Inspector's Report

ACP-324404-26

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	Barrack Street, Tallow, County Waterford
Local Authority	Waterford City and County Council
Notice Party	The Estates of the Late Alice Gayer and John Gayer (c/o Healy Crowley and Co. Solicitors)
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 Barrack Street, Tallow, County Waterford, in accordance with the provisions of the Derelict Sites Act 1990, as amended. This case is separate to that of ACP-324403-26 which relates to a property (within the same ownership) approximately 80 metres south of the subject site.

2.0 Site Location and Description

2.1. The subject site is located within the town of Tallow, County Waterford, which is located within the western part of the county and approximately 1km from the county boundary with Cork. The site is located on the western side of Barrack Street (R-634) and comprises of a semi-detached single storey property with gardens to the rear. The overall site measures 0.0527 acres. The site is located within the Tallow 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 and was located in a prominent location within the town 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 26th August 2024 (advising of the local authority's intention to enter the site on the register of derelict sites), and under Section 8(7) on 19th February 2026 (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 the Estates of the Late Alice Gayer and John Gayer (c/o Healy Crowley and Co. Solicitors) in a letter dated 24th April 2026 and which was published in the Waterford News and Star newspaper on 28th April 2026 and in the Dungarvan Observer on 1st May 2026. The site was described as follows in the notices:

- The property known as Barrack Street, Tallow, County Waterford, P51 F6F5, covering an area of 0.0527 acres or thereabouts, in the District Electoral Division of Dungarvan – Lismore and as more particularly delineated on Map Ref. CPA2026-12– 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 Healy Crowley and Co. Solicitors on 28th April 2026. The objection is summarised as follows:

- The property is not being withheld from beneficial use. As previously advised to the Council, this has been a complex estate to administer, and it has taken some time to bring applications to the Probate Office for the issuing of Grants of Administration.
- It is confirmed that the Grants of Administration have now been issued for the estates and this permits the Legal Personal Representative to bring the properties in the estate to the market for sale.
- A property services agreement has been signed, and it is expected that the property will be sold by public auction very shortly.
- A number of enquires have been received in recent weeks from various parties expressing an interest in the property. A sale by private treaty will result in the

properties being brought back into active use without the necessity for compulsory acquisition. It is respectfully submitted that the proposed acquisition is neither necessary nor proportionate having regard to the steps being taken by the Estate.

- It is requested that the Council refrains from progressing the proposed compulsory purchase.

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 24th June 2026 and was accompanied by the following:

- Local Authority Derelict Sites Compulsorily Purchase Acquisition (CPA) report
- Copy of the Section 15 Notice served on the Estates of the Late Alice Gayer and John Gayer (c/o Healy Crowley and Co. Solicitors)
- Copy of the newspaper notices dated 28th April 2026 (Waterford News and Star) and 1st May 2026 (Dungarvan Observer)
- Copy of the objection made by Healy Crowley and Co. Solicitors (*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 state of repair. The rear open space is totally overgrown with vegetation growing out over the footpath access gate and ivy growing up the southern gable of the property. The rear open space is not entirely accessible as a result and there is moss/vegetation growing over section of the rear roof. Whilst there is no direct access to the rear of the property due to it being blocked by vegetation, it is visible from surrounding boundaries and aerial drone photos show that there is waste, debris and rubbish building up throughout the entire rear open space.
- The open space directly behind the cottage is very heavily overgrown and there is a large evergreen tree shading the property and likely endangering it and adjacent properties in the event of a storm. As a result the rear façade is not visible and it can be deduced that the rear extension and openings are likely significantly damaged or in very poor derelict condition. The overgrown hedging, briars and vegetation are becoming issues for adjacent landowners.
- The front of the property is in good condition relative to the immediately adjacent properties which are in very good condition. There are no signs of damage or misplacement of slates or ridge tiles. There is a partial bow/depression in the roof structure, likely due to age and caused by sagging timber structure underneath. There are sections of front gutters missing and vegetation growing out of the gutter. As a result, water and algae damage and staining is occurring on the front façade where rainwater is running over the wall. The rear roof is showing signs of several sections of damaged tiles and repair and more extensive vegetation overgrowth and further blocking of gutters.
- The plasterwork junction with the footpath is cracked and damaged and visibly is in a very poor aesthetic condition relative to the adjoining cottage. The window cill is in need of repainting and the timber doorway paintwork is pealing. (*A number of photographs are attached to the documentation on file*).
- On 23rd February 2024, the subject property was identified by the derelict sites team survey. An initial site inspection was undertaken by the planning authority on 29th July 2024 and a report was developed, signed by the Senior Executive Planner, on 30th July 2024 (*report attached to documentation on file*). The site

inspection noted that the site was in a poor state of repair, with overgrown vegetation on the roof and gable, gutters full of vegetation and roof covered in moss, plaster falling off the boundary walls and no entrance gate to the doorway making the grounds accessible.

- On 7th August 2024, a first correspondence letter and notice under Section 9 notifying the owner of the poor condition of the site was issued by registered post to Alice Gayer of Barrack Street. This was returned undelivered (noting deceased) on 14th August 2024 and resent by registered post on 18th August 2024 to 'The Owner'. This was subsequently returned undelivered on 29th August 2024. Following the issuing of the first correspondence letter, there had been no response received on record from the owner or reputed owner and there had been no material change to the property's derelict condition.
- On 26th August 2024, a Section 8(2) Notice was issued under the Derelict Sites Act 1990, as amended. This was issued by registered post to 'Alice Gayer' and 'The Owner' and a copy was affixed to the property. The registered letter was undelivered and returned on 29th August 2024.
- Following the issuing of the Section 8(2) notice, an email was received on 30th August 2024 from a Catherine Moss, whom is one of thirteen possible inheritors of the previous late owners, Alice Gayer and her son John Gayer, who both died without leaving wills. It was explained that the property, along with another on Barrack Street were going through probate with their solicitors Healy Crowley and Co.
- On 30th August 2024, Healy Crowley and Co. emailed the local authority outlining the background to the estate and that a specialist firm of genealogists and probate researchers had been employed by the Estate to find beneficiaries, which were cousins of the deceased located across Ireland, UK, Canada and USA. It was the opinion of Healy Crowley and Co. that the properties were not neglected and that it was just a question of establishing who the appropriate beneficiaries were in order to apply to extract a Grant of Representation in the Estate for the properties to be sold. It was requested that the notices be withdrawn which was noted by the derelict sites (DS) team and saved to the file.

- On 24th September 2024, a letter was received from Healy Crowley and Co. noting that there has been direct contact with the probate office to try and expediate a Grant on the estate, in order to allow the properties to be sold. The letter noted that an auctioneer and John Morrisson Consulting Engineers had been engaged with respect to the notices issued on the property and for the properties to be put up for sale. It was also queried whether the properties would be of interest to the Council and it was requested that they not be placed on the derelict sites register. It was agreed to hold off the issuing of a Section 8(7) notice until there was correspondence with John Morrisson Consulting Engineers.
- On 7th November 2024, a letter was received from John Morrisson Consulting Engineers noting that a contractor had been employed to remove ivy from the roof and gable and the clearance of overgrowth to the rear grounds as well as the gutters. This letter was acknowledged and the Council welcomed the efforts to repair the property and grounds.
- On 7th January 2025, a letter was received from John Morrisson Consulting Engineers noting that the works had been done to the property. A date of 4th March 2025 was noted within the response upon when the DS team would revisit the site and reevaluate the works undertaken. It is noted that these works were not fully carried out.
- On 12th March 2025, John Morrisson Consulting Engineers informed the Council that mapping work for the lands within the cottage was completed and was being prepared which would allow the auctioneer to conduct a valuation before placing the property on the market for sale.
- On 13th May 2025, the Council emailed Healy Crowley and Co. requesting an update on the property. It was informed that if there was no reply by 16th May 2025 the property would be placed on the register. On 16th May 2025, an emailed letter was received from Healy Crowley and Co. noting that mapping issues had arisen which delayed the sale of the property. It noted that it was fully committed to having the property put up for sale by aid of public auction and sold by mid-summer 2025. Healy Crowley and Co. informed the Council that it would revert once it had a date for the auction.

- On 1st September 2025, the Council issued a letter to Healy Crowley and Co. seeking an update on the process. On 23rd September 2025, a further emailed letter was issued by Healy Crowley and Co. stating that it was anticipated that the property would be advertised for auction in 6-8 weeks' time and on this basis it was requested not to enter the property on the register. The Council informed Healy Crowley and Co. that the process would be paused until the end of the year allowing for 14 weeks extra.
- On 19th February 2026, a Section 8(7) notice was issued by registered post to 'The Owner/The Occupier' and 'The Estate of the late Alice Gayer and John Gayer c/o Healy Crowley and Co' and a copy was affixed to the property. The registered letter was noted as delivered on 20th February 2026. The notices were also emailed to John Morrisson Consulting Engineers and Catherine Moss.
- On 31st March 2026, John Morrisson Consulting Engineers emailed the local authority with an attached update from Healey Crowley and Co. solicitors regarding correspondence with the Probate office. The correspondence confirmed that an application for a Grant of Administration in the estate of Alice Gayer was currently pending with the District Probate Registry in Waterford. It noted that a request has been made to expediate the application, however, there was no definitive timeline for the resolution of the application. There was no material change to the property's derelict condition at this time.
- Considering the information set out above, and the allowances and several pauses the DS team allowed, the site was still considered to materially detract from the character and amenity of the surrounding area and as such fell 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 appeared 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 Council departments such as Economic Development and Finance, the notices were

erected on the property and there was engagement with relatives and agents of the reputed owner.

- 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

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 is out on public consultation until 5th October 2026.

The subject site is located within the settlement boundary of Tallow 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 Tallow 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 façade of the front elevation and side gable were in a neglected condition with part of the wall cracked away and part of the side gable overgrown with vegetation. Part of the rainwater goods were missing on the front elevation. At the side of the southern gable, I observed the rear garden to be substantially overgrown with vegetation making it inaccessible from the side. The condition of the property was in contrast to the adjoining semi-detached residential property which I noted was occupied and maintained in a good condition.

8.2. Furthermore, I observed the subject site located off the main road that traverses the settlement of Tallow 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

8.3. 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 30/07/2024*) considered that it fell under Category (b) of Section 3 of the Act and the 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.

8.4. Based on my observations on the date of my site inspection, as set out in paragraphs 8.1 and 8.2 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.

8.5. Having regard to this, 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

8.6. 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.

8.7. Having reviewed the information on file including the local authority's CPA Report, I note that the local authority first physically inspected the property on 29th July 2024 and identified it as a derelict site. Correspondence was then sent by registered post to 'Alice Gayer' and 'The Owner' reminding them of their responsibility under Section 9 of the Act, however these were both returned undelivered. A Section 8(2) notice was then issued by registered post on 26th August 2024, however, again this was returned undelivered. However, I note that it was also 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, the erection of notices on the property and engagement with relatives and agents of the reputed owner.

8.8. Following the issuing of the section 8(2) notice, the local authority received correspondence from a relative of the deceased owners Alice Gayer and John Gayer explaining that the property was going through probate with their solicitor Healy Crowley and Co. I note that the solicitor emailed an attached letter to the local authority (received on 2nd September 2024) explaining the probate situation which was acknowledged. Further correspondence from the solicitor was issued to the local authority on 24th September 2024 and the local authority agreed to hold off on the issuing of a Section 8(7) notice until there were discussions with the consultant engineer employed by the Estate of Alice Gayer and John Gayer.

8.9. I note that the engineer contacted the local authority on 10th October 2024 requesting a grace period of 8 to 12 weeks in order to allow the properties be sold on the open market which was acknowledged. On 7th November 2024, the engineer outlined that a contractor was employed to carry out clearance works at the property and I note that the local authority acknowledged and welcomed this development and advised that it would further inspect the property in March 2025.

8.10. I note that the engineer contacted the local authority in January 2025 advising of works that were carried out at the property and I note the local authority responded outlining the works that were required and advised that the property would be reinspected on 4th March 2025. The local authority requested further updates on the property on 6th March 2025 and 13th May 2025 and advised the solicitor that the property would be placed on the derelict sites register if no reply was received on 16th May 2025. The solicitor informed the local authority that mapping issues had arisen which delayed the sale of the property, however, it stated that it was committed to selling the property by mid-summer and requested that the property would not be put on the register. I note that the local authority responded to this on 1st September 2025 seeking an update.

8.11. I note that the solicitor responded on 23rd September 2025 anticipating that the property would be advertised for auction in 6 to 8 weeks' time. I note that the local authority decided to pause the process until the end of 2025. On 19th February 2026, I note that the local authority proceeded with issuing a Section 8(7) notice addressed to both 'the owner/occupier' and 'the Estate of the late Alice Gayer and John Gayer c/o Healy Crowley and Co.'. The notice was also affixed the notice to the property. Copies of the notice were also emailed to the engineer and the known relative of the deceased.

8.12. I note that the engineer contacted the local authority on 31st March 2026 which included correspondence from the solicitor. I note that this outlined that a grant of administration was issued by the probate office on 20th February 2026 in the John Gayer Estate and the next step was to proceed with an application for a grant of administration in the estate of Alice Gayer. Whilst the solicitor outlined a request for expedition on the application, no timeframe could be advised, only that assurances had been received from the District Probate Registry that it would be expediated. The local authority acknowledged this, however, considered that allowances and several

pauses were already granted and the site still materially detracted from the character and amenity of the surrounding area.

8.13. The Commission should note that the local authority gave notice of its intention to acquire the site compulsorily to the owner/occupier on 24th April 2026. The Section 15 notice was affixed to the property, advertised in the local newspapers and sent to the owners. I acknowledge that this is approximately 22 months after the local authority's first physical inspection of the property.

8.14. 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 agents and representatives of the Estate, 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

8.15. 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 Tallow 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 towns.

8.16. 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

8.17. 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 issue is to determine whether the 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.

8.18. Firstly, I acknowledge that the land ownership situation is complex due to the deceased owners and legal processes required to bring the property of the estate to the market for sale as outlined by Healy Crowley and Co Solicitors in its objection and documentation on file. I also acknowledge that the solicitors and agents of the Estate have been engaging with and providing updates to the local authority's requests since August 2024.

8.19. I note that it was explained to the local authority that there was a process in establishing who the appropriate beneficiaries were to apply to extract a Grant of Representation in the Estate for the properties to be sold. Further correspondence to the local authority highlighted that contact was made with the probate office to try and expediate a Grant on the estate as well as the employment of an auctioneer and engineer by the estate in order to sell the property on the open market. I note that mapping issues with the site had also arisen and on a number of occasions there was a request to delay any derelict site registration, which I note was accommodated by the local authority.

8.20. However, whilst I note that a contractor employed by the Estate undertook some works to the site in January 2025, 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 0.0527 acres or thereabouts at Barrack Street, Tallow, 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 24th day of April 2026 and on the deposited map CPA2026-12 – 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 towns. 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

24th September 2026