

Derelict Sites Act, 1990

Report to An Coimisiún Pleanála on proposed compulsory acquisition of Site at Muckno Street, Castleblayney, Co. Monaghan.

Description of derelict site:

Single storey house on 0.7588 Hectares of land on Muckno Street, Castleblayney, Co. Monaghan.

Planning & Ownership History

The property is registered with Land Direct to Hornbuckle Mitchell Trustees Limited of 1a Ghan Road, Carlingford, Co Louth and John Niall Kearney of 1a Ghan Road, Carlingford, Co Louth, since 22nd July 2009.

Also on Land Direct it states:-

No registration under any Disposition for value is to be made by the registered owners, or the survivor of them, except a transfer in sale is to be made.

(See Appendix 1)

Planning permission was granted in 1975 for an extension of dwellinghouse but there have been no planning applications for this site since.

Derelict Site History

30/04/24	An initial survey and inspection by MCC Town regeneration team identified the property as derelict.
14/05/24	Notice pursuant to Section 8(2) issued.
28/08/24	Notice pursuant to Section 8(7) issued.
14/11/24	Notice pursuant to Section 22 issued.
14/05/25	A Levy demand letter was sent to owner.
02/07/25	A reminder Levy demand letter was sent to owner.
22/07/25	Notice of pursuant to section 15(1) issued.
12/08/25	An objection email to the Section 15 notice was submitted by the CS Pringle.

Inspection

An initial inspection was carried out by the town regeneration team on 30/04/24. The site incorporated a single storey property with no windows that appears to have been burnt out some time ago. The property was surrounded by timber hoarding also in poor condition with the surrounding area incorporated overgrown vegetation surrounding the building and the entire site. A second inspection took place 02/07/24, the inspection showed no change in appearance of the property and site from the initial inspection.

A third inspection took place on 01/07/25, still with no change to the appearance of the site and property.



Assessment of Dereliction

Section 3 of the Derelict Sites Act, 1990, as amended 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."*

Having inspected the site on 01/09/25, it is noted that the property is set within an area that is poorly maintained and overgrown. It is considered that the structure remaining is in a ruinous, derelict or dangerous condition particularly in its current inactive state.

Having regard to the above observations from my site inspection, it is considered that subsection (a) as quoted above does apply in this case.

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 land and structure has been left unoccupied and neglected for a considerable time period. The site is visibly neglected and the surrounding public realm is unfinished and 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 is **neglected** as appreciated from the public domain along the streetscape and the private domain of neighbouring properties fronting onto Muckno Street.

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 not substantial **litter, rubbish, debris and waste** to the rear of the site. I therefore consider that the property does not fall within category (c) of Section 3 of the Derelict Sites Act.

With regard to the property and lands falling into category (a) and (b) of the Act there is a requirement to assess that arising from same the property and land 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. On balance I consider that this is so in this case having regard to the prominence of the site within the town streetscape setting, proximity to adjacent occupied properties and its position immediately adjoining town centre and the visual context created by the unkempt nature of the site in a prominent location on a main road entering the town centre detracts significantly, from the visual amenity of the streetscape and from the adjoining residential amenities. Accordingly, I consider that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood.

Objection to compulsory acquisition:

1 objection letter was received in respect of the areas of land subject of the Section 15 Notices of Intention to Compulsorily Acquire (attached in Appendix 2)

Letter received from CS Pringle (on behalf of Niall Kearney) dated the 12th of August 2025 objecting to the notice of intention to compulsorily acquire the property (Section 15 Notices of Intention to Compulsorily Acquire served 22nd July 2025). This objection letter has been the first correspondence received in relation to this site since the derelict site process began with the Section 8 (2) notice served on 14th May 2024.

Objection A

The letter asserts that Dundalk UDC made an error in the mapping of the burden placed on the client's lands includes details that the owners of the site are currently in dispute with Irish Water and CPO proceedings have been issued on the site previously by Irish Water on 29th March 2017 with compensation not yet paid for the site.

Local authority response to Objections Raised:

The current owners have owned this site since 2009, and upon acquiring the site would have been cognisant of the existence of the burden placed on this site (1979). Whilst the owners question the nature of the burden and assert that attempts have been made to remove the burden no action has been taken by the owners and the legal documents clearly indicate that the burden remains in place. It is acknowledged that the roadway to the south of the site is not derelict, to ensure a comprehensive approach to the case the entirety of the site has been included in the Notice.

Current situation:

The most recent site visit was carried out on 1st September 2025. The property remains in a derelict state and is continuing to deteriorate.

The building has a vacant and has a neglected, unsightly and objectionable appearance from the public road and the surrounding area has grubby/dirty appearance and the surrounding site is unkempt.

Photographs of the property attached in Appendix 3.

Conclusion

The Local Authority is proactively pursuing dereliction within the County having developed a policy and procedure relating to ameliorating the dereliction/vacant properties.

The acquisition of the proposed site would present an opportunity for the Local Authority to undertake required remedial works to make the property and surrounding site non derelict and brought back into use

Recommendation:

I, therefore, recommend that the matter be referred to An Coimisiún Pleanála to seek their consent for the compulsory acquisition of this property.

Brian Annon
Executive Engineer
22nd September 2025

A handwritten signature in blue ink, consisting of a stylized 'B' followed by a series of loops and a final flourish.