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Joseph P. Gordon & Co.

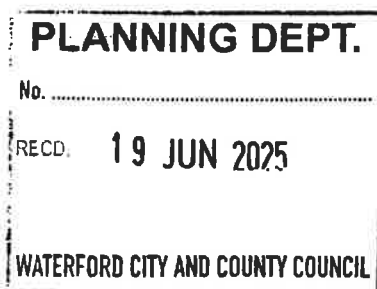
Solicitors

Burgery, Dungarvan, Co. Waterford

Joseph P. Gordon B.C.L.
Máire Nic Craith B.C.L.
W. Kieran O'Connell B.C.L.

Mr. David Quinn
Executive Planner,
Waterford City & County Council
Civic Offices
The Mall
Waterford
By Post

DATE: 18th June 2025
OUR REF: A/A/GOP005007
YOUR REF:



RE: No. 20 & No. 21 Church Street, Dungarvan, Co. Waterford.

Dear Mr. Quinn,

We write to you concerning premises No. 20 and 21 Church Street, Dungarvan, Co. Waterford, acting on behalf of the owners.

We write to advise that within the recent past significant expenditure has been incurred on conservation and visual enhancement of these properties.

The owners intend either to dispose of the properties or ensure occupation of the properties within a period of 5 months of the date hereof.

This time scale is required to either: -

- a. Place the properties in serviceable internal condition; or alternatively
- b. Place the properties in marketable condition.

The owners are seeking forbearance from your council in this respect and have filed an objection to the CPO Notices served.

We will let you have fuller details on request and indeed will be willing to meet with you at any suitable time.

Yours faithfully,
JOSEPH P. GORDON & CO.

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Ivan Grimes Esq.,
Director of Services
Planning Corporate Services,
Culture, HR & IS,
Waterford City & County Council
City Hall
The Mall
Waterford.

DATE: 18th June 2025

OUR REF: A/A/GOP005007

YOUR REF:

PLANNING DEPT.	
No.	
RECD.	19 JUN 2025
WATERFORD CITY AND COUNTY COUNCIL	

RE: No. 21 Church Street, Dungarvan, Co. Waterford.

Dear Mr. Grimes,

We enclose copy letter dated 19th May 2025, issued by your Council and write to confirm that the Addressee wishes to object to the proposed acquisition of the property therein referred.

In this context we are now enclosing the following: -

1. Copy of our letter to you council dated 7th December 2023;
2. Copy Submission made to your council on 13th December 2023;
3. Copy of our letter to your council dated 13th December 2023;
4. Copy of your council's letter dated 20th January 2025 to Maher Claire Dalton;

Our clients wish to confirm and re-assert the objections set forth in the enclosed documentation and in addition wish to make the following further submissions.

5. It is denied that the classification of the property in question as being derelict was made in accordance with law in manner alleged or at all.
6. It is denied that circumstances ever existed such as lawfully entitled your authority to designate the property as being derelict.
7. It is denied that the property is now derelict or that circumstances exist which would render the property capable of being so designated.
8. The subject property is and has at all material times been serviced by utilities and has at all times material been occupied.
9. The property is fully heated.

Without prejudice of the foregoing, it is submitted that since the purported designation as derelict your council has demanded and been paid commercial rates on the property in question thereby rendering nugatory the designation claimed to have been lawfully made.

It is submitted that by virtue of your council's acceptance of commercial rates your council is now estopped by law from seeking to have a compulsory purchase order made in respect of said property.

Our clients reserve the right to make further submissions in respect of this matter following receipt of information now sought from your council under the provisions of the Freedom of Information Act.

We would now ask you to acknowledge safe receipt of this submission.

Yours faithfully,
JOSEPH P. GORDON & CO.



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

WATERFORD CITY & COUNTY COUNCIL

NOTICE OF INTENTION TO ACQUIRE 20 & 21 CHURCH STREET, DUNGARVAN, CO. WATERFORD COMPULSORILY UNDER THE DERELICT SITES ACT, 1990

(as amended by the Planning and Development Act, 2000)

Mr. Joseph P. Gordon,
Joseph P. Gordon & Co. Solicitors,
The Burgery,
Dungarvan,
Co. Waterford

Dated: 19th May, 2025

**Compulsory Purchase Acquisition (CPA) No. 9 of 2025 – 20 Church Street, Dungarvan,
Co. Waterford.**

**Compulsory Purchase Acquisition (CPA) No. 10 of 2025 – 21 Church Street,
Dungarvan, Co. Waterford.**

A Chara,

NOTICE is hereby given that Waterford City & County Council (hereinafter referred to as “the Council”) in exercise of the powers conferred on it by Section 14 of the Derelict Sites Act, 1990 intends to acquire compulsorily under the said Act, the property described hereunder.

A copy of the order and of the maps referred to in it may be seen on
<https://waterfordcouncil.ie/media/newspaper-adverts/index.htm>

Any owner, lessee or occupier (except a tenant for a month or a period less than a month) may, **on or before 20th June, 2025** submit to the local authority an objection to the proposed compulsory acquisition of the property. Any such objection must be in writing stating the grounds of the objection and addressed to Ivan Grimes, Director of Services, Planning, Corporate Services, Culture, HR & IS, Waterford City & County Council, City Hall, The Mall, Waterford.

The Derelict Sites Act, 1990 (as amended by the Planning and Development Act, 2000) provides that if an objection is made to the proposed compulsory acquisition of the property

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Burgery, Dungarvan, Co. Waterford

Planning Department
Waterford City & County Council
Menapia Building,
The Mall,
Waterford.
Attn: Kieran Kehoe

DATE: 7th December 2023

OUR REF: A/A/GOP005007

YOUR REF: DS23212

RE: 21 Church Street, Dungarvan, Co. Waterford.

Dear Mr. Kehoe,

We refer to a Notice affixed to premises 21 Church Street, Dungarvan, Co. Waterford on 29th November 2023 under reference DS23212 and now enclose on behalf of the party named herein an objection to the proposal to place this property on the derelict site register.

You might acknowledge safe receipt of the within in due course.

Yours faithfully,
JOSEPH P. GORDON & CO.

**SUBMISSION IN RESPECT OF NOTICE DATED 16TH NOVEMBER 2023 MAILED
ON 1ST DECEMBER 2023 ADDRESSED TO THE OWNER 21 CHUCH STREET,
DUNGARVAN, CO. WATERFORD, PURSUANT TO THE PROVISIONS OF
SECTION 8(2) OF THE DERELICT SITES ACT 1990.**

REFERENCE: - DS23212.

PRELIMINARY OBJECTION

It is submitted that the Notice affixed to premises 21 Church Street, Dungarvan, Co. Waterford, is not a good and valid notice for the following reasons.

1. The issuing authority has not complied with the provisions of Section 6(1) of the Derelict Sites Act 1990, in that the owner and/or occupier of the premises has not been named in the notice.
2. It is submitted that the authority has not complied with the requirements of Section 6(1), paragraphs A, B, C, and D of said Act.
3. It is submitted that no particulars have been set forth in the notice is served giving details of the assertion made by the authority that the property falls within the statutory definition of dereliction as set forth in the statute.

Without Prejudice to the foregoing the following submission is made: -

1. This is a solid three story building fully serviced awaiting a tenant.
2. It is denied that any features exist in respect of the building which would bring the property within the definition of a derelict building as said forth in the statute.
3. It is submitted that the property having regard to its maturity does not fall within the category of dereliction within the statutory such as to bring it within the requirements of statute having regard to dereliction.
4. Commercial Rates has been discharged on this property up to date copy receipt annexed.

5. The building as it stands reflects its maturity which does not constitute dereliction notwithstanding the assertion to that effect set forth in the notice served.
6. The property full complies with the requirements of the Fire Officer with all requisite equipment therein.
7. The property is the subject matter of a protected structure order made by the Waterford City and County Council.
8. Maintenance and conservation works on this property are ongoing.
9. It is submitted that the categorisation of this property as being derelict constitutes an abusive process by the relevant authority.
10. I reserve the right to adduce further and other evidence in this connection as time and circumstances permit and require.

Dated this 13th day of December 2023

Signed/ _____

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Burgery, Dungarvan, Co. Waterford

Secretary
Waterford City & County Council
City Hall
The Mall,
Waterford.
Registered Post
Attn: Audrey O'Mahony

DATE: 13th December 2023
OUR REF: A/A/GOP005007
YOUR REF: DS23212

RE: 21 Church Street, Dungarvan, Co. Waterford.

Dear Ms. O'Mahony,

We have been referred to your letter dated 16th November 2023 posted on 1st December 2023 and now enclose objection to the proposal therein set forth under cover of registered post.

You might acknowledge safe receipt of same in due course.

Objection is made to the proposal to take the course of action proposed in your letter under reply.

We confirm that our client is available to discuss any matters of concern to your authority.

We look forward to hearing from you in due course.

Yours faithfully,
JOSEPH P. GORDON & CO.



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

Our Ref: DS23212

Maher Claire Dalton
21 Church Street
Dungarvan
Co. Waterford

20th January 2025

Subject: Application of Derelict Site Levy in accordance with Section 23(5) of the Derelict Site Act 1990 (as amended)

Derelict Site Levy demand in the sum of €17500



Owner / Reputed Owner: Maher Claire Dalton

Property at: 21 Church Street, Dungarvan, Co. Waterford

Dear Maher Claire Dalton

I refer to the Notice which was issued in relation to your property in accordance with Section 22(3), which was served on the 8/16/2024. Please find the Derelict Site Levy Demand attached for your property at 21 Church Street, Dungarvan, Co. Waterford.

The market valuation and levy calculation have been determined in accordance with Section 22(2) & 22(3) of the Derelict Site Act 1990 (as amended).

Period	Valuation	Total levy due
1/1/2025 to 31/12/2025	250000 multiplied by 7%	€17500

I wish to bring to your attention that under Section 23(8) of the Derelict Sites Act;



'Where an amount of derelict sites levy is due and unpaid for a period beginning two months after the date on which it is demanded, the person liable to pay the amount due shall pay to the local authority concerned simple interest on the amount, calculated at the rate of 1.25 percent for each month or part of a month.'

I would be happy to discuss payment plan options with you and have attached information on the variety of ways payment can be accepted. Please note that under the Derelict Site Act, the levy demand, and any interest due remains a charge on the property.

Yours sincerely

Colette O'Brien

Senior Staff Officer
Planning Section

Waterford City and County Council, City Hall, The Mall, Waterford.

Comhairle Cathrach agus Contae Phort Láirge, Halla na Cathrach, An Meal, Port Láirge

derelictsites@waterfordcouncil.ie

Tel: 0818 10 20 20

www.waterfordcouncil.ie