Inspector's Report

ACP-324325-26

Nature of Application	Application for consent for compulsorily acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act 1990, as amended
Location	44 John's Hill, Grange Lower, Waterford City
Local Authority	Waterford City and County Council
Notice Party	Mr. Dick Walsh
Date of Site Inspection	2nd September 2026
Inspector	Gary Farrelly

1.0 Introduction

1.1. This case relates to a request by Waterford City and County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site at 44 John's Hill, Grange Lower, Waterford City, 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 within the city of Waterford on John's Hill. The site is located on the western side of John's Hill and comprises of a mid-terrace two storey property with rear gardens. The overall site measures 0.0438 acres. The site is located within the Waterford City Architectural Conservation Area (ACA) as designated by the Waterford City and County Development Plan 2022-2028. My observations on the date of my site inspection were that the property was vacant and in a derelict state with a boarded up window and door, and it was located in a prominent location of the city directly off the public road.

3.0 Application for consent for acquisition

3.1. Waterford City and County Council has applied to the Commission for consent to compulsorily acquire the site under Section 16 of the Derelict Sites Act 1990, as amended. I note that this application is subsequent to the serving of notices under Section 8(2) on 23rd October 2023 (advising of the local authority's intention to enter the site on the register of derelict sites), and under Section 8(7) on 24th June 2024 (advising of the local authority's decision to enter the site on the register of derelict sites).

4.0 Application and Objection

4.1. Notice of Intention to acquire

Notice of Waterford City and County Council's intention to acquire the site was served on Dick Walsh in a letter dated 20th March 2026 and which was published in the Waterford News and Star newspaper on 24th March 2026 and in the Dungarvan

Observer newspaper on 27th March 2026. The site was described as follows in the notices:

- The property known as 44 John's Hill, Grange Lower, Waterford City, X91 X57F, covering an area of 0.0438 acres or thereabouts, in the District Electoral Division of Waterford Metropolitan and as more particularly delineated on Map Ref. CPA2026-07– Plot 101.

I am satisfied that the notices were in accordance with the requirements of Section 15(1)(a) and (b) of the Derelict Sites Act 1990, as amended.

4.2. Objection to Local Authority

An objection to the proposed compulsory acquisition was submitted to Waterford City and County Council from Mr. Dick Walsh on 29th April 2026. The objection is summarised as follows:

- An examination of the procedures adopted in this notice of intention to acquire showed that the local authority has not followed the necessary statutory procedures.
- The local authority has not given adequate advice in relation to the steps required to be taken in the process.
- The notices served by the local authority do not comply with statutory requirements.
- The property is not derelict and is required for family use with an intention to be occupied.

4.3. Local Authority Application for Consent

The local authority requests the consent of the Commission to the compulsorily acquisition of the derelict site. The application for consent was submitted on 28th May 2026 and was accompanied by the following:

- Local Authority Derelict Sites Compulsorily Purchase Acquisition (CPA) report
- Copy of the Section 15 Notice served on Mr. Dick Walsh

- Copy of the newspaper notices dated 24th March 2026 (Waterford News and Star) and 27th March 2026 (Dungarvan Observer)
- Copy of the objection made by Mr. Dick Walsh (*summarised in Section 4.2 above*).

The local authority's CPA report is summarised as follows:

- Waterford City and County Council's Rural Vacancy and Dereliction Fund (RVDF) aims to tackle properties that have been long term vacant and derelict in rural settlements across the county and bring them back into active use, predominantly for residential use, for resale on the private market. The RVDF aligns and is consistent with the aims and objectives of Urban Regeneration Development Fund (URDF) Circulars 03/2023 and 01/2023, Housing for All Plan, which seeks to ensure existing vacant homes are brought back into productive use and is a key priority in terms of sustainable development within communities and Waterford City and County Council's Development Plan 2022-2028.
- The subject property has been vacant and disused for some time. Whilst the property has been painted in recent weeks and the front door and ground floor window boarded up, the property still meets the definition of a derelict site. During various site visits, it was noted that the timber sash windows and timber front door (which are now boarded up) had significant bare timber showing, paint peeling and sections of the lower and middle part of the door were damaged and showing signs of rot and displacement.
- The window sills were dirty and with peeling paint and it was obvious from the condition of these features that little maintenance or upkeep had occurred for years. The rainwater goods to the front elevation have been painted but remain in a poor state of repair and damaged. They are showing signs of distortion and displacement, allowing water to discharge from the gutter halfway along the façade which has resulted in the façade's paintwork to peel off in large sections and become discoloured.
- The front façade of the property was in an extremely dirty sate and had large sections of the paintwork peeling and cracking off, and required cleaning,

plaster repair and painting. The painting of the front façade has been actioned, however, the poor quality of rainwater goods will cause issues in the short term. There are exposed and loose wires running from the eaves down the front elevation to the front door and along the first-floor level which is untidy and unsightly.

- The rear open space/garden is bare and being used for storage of aged and rotten building materials, rubbish and debris. While there is no direct access to the rear of the property from the street or through the property, due to aerial images and views from adjoining properties, the debris is building up and is untidy and unsightly. There are notable issues with the boundary fencing in terms of rotting, misalignment and close to collapse. An unfinished rear extension exists which exposes the interior of the building. Whilst the front roof of the property has no obvious damage and is similar in condition to neighbouring properties, the rear roof is in a slightly worse condition with several loose and misplaced slates, deformation of the lower rows of slate over the gutter and there are signs that the soffit is damaged and stonework structure exposed. (*A number of photographs are attached to the documentation on file*).
- The property is showing significant signs of being run down, in a partial state of demolition and stalled construction, is long term vacant, open to the elements and as a result is in a poor state of repair and derelict condition. It is therefore considered that the subject property is in a neglected and unsightly state and is considered to materially detract from the amenity, character and appearance of land in the neighbourhood. It is derelict within the meaning of categories (a), (b) and (c) of Section 3 of the Derelict Sites Act 1990, as amended. It should be noted that the property is located in an established city centre residential zone and architectural conservation area and the neighbouring properties are for the most part attractive and well maintained.
- On 14th September 2023, the initial site inspection noted that the overall appearance of the property was of neglect, vacant and unoccupied. On 18th October 2023, a derelict sites report was signed off by the senior executive planner (*report attached to documentation on file*).

- On 23rd October 2023, a Section 8(2) notice was issued by registered post to 'The Owner' and affixed to the subject property. A response was received from a Mr. Dick Walsh and a meeting was held with the derelict sites (DS) team on 3rd November. At this meeting legal documentation was provided by Mr. Walsh including his brother's probate (who resided at the property for several decades while paying rates) and solicitor correspondence (Kenny Stephenson Solicitors) from the previous owner (Mr. Colin Chapman) to Mr. Walsh's solicitor (Purcell and Kennedy Solicitors). There was no instruction on behalf of Mr. Chapman to extract Grant of Probate on the subject property, and therefore, it was considered that the previous owner died inestate and the current ownership had yet to be resolved in full. Further to this meeting, there was no material change to the property's derelict condition.
- On 14th December 2023, the DS team issued a registered letter to the reputed owner, Mr. Dick Walsh. It noted the reputed owner's engagement and advised that the process would be deferred for a period of 6 months to allow progress in relation to registration of ownership as well as renovation of the property. There was no response to this letter and there was no material change in the property's derelict condition.
- On 18th June 2024, the DS team had a phone call with the reputed owner where the DS team was notified that no further action had taken place on the property. On 24th June 2024, a Section 8(7) notice was issued by registered post to Mr. Dick Walsh and a copy was affixed to the property. On 2nd July 2024, the reputed owner and the DS team spoke over telephone and a remedial works letter was drafted and issued by registered post (*letter attached to documentation on file*). The letter advised that in order for the property not to be considered derelict the listed works would have to be satisfactorily completed. The letter also advised of the 7% levy based on the market value of the property. There was no response received from the reputed owner in response to this letter and several works remained outstanding.
- On 16th August 2024, a Section 22(3) notice was issued by registered post to the reputed owner noting that the property had been valued. There was no

response received to this notice and there was no material change to the property's derelict condition.

- On 6th December 2024, an email was received from Solicitors Nolan Farrell and Goff (NFG) relating to its opinion on resolving the issue of title (*copy of counsel opinion dated 7th October 2024 attached to documentation on file*).
- On 20th January 2025, a Section 23(8) notice was issued by registered post to the reputed owner. On 7th February 2025, a telephone call was received from the reputed owner's daughter outlining that as they do not hold the deeds to the property they could not be considered liable for the 2025 levy. On 12th February 2025, the DS team acknowledged this by letter to the reputed owner and advised that the situation would be revisited and reviewed in July 2025.
- On 6th February 2025, an email was received by the DS team from Solicitors NFG (acting on behalf of the reputed owner) outlining that a copy of the lease to the adjoining property (45 John's Hill) was obtained which matched the missing lease agreement that was in place for the Walsh family on the subject property. This was acknowledged by the DS team on 13th February 2025 and noted again that the situation would be reviewed in July 2025.
- On 10th February 2026, an email was received from Solicitors NFG outlining the reputed owner's background to the property and his efforts to regularise title and ownership of the property. The email was acknowledged by the DS team and CPO procedures were outlined in response. Following this there was no further email correspondences from the reputed owner or representatives. However, the front of the property was painted and the front door and window were boarded up with plywood to secure the property. However, it is considered that this does not materially change the property's derelict condition.
- Considering the information set out above, the site is considered to materially detract from the character and amenity of the surrounding area and as such falls within the definition of a derelict site as set out in the Act.
- A review of the planning history for the derelict site was undertaken and there appears to be no live or historical planning permissions pertaining to the subject site.

- In order to confirm ownership details of the property a land registry and planning history search was undertaken, there was engagement with other local authority departments such as Housing, Economic Development and Finance, the notices were erected on the property.
- Having regard to the observed long term vacant and derelict condition of the property, in particular its neglected and unsightly state, it is considered 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.
- The effects of the proposed compulsorily acquisition on the rights of affected landowners are proportionate to the objective being pursued. It is considered that the proposed acquisition of these lands would be consistent with policies and objectives of the Waterford City and County Development Plan 2022-2028, specifically policy objectives CS 18 (CPO), ECON 04, ECON 07, H 06 and Place 01. These objectives seek to actively address dereliction and decay in the urban and rural environment, bring properties back into active reuse and revitalise towns and villages. It is considered that if the compulsorily acquisition is successful, it is clearly justified by the exigencies of the common good. Subsequently, it is considered reasonable that the local authority seeks to compulsorily acquire the land as provided by Section 14 of the Act.

5.0 Relevant Planning History

None according to file.

6.0 Waterford City and County Development Plan 2022-2028

This Plan was adopted by Elected Members on 7th June 2022 and came into effect on 19th July 2022. There has been 1 no. Variation to date, which was made on 13th November 2025. This variation included new strategies and policy objectives including Policy Objectives CS 18 and H 06 as described below. There is currently a second proposed draft variation which was out on public consultation and this closed on 5th October 2026.

The subject site is located within the settlement boundary of Waterford City on lands zoned RS (Existing Residential). The objective of this zoning is to provide for residential development and protect and improve residential amenity. The subject site is located within the Waterford City Architectural Conservation Area (ACA).

Policy Objective CS 18 - CPO powers and enabling the Development Plan

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

Policy Objective ECON 04 - City and Town Centre First Approach

We will support national policy as stated in Town Centre First: A Policy Approach for Irish Towns (DHLG&H/ DRCD) 2022 across Waterford City and County. When considering advancing local authority initiatives, and submitted development proposals, we will adopt a city and town and city centre first approach in a manner consistent with the principles of compact growth and mixed-use development, as committed to in 'Town Centre First'.

The Council will promote, facilitate, and undertake works and initiatives aimed at incentivising the regeneration, upgrading and reuse of underused and vacant building stock.

Policy Objective ECON 07 - Active Land Management

To carry out the functions of the local authority in a co-ordinated manner in order to assist in the proactive targeting of underutilised, vacant and derelict lands and buildings, and general building stock, in pursuing the achievement of the policy objectives of this Development Plan, and in order to facilitate an Active Land

Management approach to the sustainable growth and development of Waterford City and County. This will be achieved/ assisted by:

- The acquisition by agreement or compulsory purchase, of vacant, derelict or underutilised sites or buildings, in order to address incidents of urban decay and vacancy, ensure revitalisation and conservation of our built heritage; regeneration of underutilised sites/buildings, and bring about long-term economic and social/ community development and sustainability;

Policy Objective H 06 - Regeneration

We will utilise our legislative power under the Derelict Sites Act 1990, The Urban Regeneration and Housing Act 2015, as amended and general CPO powers to prevent anti-social behaviour and remove dereliction and vacancy where appropriate. Furthermore, to achieve the core strategy, strategic outcomes and vision of the development plan, we will utilise CPO powers to enhance the environmental amenity and the community/economic wellbeing of Waterford.

Policy Objective Place 01 - General Placemaking

Use specific powers, such as the compulsory purchase orders (CPO's) and statutory powers under the Derelict Sites Ace 1990 and the Urban Regeneration and Housing Act 2015, as amended, to address issues of dereliction, vacancy and underutilisation of lands in settlements across Waterford.

Policy Objective BH 13 - Vacant and Derelict Structures

It is the policy of the Council to encourage the sensitive redevelopment of vacant or derelict sites within the ACA and historic cores of the city, towns and villages whilst promoting a high standard design which respects urban plots, roof lines vistas and streetscape.

7.0 Derelict Sites Act 1990, as amended

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.

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.”

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.

Section 9 places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site.

Section 10 places a similar duty on local authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that any land in their functional area does not become or continue to be a derelict site.

Section 11 of the Act enables local authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.

Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in their functional area.

Section 15 sets out arrangements for giving notice, if the local authority intend to acquire a derelict site compulsorily, and section 16 sets out arrangements if the owner/occupier wish to object to the acquisition. Specifically, section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the local authority without the consent of the Board.

8.0 Assessment

Site Inspection

8.1. The Commission should note that I inspected the site on 2nd September 2026 and observed that the property was vacant. I observed from the public road that the property was in a neglected, unsightly and objectionable condition and thus was in a derelict state. The front façade comprised of a boarded up door and window on the ground floor with damaged and missing rainwater goods. This condition of the property was in contrast to the neighbouring attached properties which I observed were occupied and maintained in good condition. Furthermore, I observed that the subject property was situated along the public road and, thus, represented a highly visible location along the street. I was unable to gain access to the interior of the building or the rear gardens.

Category of Dereliction

8.2. The Commission should note that whilst the local authority's Section 15 Notice does not specifically state which category of dereliction the property and lands fall under in terms of Section 3 of the Derelict Sites Act 1990, as amended, (herein referred to as "the Act") the initial site inspection report (*dated 18/10/2023*) considered that it fell under Categories (a) and (b) of Section 3 of the Act. Subsequent aerial drone photographs provided as part of the local authority's CPA report considered that it fell under categories (a), (b) and (c) of Section 3 of the Act.

8.3. Based on my observations on the date of my site inspection, as set out in paragraph 8.1 above, and to the photographs provided by the local authority, including aerial drone photographs, I consider that the subject property falls under Categories (a), (b) and (c) of Section 3 of the Act:

- The structure is in a derelict condition.
- The lands and structure are in a neglected, unsightly and objectionable condition.
- There is a presence of waste/rubbish/debris within the rear open space.

8.4. Having regard to this, to the condition of neighbouring properties, to the location within the Waterford City ACA and in particular the condition of the property when viewed

from the public street, it is my view that the lands are detracting to a material degree from the amenity, character and appearance of land in the neighbourhood of the land in question. Therefore, I consider that the property is a derelict site within the meaning of Section 3 of the Act.

Actions of Local Authority

8.5. I will now consider whether the actions of the local authority have been fair and reasonable, whether it has taken all reasonable steps to ensure that the property does not continue to be a derelict site and whether the owner/occupier has been given adequate opportunity to address the said dereliction.

8.6. Having reviewed the information on file including the local authority's CPA Report, I note that the local authority first inspected the property on 14th September 2023 and identified it as a derelict site. A Section 8(2) notice was issued to the owner by registered post on 23rd October 2023, and the notice was affixed to the property. I note that the CPA report outlines that land ownership investigations included a land registry and planning history search, engagement with internal local authority departments and the erection of notices on the property.

8.7. Following the issuing of the section 8(2) notice, the local authority received correspondence from the reputed owner Mr. Dick Walsh. I note that the local authority facilitated a meeting at its offices with Mr. Walsh where the ownership situation was discussed. On 14th December 2023, the local authority issued a registered letter to the reputed owner outlining that it would defer any process for a period of 6 months to allow the reputed owner progress on the registration of ownership and renovation of the property. Further telephone conversations were had with the reputed owner on 18th June 2024 and the local authority noted that no further action was taken on the property. Therefore, I note that the local authority issued a Section 8(7) notice on 24th June 2024 as there was no material change in the condition of the property.

8.8. I note that the Section 8(7) notice was issued by registered post to the reputed owner and was also affixed to the property. I note that the local authority obtained access to the rear of the terrace of properties on the date of the affixing of this notice and it observed the rear garden space in a derelict condition. Following the issuing of the notice, I note that the local authority had telephone conversations with the reputed owner and on 2nd July 2024, the local authority issued a remedial works letter to the

reputed owner. The Commission should note that this letter is attached to the documentation on file and includes seven requirements in order for the property to be removed from the derelict sites register. I note that the remedial works included a structural engineers report to include recommendations for securing and stabilising the structure, appropriate steps to secure the property, the removal of litter, rubbish, debris and waste from the rear of the site, the repainting of the front façade and rear elevation and the repair and replacement of rainwater goods. I am satisfied that this constitutes adequate advice with regards to the steps required to take the property off the register.

8.9. I note that the local authority also issued Section 22(3) and 23(8) notices to the reputed owner on 16th August 2024 and 20th January 2025 respectively, and when it was advised that the reputed owner did not hold deeds on the property, the local authority agreed to revisit and review the levy situation in July 2025. I note that the local authority also advised the reputed owner's solicitor that the situation would be reviewed in July 2025. On 10th February 2026, I note that the local authority advised the reputed owner's solicitor regarding the compulsory acquisition processes.

8.10. Whilst the local authority acknowledged that the front façade was painted and the door and ground floor window were boarded up, it considered that this did not materially change the derelict condition of the property The Commission should note that the local authority gave notice of its intention to acquire the site compulsorily to the reputed owner on 20th March 2026. The Section 15 notice was affixed to the property, advertised in the local newspapers and sent to the reputed owner. I acknowledge that this is approximately 30 months after the local authority's first inspection of the property.

8.11. Having regard to the information on file, the Commission should note that I consider that the efforts of the local authority have been fair and reasonable. I note that the serving of the Section 8(2), Section 8(7) and Section 15 notices were all in accordance with the requirements of Section 6 of the Act. I consider that the local authority has attempted to positively engage with the reputed owner, discussed the dereliction issues and has provided sufficient time and opportunity for the dereliction to be addressed. Overall, I am satisfied that the local authority has taken all reasonable steps in its power to date to ensure that the land does not continue to be a derelict site.

Compliance with development plan policy

8.12. I will now determine whether the proposed acquisition would be in accordance with the policies and objectives of the Waterford City and County Development Plan 2022-2028. The site is located within the Waterford City Architectural Conservation Area (ACA). The Commission should note that it is the stated policy of the local authority to actively address issues of vacancy and dereliction in settlements across the county by the means of compulsorily acquisition. This is set out in Policy Objectives CS 18 (CPO Powers and Enabling the Development Plan), ECON 04 (City and Town Centre First Approach), ECON 07 (Active Land Management), H 06 (Regeneration) and PLACE 01 (General Placemaking). Additionally, Policy Objective BH 13 (Vacant and Derelict Structures) seeks to encourage the sensitive redevelopment of vacant or derelict sites within the ACA of the city.

8.13. Therefore, it is my view that the proposed acquisition would be in accordance with the aforementioned policy objectives of the Waterford City and County Development Plan 2022-2028. I am satisfied that the compulsory acquisition of the property would bring the property back into use and, thus, would facilitate a community and residential need for the area.

Actions of the Owner to address dereliction

8.14. Whilst I have already determined that the local authority has taken all reasonable steps to ensure the land does not continue to be a derelict site, the final matter is to determine whether the reputed owner has taken all reasonable steps to ensure the land does not continue to be a derelict site and whether there is a likelihood of a timely resolution to address same.

8.15. Firstly, I acknowledge that there has been a complex land ownership situation in terms of registration throughout the process with the local authority. However, having regard to the contents of the reputed owner's objection to the acquisition of the property, it is my view that the local authority has followed the necessary statutory procedures and has given adequate advice in relation to the required steps in the process. I have determined above within paragraph 8.11 that the statutory notices were all issued in accordance with the legislative requirements. Furthermore, having reviewed the remedial works letter issued by the local authority on 2nd July 2024 provided the

reputed owner with clear instructions required in order to take the property off the derelict sites register.

8.16. Whilst I acknowledge that the reputed owner undertook some works to the front elevation of the property, it is my view that there have been no substantive efforts to address the dereliction occurring on site as I observed on my site inspection on 2nd September 2026. Therefore, having regard to the totality of information on file and to the length of time that the property has been vacant and derelict, it is my view that the likelihood of the dereliction being addressed in a timely manner is low.

9.0 Conclusion

9.1. I am satisfied that the process and procedures undertaken by Waterford City and County Council have been fair and reasonable, that the local authority has demonstrated the need for the lands 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.

9.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the derelict site comprising a property covering an area of 0.0438 acres or thereabouts at 44 John's Hill, Grange Lower, Waterford City, as set out in the derelict site notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, as amended, and dated the 20th day of March 2026 and on the deposited map CPA2026-07 – Plot 101, 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.

9.3. 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.

9.4. The effects of the compulsory acquisition on the rights of affected landowners 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

Waterford City and County Development Plan 2022-2028, and specifically Policy Objectives CS 18 (CPO Powers and Enabling the Development Plan), ECON 04 (City and Town Centre First Approach), ECON 07 (Active Land Management), H 06 (Regeneration) and PLACE 01 (General Placemaking) which seek to actively address issues of vacancy and dereliction in settlements across the county by the means of compulsorily acquisition, as well as Policy Objective BH 13 (Vacant and Derelict Structures) which seeks to encourage the sensitive redevelopment of vacant or derelict sites within the architectural conservation areas of the city. Accordingly, I am satisfied that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

10.0 Recommendation

Having regard to the observed condition of the application site, in particular the derelict condition of the structure, the neglected, unsightly and objectionable condition of the lands and structure and the presence of waste/rubbish/debris within the rear open space, 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. I consider that it is reasonable that the local authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. Therefore, it is my recommendation to the Commission that the local authority is **Granted** consent to the compulsorily acquisition of all of the derelict site.

11.0 Reasons and Considerations

Having regard to the derelict condition of the structure, to the derelict, neglected, unsightly and objectionable state of the land and structure thereon, and to the presence of waste/rubbish/debris within the rear open space, 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 Waterford City and 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 Sections 3(a), 3(b) and 3(c) of the Derelict Sites Act 1990, as amended. It is considered 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.

Declaration

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.

Gary Farrelly
Planning Inspector
7th October 2026