



Offaly County Council

Policy and Procedure on Derelict Sites



April 2023

Revisions:							
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1. Introduction

Managing dereliction effectively for County Offaly is a key objective for Offaly County Council. Tackling derelict buildings in rural towns is one of the main aims of the Government's new Town Centre First policy that was launched in 2022. The Government is aiming to bring 4,500 derelict buildings back into use by 2026. This ambition is supported by funding mechanisms to assist refurbishing and redeveloping derelict properties around the country. The Regeneration Team will manage and administered these funding mechanisms with cooperation of other Departments in the council.

In addition, the Governments *Housing for All Policy*, Offaly Co Council will deliver on strategies set out in the *Housing for All - Action Plan (Updated Q3 2022)*. These incorporate actions with supporting funding to tackle vacancy, dereliction and create efficient use of the existing housing stock in Co Offaly.

This policy sets out the methods going forward to reduce the level of derelict properties in the county in conjunction with Government polices above. Awareness around the array of funding mechanisms for property owners, will be a key task for the Council to assist the reduction in dereliction in Offaly. The legislative process for dealing with derelict sites and managing the register is laid out in this document along with proactive proposals to reduce dereliction.

The Derelict Sites Act 1990 was enacted in June 1990 provides for more effective arrangements against land dereliction. It repeals the Derelict Sites Act 1961 and restates its relevant provisions thus consolidating the law on derelict sites and provides for an annual levy on certain derelict sites in urban areas.

In Summary, the Act provides for the following:

- Widens the definition of “Derelict Site” so as to include structures which are dwellings and so as to extend somewhat the criteria for dereliction of structures.
- Requires Local Authorities to maintain a register of derelict sites.
- Places a general duty on owners and occupiers of land, including statutory bodies and state authorities, to prevent land from becoming or from continuing to be a derelict site.
- Places a duty on Local Authorities to take all reasonable steps to ensure that land in their functional area does not become or continue to become a derelict site.
- Provides improved enforcement powers for Local Authorities against dereliction, including powers to prevent land from becoming derelict.
- Gives the Minister reserve powers to direct enforcement action by a Local Authority or remedial action in relation to land owned by the Local Authority.

- Enables the Minister to direct any statutory body to dispose of land in their possession which is derelict and not necessary for the performance of their statutory functions.

2. Definition of “Derelict Site”

A “derelict site” means 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 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 statute or common law.

The Local Authority may issue a Derelict Site Warning Letter (*Appendix 6*) to the owner to carry out such works within a particular timeframe as specified in the notice to prevent the structure from being a Derelict Site.

The Environment Section of Offaly Co Council has the responsibility for dealing with all dangerous structures, and will be dealt with under the Local Government (Sanitary Services) Act 1964.

Definition of “Dangerous Structure” under the above act is as follows:

- a) Any building, wall or other structure of any kind, or
- b) Any part of, or anything attached to, a building, wall or other structure of any kind, that in the opinion of the sanitary authority in whose sanitary district it is situate, is or is likely to be dangerous to any person or property.

3. Derelict Sites Register

Under Section 8 of the Derelict Sites Act 1990, Offaly County Council must maintain a Register of Derelict Sites. The responsibility for the Derelict Sites Register in Offaly County Council from January 2023, rests with the Regeneration Section. The Register must include the following:

- a) Particulars of any land in their functional area which, in their opinion, is a derelict site.

- b) The name and address of each owner and occupier, where these can be ascertained by reasonable enquiry.
- c) Particulars of any action taken by the local authority under this Act or under any other enactment in relation to the site.
- d) in the case of land owned or occupied by a local authority, particulars of the use, if any, which is being made of the land and particulars of any purpose for which the land is intended to be used.
- e) Particulars of the market value of urban land as determined by the Local Authority, or by the Tribunal on appeal.
- f) Such other particulars as maybe prescribed.

The Register is available for inspection from the Regeneration Section, Offaly County Council, Áras an Chontae, during office hours and online at:

<https://www.offaly.ie/eng/Services/Planning/Derelict-Sites/>

Before making an entry on the Register, Offaly County Council will give any owner/ occupier, where they can be ascertained by reasonable enquiry, notice of our intention to make such an entry to the Derelict Sites Register by serving a Section 8(2) Notice of Intention to make Entry in the Derelict Sites Register (*Appendix 7*). In addition, consideration will be given to any representations any owner or occupier may make in writing within a particular period specified in the notice. Having regard to these representations, a decision will be taken as to whether the land and / or property will be entered on the Derelict Sites Register.

4. Current Policy & Procedure

Derelict Sites are identified in the following ways:

- a) Complaints received from Members of the public.
- b) Complaints received from Elected Members and Member of the Oireachtas by telephone or writing.
- c) Inspections carried out by Offaly County Council staff.

All complaints will be referred to the Regeneration Section for investigation.

Step 1

- i. Following a report/complaint of an alleged derelict site, a file is opened where all correspondence will be saved.
- ii. A site inspection is carried out by the relevant technical staff member. Any person carrying out a site inspection must be authorised under Section 30(5) of the Act. These staff members may enter on any land at all reasonable times

between the hours of 9 a.m. and 6 p.m. for any purpose connected with the Derelict Sites legislation and may carry out surveys, make plans, take levels etc. The site inspection is to be carried out within 21 days of the report/complaint being made.

- iii. A Standard Site Inspection Report (*Appendix 5*) is completed following the site inspection and an assessment is made outlining if the property is deemed to be derelict or not.
- iv. A check will be completed to determine if the property is a protected structure or in an area of architectural importance. If so, the site will be discussed with the County Conservation Architect/Heritage Officer.
- v. The standard site inspection report is sent to the Senior Executive Officer within the Regeneration Section for review and sign off.
- vi. If the property is found not to be derelict no further action will be taken.
- vii. Following the identification of a derelict site, ownership is established with the relevant agencies e.g. Land Registry, Registry of Deeds etc.
- viii. If the property is found not to be derelict but vacant the Offaly County Council through the Vacant Homes Officer will engage with the owner of the property/site to explore measures to prevent the property/site from continuing to be vacant and raise awareness of the various funding supports available at that time to reoccupy the property.
- ix. If the property is found to be derelict, Offaly County Council may enter into informal dialogue with the owner of the site to explore measures to prevent the site from continuing to be derelict and raise awareness of the various funding supports available at that time.
- x. If no measures are carried out to prevent the site from continuing to be derelict through the informal process in a timely manner outlined by Offaly County Council, the formal process Step 2 commences.

Step 2

- i. Following sign off of the report of a derelict site, it will be sent from the technical staff member who carried out the inspection, to the relevant Administration Staff member in the Regeneration Section.
- ii. The Administrative Staff will send a Memorandum, Chief Executive (CE) Order, Section 8(2) Notice of Intention to make Entry in the Derelict Sites Register (*Appendix 7*), and the inspection report to the Director of Services for review and approval.
Note: If ownership of the property could not be identified, a Section 29 Notice (Appendix 8 - Notice of Obligation to give information to Local Authority) will also be issued with the Section 8(2).
- iii. On receipt of the signed CE Order from the Director of Services, a member of the Administration team will send the Notice via Registered Post to the owners.
- iv. If the owners cannot be identified or the post was returned undelivered, a member of the technical team will affix the Section 8(2) and Section 29 Notices on or near the derelict site.

Step 3

- i. Any person is entitled to make representations within 14 days of the Section 8(2) Notice. Any representations made within the period specified will be considered by the Senior Executive Officer and the LA may either make the entry onto the Register or not, as they think appropriate following the representations.
- ii. If no representations are received another site visit is completed by a technical staff member, a Regeneration Derelict Site Report (*Appendix 11*) will be completed and the property will be entered onto the register if necessary.

Step 4

- i. A C.E. Order will be drawn up by the Administration Staff member ordering that the particulars of said property be entered on the Register. The C.E. Order, Section 8(7) (*Appendix 9 - Notice of Entry in the Derelict Sites Register*) and Section 11 Notices (*Appendix 10*) *Specifying Measures to be taken to prevent Land/Structures from becoming or continuing to be a Derelict Site*) are to be signed by the Director of Services.
- ii. The Section 8(7) and Section 11 Notice will be issued by registered post to the owner by a member of the Administration team and/or erected on site by the technical team as necessary.
- iii. The Derelict Sites Register is updated by the administration team to include all necessary property and ownership details as required. (see Section 3 a-f)

Step 5

- i. A follow-up inspection of the property will be completed once the expiry of the Section 11 notice is reached. If the property remains derelict and where the property is located within an area prescribed as an Urban Land, the Offaly County Council will determine the market value of the land.
- ii. A 7% Derelict sites levy will be issued to the owner for each year the site remains derelict, see section 7.0 below for more details on the levy. The issuing of the levy will be completed by the Administration team.

5. Removal from Derelict Site Register

Offaly County Council shall remove an entry, by use of *Appendix 13*, on the Derelict Sites Register where;

- a) A notice issued by Offaly County Council outlining the steps necessary to render the property non-derelict has been complied with, or
- b) The land has otherwise ceased to be a derelict site.

Offaly County Council may remove an entry from the register where it is considered that the entry is no longer appropriate. Intermittent inspections will be completed on properties that are on the register.

All closed files should be reviewed in order to ensure that records are disposed of in accordance with the Record Management Policy.

6. Enforcement Powers of Local Authorities

Section 11 of the Derelict Sites Act, 1990 enables local authorities to serve a notice requiring measures to be taken by the owner or occupier of land / property to ensure that it does not become or continue to be a derelict site.

The notice will specify the following:

1. specify the measures which the local authority or the Minister, as the case may be, consider to be necessary in order to prevent the land from becoming or continuing to be a derelict site,
2. direct the person on whom the notice is being served to take such measures as may be specified in the notice, and
3. specify a period (being not less than one month) within which such measures are to be taken; The notice shall not have effect until—
 - (i) The expiration of fourteen days from the date of service of the notice, or
 - (ii) If any representations are made under *subsection (3)*, the date on which the Local Authority notifies the person making such representations that they have considered the said representations.

The Minister may:

1. direct a Local Authority to serve a notice under *section 11* , in relation to a derelict site which is included in the register, or
2. direct a Local Authority to take such steps as they consider reasonable and necessary to give effect to the terms of a notice served under *section 11*, or
3. direct a Local Authority to take such steps as may be specified by him/her so as to prevent any land owned or occupied by them from becoming or continuing to be a derelict site,

Offaly County Council must comply with the direction within such period as may be specified by the Minister.

7. Levy on Derelict Sites

The Derelict Sites Act 1990 provides for an annual levy by Local Authorities on all urban land which has been entered into the Derelict Sites Register on the 1st January of that year and where its market value has been determined.

“Urban Land” is defined as a derelict site in an urban area which has been entered on the Derelict Sites Register, other than land owned by the state authority or by a Local Authority within its own functional area. The Minister may prescribe any area not being part of a county or borough, an urban district or a town, to be an urban area for the purpose of the Derelict Sites Act 1990 (see *Appendix 1* for a list of Prescribed Urban Areas in County Offaly).

The derelict sites levy shall be paid by the owner of the urban land to Offaly County Council in whose functional area the said derelict site is situated.

The amount of the derelict sites levy is 7% of the market value of the urban land concerned.

This levy is payable on demand and remains in place until the urban land ceases to be derelict. Continuous site visits will be completed to determine if the site should remain on the derelict register.

The market value of the derelict site is estimated by an authorised person suitably qualified for that purpose on behalf of Offaly County Council. Where Offaly County Council have determined the market value of urban land, it shall enter such particulars in the Register (together with the date of entry in the Register), and serve a Section 22(3) Notice (*Appendix 12*) on the owner of the said land of the valuation or the revised valuation, as the case may be, which they have placed on the said land. The notice shall inform the owner that they may appeal the determination of the market value made by Offaly County Council to the Valuation Tribunal, Floor One, Ormond House, Ormond Quay Upper, Dublin 1 within 28 days of the date of the notice being served. The market value is required to be estimated once every 5 years thereafter by Offaly County Council.

8. Power to Acquire Derelict Site Compulsorily

Offaly County Council may acquire by agreement or compulsorily (*Appendix 14 & 15*) any derelict site situated within their functional area. The required procedures of the Act will be followed if it is determined that the council wish to proceed with CPO of the derelict site.

9. Prosecutions

Any person who contravenes Notices issued under the Derelict Sites Act legislation is guilty of an offence and shall be liable, on summary conviction to a fine and / or imprisonment in accordance with the law and the order of the courts.

10. Proposals

- It is proposed to deliver a coordinated approach to the management of the Derelict Sites Act from a county perspective through the Regeneration Section.
- It is proposed to create awareness of all relevant funding opportunities, for property owners to assist in redeveloping their derelict and vacant properties.
- It is proposed to facilitate a Derelict Site Program based on a street by street, town by town management approach determined by scale and impact of the dereliction on surrounding areas.
- It is proposed, if deemed appropriate to enact the CPO process (*See Figure 1 below*) on certain properties which are amenable to council acquisition.

The following 4 strands are proposed for managing any properties acquired by Offaly County Council see table below.

Strand 1	Strand 2	Strand 3	Strand 4
Internally to Housing Department	Sell on the open Market	Refurbish and sell on the open market	Retain or dispose for community use
Housing Department Funding	Private redevelopment/ remedial works maybe required	URDF (Tullamore town only)	RRDF, TCF, TVR – Main Scheme & Building Acquisition Measure LEADER

- This approach will involve surveying, prioritizing and planning to address those of most serious concern.
- This initiative will be led by the Regeneration Section with the co-operation of the Housing Section, Property Section and Municipal Districts at operational level.
- The importance of existing and future cross Departmental funding schemes to be availed of to assist this approach is required as no capital resources are available currently.
- A specific annual revenue budget provision is necessary to ensure adequate financial resources are secured to facilitate the management and administration of the Derelict Sites Program within Regeneration Team. This program once established has the potential to be self-financing.
- Offaly County Council will continue to inspect properties around the county but members of the public are encouraged to report a derelict site in their town or village by contacting Offaly County Council, The Regeneration Section.
- The Derelict Site Register is available for inspection from the Regeneration Section, Aras an Chontae, Offaly County Council, during office hours and on <https://www.offaly.ie/eng/Services/Planning/Derelict-Sites/>

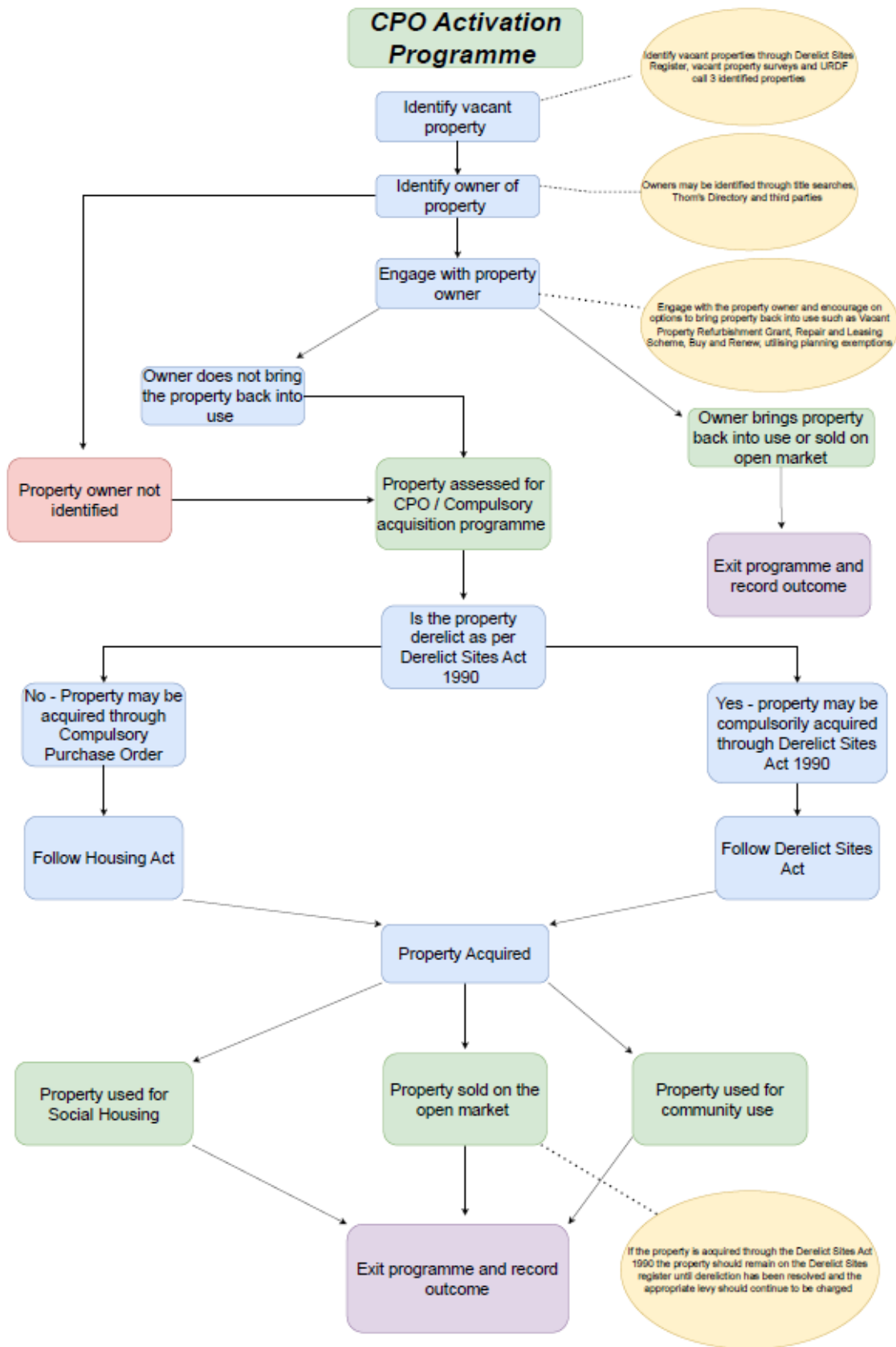


Figure 1 - CPO Activation Programme Steps

APPENDIX 1 – Prescribed Urban Areas in County Offaly

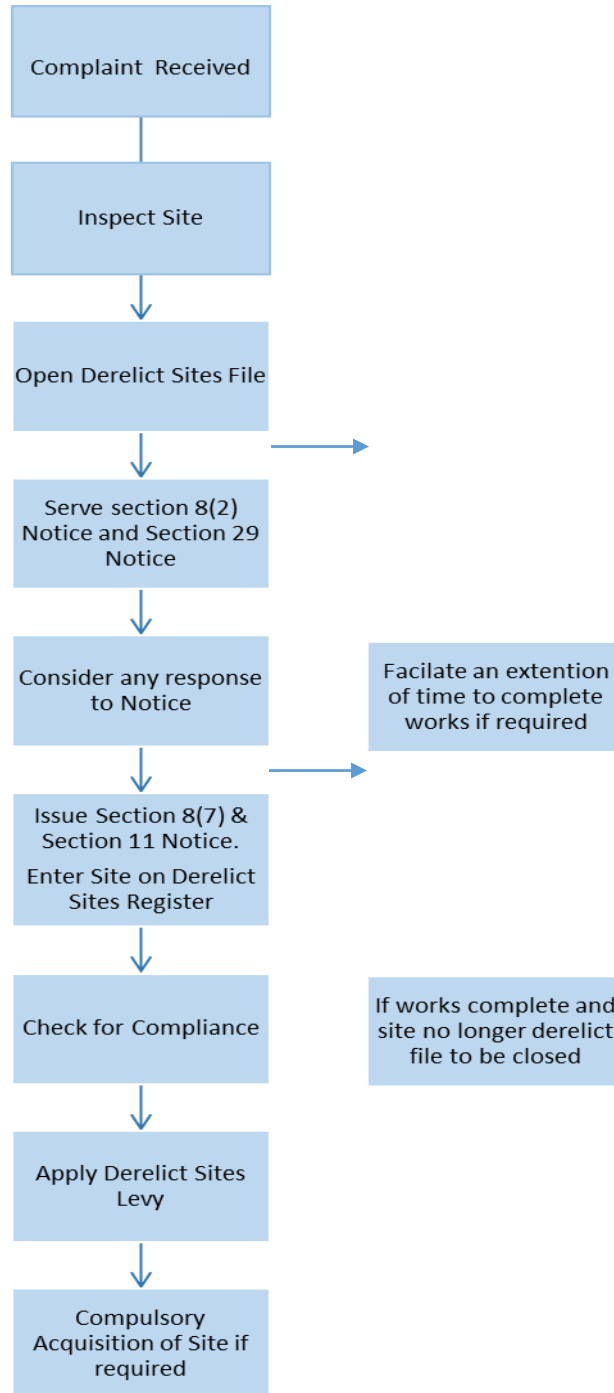
S.I.	Area prescribed as an Urban Area
Offaly 408/1992	<p>The townlands of Cuba, Curraghavarna & Portavola, Feeghs, Kylebeg or Banagher and Lecarrow Glebe or Britannia in the district electoral division of Banagher.</p> <p>The townlands of Clara, Erry (Armstrong), Erry (Maryborough) and Kilcoursey in the district electoral division of Clara.</p> <p>The townlands of Cloghan, Creggan & Glosterboy and Magherabane in the district electoral division of Cloghan.</p> <p>The townland of Moneygall in the district electoral division of Cullenwaine.</p> <p>The townlands of Toberronan and Townparks in the district electoral division of Daingean.</p> <p>The townland of Ferbane in the district electoral division of Ferbane and the townland of Gallen in the district electoral division of Gallen.</p> <p>The townland of Kilmalogue in the district electoral division of Portarlinton North.</p> <p>The townlands of Cloniffeen and Raghra in the district electoral division of Shannonbridge.</p> <p>The townlands of Cloghmoyle and Shinrone in the district electoral division of Shinrone</p>
561/2009	<p>The Townlands of Clonin, Laurencetown, Rathmoyle and Road in the Electoral Division of Ballyburly.</p> <p>The Townland of Ballycumber in the Electoral Division of Ballycumber.</p> <p>The Townlands of Bohernagrisna and Ballybruncullin in the Electoral Division of Bawn.</p> <p>The Townland of Ballindarra in the Electoral Division of Birr Rural.</p> <p>The Townlands of Millgrove, Bracknagh and Ardra in the Electoral Division of Bracknagh.</p> <p>The Townland of Millbrook in the Electoral Division of Cappancur.</p> <p>The Townlands of Clonbulloge, Clonmel and Ballygarrett in the Electoral Division of Clonbulloge.</p> <p>The Townland of Clonygowan in the Electoral Division of Clonygowan.</p> <p>The Townlands of Ballinlough, Coolderry, Curragh and Ballyknockan in the Electoral Division of Ettagh.</p> <p>The Townlands of Glebe East, Geashill, Dalgan, Alderborough, Ballycue, Knockballyboy, Ballydownan, and Ballinagar, in the Electoral Division of Geashill.</p> <p>The Townlands of Ballycollin Lower, Ballybrackan or Ridgemount, Park, Kyleboher, Freagh, Ballybrackan Little, Kilnagall, Kilgolán Lower, and Frankford in the Electoral Division of Kilcormac.</p> <p>The Townlands of Killeigh and Ballinvally in the Electoral Division of Killeigh.</p>

	<p>The Townlands of Rathkeeragan and Mullaghcrohy in the Electoral Division of Killoughy.</p> <p>The Townlands of Lismoney, Ballincurr, The Walk and Castletown and Glinsk in the Electoral Division of Kinnitty.</p> <p>The Townlands of Turraun and Lea More in the Electoral Division of Lea.</p> <p>The Townlands of Faddan More and Bellmount or Lisderg in the Electoral Division of Lumcloon.</p> <p>The Townlands of Loughroe, Tullybeg, Aghadonagh, Newtown, Ballindrinan and Rahan Demesne in the Electoral Division of Rahan.</p> <p>The Townlands of Coolagary and Bunnagappagh in the Electoral Division of Raheenakeeran.</p> <p>The Townlands of Ballintemple, Tooreen, Garrymona and Kilbeg in the Electoral Division of Rathfeston.</p> <p>The Townlands of Rathrobin and Gortacur in the Electoral Division of Rathrobin.</p> <p>The Townlands of Screggan, Mucklagh and Cloghanbane in the Electoral Division of Screggan.</p> <p>The Townland of Clonony Beg in the Electoral Division of Shannonharbour.</p> <p>The Townlands of Pollagh and Lemanaghan in the Electoral Division of Srah.</p> <p>The Townland of Cranasallagh in the Electoral Division of Tinamuck.</p> <p>The Townland of Ballycumber in the Electoral Division of Ballycumber.</p> <p>The Townlands of Bohernagrisna and Ballybruncullin in the Electoral Division of Bawn.</p> <p>The Townland of Ballindarra in the Electoral Division of Birr Rural.</p> <p>The Townlands of Millgrove, Bracknagh and Ardra in the Electoral Division of Bracknagh.</p> <p>The Townland of Millbrook in the Electoral Division of Cappancur.</p> <p>The Townlands of Clonbulloge, Clonmel and Ballygarrett in the Electoral Division of Clonbulloge.</p> <p>The Townland of Clonygowan in the Electoral Division of Clonygowan.</p> <p>The Townlands of Ballinlough, Coolderry, Curragh and Ballyknockan in the Electoral Division of Ettagh.</p> <p>The Townlands of Glebe East, Geashill, Dalgan, Alderborough, Ballycue, Knockballyboy, Ballydownan, and Ballinagar, in the Electoral Division of Geashill.</p> <p>The Townlands of Ballycollin Lower, Ballybrackan or Ridgemount, Park, Kyleboher, Freagh,</p>
577/2012	<p>The Townland of Ballykilmurry in the Electoral Division of Silverbrook.</p> <p>The Townland of Crinkill in the Electoral Division of Birr Rural.</p>
154/2015	<p>All townlands in the Electoral Division of Birr Urban.</p> <p>The Townland of Ardan in the Electoral Division of Tullamore Rural.</p> <p>All Townlands in the Electoral Division of Tullamore Urban.</p>

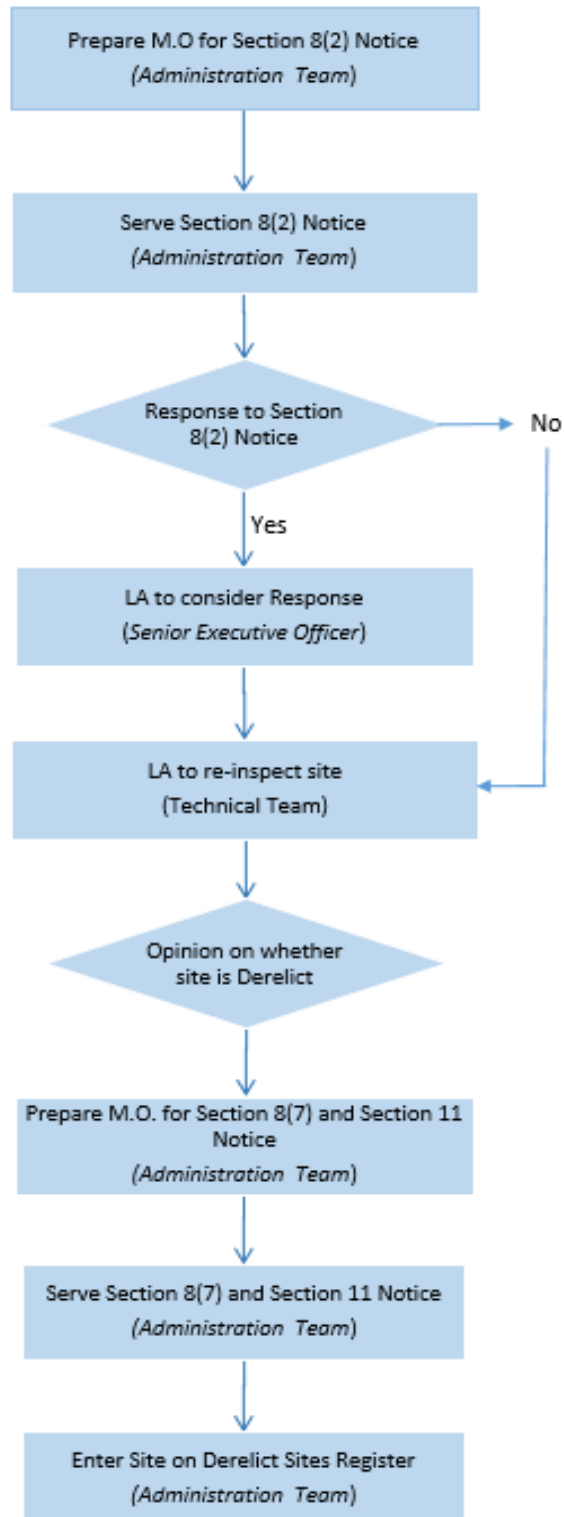
	The Townland of Cloncollog in the Electoral Division of Tullamore Rural.
289/2022	The Townland of Drumcooly in the Electoral Area of Edenderry Rural. The Townland of Edenderry in the Electoral Area of Edenderry Urban. The Townland of Monasteroris in the Electoral Area of Edenderry Urban.

APPENDIX 2 – Overall Flow Chart

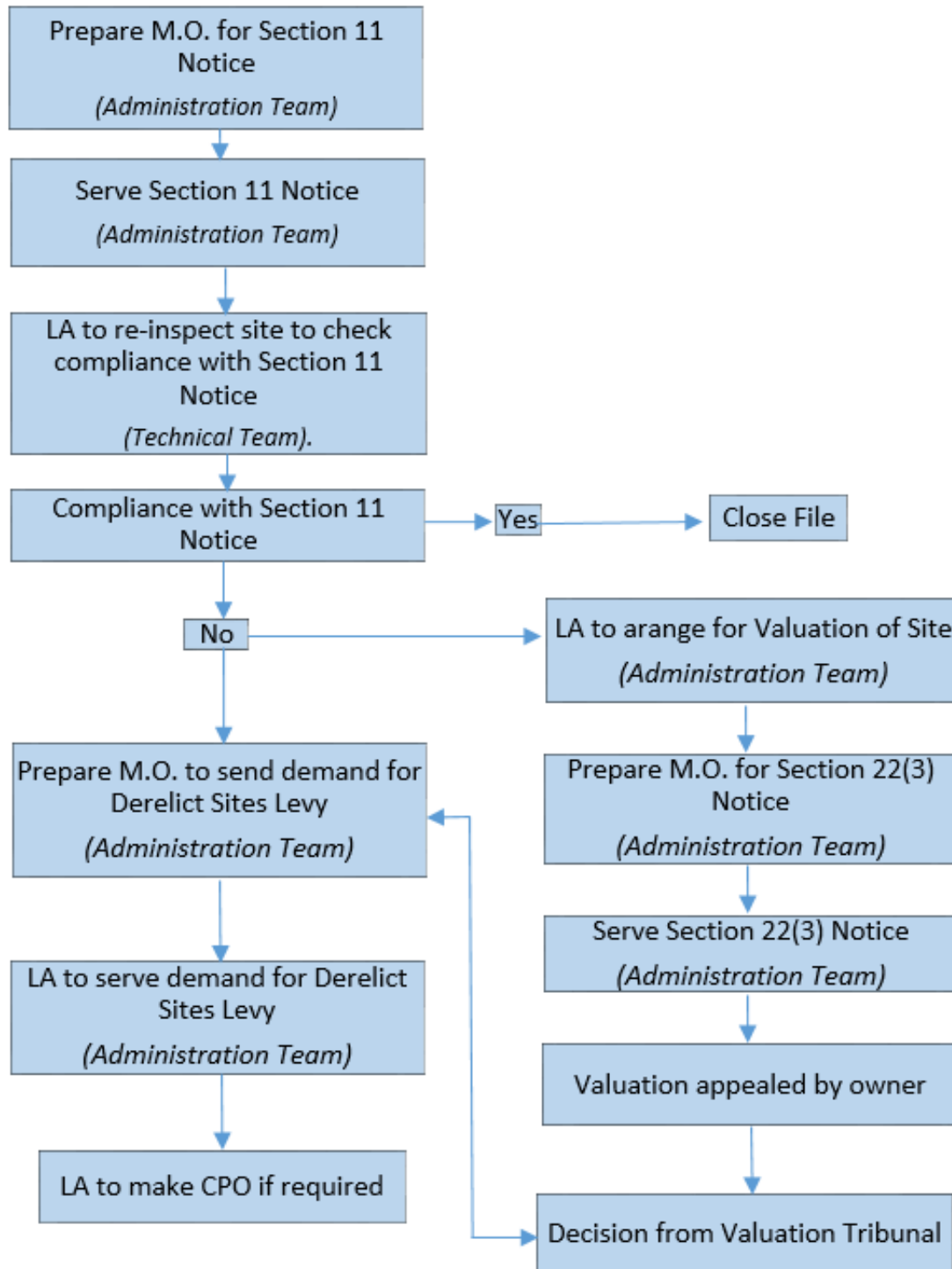
Stage 1



Stage 3
APPENDIX
3 –
Entering
Site on
Register



APPENDIX 4 – Applying Derelict Sites Levy/Compulsory Acquisition



APPENDIX 5 – Standard Site Inspection Report

DERELICT SITES ACT 1990



Certificate of Inspection and Report

Inspection Date:

Property Known as:

Location Address:

Owner/s:

Former Owner/s:

Townland on which site is located:

Is the townland designated as Urban Land?

Is the site located within an Architectural Conservation Area?

Protected Structure or located within the curtilage of a Protected Structure (PS)?

Surrounding Archaeology?

Ref No:

Eircode:

Derelict Sites Act 1990:

Part 1, Section 3 sets out the definition of a “derelict site” which is regarded 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 statute or by common law.

Site Inspection:

Assessment:

Recommendations:

Signed:

Date:

Approved:

Senior Executive Officer

Date:

This report is accompanied by the attached:

- **Appendix 1** – Photos from site visit
- **Appendix 2** – RN Folio details
- **Appendix 3** – The OS Site Location Map

APPENDIX 6 – Derelict Site Warning Letter



An Other
Main St
XXXX,
Co Offaly.

XX XXXX 202X

RE: DERELICT SITES ACT, 1990
Property at Main St, XXXX, Co Offaly.

Dear Sir.

I refer to a site inspection of the above property (photos attached) on the xx October 202X

Can you confirm you are the owner of the above property?

The Council is concerned that the property in question is becoming a derelict site within the definition of Section 3 of the aforementioned act which states that a Derelict Site is: -

“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”

The Council deem that the following works need to be carried out to render the site non-derelict:

- As noted

Unless contact is made with us and plans are put in place, the Council is considering entering particulars regarding these properties in the Register of Derelict Sites in the County, in accordance with Section 8 of the Act and the Derelict Sites Regulations 1990. Please note that lands entered in the Register of Derelict Sites may be liable to an annual levy (7% of the market value of the property) until such time as they are made non-derelict. Levies not paid will become a charge on the land.

You are requested to contact this office within 4 weeks of the date of this letter with your plans for the property.

After this date, having regard to correspondence received, a decision will be made whether or not to enter the property in the Register of Derelict Sites in the county.

There is a high demand for housing in Co Offaly and if the property was habitable and available Offaly County Council could assist in finding clients for these properties.

There are a number of funding schemes available to property owners. Please contact the Vacant Homes Officer for details of above schemes.

Yours faithfully,

Senior Executive Officer
Regeneration

APPENDIX 7 – Section 8(2) Notice



DERELICT SITES ACT 1990, AS AMENDED

SECTION 8 (2)

NOTICE OF INTENTION TO MAKE ENTRY IN THE DERELICT SITES REGISTER

DS/XXX

AN Other
Main St
XXXXX
Co Offaly

RE: DERELICT SITES ACT, 1990, as amended
Property at xxx Street, XXXXX, Co Offaly

Dear Sir,

It is understood that you own “land” (premises) at **Main Street, XXXXX, Co. Offaly (photo and map attached)**. The Council is of the opinion that the land in question is a derelict site within the definition of Section 3 of the above Act which states that a Derelict Site is:-

“Any land which detracts or is likely to detract to a material degree from the amenity, character of appearance of land in the neighbourhood of the land in question”

It is now proposed to enter particulars regarding this property/land in the Register of Derelict Sites in the County, in accordance with Section 8 of the Act and the Derelict Sites Regulations 2000, as amended. Please note that lands entered on the Register of Derelict Sites will be liable to an annual levy until such time as they are made non-derelict. Levies not paid will become a charge on the land.

Please note that the Council will consider any representations made by you in writing **on or before xxth xxx 20XX** on what proposals, both short and long term, you propose to carry out, to make the site/building non-derelict. These proposals should clearly outline the nature and time frame for the improvements. After this date, having regard to such representations, if received, a decision will be made whether or not to make the entry in the register.

There are a number of funding schemes available to property owners. Please contact the Vacant Homes Officer for details of above schemes.

SIGNED: _____

***DIRECTOR OF SERVICES
OFFALY COUNTY COUNCIL***

DATE: _____ day of _____ 202X

APPENDIX 8 – Section 29(1) Notice (Provide more information)



DERELICT SITES ACT 1990

SECTION 29(1) NOTICE

OBLIGATION TO GIVE INFORMATION TO LOCAL AUTHORITY

In accordance with Section 29(1) of the Derelict Sites Act 1990, you are required to provide the particulars sought below on or before XX XXXX 202X (not less than 14 days after being so required).

Name of Person supplying information?

Description of property in respect of which information is supplied.

Are you an occupier of the premises?

If information supplied as owner, please state: (a) Names(s) and address(s) of the person(s) from whom you receive rent in respect of the premises, if you do not occupy same.

(b) Whether such person(s) is/are in occupation of the premises

(c) How you hold the premises

(d) If you do not hold the fee simple, please state the name(s)

and address(s) of the person(s) to whom you pay rent known to you have superior interest in the premises.

-

(e) _____ Give name and address of any person who may hold a mortgage on charge against your interest in the premises

_____ Name(s) and address(s) of any other person (other than the persons named by you in previous answers) who are known to have an interest in the premises whether as Owner, Lessee, Mortgagee, or otherwise.

_____ Name and address and Phone No. of person who can be contacted to arrange for entry to the premises.

_____ Dated this _____ day of _____ 202X DSR Ref _____

Signed: _____ Dated _____

Address: _____

The completed particular shall be returned to Regeneration Section, Offaly Couty Council, Áras an Chontae, Charleville Road, Tullamore, Co Offaly

Or alternatively by email to [XXXX](#)

Please note that any person required to give this information and either fails to do so within the time appointed or knowingly provides false or misleading information shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding

APPENDIX 9– Standard Section 8(7) Notice



DERELICT SITES ACT 1990

SECTION 8 (7)

NOTICE OF ENTRY IN THE DERELICT SITES REGISTER

DS/

XXX
XXXXX
Main St,
XXXX
Co Offaly

Notice under section 8 (7) of the Derelict Sites Act, 1990 of **Intention** to make an entry on “the Derelict Sites Register” in respect of the property set out in the schedule hereto.

Notice is hereby given to you as the owner/occupier of a derelict site that the following entry has been made in the Derelict Sites Register in relation to the lands described in the Schedule hereunder.

SCHEDULE:

All those lands situated at **xxx Street, XXXXX Co Offaly** consisting of a Derelict Site as referred to in the Notice under Section 8(2) which was issued on **xth XXXXX 202X** and shown outlined in red on map attached herewith

Signed: _____
DIRECTOR OF SERVICES
OFFALY COUNTY COUNCIL

Dated: _____ day of _____ 202X

APPENDIX 10 – Section 11 Notice



NOTICE UNDER SECTION 11 OF THE DERELICT SITES ACT 1990

SPECIFYING MEASURES TO BE TAKEN TO PREVENT LAND/STRUCTURES FROM
BECOMING OR CONTINUING TO BE A DERELICT SITE

DS/XXX

AN Other
xxxx St,
XXXX
Co Offaly

TAKE NOTICE that **Offaly County Council**, the Local Authority for the functional area in respect of which the lands / structures set out in the Schedule here to (hereinafter called “the Land in question”) is located is of the opinion that the said land / structures is a Derelict Site within the meaning of the Derelict Sites Act 1990 in that it detracts to a material degree from the amenity, character or appearance of land in the neighbourhood because of:

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

OR

The neglected unsightly or objectionable condition of the land or any structures on the land in question

OR

The presence, deposit or collection on the land in question of litter, rubbish, debris or waste.

The Council hereby require the measures specified to be carried out by you as owner / occupier of the land in question within the time specified in the Schedule to prevent the land in question from becoming or continuing to be a Derelict Site.

As Owner / Occupier you may within **14 days** from the date of the service of this Notice make representations in writing to the Council concerning the terms of this Notice and having considered such representations The Council may amend or revoke the Notice.

This Notice shall take effect 14 days from the date of service or in the event of representations being made by you in respect of the Notice, on the date on which you are notified of the Councils response to the said representations.

If you fail to comply with this Notice, or the Notice as amended following representations made by you, the Council are entitled under the provisions of Section 11 of the Derelict Sites Act 1990 to enter the land in question and to take the measures specified in the Schedule hereto and to recover the cost thereof against you as a simple contract debt in any Court of competent Jurisdiction.

Failure to comply with this Notice is an offence.

SCHEDULE

Description of Property

WHEREAS the property as highlighted in red on the attached location map in the functional area of Offaly County Council of the County of Offaly (hereinafter called 'the Local Authority') is in the opinion of the Local Authority a Derelict Site within the definition contained in Section 3 of the Derelict Sites Act, 1990 (No. 14 of 1990).

This site is located at:

XXXXX
xxxx St,
XXXX
Co Offaly

Short Term Measures required to be taken

- As Noted

The above measures are to be carried out by xxx xxxxx 202X

There are a number of funding schemes available to property owners. Please contact the Vacant Homes Officer for details of above schemes.

Date of this Notice day of 202X

*DIRECTOR OF SERVICES
OFFALY COUNTY COUNCIL*

APPENDIX 11 – Derelict Site ADDED to Register



REGENERATION Derelict Site Report

FILE REF: DS XXXX

SUBJECT: DERELICT SITES ACT 1990, AS AMENDED

Derelict Site at Main St, XXXXX, Co Offaly

ATTACHED: Derelict Sites Report dated _____ approved by The Authorised Person, under the Derelict Site Act 1990, to enter site onto Derelict Register List

RECOMMENDATION: - To Senior Executive Officer.

That, the entry in the Derelict Sites Register in respect of the following site be added to the said Register under Section 8(7) of the Derelict Sites Act, 1990, as amended:

Ref: DS xxx Derelict Site at xxxx St, XXXXX, Co Offaly

Signed: _____ Date: _____

*Authorised Person
Regeneration Section*



Derelict Site Report for site to be ADDED.

FILE REF: DS XXX

CONTACT: AN OTHER,
Main St,
XXX
Co. Offaly

SITE ADDRESS: AN OTHER,
Main St,
XXX
Co. Offaly

DATE OF SITE INSPECTION: xxth xxxxxxx, 202X

BRIEF SITE DESCRIPTION:
As required

PLANNING HISTORY:
As required

ASSESSMENT:
As required

The Council is concerned that the property in question is a derelict site within the definition of Section 3 of the aforementioned act which states that, a Derelict Site is: -

“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”.

RECOMMENDATION:

I recommend that a letter is issued to AN OTHER stating that the site is a derelict site and that the following works need to be carried out to render the site non-derelict.

- As required

XXXX

Town Regeneration Officer

3rd October 20

APPENDIX 12 – Section 22(3) Notice



Notice under Section 22(3) of the Derelict Sites Act 1990, as amended

AN Other
Main Street
XXXX
Co. Offaly

DS/ xxx

XX XXX XXX

I refer to property at xxx Street, XXXX Co. Offaly details of which were entered in the Derelict Sites Register on xxth XXXX 2023.

The Council has had the property valued for the purposes of charging the Derelict Sites Levy, as prescribed by Section 23 of the Act. This levy will be seven per cent of the market value of the property per annum.

The Council has determined the market value of the property at €xxx,xxx thus incurring a levy of €x,000 per annum, such amount being payable on demand.

You may appeal the market value of this property as determined by the Local Authority to the Valuation Tribunal: visit the Tribunal's web-site at <http://www.valuationtribunal.ie>. This appeal must be made within 28 days of the date of this notice.

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, interest at the rate of 1.25% for each month or part of a month of the period is chargeable. The amount of the levy and the interest due and payable there on shall, on the date on which it becomes so due and payable, become and shall remain until payment thereof, a charge on the relevant land/property.

The Council intends to demand payment of the levy on the expiry of the period of 28 days for making an appeal in relation to the Council's determination or, if an appeal is made, as soon as may be on being notified by the Valuation Tribunal of its decision.

There are a number of funding schemes available to property owners. Please contact the Vacant Homes Officer for details of above schemes.

*Senior Executive Officer
Regeneration Section*

APPENDIX 13 – Derelict Site REMOVED from Register



REGENERATION Derelict Site Report

FILE REF: DS XXXX

SUBJECT: DERELICT SITES ACT 1990, AS AMENDED

Derelict Site at Main St, XXXXX, Co Offaly

ATTACHED: Derelict Sites Report dated _____ approved by The Authorised Person, under the Derelict Site Act 1990, to enter site onto Derelict Register List

RECOMMENDATION: - To Senior Executive Officer.

That, the entry in the Derelict Sites Register in respect of the following site be *removed* from the said Register under Section 8(7) of the Derelict Sites Act, 1990, as amended:

Ref: DS xxx Derelict Site at xxxx St, XXXXX, Co Offaly

Signed: _____ Date: _____

Authorised Person
Regeneration Section



Derelict Site Report for site to be REMOVED.

FILE REF: DS XXX

CONTACT: Offaly County Council
Charleville Road
Tullamore
Co. Offaly

SITE ADDRESS: Main Street
XXXXX
Co. Offaly

DATE OF SITE INSPECTION: xxnd xxxxx 202X

ASSESSMENT:

As Noted

OR

As Noted

OR

As Noted

I also note that this property was entered onto the Derelict Sites Register on the xxth xxxxx, 20xx.

RECOMMENDATION:

I recommend that the case shall be closed and removed from the Derelict Site Register.

XXXX
Senior Executive Officer
Xx, xxxxxx, 202X

APPENDIX 14 – Compulsory Acquisition – Notice of Intent

To Serve Notice of intent to Acquire Derelict Site
Compulsorily under Derelict Sites Act, 1990

Memo to Director of Services

CEOs

Letters to registered Owner and all interested parties.

Notice erected at Property.

Notice to Advertise in local Papers.

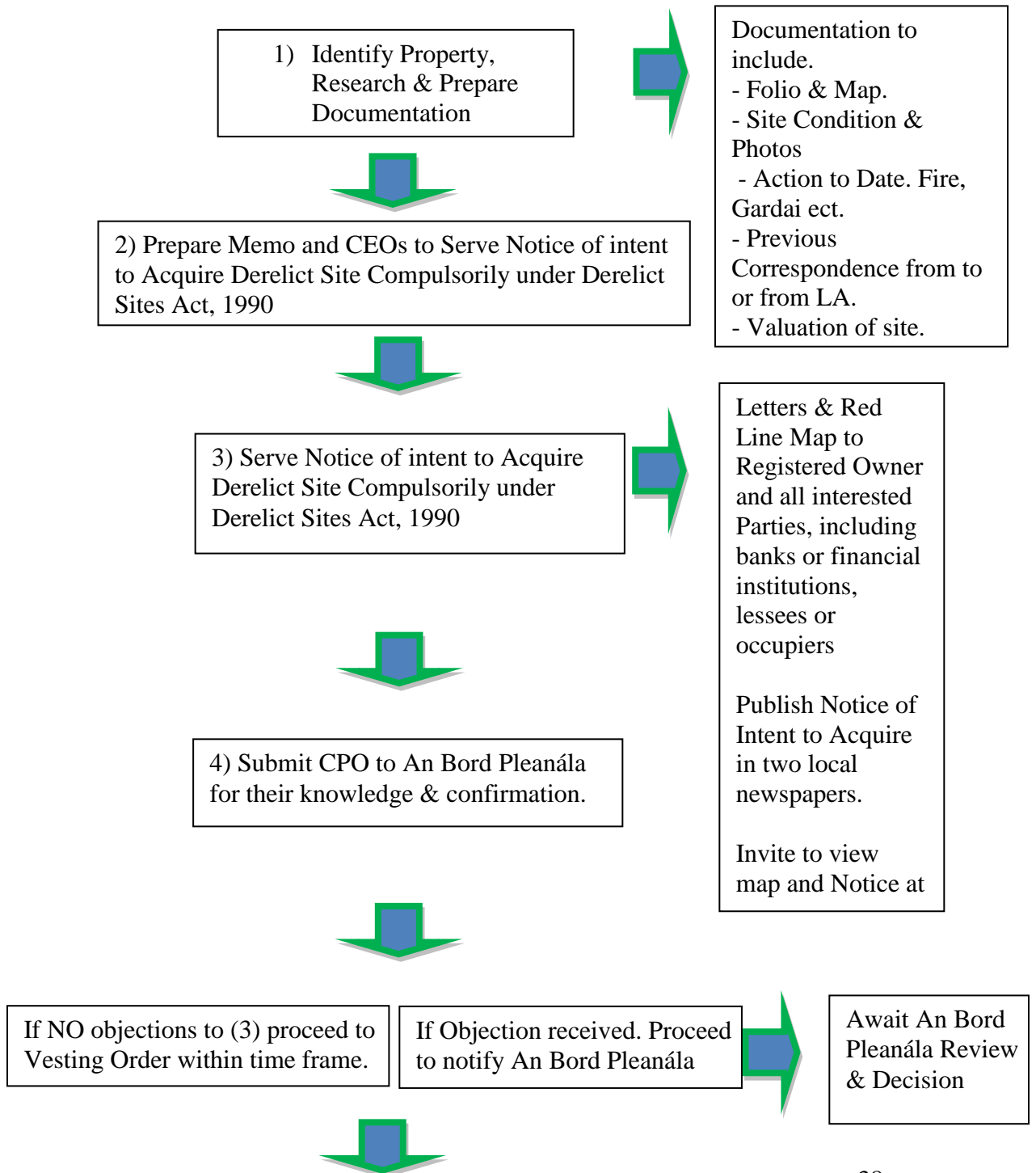
APPENDIX 15 – Compulsory Acquisition – Notice of Vesting Order

To Serve Notice of Section 17 Making of Vesting Order,
Derelict Sites Act, 1990

- Memo to Director of Services
- CEOs
- Letters to Owners and all interested parties.
- Notice erected at Property.
- Notice to Advertise in local Papers.
- Vesting Order.

APPENDIX 16 – Compulsory Acquisition Procedure Flowchart

Derelict Sites Flow Chart Stage 4- Compulsory Purchase Acquisition. CPO



5) Prepare Memo and CEOs to Serve Notice of Section 17, Making of Vesting Order Derelict Sites Act, 1990



6) Serve Notice of Making of Vesting Order under Section 17, Derelict Sites Act, 1990



This includes Letters & Red Line Map to Registered Owner and all interested Parties, including, banks or financial institutions, lessees or occupiers

Publish Notice of Intent to Acquire in two local newspapers.

Invite to view map and Notice at Aras an Chontae.



6) Serve Notice of Making of Vesting Order under Section 17, Derelict Sites Act, 1990



7) Signing and Sealing of Vesting Order and Map



8) Register Property with Land Registry



9) Deal with Compensation. Any owner or interested party has 12 months from date of Vesting Order to seek compensation.