Inspector's Report

ACP-324498-26

Development	Proposed compulsory acquisition of a derelict site DS2025/37
Location	Carrowneden (House 2), Killasser, Swinford, County Mayo
Planning Authority	Mayo County Council
Notice Party	Timothey (Tim) Maloney c/o Kelly Solicitors
Date of Site Inspection	24 September 2026
Inspector	Sandra Eapen

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1.0 Introduction

1.1. This case relates to a request by Mayo County Council for consent of An Coimisiún Pleanlal for the compulsory acquisition of the derelict site, House No. 2, Carrowneden, Killasser, Swinford, County Mayo in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

2.0 Site Location and Description

2.1. The subject site, measuring c.0.552 ha, is occupied by a single-storey bungalow building located in Carrowneden, Killasser, Co. Mayo. The subject site is part of 2 no. dwellings constructed in early 2000s on a single plot of land. The buildings are currently accessed via a shared vehicular entrance off 'Carrowneden' Rural Road connecting St. John's NS Carromore and Local Road L5376 Callow. The site is located at the brow of a hill overlooking surrounding hinterlands to its rear. There are no other dwellings within 250m radium of the site. The site locality primarily consists of rural undeveloped landscape.

2.2. Currently the site is occupied by a single storey, bungalow dwelling structure with three windows along the front and side elevations. Larger windows are located along the rear elevation of the building to utilise the views to the rear. The structure is located at a lower level than the road level. The existing site boundaries are in a state of disrepair and are not secured. The surrounding lands are currently overgrown with vegetation, un-levelled or landscaped and is in a neglected state.

2.3. The building on site remains in an unfinished state with no plastering, gaps in the blockwork, no soffit/facia for the roof or sealing around windows and door openings. The dwelling does not appear to be connected to electricity or other services. There is also a significant amount of vegetation growing in the front garden of the subject property which blocks the pedestrian access to the property. Vegetation is also growing on the external walls of the property.

2.4. On the day of my site inspection, I was unable to enter the building, but was able to observe the premises externally. I specifically note the following:

- There was no evidence of any activity on the day of my inspection.

- The external walls remain unfinished, unsealed and exposed.
- There are gaps and missing block work around windows and doors.
- The site premises remain overgrown with weeds and has not been maintained for a significant period of time.
- Roof tiles appeared to be in good condition. However, rafters and joists appear to be exposed to elements and appear unsightly as no soffits, or fascia erected.
- The building has no rain goods – gutters, drip edge, downspouts etc.
- It is unclear if the building is connected to services from inspecting the site.

2.5. The subject site is not located within an Architectural Conservation Area and is not a Protected Structure and is not listed on the National Inventory of Architectural Heritage (NIAH). There are no protected scenic views along this section of the road.

3.0 Application for Consent for Acquisition

3.1. Mayo County Council has applied to the Commission for consent to compulsory acquire the said property, House No. 2, Carrowneden, Killasser, Swinford, Co. Mayo under section 14/16 of the Derelict Sites Act 1990.

3.2. I note that this application is made subsequent to Mayo County Council serving of following notices

- Notice under Section 15 of the Derelict Sites Act, 1990 (i.e. advising of the Local Authority's intention to acquire compulsorily under the said Act the derelict site as described) was issued to the owner on 4th June 2026.
- Notice under Section 15 was also published in the Western People on the 2nd of June 2026 notifying the Local Authority's intention to acquire the site.
- Notice under Section 8(7) that the site has been entered into the Derelict Sites Register were erected at the site on 8th December 2025 and delivered to landowner on 10th of December 2025.

- Notice under Section 8(2) on the intention to enter the lands onto the Derelict Sites Register was erected on the site on 19th August 2025 following notices sent on 30th July 2025 being returned undelivered.

4.0 Application and Objection

4.1. Notice of Intention to Acquire:

4.1.1. Mayo County Council advertised a “notice of intention to acquire derelict sites compulsorily under Derelict Sites Act, 1990, (as amended by the Planning and Development Act 2000)” in the Western People newspaper on the 2nd of June 2026. Registered letter was also sent to Timothey Maloney on 4th of June 2026. Postal confirmation of receipt of the same has been included in the application by the Planning Authority. The site was described as House No. 2 Carrowneden, Killasser, Swinford, Co. Mayo, owned by Timothy Maloney of No. 12 Collinstown, Clara, Co. Offaly, containing c.0.552 ha. lands on the notices.

4.1.2. A map of the derelict site was placed on public display at the Office of the Local Authority, Aras an Chontae, Castlebar. Submissions were invited from any owner, lessee or occupier on or before 07 July 2026.

4.1.3. I consider the notices to be in accordance with the requirements of Section 15 (1) (a) and (b) of the Derelict Sites Act 1990, as amended.

4.2. Objection to Acquisition

4.2.1. Objection to the proposed acquisition was submitted to the Council by Kelly Solicitors on behalf of Timothey Maloney (the current owner). Letter dated 1st July questions how the property would constitute a ‘derelict site’ as per the definitions given under Section 3 of the Derelict Sites Act,1990.

4.2.2. The Council wrote response to the owner on 2nd July stating that the site was inspected by qualified and authorised officed and found to be derelict as per Section 3 of the Derelict Sites Act.

4.2.3. No further objections submitted on behalf of the landowner are supplied in the application.

4.3. Local Authority's Application for Consent

4.3.1. The Local Authority, Mayo County Council, requests the consent of the Commission for the compulsory acquisition of the derelict site in question. The application for consent was received by the Commission on 4th August 2026 and included the following:

- Site Location map
- Copy of newspaper notice published in the Western People on the 2nd of June 2026

4.3.2. Report titled "Justification for Compulsory Acquisition of House No. 1 and No. 2 Carrowneden, Killasser, Swinford, Co. Mayo. containing following information

- Sets out the planning history of the site, mainly permission from 2001 (Reg. Ref. PL011597) for the construction of 2 no. dwelling houses at this site. Details of the planning application is included as appendix.
- Change in ownership from 2000 to present. The site has had five named owners in this period, Patrick Kirrane, David Dodd, Teresa Tierney, Desmond Michael Duffy and most recently from November 2025, Timothy Maloney. Folio and land registry details provided as appendix.
- Derelict site survey carried out by the council 18th July 2025 for the two sites. Details of the survey included in the appendix of the report.
- Notices under Section 8(2) issued to registered owner on intention to enter site on derelict sites register on 30th July 2025. Later affixed on site on 19th August 2025 following notices returning undelivered. Copy of notices provided in appendix.
- Derelict Sites Register entry made for site (Reg. Entry No. DS2025/37) dated 8th December 2025. Copy of notices issued under Section 8(7) provided in appendix.

- Housing Need demonstrated by Municipal District Housing office copy of assessment and correspondence provided in appendix.
- Independent Valuation carried for the two dwellings by Sherry Fitzgerald EUR 65,000 to EUR 25,000 each depending on whether the blockworks and roof are salvageable. Report provided as appendix in the submission.
- Compulsory Purchase Order process is stated to have commenced in March of 2026 for the site. Internal memos regarding the CPO decision are provided in the appendix.
- Photographs of site dated 7 July 2026 showing the sites current state which remains derelict with no works carried out to render the properties non-derelict.
- Notices issued under Section 15 (1) to current owner on June 4th, 2026, and proof of delivery provided in appendix.
- Copy of correspondence with Douglas Kelly of Kelly Solicitors acting on behalf of current owner Timothy Maloney dated 1st July, 11th June, and 15th May of 2026 provided in appendix of report.

4.4. Objector's Submission

4.4.1. The Commission had notified the owner via their agent acting on behalf (Kelly Solicitors) and inviting them to make any observations/queries on 7th August 2026. A response received from the agent on 10th August requests the Commission to note the dates of all previous correspondence made with Local Authority. Letters dated 24 February 2026, 27 March 2026, 8 May 2026, 15 May 2026, 11 June 2026, 1 July 2026, 6 July 2026 and 4 August 2026 were noted in the response. The Commission on return confirmed that only correspondence from dates 15 May 2026, 11 June 2026, and 1 July 2026 were on the file received as part of the application from Mayo County Council. No further response is recorded from the owner.

4.4.2. I note that the internal records of the Council, particularly the CPO Recommendation Memo (dated 18 March 2026) prepared by the Council's Housing Section, reference is made to correspondence from Kelly Solicitors dated 24 February 2026. The letter is said to have confirmed the recent change

in ownership of the property and requested the Council to specify the works to render the property non-derelict. The correspondence from the owner is also noted as to state that the property is not derelict and has been actively sold at present for it to be removed from the Derelict Sites Register. The Council is stated to have responded with a list of works to be carried out. However, copies of this correspondence are not produced in the application by the Council.

4.5. Oral Hearing

4.5.1. No request has been received for an Oral Hearing.

5.0 Planning History

5.1. Concurrent applications made to the Commission for Compulsory Acquisition; ACP-324498-26 for House No. 2 on the site.

5.2. There is no recent relevant planning history relating to the subject site. The parent permission for the two houses is from 2001 -

Reg. Ref. PL011597 Permission granted for the construction of 2 no. dwelling houses and septic tanks at Carrowneden, Killasser, Co. Mayo to Mr. David Dodd. The floor plans indicate 3-bedroom dwellings with living/dining areas provided to the rear making use of the views to the rear. Subdivision of site with two separate entrances proposed for the two dwellings.

6.0 Legislation and Policy Context

6.1. Derelict Sites Act 1990 (as amended)

6.1.1. The Derelict Sites Act 1990, as amended, makes provision to prevent land being or becoming a derelict site. Amongst other things, it enables local authorities to require landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

6.1.2. Section 3 of the Act defines ‘derelict site’ as:

"Any land…which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of—

(a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or

(b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or

(c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law."

6.1.3. Other relevant provisions of the Act are summarised below:

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

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

- 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 its functional area.

- Section 15 sets out arrangements for giving notice if the local authority intends to acquire a derelict site compulsorily.

- Section 16 sets out arrangements if the owner/occupier wishes to object to the acquisition and it provides that if an objection is made, then the derelict site shall not be acquired compulsorily by the local authority without the consent of the Board.

6.2. **Mayo County Development Plan 2022-2028**

6.2.1. The subject site consists of unzoned lands located 6km away from Swinford (a Tier 2 Self Sustaining Growth Town). Subject lands would constitute rural countryside land use zoning.

6.2.2. As per Section 3.4.8. on Rural Housing the site is located within lands located outside of the 'Areas under Strong Urban Influence'- Category 2. The sensitive reuse, refurbishment and replacement of existing rural dwellings is recognised as a vital element in maintaining the vibrancy of the countryside.

6.2.3. Housing Strategy Objectives: Objective HSO5 -To seek to procure vacant sites or derelict/substandard sites where needed and appropriate, to facilitate the regeneration and repopulation within town and village centres for social and affordable housing provision.

6.2.4. Regeneration Objectives: Objective BEO 39 - To identify derelict sites and vacant sites which are suitable for redevelopment and to maintain the respective registers.

6.2.5. Rural Settlement and Village Settlement Plan Policies: Policy RSVP 4 - To support, promote and encourage the appropriate development of infilling, brownfield or the use of derelict or under-utilised land or premises, subject to siting, design, protection of residential amenities and normal planning considerations

7.0 Assessment

7.1. Site Inspection

7.1.1. The following assessment is based on a site inspection carried out on the 24th of September 2026. I was able to inspect the site from Carrowneden Rural Road, onto which the property fronts. At the time of inspection, the house was not accessible for internal inspection.

7.1.2. The house was never occupied and has remained in a neglected condition for a good part of 20 years following its construction. The building has an unsightly and objectionable appearance when viewed from the road as the structure was never fully finished, plastered or painted. The openings for the windows and doors along the external elevation were never sealed. There are gaps in the block work for the external walls which would indicate that the interior of the structure would have been exposed to the elements. The block work and timber used in the building has therefore been exposed to external elements since its construction about 20 years ago. Soffit and facia were never completed which could have resulted in damage to the roof timber works.

7.1.3. The site surrounding the house was never levelled or landscaped and remains in an unkempt, neglected condition. The extensive and significant vegetation growing in the surrounding lands is currently blocking the pedestrian access to the dwelling structure. During site visit I did not see any evidence of any recent site clearance or other maintenance works as being carried out to the walls such as finishes, painting, etc. The house and surrounding lands remain in a poor state, open to elements and is likely to deteriorate further if no action is undertaken.

7.2. Category of Dereliction

7.2.1. With respect to the nature of dereliction, I am of the opinion that the site falls within the categories (b) of Section 3 of the Derelict Sites Act, 1990 (as amended) due to the land and structure being in a neglected, unsightly and objectionable condition.

7.2.2. Category (a) relates to structures in a ruinous, derelict or dangerous condition. Works to the subject property was never completed nor was the structure inhabited. I am unable to confirm from the site inspection on the reusability of the structures. There is no obvious evidence of structural damage to the external walls, and the roof structure appears to be generally intact. The building has remained in an unrendered state with block works exposed to elements. There are gaps in the block works, no soffit/ facia panels erected, and no rain goods are in place. The building appears to be not connected to services such as electricity, water etc. Although, the constant exposure to elements have impacted the timber and block work in the building, in the absence of any visible evidence of structural damage I do not consider the structure to be in a ruinous or dangerous condition.

7.2.3. The site surroundings are overgrown and has rendered the dwellings inaccessible. The site is not secured, the site boundary walls are in a state of disrepair. Access to the site is via a farm gate off Carrowneden Rural Road. There are plants and creepers growing on the external walls of the building. The structure is located in a prominent site location, and is visible from the public road. The neglected state of the building and surrounding lands are materially detracting from the amenities of the area. I therefore consider the land and structures to remain in an unsightly, objectionable condition as per category (b) of Section 3 of the Act. Although, I noticed remains of plywood and timber strewn on the site surroundings under the grass cover during my site visit, I do not consider the site to fall within category (c) of Section 3 of the Act, as there was no clear evidence of any litter within the application site or any evidence of waste being stored externally.

7.2.4. There is no evidence of any attempt to render the site non-derelict, and the house remains in a neglected and unsightly condition. In conclusion, I consider the site to remain in a derelict condition and that the current state of the property detracts to a material degree from the amenity, character and appearance of the land in question, which in my view, renders it derelict under Section 3 of the Act

7.3. Action of the Local Authority

7.3.1. I note the actions of the Local Authority, and the statutory notices served on the owners in respect of the dwelling. The Commission shall note that the site changed ownership recently. The site was sold by Desmond Michael Duffy c/o Douglas Kelly & Son, Market Street, Swinford, Co. Mayo on 26th November 2025 to Timothy Maloney, of No. 12 Collinstown, Clara, County Offaly.

7.3.2. Section 8(2) notices were sent to Desmond Michael Duffy c/o Douglas Kelly (of Kelly Solicitors) on 30th July 2025 stating the Council's intention to enter the site on the Derelict Sites Register and asking representations to be made in writing within one month. The Local Authority has stated that the Section 8(2) notices that were sent to previous owner were returned undelivered and subsequently notices were affixed on the properties on 19th August 2025 as allowed under Section 6 of the Derelict Sites Act 1990. The owner was requested to carry out the following works within 2 months' time:

- Complete external finishes to external walls
- Complete soffit, facia and gutter
- Paint front door of both house
- Clear overgrown vegetation from garden and entrance
- Secure the site
- Maintain property in a tidy condition.

7.3.3. The Local Authority entered the subject site on the register of derelict sites on the 8th of December 2025 as no correspondence was received from the owner and no works were carried out on site. Copy of the Section 8(7) notices were also sent to the Douglas Kelly (of Kelly Solicitors) on the 9th of December 2025 acting on behalf of the then registered owner on file, Desmond Michael Duffy. Proof of delivery of the notices are provided in the file.

7.3.4. On 14th May of 2026, the Council notified the owner by email of their intention to proceed compulsory acquisition of the property and reiterated the works to be carried out to render the property non-derelict. The owner was also given information on available funding initiatives to bring vacant properties back into

use. A response email sent by the agent (Kelly Solicitors) acting on behalf of the owner (Timothey Maloney) on 15th May 2026 state that the owner is interested in selling the property to the Council and requested an offer to be made to them. It would appear that the owner is interested in selling the property to the Council and objects to the principle of compulsory acquisition of the property.

7.3.5. A Section 15(1)(a) Notice of Intention to Acquire Derelict Sites Compulsorily was published on 2nd of June 2026 in Western People. Section 15 (1) (b) notices were issued to the current owner (Timothy Maloney) on 4th of June 2026 by post. The letter and newspaper notice requested any owner/lessee to submit an objection to the proposed compulsory acquisition of the derelict site on or before 7th of July 2026. A map indicating the site location was indicated as available for inspection at the Office of County Council. Postal confirmation of delivery is included in the file indicating delivery on the 17th of June 2026. A response letter from the agent (Kelly Solicitors) acting on behalf of the owner (Tim Maloney) dated 1st of July 2026 confirms the receipt of the notice by the owner and questions how the property meets the definition of 'derelict site' under section 3 of the Derelict Sites Act 1990. The Local Authority issued further correspondence on 2nd July 2026 that the property was inspected by qualified authorities in 2025 and found to be derelict. No further correspondence made by the owner is included in the file. Subsequently an application was made to the Commission for consent to acquire the land on 4th of August 2026.

7.3.6. The Councils internal records (CPO Memo dated 18 March 2026) show that further correspondence were carried out with the agent acting on behalf of the owner in February and March of 2026. Although, a copy of the correspondence is not provided in the file, it is understood from the report that correspondence claimed that the property is not derelict and that it has been recently sold to allow for it to be removed from the Derelict Sites register. The owner's statement is however superseded by their later correspondence in May 2026, which demonstrated owner's interest in disposing the property. The current owner (Timothy Maloney) was given sufficient notice by the Local Authority with their intention to pursue compulsory acquisition even prior to a Section 15 notice being issued in June 2026. The owner was given ample opportunity to make observations in relation to the proposed acquisition, and the landowner has not

indicated their intention to carry out any works to the site for bringing it back from its current state of dereliction.

7.3.7. I note that the Local Authorities have a duty under Section 10 of the Derelict Site Act 1990 to take all reasonable steps to ensure that any such land does not become/ continue to be a derelict site. I consider the owner to have had sufficient time and opportunity to state their intention to develop or dispose the property or submit proposals in this regard. The Local Authority has actively engaged with the owner/agent acting on behalf of the owner and given them sufficient time and opportunity to address the dereliction. Therefore, I am satisfied that the process and procedures undertaken by the Local Authority have been fair and reasonable.

7.4. Compliance with Development Plan

7.4.1. The Development Plan Objectives HSO5 and BEO39 seeks to address instances of dereliction and promotes the reuse/regeneration of derelict and vacant sites. The Development Plan also supports the sensitive reuse, refurbishment and replacement of existing rural dwellings as a vital element of maintaining the vibrancy of countryside.

7.4.2. The subject property has remained vacant and in a state of dereliction for a number of years. The current derelict state of the property detracts to a material degree from the character and appearance of the surrounding area. Therefore, I consider the proposed compulsory acquisition for the property to be consistent with the policies and objectives of the Development Plan so that the subject lands do not continue to remain in a derelict condition.

7.5. Identified Community Need

7.5.1. The Swinford Housing Office has confirmed the need for a bungalow type accommodation that is suitable for families in the Swinford area. If acquired the property would be renovated to meet the building regulation standards for the use of families on the Housing Waiting List in the area. The Council's proposal state that the refurbishment costs would be under the ceiling limit for 3 bed or 4 bed units as per the DHLGH guidance for Social Housing Schemes. The Local

Authority has demonstrated the need for the lands and the means to allow for the necessary works to be carried out to bring the site into use and out of its state of dereliction.

7.6. Action of the Owner to address Dereliction

7.6.1. I note that the basis for the objection to the compulsory acquisition was that the property does not fall within the definition of Section 3 of the Derelict Sites Act 1990. I note that the owner of the property has obligations under Section 9 of the Derelict Sites Act to take all reasonable steps to ensure that the land does not continue to be a derelict site. While the site has only been on the derelict sites register since December 2025, it would appear that the current owner was given sufficient opportunity to demonstrate intent to carry out the necessary works or otherwise address the derelict condition of the property.

7.6.2. The property appears to have remained in a similar condition since at least 2009. Apart from the completion of roof tiling works, in and around 2009, no significant works has been carried on the site to finish the dwelling or to bring it back from its current state of dereliction. I note from my site inspection that it was not apparent that any works has been undertaken to restore the building from its state of dereliction. There are no recent planning permissions or evidence of any efforts such as application for grants or bank loans submitted to demonstrate the owner's intention to carry out the required refurbishment works. No evidence has been submitted to show that the works will be carried out within a reasonable timeframe to address the vacancy and dereliction of the site, such as engagement with a building contractor for the necessary repair works. The Councils report state that no application was made for this site under a Vacant Homes Refurbishment Grant. The owner has not identified any possible prospective buyers for the land or given evidence of any advertisement for selling the property. There were no for-sale signs on the site at the time of inspection. The Councils records state that the property has not appeared for sale on any of the local property agent's inventory.

7.6.3. The owner was requested to make any further query/observations to the Commission with regard to the CPO application on 7th August 2026. The owner's response received by the Commission on 10th August only lists dates of

previous correspondence with the Council. Although the Commission indicated missing correspondence in response email, no further details were furnished by the owner. The owner has failed to state any clear grounds of objection to the Compulsory Purchase application. None of the correspondence from the owner indicate an intention to sell the property to third parties or to carry out the necessary works to bring it back from its state of dereliction.

7.6.4. Having regard, therefore, to all of the information available on the file and the continued appearance and neglected condition of the property, which as stated constitutes a derelict site, I consider that it is appropriate to confirm the Local Authority's application for consent to compulsorily acquire the subject property at Carrowneden, Killasser, Swinford, Co. Mayo.

7.7. **Conclusion**

7.7.1. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site House No. 2, Carrowneden, Killasser, Swinford, Co. Mayo, owned by Timothy Maloney of No. 12 Collinstown, Clara, Co. Offaly, containing c.0.552 ha or thereabouts, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 4th June 2026 and on the deposited maps [Derelict Site Register No. DS2025/37], 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.

7.7.2. 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 Board 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.

7.7.3. 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 Mayo County Development Plan 2022-28 and specifically Objectives HSO5 and BEO39 which seek to actively address instances of dereliction and decay in the urban and rural environment and bring properties back into active re-use and to revitalise towns and villages. Accordingly, I am satisfied that that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

8.0 Recommendation

8.1. Having regard to the observed condition of the application site, in particular the neglected, unsightly and objectionable state of the land and the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.

8.2. I consider that it is reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by section 14 of the Act. I recommend that the Board grant consent to Mayo County Council to compulsorily acquire the site.

9.0 Reasons and Considerations

Having regard to the derelict, neglected, unsightly and objectionable state of the land, having considered the objection made to the compulsory acquisition, and also:

a) The constitutional and convention protection afforded to property rights,

b) The public interest, and

c) The provisions of Mayo County Development Plan 2022-28,

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(b) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the local authority is necessary in order to render the site non-derelict and to prevent it from continuing to be a derelict site. It is also considered that the

objection made cannot be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

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.

Sandra Eapen
Planning Inspector

12 October 2026