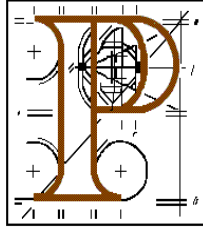


# An Bord Pleanála Inspector's Report



**PL03.CD3031**

**Local Authority Reference Description: -** Derelict Site, demolished dwellinghouse and garden.

**Nature of Application:** Application for consent for compulsory acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act, 1990, as amended.

**Local Authority:** Clare County Council

**Planning Authority Reg. No:** DA 14/08

**Objector:** 1. Malcolm Cairns

**Location of Lands:** Main Street, Tuamgraney, Co.Clare.

**Date of Site Inspection:** 01 April 2016

**INSPECTOR:** **Patricia Calleary**

## **1.0 INTRODUCTION**

- 1.1 This file relates to a request by Clare County Council for the consent of An Bord Pleanála to compulsorily acquire a derelict site comprising lands at Main Street, Tuamgraney, Co. Clare under Section 15 of the Derelict Sites Act 1990 as amended.

## **2.0 SITE LOCATION AND DESCRIPTION**

### **General**

- 2.1 The site, which is contained within Folios CE50177F, CE28262 and CE29828, has a stated site area of 0.0345 hectares and it is located on the eastern side of Main Street/R463, in the centre of Tuamgraney village. It is located between the public park and the junction with Raheen Road. The streetscape at this location has a mature character and the site lies within an Architectural Conservation Area (ACA).
- 2.2 The site is situated adjacent to 2 no. three storey joined dwellinghouses on the right hand side (south) and a wooden vehicular gated access to the left hand side (north). There is a neighbouring 2 storey residential building, stated as being a converted former old hall building, located adjacent (north) to the vehicular access.
- 2.3 The site boundary to the left hand side (north) is not physically defined or readily identifiable on the ground. However, the site is stated as being situated between an existing two storey house and a vehicular access gate in the Derelict Site report which accompanied the request for the consent. The boundary to the rear (east) of the site, while undefined on the ground, is readily identifiable from an inspection of the CPO map and when viewed on the ground.
- 2.4 A strip of land intervenes between the site and the properties to the south on the front portion of the site. This is contained within a separate Folio, CE26298, and though not included within the lands which Clare County Council seek consent to compulsorily acquire in this case, is referred to by the objector in this case. A copy of the map attached to Folio CE26298, as an extract from the PRAI, was received by the Board on 10 March 2016 accompanying correspondence from Merriman Solutions on behalf of Mr. Cairns, the legal owner and objector.

### **External**

- 2.5 The site currently comprises of a partially demolished front façade wall of what appear to have once formed a portion of 2 no. buildings, probably dwellinghouses, fronting onto the street. This remaining front

wall which presents along the front building line of the street is c.3m in height and is of stone construction with render finish to the front elevation. It has a brick arch over the former front door of what appears to have been the door serving one of the dwellinghouses and there is a band of rendered quoins running vertically on the right hand side of the door marking the edge of that dwellinghouse. The top of the remaining wall is rough and unfinished.

- 2.6 On the right hand side of the property as viewed from the street, there is a 3m portion of the wall which was evidentially demolished at some stage and which has been more recently replaced with hoarding. A black rectangular shaped board, resembling a 'blackboard' is attached to the hoarding on the street elevation. In his correspondence to the Board dated 8<sup>th</sup> March 2016, Mr. Cairns, through his agent points out that this 'blackboard' was not erected by him. Remains of the wall at the right and left hand sides of the former property are in place for c.1m wide on each side of the recently inserted hoarding. It appears from the report and photographs on file that this space, more recently hoarded, was occupied by site safety barrier fencing when inspected by Clare County Council area planner and executive architect in November 2013 and April 2014.

#### **Within the site**

- 2.7 There is a blockwall located within the site which runs perpendicular to the front wall along the natural dividing line between the 2 former properties which previously existed on site. It is c.8m long and 3m high with a window ope fitted with a single timber window frame which does not have any glazed window panels. The block wall returns for a 1m portion at its end along what appears to have been the rear building line of the former property. The wall consists of 300mm cavity block construction and is plastered on the outer (north) side and exposed blockwork on the inner (south) side. There are other works, which appear to have been carried out consisting of concrete columns and a cast concrete sub-floor within the footprint of the former property on the south end of the site. The concrete columns appear to lie within the strip of land which is outside of the area marked on the CPO map.
- 2.8 A site layout drawing prepared by Merriman Solutions in 2007 (Sheet No: OHT-S1-02), was received by the Board on 10 March 2016. On that drawing, the blockwall is shown as a dashed line and the 3 concrete columns abutting the neighbouring house to the south are also shown on the drawing.
- 2.9 The front portion of the property to the north is finished in gravel which abuts the existing residential structure, stated as a renovated former

hall building. Inside the single door along the front building line (at the footpath), there are 3 domestic bins located in what now appears to be an area which reads as a courtyard space serving the neighbouring residential (former Hall) property.

- 2.10 There is a single storey stone shed located within the north portion of the site, located to the rear. It has a pitched roof shape with corrugated roof finish. It has a timber door and one window on its front (west) elevation. There is also a small window on the front gable wall within the roof /dormer space. On the north side of the shed, there are 2 no. timber framed windows and a double leaf timber door with Georgian panels. There is a small sign over the door marked 'Games Room'. On the inner (south) side of the shed, there is a small lean-to / extension structure attached to the main shed. The shed has clear signs of an entire lack of maintenance but is intact and not derelict. The lean-to structure is in a poorer condition.
- 2.11 A large portion of the site, most especially the south site is untidy with many items of rubbish, builders materials and demolition waste (e.g. blocks, bucket, temporary site safety barrier fencing, old door, sink, fire place, timber, radiator, slates, bricks, rubble, various empty containers, stainless steel flue for a chimney) lying on the ground. There are various other rubbish items contained within the lean-to shed. I did not inspect the main shed internally.
- 2.12 There is a tidy garden space (in separate ownership) located to the rear of the CPO site boundary with hedge and treeline mature boundaries on 3 sides.

Note: Photographs taken during my inspection of the site on 1 April 2016 are attached in the appendix of this report.

### **3.0 PROPOSED COMPULSORY ACQUISITION**

- 3.1 The Board received an application from Clare County Council on 25 February for consent to the compulsory acquisition of the site under the powers conferred on them by Section 14 of the Derelict Sites Act, 1990, as amended. According to the documentation on file the site was entered onto the Councils Derelict Sites Register on the 26<sup>th</sup> day of November 2014.

## 4.0 APPLICATION & OBJECTION

### 4.1 Notice of Councils Intention to Acquire Site

The order to acquire the property compulsory was made on 16 December 2015. Notice of the Councils intention to acquire the site was published in 'The Clare People' newspaper on the 22<sup>nd</sup> of December, 2015, and it is stated in the Derelict Site report submitted by Clare County Council that notices indicating the same were erected on the site on the 21<sup>st</sup> December 2015. This notice indicated that any owner, lessee or occupier (except a tenant for a month or a period of less than a month) may, on or before the 29<sup>th</sup> January 2016, submit to the Local Authority an objection to the proposed compulsory acquisition of the subject derelict site.

### 4.2 Objections to the Councils Acquisition of the Site

I draw the Board's attention to the following submissions / correspondence received by Clare County Council.

- A letter was received by Clare County Council on 18th January from Merriman Solutions, on behalf of **Malcolm Cairns** objecting to the Councils proposed compulsory acquisition of the subject derelict site. The contents of the letter can be summarised as follows:
  - The area of land identified is in title of legally separate entities.
  - Mr. Cairns has taken legal action to gain control of the site in order to lodge a planning application to redevelop the site.
  - Planning permission was previously granted to redevelop the site under ref: 07/727 but was not commenced due to many factors.
  - Mr. Cairns has decided to re-evaluate the site and is in negotiations with a housing association to ascertain their requirements.
  - It is intended to erect an appropriate decorative hoarding in order to improve the visual amenity of the site.
- On 3rd February 2016, Clare County Council received an email from **Andrew Williams (husband of Mr. Cairn's niece)**

requiring to know what needed to be done in order to render the site non-derelict and to not have it required by compulsory order. Clare County Council responded to the email on 4th February 2016 with the list of requirements contained within the Section 11 notice which issued to Mr. Cairns.

#### **4.3 Councils Application for Consent to Acquire the Site**

The Board received a letter and Derelict Site Report on the 25<sup>th</sup> February 2016 from Clare County Council, in which the Council requested the consent of the Board to the compulsory acquisition of the subject derelict site as per the provisions set out under the Derelict Sites Act, 1990. The contents of the Derelict Site Report is summarised under.

##### **Description of site provided:**

- Site comprises of a partially demolished front façade of a former dwellinghouse and a vehicular access gate to the neighbouring property (on left hand side).

##### **Provides history as follows:**

- Planning History (Planning Ref 07-727) and Warning Letter (UD 08-034) referred to.
- In February 2013, Clare County Council was made aware that the subject site was in derelict condition by way of a complaint received from Tuamgraney Development Association.
- On 28th November 2013, the site was inspected by the area planner and was deemed to be derelict. A list of works required to render the site non-derelict was compiled.
- On 6th February 2014, the site was inspected by the executive architect and was deemed to be derelict. A list of works required to render the site non-derelict was compiled. (Note: Architects report contained in Appendix IV refers to the date of the site inspection as 17 April 2014.)
- Clare County Council engaged with the owner over a lengthy period of time but no progress materialised.
- Search of Land Registry Database revealed 3 folios listed as follows: (CE50177F-Malcolm Cairns), (CE29828 – Malcolm

Cairns and Anne Marie Kiely), (CE29828 - Malcolm Cairns and Anne Marie Kiely).

- Notice under provisions of Section 8(2) was served on Malcolm Cairns on 13th June 2014; Notice under provisions of Section 8(7) and Section 11 of the Derelict Sites Act was served on Malcolm Cairns on 26th November 2014.
- Site was re-inspected by executive architect on 28th January 2015 – noted no change to the status of the site.
- On 20th August 2015, a decision to acquire the site by compulsory acquisition was made.
- Valuation report was received on 9th February 2016 on the request of Clare County Council to Paddy Browne and Co. Real Estate Agents.
- On 16<sup>th</sup> December, a manager's order to acquire the site compulsory was signed.
- On 16th December 2015, letters were sent to Malcolm Cairns by registered and ordinary post but were returned to the sender by An Post marked as gone away or unknown at the address.
- On 16th December 2015, the Municipal District councillors were notified in writing that the Council was proceeding with the Compulsory purchase of the property.
- A statutory notice was published in the Clare People (22nd December 2015) and a notice was attached to the building (21st December 2015). The deadline for any submissions was 29<sup>th</sup> January 2015.

#### **Provides Details of Objections and Councils Comments**

- An objection was received from on 18th January from Fergus Merriman, Chartered Building Surveyor, on behalf of Malcolm Cairns objecting to the Councils proposed compulsory acquisition of the subject derelict site. The letter states that the area identified is in title of legally separate entities and Mr. Cairns has entered into legal action to gain control of the site.
- Clare County Council note that Mr. Cairns has submitted legal action and as such has indicated his legal claim to the property which is supported by local knowledge.

- On 3rd February 2016, Clare County Council received an email from Andrew Williams (husband of Mr. Cairns niece) requiring to know what needed to be done in order to render the site non-derelict and to not have it required by compulsory order.

### **Report Conclusion**

- Property considered to be a derelict site within the definition contained in Section 3 of the Derelict Sites Act 1990.
- Council consider they have afforded Mr. Cairns every opportunity to address dereliction issues on site but to no avail.
- Considers the recent proposal to apply for planning permission will not materialise.
- Considers that the property detracts from the amenity, character and appearance of the area. Notes that the site is located on a main road which connects Killaloe to a scenic route.
- The Council requests the Board to consent to the compulsory acquisition of the subject site.

### **Documents Attached**

The report is accompanied by a number of documents from the Local Authority. These documents included the following:

- Report from the executive planner (dated 11 February 2014) - Considers that the structure is derelict and recommends sending a Section 8(2) Notice to Mr. Cairns.
- Report from the executive architect (dated 14 May 2014) - Considers that the structure is derelict and recommends sending a Section 8(2) Notice to Mr. Cairns with instruction contained therein to carry out specific works to render the site non-derelict. The recommended specific works are included and a sketch proposal attached.
- Results of a search of asking prices for comparable sites on property website - Daft.ie.
- Folio Details (CE50177F, CE29828 and CE28262).
- Copy of Section 8(2) notice which was posted to Mr. Cairns.
- Copy of Section 8(7) notice which was posted to Mr. Cairns.
- Copy of Section 11 notice outlining measures to be taken, posted to Mr. Cairns.



- Chief Executives Order No. DS 55/15 to acquire the lands by compulsory order.
- Correspondence issued to Mr. Cairns of intention to proceed with compulsory purchase of the site with a copy of the intended notice and map.
- Correspondence issued to 6 elected members of intention to proceed with compulsory purchase of the site with a copy of the intended notice and map.
- Copy of Section 15 Notice.
- Copy of Page of Newspaper with Section 15 Notice.
- Photos of Notice and CPO map of site affixed to the property on site.
- Copy of Letter of Objection by Merriman Solutions on behalf of Mr. Cairns.
- Copy of Correspondence from Mr. Andy Williams (on behalf of Mr. Cairns who he states as being his wife's uncle) – dated 03 February 2016, together with response from Clare County Council dated 23 February 2016.

#### **4.4 Further Information**

The Board acknowledged the correspondence on 2nd March 2016 and on the 8th March 2016, the Board requested further information / documentation.

On 10th March, the Board received the following information from Clare County Council:

- Internal Memo dated 18th August 2015 confirming decision to proceed with the compulsory acquisition of the site.
- Derelict Site Valuation Report (dated 9 February 2016) with a site value of €10,000.
- Copy of Clare People dated 22nd December 2015.
- Report from the executive planner (dated 11 February 2014) - [Note: This is the same report as referred to in the executive architect's report contained in Derelict Sites report. The Board requested this report initially as it was called up in the executive architect's report with a different date (28<sup>th</sup> March 2014) due to a typographical error and this was clarified in the correspondence received from Clare County Council on 10th March 2016].

## 4.5 Objectors Submission

An objection to the proposed acquisition of the subject derelict site was received by the Board from Merriman Solutions on behalf of Mr. Cairns, on the 10<sup>th</sup> March 2016, the contents which may be summarised as follows:

- A portion of the front wall, c.3m wide and a section of the site c.4.5m deep is not included and is registered in ownership of Brian Keldon – Folio CE 26298. This is effectively a lean on Mr. Cairns carrying out any works and renders the notice technically invalid.
- Maps outlined in the notice indicate an area divided in single and joint ownership and the facts on ground are different and make it impossible to lodge a planning application until this is resolved.
- Site once consisted of 2 no.3 storey stone built houses which were abandoned and collapsed in the 1960s and demolished and made safe in the 1990s by others. Northern properties were restored by Mr. Cairns and Ms. Kiely.
- Mr. Cairns and Ms. Kiely are now separated and ownership of residual parts of the site is currently being resolved by their solicitor and Ms. Kiely will not be involved once this is completed.
- Planning permission was gained at the end of the property boom and subsequent crash made it financially difficult and this was compounded by legal title matters. Copies of the site layout plan and drawings on which the planning grant was based are enclosed.
- Mr. Cairns is in negotiation with Keldon and land ownership is subject to legal resolution.
- Site has been hoarded, painted and tidied to improve visual amenity as a temporary solution which results in a better aspect than other properties, for example, the vacant site north of the former 'Old Hall' building.
- An unauthorised blackboard has been attached onto the hoarding by others.
- Requirements of Council to 'remove render and clean stone' considered not practical or legally achievable given that these

properties were never intended to be exposed stonework. Considered inappropriate response to the terrace heritage.

- Mr. Cairns previously owned and renovated the 'Old Hall Building' to the north of the site and as such has a history of seeking to improve the amenity of the street by direct action.
- Mr. Cairns is in discussions with housing association to develop the site for social housing needs and intends to lodge a planning application and is keen to develop the site for housing once the site ownership is resolved.

The objector's submission is accompanied by maps and copies of plans and site plans for 2 no. 3 storey houses. Copies of extracts from the PRAI are also enclosed.

#### 4.6 Response by Clare County Council to Objectors Submission

The Board issued a copy of the objector's submission to Clare County Council on the 23<sup>rd</sup> of March 2016 for comment.

On the 5<sup>th</sup> April 2016, the Board received a response from Clare County Council. The principal new points in their response are listed under as follows:

- **Folio CE 26298** – The Council is aware that this Folio is registered in the ownership of Brian and Ita Keldon and did not deem it necessary to serve them under the derelict sites compulsory purchase order process. Furthermore, the Council considers that this issue does not impede the development of the property by the owner.
- Does not consider that '**single and joint ownership**' makes it legally impossible to lodge a planning application. Mr. Cairns indicated his legal claim on the property.
- The Council afforded Mr. Cairns **ample opportunity to address the dereliction issues** over the years. No effort was made until the CPO process commenced.
- Notices were served by registered and ordinary post to Mr. Cairns.
- Assessment of works by executive architect were deemed appropriate given the site is located within an **ACA** of Tuamgraney.

## 4.7 Objectors Response

On the 12<sup>th</sup> April 2016, the Board received a response from the Objector having been circulated the Local Authority's response. The main new points in their response were as follows:

- **CE 26298** – Condition of this property is similar to site in question and is attached with co-joined frontage. Considers the notice is technically invalid due to multiple ownerships yet the serving of the notice on only one party. Clean and clear title is required to obtain finance.
- **Legal advice received** was not to proceed with a planning application while the matter of the entire site remains unresolved.
- Restates that former derelict old hall was restored by joint owners. Mr. Cairns intends to complete the project of restoration and renewal as soon as is practically feasible.
- Development of the site will be a matter resolved through the planning process.
- Council's opinion of client's intentions is vexatious and not aligned of the facts or cognisant of the **difficult site characteristics** which Mr. Cairns is endeavouring to resolve.

## 5.0 PLANNING HISTORY

The following planning history which relates to the subject is considered relevant.

- 07-727 – Permission was granted for 2 no. 3 bedroom dwellings on 28 June 2007. This permission was not acted on.
- UD 08-034 (Warning Letter) – A warning letter was issued under the Planning & Development Act 2000, as amended, for the carrying out of unauthorised development.

## 6.0 PLANNING POLICY

### 6.1 East Clare Local Area Plan 2011-2017

- Scarrif/Tuamgraney is identified as a linked settlement and is designated as a 'Service Town' within the settlement hierarchy for East Clare (Section 1.9 – Settlement Strategy for the East

Clare area). Service towns are seen as having an important role to play as 'service centres' and drivers of growth for their respective hinterlands.

- In respect of Scarrif/Tuamgraney, there are 4 stated General Objectives to promote the expansion of services, identifying sufficient land for new development and to make provision for amenity, leisure and tourism related development (Section 2.1 – Service Towns – East Clare).
- The centre of Tuamgraney has been designated as an Architectural Conservation Area (ACA) which aims to retain the overall special historic or architectural character of an area or place (as per Objective CPD 18.2 of the Clare County Development Plan 2011-2017). The site is located within the ACA.
- The site is zoned 'mixed use' which includes the use of land for a range of uses.

## **6.2 Clare County Development Plan 2011–2017**

- The site is located on a listed scenic route – No. 28 which is the R463 from Tuamgraney to Mountshannon route (Appendix 7 – Scenic Routes).

## **7.0 ASSESSMENT**

7.1 The question before the Board for its determination under this case is whether or not the site in question constitutes a derelict site in accordance with the provisions of Section 3 of the Derelict Sites Act, 1990, as amended. This section of the said Act sets out a number of specific criteria under which a site can be judged as being derelict or non-derelict and it defines a derelict site as follows:-

*“A derelict site means any land (in this section referred to as ‘the land’ in question) 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 lands 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 lands 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 statute or by common law.”*

7.2 Having inspected the site on 1 April 2016, I consider the remains of the former principal streetscape buildings which previously existed on the site, the majority of which are since demolished, consist of part remaining wall structures which are in **ruinous** and **derelict** condition. Notwithstanding the untidy nature of the site and the safety hazards which exists, I do not consider the structures remaining are in a dangerous condition particularly in its current inactive state.

Having regard to the above observations from my site inspection together with the description of the site in Section 2 above, I consider that subsection (a) as quoted above applies in this case.

7.3 In relation to subsection (b) which refers to the neglected, unsightly or objectionable condition of **the land or any structure on the land** in question, it is very clear from my site inspection that the structures, the majority of which has been demolished or in ruin, together with the land have been left unoccupied and neglected for a considerable time period. The site, shed and particularly the lean-to extension are visibly neglected and the garden is unkempt and subject to significant weed growth. I note that Section 3 subsection (b) of the Derelict Sites Act does not make any distinction in terms of neglected, unsightly or objectionable condition of **the land or any structures on the land** in question. I therefore consider that subsection (b) applies in this case as the condition of the land and part remaining structures is **neglected** and **unsightly** as appreciated from the public domain along the streetscape and the private domain of neighbouring properties.

7.4 Subsection (c) refers to the presence of deposition or collection on the land of any litter, rubbish, debris or waste on the land in question. As observed on my site visit, there is a significant array of **litter, rubbish, debris and waste** to the rear of the site, particularly in and around the lean-to structure directly attached to the shed. Having regard to the fact that the site is bound to its south and north by established residential properties, the significant presence, deposition and collection of debris and other waste material at this location is a cause of significant concern and adds to the neglected, unsightly and objectionable appearance of the land in question as observed from these adjoining

properties. I therefore consider that the property falls within category (c) of Section 3 of the Derelict Sites Act.

7.5 With regard to the property falling into categories (a), (b) and (c), the Act requires that arising from same that the property 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. I consider that this is so in this case having regard to the prominence of the site within the village streetscape setting and proximity to adjacent properties and its position on a designated scenic route and location within an ACA. The visual context created by the existing roofless, ruinous part remaining structures, most particularly the front wall and the unkempt nature of the site in a terraced streetscape detracts significantly, in my opinion, from the visual amenity and the established rhythm of the streetscape and from the adjoining residential amenities. Accordingly, I consider that the property detracts to a material degree from the amenity, character and appearance of land in the neighbourhood.

7.6 The Council have identified the legal owner of the site who responded to the notice under Section 11. The owner's objection is noted, particularly in respect to the portion of the site which lies outside of the aforementioned Folios and in separate ownership under Folio CE26298. I have also had regard to his stated intention to lodge a planning application once the site ownership is resolved.

However, I note that the area of ground subject to the order does not contain Folio CE26298 and the Council are aware that it is in separate ownership. I concur with the Council that this issue does not impede the development of the property by the owner. It is relevant to note that the plot of land associated with this Folio, lies outside of the historical mapped boundaries, a copy which I have attached in the appendix to my report.

7.7 I note also that Section 9 of the Derelict Sites Act sets out that it is the duty of every owner and occupier of land to *'take all reasonable steps to ensure that the land in question does not become or continue to become a derelict site'*. I accept that The Council afforded Mr. Cairns ample opportunity to address the dereliction issues over the years. Nonetheless, there is little evidence of any improvement of the derelict condition of the property in recent times. I note that hoarding has been erected, where it appears was an open space with temporary site safety barrier fencing, but the hoarding erected is only a slight and what I consider a temporary improvement. I note that the owner did not

undertake any of the works detailed in Schedule 2 of the Section 11 notice in order to render the site non-derelect and there was no evidence of any such work taking place when I inspected the site. I also find that there is no evidence which would indicate that the owners are likely to make the site non-derelect and accordingly, I consider that the proposal by the Local Authority is the appropriate response in this instance.

## **8.0 CONCLUSION AND RECOMMENDATION**

I conclude that the property at Main Street, Tuamgraney, Co. Clare is a derelect site within the definition of Section 3 subsection (a), (b) and (c) of the Derelect Sites Act, 1990, as amended, as it detracts to a material degree from the amenity, character and appearance of the land in the neighbourhood by reasons of:

- The existence of ruinous and derelect structures which remain;
- Its neglected, unsightly and objectionable condition;
- The presence of litter, rubbish and debris on the site.

I consider that it is reasonable and within the powers of the Local Authority in this instance to seek to compulsorily acquire the subject lands to ensure that the lands in question do not continue to be a derelect site. I therefore recommend that the Board grants consent to the Clare County Council to compulsorily acquire the site for the reasons and considerations set out under.

## **REASONS AND CONSIDERATIONS**

Having regard to:

- a) The submissions on file and the report and recommendation of the person assigned to report on the matter;
- b) The existence on site of partly remaining structures which are in a ruinous and derelect condition;
- c) The neglected and unsightly condition of the majority of the site;
- d) The overgrown and litter strewn nature of part of the site;
- e) The absence, over a significant period of time, of sufficient physical interventions on site by the owner to remedy its derelect nature;



- f) Consideration that the site is likely to detract from the amenity, character and appearance of land in the neighbourhood,

it is considered that the site comes within the definition of a derelict site, as defined in Section 3 of the Derelict Sites Act, 1990, as amended, that the acquisition of the site by the Local Authority is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site. It is also considered that the objection made cannot be sustained having regard to the said necessity.

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Patricia Calleary  
Senior Planning Inspector  
22nd May 2016

**Appendix – Planning Policy Extracts, Maps and Photographs**