed from the Derelict Sites Register, planning permission applied for and sold and developed.
- 27th March 2026 – Council sends response to Michael O'Connor solicitor– letter states Council have received communication from a third party who

asserts ownership. Request they provide solicitors certified copy of deed of conveyance in clients favour and clarification regarding any agreements with third parties with interest in land.

- 12th April 2026 - letter from Michael O'Connor, solicitor acting on behalf of Ros Liath Ltd. Refers to letter dated 27th March 2026 requesting proof of clients title and clarification regarding third party interest, section 8(2) notice dated 1st December 2025, section 8(7) notice dated 7th January 2026, registered letter of 23rd January 2026, CPO notice dated 16th February 2026. The letter constitutes a further objection to the entry on the Derelict Sites Register, a formal objection to the proposed compulsory acquisition of the property and a response to the Council's request for title. The letter provides clarification regarding ownership of site, confirming that Ros Liath Ltd is the lawful owner of the property. Confirms that client has not entered into agreement with any third party conferring any legal or beneficial interest in the property (documentary evidence submitted).
- 15th April 2026 – from solicitor for MCC to Michael O'Connor solicitor, responding to letter of 12th April. The assertion of ownership is noted as is the documentation evidencing same. The documentation raises issues with non registration with the property registration authority Tailte Eireann of the 2006 Conveyance and fact that the property described on lease map does not extend to the full physical boundaries of the property. Noted client wish to sell property and point that client is entitled to receive market value of property on date of vesting. Further vesting would mean Council becomes full freehold title of property and would overcome title issues. Suggest client engage with Council with view to agreeing market value and withdrawing objection. In relation to objections, all statutory documentation has been served, the property is clearly derelict and appropriately recorded in Derelict Sites Register, would require significant expenditure to make it non derelict. As client has objected, matter is being referred to ACP. ACP is confined to consideration of the proposed acquisition and has no role in Derelict Sites Register. Suggest open to client to enter into discussions.

Summary of MCC case for application:

- Council is certain site is in a ruinous derelict condition and placing property on register is proper and justified - large holes in roof structure / not watertight with loose dislocated slates putting adjoining footway users at serious risk of injury; all front windows broken; rotten timber collapsing first floor structure; property unsecure allowing unauthorised access and permitting anti social behaviour; vegetation growing out of chimney; entire building requiring painting; building unsafe and in complete ruinous derelict condition; unrestricted access as front arch doorway had been vandalised (MCC put harris fence up to try restrict access); rubbish debris within the arch gateway of the site visible from public footway.
- Council have complied with all statutory requirements for notices.
- Council made reasonable attempts to find and inform owners.
- Time lag in responses points to lack of willingness on behalf of owners to engage with Council.
- Reasonable to assume owners were aware of section 8(2) and 8(7) notices however did not respond and only responded after issuing of section 15 notice – suggests compulsory acquisition is proportionate and justified decision when all less intrusive measures are exhausted and no engagement forthcoming.
- There is little sincerity in owners assertion that wishes to work with Council to address concerns regarding the property. Owners have little interest in addressing issues (time lag in responses, expiry of 2017 permission, failure to register title with Land Registry since purchase of property in 2006, need for substantial funding to make property non-derelict, since 2006 purchase owners have let the site fall into disrepair (streetview image 2009 shows site in reasonable condition, streetview image 2021 shows property in poor condition)).
- Owner of the DS-1165 is in non compliance with section 9 of the Act which states that it is the duty of every owner to take reasonable steps to ensure land does not become or does not continue to be a derelict site.
- Significant capital expenditure required to make non derelict – property will need new roof, new first floor structure, new windows and doors, internal

works such as plumbing and electrical, slabbing and plastering, insulation, painting, boundary works.

- Owner would be entitled to market value upon vesting.
- There are currently no live planning permissions on the site.
- If consent is granted, Council shall immediately set about making the site safe and non derelict and bring site back into use for any purpose connected with the powers and duties of the local authority in accordance with section 13.
- The proposed compulsory acquisition is strongly supported by national policy including Housing for All, Vacant Homes Action Plan, Town Centre First Policy, Vacant Homes Action Plan, Our Rural Future, the CPO Activation Programme, National Planning Framework – all of which priorities active re use of vacant and derelict buildings in the interest of proper planning and sustainable development.
- The property is currently damaging the image and dignity of the town.

4.3. Objectors submission to local authority

4.3.1. The objection to the proposed compulsory acquisition was received by Meath County Council from Michael O'Connor solicitors acting on behalf of Ros Liath Limited on the instructions of Mr. David Wilde in letter dated 19th March 2026 and letter dated 12th April 2026.

4.3.2. Objection to the section 8 entry on the Derelict Sites Register:

- Failure of effective notice and denial or real opportunity to make representations. The Council did not ensure owner receive notices in sufficient time to make representations before entry onto register, noting section 8(2) notice dated 1st December, section 8(7) notice dated 7th January were not received by owner. Council's letter of 23rd January acknowledges that the Council are unclear of ownership.
- Prematurity and unfairness due to Christmas period. Section 8(2) consultation period ran through Christmas and new year period – principal holiday period – affording no reasonable or practical opportunity to make representations.

- Failure to afford the owner a proper opportunity to remediate. Letter to Council of 19th March indicates willingness of client to take remediation steps in order to have property removed from register and states intentions to apply for planning permission, development and selling of site. Demonstrates willingness to engage and undertake works once it came to clients attention.
- The statutory threshold was not satisfied. The property did not detract to a material degree from the amenity, character or appearance of the area. Does not accept that the property reaches the statutory threshold required for registration. It is only recently that vandalism caused damage to gate door and glass windows, which can be easily remediated.

4.3.3. Objection to proposed compulsory acquisition:

- The proposed acquisition is founded upon a flawed, unfair and premature register entry. If the registration is defective, the acquisition process is tainted.
- Failure of proper notice and title uncertainty. The process moved from disputed or uncertain ownership directly to compulsory acquisition.
- Prematurity / failure to permit remediation and engagement. The Council has not allowed reasonable opportunity for owner to undertake works which might address Council's concerns without resorting to acquisition.
- Compulsory acquisition is unnecessary and disproportionate at this stage. Client is asserting ownership, has documentary title, has expressly indicated intention to secure, clean, improve, seek planning permission for, and develop or sell the property. The compulsory acquisition is excessive step where less intrusive measures and voluntary engagement have not been properly exhausted.
- The property is not shown to satisfy the substantive statutory test to justify acquisition. If property did not materially detract from amenity, character or appearance of neighbourhood and was not classed a derelict site within the meaning of the legislation then basis for compulsory acquisition does not arise.

4.3.4. Reliefs sought / client requests Council to:

- Acknowledge Ros Liath Ltd as owner.

- Engage with client with view to reaching agreement on initial remediation of property and future development.
- Withdraw, cancel or otherwise reserve the entry of the property on the Derelict Sites register.
- Discontinue the compulsory acquisition process.
- In the alternative, defer any further acquisition step pending proper consideration of these objections and owners remediation proposals.
- Confirms that no further step will be taken to advance compulsory acquisition while these objections remain outstanding and unwithdrawn.

4.4. Observations of objector in relation to local authority comments on objection

None received.

4.5. Oral Hearing

No request has been received for an oral hearing.

5.0 Planning History

5.1.1. The following is the planning history of the site:

- KA170263 – Ros Liath Ltd – grant June 2017 – permission for the change of use of the former shop & office premises to residential use with modifications and addition of new fenestrations to rear facade and internal modifications.
Expiry 07/06/2022
- KT900009 - Ros Liath Ltd – Refused – permission for (1) demolition of existing single storey annex to rear of the existing building (2) the construction of a new two storey extension to rear of existing building (3) refurbishment of former ground level shop/office to the front of the existing building for shop use with office/store use at ground level of new two storey extension to the rear of building (4) refurbishment and internal alterations to part of the existing building first floor level of existing building for change of use to 2 apartments extending to 1st floor of new 2 storey extension to the rear of the existing building with stairs access to ground level from existing internal archway with access to Kenlis Place to front and open space and car park area to the rear

of the site (5) form new car parking area to rear of site for off street car parking to serve proposed all in the architectural conservation area of Kells Town

6.0 Legislation and Policy Context

6.1. Legislation

The Derelict Sites Act 1990, as amended, makes provision 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. 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.”

I summarise other relevant provisions of the Act below:

- Section 8 requires Local Authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/owners of their intention to do so;

- Section 9 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 enables Local Authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site;
- Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in its functional area;
- Section 15 sets out requirements for giving notice if the local authority intends to acquire a derelict site compulsorily;
- Section 16 sets out arrangements if the owner/occupier wishes to object to the acquisition and it provides that if an objection is made, then the derelict site shall not be acquired compulsorily by the local authority without the consent of the Commission.

6.2. **Meath County Development Plan 2021-2027 (including variations 1,2, 3, 4 and 5)**

The site is within the settlement boundary of Kells. Under the core strategy and settlement strategy, Kells is designated a Self Sustaining Growth Town. The town is targeted to grow from 6135 in 2016 to 7135 in 2027.

Site is zoned C1 Mixed Use:

Objective: *To provide and facilitate mixed residential and business uses.*

Guidance: *Lands identified for mixed use development are only appropriate in higher tier settlements. The objective on these lands is to provide opportunities for high-density mixed-use employment generating activities that also accommodate appropriate levels of residential development thereby facilitating the creation of functional 'live work' communities. These areas are generally located in proximity to high frequency public transport corridors. Where a residential component is proposed, the percentage of residential development in C1 zones shall generally not*

exceed 70% of the quantum of a development site. Exceptions may be facilitated on a case by case basis where a clear evidence base has been demonstrated. Where an applicant proposes a high percentage of residential uses on C1 zoned land, it must be demonstrated;

a) that such development proposals have regard to the Asset Test set out in Section 9.3 Housing and Regeneration and Appendix A of the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.

b) that there are substantial commercial vacancies in the area and that there is no demand or need for additional commercial uses.

The northern side of Kenlis Place is located within B1 Commercial Town Centre. The southern rear boundary of the site adjoins land zoned G1 Community Infrastructure.

The site is within Kells Historic Core Architectural Conservation Area.

The site is not a protected structure. There are protected structures in the vicinity.

The adjoining property to the east is a protected structure.

The site is not recorded on the National Inventory of Architectural Heritage (NIAH).

Kells settlement plan

KEL POL 1 To continue to support the sustainable growth of Kells by encouraging high quality development in appropriate locations that enhances the built environment, meets the needs of all sections of the community, respects the heritage status of the town, and allows the town to fulfil its designation as an important employment and service centre in the north of the County.

KEL OBJ 20 To preserve the character of Architectural Conservation Areas in Kells.

KEL OBJ 22 To facilitate engagement with property owners through heritage-led regeneration initiatives (e.g. 'Kickstart') to support investment, renewal and improvement of the towns architecture, historic built-form and urban fabric.

Kells Historic Core Architectural Conservation Area

Objectives: It is the intention of the Council by the designation of this Architectural Conservation Area,

1. to preserve the historic street pattern within the core of the town,

2. to require that all new developments shall observe the existing scale of the town.
3. to protect the character of the existing streetscape by giving consideration to the suitability of style, construction materials, colour and decoration to be used in any proposals for development taking place within this area.
4. To encourage appropriate new uses for empty and under-utilised buildings.
5. To avoid the destruction of minor historic elements whose cumulative loss would severely erode the cumulative cultural significance of the town.

Chapter 03. Settlement and Housing Strategy

SH OBJ 20 To promote the development of vacant residential and regeneration sites in all development centres in the County, as appropriate.

Chapter 8 Cultural and Natural Heritage Strategy

HER POL 16 To protect the setting of Protected Structures and to refuse permission for development within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of the structure, where appropriate.

HER POL 19 To protect the character of Architectural Conservation Areas in Meath.

Chapter 4 Economy and Employment Strategy

ED POL 33 To support the vitality and viability of existing designated centres and to work in conjunction with Retail Excellence Ireland, DJEI and all relevant stakeholders to facilitate a competitive and healthy environment for the retailing industry into the future.

ED POL 38 To promote the reuse or reactivation of vacant and under-utilised properties/shop units in order to assist within the regeneration of streets and settlements in the County.

ED OBJ 41 To encourage the development of Kells and Trim as a tourism cluster with improvement in the connectivity between both centres. Each town to develop a strategy for niche tourism as integral part of their overall development strategy e.g. culinary tourism, regional food hub, creative industries, etc. Continue the ongoing

protection of the intrinsic built and natural heritage of Kells and Trim and their promotion as a basis of tourism.

Retail Strategy

7.2.3 Kells

While vacancy levels are generally low in the town centre at 13.5%, vacancy has tended to cluster in central and prominent locations within existing (often historic) buildings. This has an adverse effect on perceptions of vibrancy in the town.

7.0 **Assessment**

7.1. **Site Inspection**

- 7.1.1. I carried out my site inspection on 8th September 2026. Internal access to the property was not available and accordingly I carried out my inspection from the public roads and Kenlis street car park. My observations on the site include the following:
- The building is vacant and is in a state of disrepair and is not habitable.
 - I observed tiles loose on roof, broken glass in windows, curtains hanging across exterior wall, boarded up window, harris fence blocking access to arch, rotten timber in windows and doorways, flaking paint, sagging roof and generally weathered and grimy exterior. The interior is in ruinous condition with sections of first floor collapsed and hole in roof and debris on ground.
 - I was not able to access the rear of the site however from Kenlis car park and from the front, I observed vegetation from within the outdoor area.
- 7.1.2. From a review of the streetview images dating 2009, 2011, 2019 and 2021 and my observations on site, it is clear that there has been a marked continuous decline in the upkeep and maintenance of the property over the years since 2009.
- 7.1.3. Other properties in the surrounding area are overall in better condition and upkeep.

7.2. Category of dereliction

- 7.2.1. Under section 3 of the Act, a 'derelict site' means 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", because of –
- 7.2.2. (a) *the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or*
- 7.2.3. Consideration: The poor structural and physical condition of the property is described above. The building is in a state of significant damage and disrepair. There are loose roof tiles and exposed and broken glass within upper windows which pose a danger to members of the public on the footway and road. There is a missing front arch door which has been fenced over to prevent access to the public. I am satisfied that the site is in a ruinous, derelict and dangerous condition.
- 7.2.4. (b) *the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or*
- 7.2.5. Consideration: Due to the poor structural and physical condition of the property, the building is unsightly. The site is abandoned and neglected. The site is located in a busy central urban area. Other properties on the site are in better condition. This is a historic architectural conservation area abutting a protected structure. The property degrades the appearance of the street and degrades the historic architectural fabric of the street. During the display period, I note that letters were received from owners/occupiers of surrounding properties including businesses and community groups citing anti social behaviour on the site and problems with vermin from the site. I am satisfied that the site is in neglected, unsightly and objectionable condition.
- 7.2.6. (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.*
- 7.2.7. Consideration: There is debris located within the site. This is visible from the street.
- 7.2.8. Conclusion: Having regard to the above, I am satisfied that the site is a 'derelict site' under section 3 of the Act.

7.2.9. I have checked the Meath County Council Derelict Sites Register and the site DS-1165 Kenlis Place, Kells, Co. Meath-Two storey attached property consisting of both Eircodes:-(A82X3R8 & A82A3Y9) is shown entered onto the register on 7th January 2026.

7.3. Compliance with development plan

7.3.1. I note the following provisions of the Meath County Development Plan 2021 to 2027:

- The C1 mixed use zoning of the land to facilitate mixed residential and business uses, noting the opportunity for higher density mixed use.
- The provisions to promote the redevelopment and regeneration of vacant and underutilised sites (SH OBJ 20 , EDPOL38).
- The provisions for the renewal and rejuvenation of Kells historic built form and urban fabric (KEL OBJ22).
- The provisions to protect built heritage in the area, noting the location of the site within an ACA and in proximity to protected structures (Kells ACA specific objectives, KEL OBJ 20, HERPOL16, HERPOL19).
- The provisions to encourage the redevelopment of Kells for tourism , noting that the protection of the built heritage asset is a basis for tourism (EDOBJ41).
- The location of the site on Kenlis Street, the northern side of which is zoned Town Centre and the provisions to support the vitality and viability of centres (ED POL33).

7.3.2. The documentation submitted with the application states that if consent for compulsory acquisition is granted, the local authority will bring the site back into use for any purpose connected with the power and duties of the local authority.

7.3.3. The proposal to compulsorily acquire the site would allow for the future redevelopment of a vacant site for a potential mix of uses, the redevelopment and refurbishment of the site would contribute to the protection of built heritage, a foundation for potential tourism and would contribute to improving the vibrancy and vitality of this central area abutting town centre zoned land. I am satisfied that the

future plans of the local authority are in accordance with the provisions of the development plan.

7.4. Action of the local authority

- 7.4.1. Under section 10 of the Derelict Sites Act, the local authority has a duty to take steps to deal with derelict sites, i.e. *“It shall be the duty of a local authority to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any land situate in their functional area does not become or continue to be a derelict site.”*
- 7.4.2. The site was brought to the attention of the local authority by local community groups and was inspected by the Council. The site has been falling into a state of continuous decline over the last number of years and is now in a derelict and dangerous condition, adversely impacting on the appearance of the streetscape and posing a danger to the public. As per section 10, the local authority is required to take action.
- 7.4.3. The site is unregistered. The details on file indicate that the Council had difficulty in finding the owner. The Council attempted to source the owners details from the auctioneer dealing with sale of the property in 2021 however no details were provided. The Council issued a section 8(2) notice on 1st December 2025 stating it is the opinion of the Council that the site is derelict and it intends to enter it on the Derelict Sites Register and inviting representations within one month of the date of the notice. This notice was attached to the site. The Council made a further attempt on 6th January to seek the owners details from the auctioneer. A copy of the section 8(2) notice was issued to this auctioneer. No representations were received and the Council issued a section 8(7) notice on 7th January 2026 stating that the site was now entered on the Derelict Sites Register. The section 8(7) notice was attached to the site.
- 7.4.4. Section 8(2) states the following: *“Before making any entry on the register in relation to any land, the local authority shall give to any owner and occupier, where they can be ascertained by reasonable enquiry, notice of their intention to make such entry and shall consider any representations any owner or occupier may make in writing*

within such period as may be specified in the notice and may either make the entry or not as they think proper having regard to such representations.”

- 7.4.5. Section 8(7) states the following: *“Notice of an entry in the register shall be served by the local authority on the owner and occupier of a site in respect of which an entry has been made in the register where such persons can be ascertained by reasonable enquiry.”*
- 7.4.6. Having regard to the long standing poor state and vacant condition of the property, the unknown status of the owner and the attempts to track down the owner through the auctioneer, including the attachment of notices to the front of the property, I am satisfied that the local authority made reasonable enquiries to find the owner. The objector raises that insufficient time was given to allow for submissions. The Act does not specify a time period for representations. The notice allows owners and occupier to submit representations within one month of 1st December 2025. This time period falls over the holiday and non holiday periods to allow for submissions. I consider that a reasonable timeframe for submissions was provided. I am satisfied that the local authority satisfied the notice requirements of section 8(2) and (7).
- 7.4.7. In January 2026, the Council made attempts again to source the owners details by contacting local businesses including solicitors and auctioneers and carried out a planning search with last application being in 2017 in name of Ros Liath Ltd. On 23rd January 2026, the Council sent a registered letter to Ros Liath Ltd in Skerries with details of the section 8(2) and (7) notices and states it is their intention to compulsorily acquire the site and seeks information on ownership of the site. No reply was received. Furthermore, the Council made further local enquiries to try find the owner and no information was found.
- 7.4.8. On 16th February 2026 the Council issued a section 15 notice of intention to acquire the site compulsorily. Having regard to the still unknown status of the owner and the still derelict and dangerous nature of the site and to the lack of any representations or contact from any parties associated with the ownership of the site, I am satisfied that the Council's action to issue the section 15 notice at this stage is reasonable.
- 7.4.9. The section 15 notice was attached to the front of the property, was published in the newspaper and was sent by registered post to Ros Liath Ltd and Alliance Auctioneers. Notwithstanding that the Council at this stage was still uncertain

regarding the exact ownership of the site, the fact is that the notice, in the prescribed form, was served on the owner. I am satisfied that the local authority carried out the notifications in accordance with the statutory requirements of section 15(1)(a) and (b).

- 7.4.10. The Council have stated that they intend to bring the site back into use. The Council have engaged solicitors to review title documentation submitted by Ros Liath Ltd. The Council's solicitors letter of 15th April 2026 notes the evidence submitted by Ros Liath Ltd evidencing ownership and have offered the opportunity for the owner to engage with the Council with a view to agreeing a market value for the property. Having considered the title information, the Council are satisfied to progress with acquisition of the site.
- 7.4.11. The site contains the buildings and large rear outdoor area. The Council's solicitors letter of 15th April notes that the title map does not exactly correlate with the physical rear boundary of the site. At present, there is no public access to the rear boundary of the site. I have reviewed landdirect.ie and find that the undeveloped land adjoining the rear site boundary of the site is in third party ownership. Therefore the only access to the rear outdoor area is via the derelict property from Kenlis Place. It is reasonable to acquire the rear outdoor area with the derelict street front property.
- 7.4.12. Having regard to the above, I am also satisfied that the actions of the Council have been justified, reasonable and fair and have been in accordance with the statutory requirements of the Derelict Sites Act. I am satisfied that the Council has taken all reasonable steps so that the land does not continue to be as a derelict site.

7.5. Action of the owner to address dereliction

- 7.5.1. Under section 9 of the Derelict Sites Act, it is a general duty of owners and occupiers to address dereliction on a site, i.e. *"It shall be the duty of every owner and occupier of land, including a statutory body and a State authority, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site."*
- 7.5.2. From a review of the information on file, my site visit, a review of streetview images and a review of the Council's planning application database, I note the following:
- Ros Liath Ltd assert full ownership of the site since 2006, noting the solicitors submission of 12th April 2026. The solicitors letter confirms that Ros Liath Ltd

has not entered into any agreement with any third party conferring any legal interest in the property.

- The last planning application on the site was in 2017 which expired in June 2022.
- The property has been declining in condition since 2009 with marked deterioration in the period between 2011 and 2019 and further deterioration to current date.
- The property was for sale in 2021 however has not been sold to date.

7.5.3. The owner has objected to the section 8(2), 8(7) and 15 notices. The first contact by the owner to the local authority is on 19th March 2026 from the owner's solicitor. This letter states that the owner received the letter of 23rd January, the property is owned by Ros Liath Ltd, their client did not receive the two notices from the derelict site section, his client had a property agent who saw a site notice on the property and advised his client that he would deal with it and that his client was surprised to be advised that the property had been placed on the Derelict Sites Register.

7.5.4. From this information, it appears that the owners were aware that the section 8(2) notice had been attached to the property in December 2025 and that action was required. The owner did not contact the local authority at this stage. The letter confirms that the owner received the Council's letter of 23rd January which provided information on the section 8(2) and (7) notices and their intention to carry out compulsory acquisition in addition to making it clear that the Council are attempting to contact the owners of the site. The owner did not contact the local authority at this stage. First contact was made on 19th March 2026 a number of weeks after the owner became aware of the Council's actions.

7.5.5. The owners solicitor's letter dated 19th March 2026 states that the owner is intent on working with the Council to address the issues on the site, stating it is their intention to remove it from the register, seek planning permission and thereafter have the property sold or developed. The letter states that their client proposes to secure the property, make it safe, power hose the property, clean it up and paint it. As per my site visit, none of these works have been carried out. There have been no applications made for planning permission. The applicant has not submitted any

evidence to show that it is progressing to submit a planning application. There is no evidence to show that the owner has put the property up for sale again.

7.5.6. The Council have stated the significant level of works required to make the property non derelict and state that significant funds are required to carry out the works. The actions proposed will not address the significant structural works that are required to be carried out and there is no evidence provided to show that they have the required funds to carry out the works.

7.5.7. Having regard to the above, I am not satisfied that the owner has taken all reasonable steps to ensure that the land does not continue to be derelict.

8.0 Conclusion

8.1. I am satisfied that the process and procedures undertaken by Meath 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 site at Kenlis Place, Kells, Co. Meath (A82X3R8 & A82A3Y9) as set out in the compulsory acquisition order and on the deposited maps, 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. 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 application site, in particular the ruinous, derelict or dangerous condition of the structure and the neglected, unsightly and objectionable state of the land and the structures thereon, I consider 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.

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 Meath County Council to compulsorily acquire the site.

10.0 Reasons and considerations

10.1. Having regard to the ruinous, derelict and dangerous condition of the structure and the derelict, neglected, unsightly and objectionable state of the land, 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 the Meath County Development Plan 2021-2027, 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) and (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 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.

Aisling MacNamara
Planning Inspector

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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.

