



An
Coimisiún
Pleanála

Inspector's Report ABP-324284-26

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

Pound Street, Ballaghaderreen, Co. Roscommon.

Local Authority

Roscommon County Council

Objector

Declan and Mary Devine O'Callaghan.
Forvis Mazaars.

Dates of Site Inspection

22nd May 2026

Inspector

Kathy Tuck

1.0 Introduction

- 1.1. This case relates to a request by Roscommon County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site at Pound Street, Ballaghadereen, Co. Roscommon, 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 3 Pound Street, Ballaghadereen, Co. Roscommon. The property is two storey and mid terrace dwelling on a site with a stated area of 0.058 hectares. The dwelling addresses the road with a northwest facing orientation.
- 2.2. Pond Street comprises of a mix of residential and commercial properties and terminates to the west at the junction of Cathedral Street, Main Street and Barrack Street, with the said junction forming a central square within the centre of Ballaghadereen.
- 2.3. The subject property is derelict and in a state of dilapidation. The ground floor windows and door has been boarded up. I was unable to gain access to the property.
- 2.4. The front elevation is finished with a yellow painted render with the eills and window opes being finished with a blue painted render. The render has started to peel on part of the façade. There is a public house located on the immediate north-eastern boundary which forms part of the terrace of buildings.

3.0 Application for Consent for Acquisition

- 3.1. Roscommon County Council applied to An Coimisiún Pleanála for consent to compulsorily acquire the subject site under section 16 of the Derelict Sites Act, 1990, as amended.
- 3.2. I note this application is subsequent to Roscommon County Council serving notices dated 30th March 2026 under Section 14 of the Derelict Sites Act 1990, as amended, on Declan O'Callaghan and Mary Devine O'Callaghan, advising of the Local Authority's intention to acquire compulsorily under the said Act, the derelict site as described.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

Notice of Roscommon County Councils intention to acquire the site compulsorily was published in the Roscommon Herald on the 31st of March 2026.

The notice was sent by registered post to Declan O'Callaghan and Mary Devine O'Callaghan on the 30th March 2026.

The notices set out the address of the property with a stated site area of 0.058 ha and 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 Roscommon Herald stated that an objection could be submitted to Roscommon County Council 'on or before the 1st May 2026'.

I note that the notice sent to the registered owners specifies clearly 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. Furthermore, I note that the notice sent to the registered owners of the site also accord with Section 15(1)(b) of the Derelict Sites Act 1990, as amended.

4.2. Objection to Acquisition

- 4.2.1. Two no. objections were made in respect of the proposed compulsory acquisition of the subject property to Roscommon County Council. The first was received from Declan O'Callaghan and Mary Devine O'Callaghan on the 7th April 2026 and the second from Forvis Mazars on the 20th April 2026

The objection may be summarised as follows –

Declan O'Callaghan and Mary Devine O'Callaghan:

- Owners have not had access to the property since 14th April 2022 as it was taken into receivership.
- Receiver should have maintained and managed the property.

- Court proceedings are on-going and are not in a position to undertake any works until proceedings are finalised – Motion before Circuit Court on 16th June 2026.
- Request that compulsorily purchase order be deferred/revoked and willing to engage with Local Authority to address these issues once legal issues are addressed.

Forvis Mazars

- Intention is to undertake certain repairs to the property to bring it to market for sale.

4.3. Local Authority's Application for Consent

4.3.1. The Local Authority requests the consent of the An Bord Pleanála (now An Coimisiún Pleanála) to the compulsory acquisition of the derelict site. The application for consent was submitted on 13th May 2026 and was accompanied by the following:

- Site Location Map
- Newspaper notice published in the Roscommon Herald on the 31st of March 2026.

A letter from Roscommon County Council dated the 11th May 2026 to An Coimisiún Pleanála for CPO of 3 Pound Street, Ballaghaderreen, Co. Roscommon which sets out the following:

- Address of property.
- Folio Number.
- Owners of the site.
- A copy of an Engineers report prepared in relation to the subject site.
- A certification of independent valuation dated the 22nd December 2025 which values the property at €60,000.
- History of the notices previously issued to the owners relating to the subject site this includes:

- A copy of a Derelict Site Notice which was issued by the Plannign Authority on the 19th Sept 2023 pertaining to the subject site.
- A copy of a Derelict Site Notice which was issued by the Plannign Authority on the 31st July 2025 pertaining to the subject site.
- Correspondence from Declan O’Callaghan and Mary Devine O’Callaghan dated 11th August 2025 notifying the Planning Authority that the property is in receivership.
- A report that was issued to Forvis Mazars by Roscommon County Council on the 5th February 2026 which notifies that the subject property is valued at €60,000 and that there is an option for them to appeal this valuation.

4.4. Objector’s Submission

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

5.0 Planning History

5.1. Subject site

There is no planning history pertaining to the subject site.

6.0 Policy Context and Legislative provisions

6.1. Roscommon County Development Plan 2022-2022

- 6.1.1. Ballaghaderreen is identified within the core strategy of the County Plan as being a self-sustaining town with a population of <2000. Policy CS2.15 of the Plan seeks to Ensure that the towns of Ballaghaderreen, Castlerea, Elphin and Strokestown continue to act as important local service centres that maintain sustainable communities, help to ensure a good quality environment, provide public transport to the main centres, ensuring a high quality of life for those who live in the vicinity.
- 6.1.2. The subject site is situated within the Ballaghaderreen Architectural Conservation Area. The plans states that the town centre of Ballaghaderreen is of interest due to its early nineteenth-century town planning origins. The urban form of the square and the tightly-

knit terraces of classical buildings lining it, and extending from it, are architecturally important as a group. The ACA incorporates structures that are of individual significance, as well as many modest buildings in the general area. The ACA is also of special historical interest from the point of view of the commercial life of an Irish town as it was the site of businesses which were of both local and national significance. Relevant Built Heritage Policies include:

Policy BH 9.5 Ensure that new developments within or adjacent to an ACA respects the context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes.

6.1.3. Section 4.8 – Derelict Sites

Policy TV 4.14 Introduce incentives to encourage the regeneration of vacant and underutilised town/village centre sites which detract from the amenity value of the area and undermine ambitions for consolidated, multifunctional settlements.

Policy TV 4.15 Continue to engage with owners of sites and properties which are vacant and or in a derelict/ruinous condition to seek to redress this. Where necessary, apply the available statutory mechanisms (Derelict Sites Act 1990) to address the impact of a derelict site/ structure upon the amenity of an area.

6.4 Derelict Sites Act 1990 (as amended)

6.4.1. 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.

6.4.2. 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.”

- 6.4.3. 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.
- 6.4.4. 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.
- 6.4.5. 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.
- 6.4.6. Section 11 of the Act enables Local Authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.
- 6.4.7. Section 14 of the Act provides that a Local Authority may acquire by agreement or compulsorily any derelict site situated in their functional area.
- 6.4.8. Section 15 of the Act sets out arrangements for giving notice if the Local Authority intend to acquire a derelict site compulsorily.
- 6.4.9. Section 16 of the Act sets out arrangements if the owner/occupier wish to object to the acquisition. Specifically, section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the Local Authority without the consent of the Board.

7.0 Assessment

7.1 Site Inspection

- 7.1.1. Internal access to the property was not possible on the date of my site inspection on 8th June 2026, however I was able to view the site from the public road.

7.1.2. 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.

7.2. Category of Dereliction

7.2.1. I note that while the Derelict Site Report of the Local Authority sets out the 3 no. categories included within Part 1 Section 3 of the Dereliction Act 1990, as amended, it does not identify which 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'.

- Having regard to the state of disrepair of the subject property I would submit that the property is derelict. At the time of site visit, the property was boarded up and access was not possible. In this regard I would consider that the property is in 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 is in a state of disrepair. 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.

- 7.2.4. 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 September 2023 and the issuing of the notices under Section 15 of the Derelict Sites Act, 1990 on the 31st March 2026.
- 7.3.2. The subject site was identified as being in a derelict state on the 23rd May 2023 during a derelict site strategic street survey of urban centres of population.
- 7.3.3. I note that the initial Section 8(2) notice was served on the reputed owner on the 19th of September 2023 and a Section 29 notice was served on the owners on the 19th September 2023.
- 7.3.4. A response was received from the owners which indicated that the property was subject to ongoing legal issues and was now in the control of a receiver.
- 7.3.5. On the 31st of July 2025 a second Section 8(2) notice was served on the reputed owners for a second time and the property was also entered into the Derelict Sites Register. A second response was received from Declan and Mary Devine O'Callaghan reiterating the on-going legal issues pertaining to the property. I note the Section 8(2) notice dated the 31st of July 2025 was also issued to Forvis Mazaars.
- 7.3.6. The property was valued at €60,000 on the 22nd December 2025.
- 7.3.7. The third Section 8(2) notice was served on the reputed owners on the 30th March 2026 and subsequently affixed to the property on the 30th March 2026.
- 7.3.8. On the 30th of March 2026, Roscommon 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 Forvis Mazaars and Declan and Mary Devine O'Callaghan.
- 7.3.9. This notice was also published in the Roscommon Herald on the 31st of March 2026

- 7.3.10. 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.
- 7.3.11. 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”.
- 7.3.12. As outlined in the report of the Local Authority, Roscommon 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 September 2023.
- 7.3.13. It is evident that Roscommon County Council have attempted to address the issue of dereliction of the property over a period of time.
- 7.3.14. As I have previously noted, the letters issued to the reputed owners set out that Roscommon County Council takes a proactive approach with property owners to bring vacant homes back into use by detailing the exact works required.
- 7.3.15. The subject site has been in a state of disrepair for a considerable period of time. I note from review of the Derelict Site Report prepared by Mayo County Council on the 9th June 2023 that there is evidence that this property has been derelict for a period of more than 3 years.
- 7.3.16. 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.
- 7.3.17. 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. The subject site is located along Pound Street within Ballaghaderreen which is identified within the core strategy of the County Plan as being a self-sustaining town. The site is also situated within a Architectural Conservation Area.
- 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 on the 23rd May 2025.
- 7.5.3. Since then, 3 no. letters issued from Roscommon County Council to each of the reputed owners. The response received from Declan and Mary Devine O'Callaghan have consistently requested that the Local Authority halt CPO proceeding until such time that the legal issues have been resolved.
- 7.5.4. Roscommon County Council received a submission from Forvis Mazaars to the final Section 8(2) notice which was issued on the 3rd of March 2026. The submission requested that they intend to carry out certain repairs to bring the property to a status where it can be brought to market.
- 7.5.5. I note that this correspondence from Forvis Mazaars does not set out specifics works that have been undertaken or what the process has involved to get the property structurally safe and to a standard where it could be habitable.
- 7.5.6. Furthermore, I acknowledge the owner's submission with reference to the ongoing legal dispute between them selves and Forvis Mazaars.
- 7.5.7. Overall, however I would argue that no supplementary information has been included to demonstrate what has been the implementation of any works 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.

- 7.5.8. The property has been on the Derelict Sites Register since 19th of September 2023 (PA Ref. DS 27-2023). 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.
- 7.5.9. 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 Roscommon 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 0.058 hectares, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, (as amended) and dated 30th March 2026 and on deposited map reference Pound Street, Ballaghaderreen, Co Roscommon F45 KD00 -DS 27/2023', 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 Roscommon County Development Plan 2022-2028.
- 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 Roscommon County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

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 Roscommon 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.

Kathy Tuck

Planning Inspector

22nd July 2026