Inspector's Report

ACP-324327-26

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	The Green, Villierstown, County Waterford
Local Authority	Waterford City and County Council
Notice Party	Joseph and Carmel Bailey
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 The Green, Villierstown, County Waterford, 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 village of Villierstown which is located within the western part of County Waterford approximately 7km southeast of Lismore and approximately 500 metres east of the River Blackwater. The site comprises of a cottage ruin and is attached to an adjoining semi-detached cottage which is rated as regional importance on the National Inventory of Architectural Heritage (NIAH) for its architectural special interest (ref. 22819010). The overall site measures 0.0818 acres. The site is located within the Villierstown Architectural Conservation Area (ACA) as designated by the Waterford City and County Development Plan 2022-2028.

2.2. My observations on the date of my site inspection were that the property was in a ruinous, derelict and dangerous condition. There was no roof on the structure, the walls were partially collapsed and there were missing windows and rainwater goods. I observed that the site was located within a residential area of the village where the majority of properties in the vicinity were maintained in good condition.

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 29th September 2005 (advising of the local authority's intention to enter the site on the register of derelict sites), and under Section 8(7) on 19th December 2005 (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 Joseph and Carmel Bailey 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 The Green, Villierstown, County Waterford, covering an area of 0.0818 acres or thereabouts, in the District Electoral Division of Dungarvan - Lismore and as more particularly delineated on Map Ref. CPA2026-08– 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 Joseph and Carmel Bailey on 27th April 2026. The objection is summarised as follows:

- It is requested that an opportunity be given to bring the property back into use through an application for the vacant property refurbishment grant. There has been consultation with a builder who has given an opinion on what works would be required to make this a habitable property again.
- The property has been in the family for numerous years and has a huge sentimental value. The property would provide an opportunity for an affordable property for the family in the current housing crisis.
- It is acknowledged that the property to date has remained idle with no work completed, however, due to financial constraints in the past and the availability of financial grants, it is considered that it is now financially viable to complete works.

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 Joseph and Carmel Bailey
- 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 Joseph and Carmel Bailey (*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 overall property is in a very poor ruinous and derelict condition. The complete roof structure (slate, joists, rafters etc) has collapsed and have been removed from the outer walls structure since between July 2005 and April 2009. The plasterwork on the facades and internal walls has fallen off, there is no signs of limewash/paintwork, thus exposing the bare stone walls and the lime/mud mortar to the elements, further allowing the stone structure to disintegrate and crumble. There are numerous stone sections within the ground floor of the property, likely as a result of the wall structure collapsing over the years.

- As can be seen from photos from July 2005, there was a shared stone chimney within the adjoining cottage and is in a very poor condition. There appears to be large openings in the remaining sections of the chimney and also in the shared gable wall with the adjoining cottage. There is no element of the timber sash windows left on the front or rear of the property. One of the windows is boarded up with plywood and there is a small section of a six-bay pane sash window remaining without any glass in the window. The front doorway is stained, dirty and paintwork is peeling. The solid timber door is propped closed and the hinges are rusted. The timber is rotten and weather damaged. (*A number of photographs are attached to the documentation on file*).
- It is likely that the cottages are served by a shared private sewer, and this would mean any blockage or collapse on this sewer within the curtilage of the subject property would result in the blockage causing a significant upstream public health issue and/or flooding and property damage.
- On 25th July 2005, the property was certified as a derelict site. On 29th September 2005, a Section 8(2) notice was issued highlighting the local authority's intention to place the property on the derelict sites register. On 19th October 2005, a letter was received from Joseph Bailey stating his intention to renovate the subject property.
- On 19th December 2005, a Section 8(7) notice was issued placing the property on the derelict sites register. On 1st January 2006, Brendan Bailey called to the local authority offices and expressed an interest in reconstructing the property rather than demolition.
- On 25th November 2009, an engineer's report noted that the property remained in a derelict state and the roof had been removed. On 19th October 2012, an engineer's report had found that the property had deteriorated to a further degree.
- On 16th April 2013, the local authority sent a letter via registered post requesting works to take place. This request involved the insertion of roof timber and corrugated roof and the boarding up of windows and painting. On 20th April 2015, an engineer's report found that the cottage was completely deteriorated, with no roof, front façade partially collapsed, interior wall collapsed and back

external wall partially collapsed. There were two gable walls and chimney in place and rubble stone from the cottage was onsite. The front low stone wall was deteriorated and the entrance to the back garden was blocked by a fence.

- On 15th May 2015, the local authority sent a further letter highlighting the required works in relation to the roof, walls and windows. On 22nd June 2015, a meeting was held between Carmel Bailey and the local authority's conservation office where it was agreed that the partially collapsed back wall would be rebuilt, windows would be boarded up and painted, front wall would be made good, an A-shape corrugated iron roof would be constructed and deteriorated boundary wall would be tidied up and loose stones removed.
- On 18th August 2015, a letter was received from Carmel and Joe Bailey stating that the neighbours were willing to buy the property with the intention to demolish and rebuild it. The letter included details of financial constraints in carrying out the agreed works.
- On 19th December 2023, a Section 22(3) notice was issued by registered post to Carmel and Joe Bailey detailing the revaluation of the property. On 8th March 2024, a Section 23(5) notice was issued to Carmel and Joe Bailey via registered post outlining the requirement for a derelict sites levy payment. There had been no material change to the composition of the property during the issuing of these notices.
- On 26th April 2024, a Section 23(8) notice was served by registered post outlining that if the levy was not paid by June 1st, interest would be applied. On 24th September 2024, a reminder notice was issued under Section 23(8) by registered post to the owners notifying them of the interest accruing on the subject property. There was no material change in the property during this time.
- On 20th January 2025, a Section 23(5) notice was served by registered post to the owners notifying them of the levy requirement for the year 2025. There was no response received or on file from the owners and there had been no material change in the composition of the property.
- On 24th February 2025, a meeting between the owners and the derelict sites (DS) team took place. It was asked whether it was feasible to use fallen stone

from the back wall to fill in the windows and doorway at the front and level off the wall so that it would look like a garden wall. The fallen stone would also be used to reinstate the front garden wall. On 13th March 2025, a site inspection from the DS team found that no works had taken place.

- On 27th May 2025, a remedial works letter was issued to the reputed owners. The letter noted that failure to initiate the required works by 25th November 2025, a Section 11 notice may issue. On 28th June 2025, Carmel Bailey emailed the DS team and vacant homes office enquiring about a grant under the derelict homes scheme.
- Follow up site inspections were undertaken by the DS team on 22nd August 2025 and 2nd December 2025 which found that no works had been done to improve or arrest the structure from continued derelict and ruinous condition. Whilst the side site entrance area had been cordoned off, no improvement works had been carried out. Furthermore, no known applications for grant funding had been received from the vacant homes office.
- On 15th January 2026, the DS team carried out a CPA report site inspection and found that no works had been done to improve or arrest the structure from continued dereliction and ruinous condition.
- Considering the information set out above, the site is considered to materially (and physically) detract from the character and amenity of the surrounding area and abutting semi-detached property and is ruinous in nature, 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 Economic Development and Finance, the notices were erected on the property and there was engagement with the reputed owners.

- Having regard to the observed 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 closed on 5th October 2026.

The subject site is located within the settlement boundary of Villierstown on lands zoned RV (Rural Village). The objective of this zoning is to protect and promote the character of the rural village and promote a vibrant community appropriate to available physical and community infrastructure. The subject site is located within the Villierstown 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 in a ruinous, derelict and dangerous condition. There was no roof on the property, and the walls were in a partly collapsed state. Accordingly, the property was vacant, and the structure and lands were in a neglected, unsightly and objectionable condition. I also noted that whilst a fence impeded side access to the rear garden, the absence of the ground floor window on the structure provided access to the internal and rear of the structure where there is loose stone and rubble (as shown in the local authority's photographs dated 22nd August 2025 and 15th January 2026). This condition of the property was in contrast to the majority of the neighbouring properties which I observed were occupied and maintained in good condition.

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 derelict sites report (*dated 25/07/2005*) considered that it fell under Category (a) 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, I consider that the subject property falls under Categories (a), (b) and (c) of Section 3 of the Act:

- The structure is in a ruinous, derelict and dangerous condition.
- The lands and structure are in a neglected, unsightly and objectionable condition.
- There is a presence of debris within the land due to collapsed walls.

8.4. Having regard to this, to the condition of neighbouring properties and to the location within the Villierstown ACA, 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 identified the site as derelict on 25th July 2005. Photograph imagery within the CPA report from 27th July 2005 showed the roof of the structure partially collapsed and boarded up windows. I note that this photograph was taken over 21 years ago. The local authority then issued a Section 8(2) notice on 29th September 2005 and a Section 8(7) notice on 19th December 2005. I note that copies of these notices are attached to the file which were addressed to Joseph Bailey. Furthermore, the correspondence on file details that there were responses from Joseph Bailey and a Mr. Brendan Bailey after the issuing of these notices.

8.7. I note that the local authority engaged in consultations with the reputed owners throughout the years, from 1st January 2006 up to the summer of 2015, where it advised the owners of the works required to take the property out of dereliction. There were further site inspections where the recommendation was to continue with the annual levy demand due to further deterioration of the property. I note that the local authority then issued a valuation notice under Section 22(3) of the Act on 19th December 2023 due to there being no material change in the condition of the property and further notices requiring the payment of the levy were served throughout 2024 and 2025. I note that the local authority facilitated a meeting with the reputed owners on 24th February 2025 and on 13th March 2025 it further inspected the site and noted no further works.

8.8. I also note that the local authority issued a remedial works letter to the owners on 27th May 2025 which detailed the works required in order to take the property off the derelict sites register. Follow up site inspections were carried out on 22nd August 2025 and 2nd December 2005 where it noted that no works had been undertaken to improve the condition of the site.

8.9. 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 owners, discussed the dereliction issues and has provided sufficient time and opportunity for the dereliction to be addressed. Whilst the property was entered onto the derelict sites register in December 2005, which is almost 21 years ago, there have been no substantial efforts to take the property out of dereliction notwithstanding the letters issued by the local authority advising on the required works. Having inspected the site, I consider that the site has significantly deteriorated from 27th July 2005 (as shown within Image A of CPA report). 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

8.10. 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. As previously stated, the site is located within the Villierstown 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 villages.

8.11. 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

8.12. 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 owners have 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.

8.13. Whilst I acknowledge that the owners have engaged with the local authority over the years in terms of notifying it of viability issues, as well as outlining aspirations to transform the front of the house into a garden wall and in seeking grant funding, I note that there have been no works carried out on the site to date. I also note that the owner's objection to the acquisition does not detail any works carried out due to financial constraints and again only outlines as an aspiration to apply for grant funding. I note that an application for grant funding was first highlighted by the owners on 28th June 2025 in response to the local authority's remedial works letter. The local authority noted no such application in the months following this request, and I note that no such details of an application have been included in the owner's objection.

8.14. Having regard to the totality of information on file and to the significant 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. It is my view that the owners have not taken reasonable steps to address the dereliction on site.

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 0.0818 acres or thereabouts at The Green, Villierstown, County Waterford, 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 CPA2026-08 – 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 villages. 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 ruinous, derelict and dangerous condition of the structure, the neglected, unsightly and objectionable condition of the lands and structure and the presence of debris within the site, 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 ruinous, derelict and dangerous condition of the structure, to the derelict, neglected, unsightly and objectionable state of the land and structure thereon, and to the presence of debris within the site, 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