

# **Monthly Meeting of the Municipal District of Cappamore-Kilmallock**

**17<sup>th</sup> October 2024**

## **Dereliction and Activation Programme Update**

**Property Management Department  
Rural, Community & Culture  
Development Directorate**

# Policy Context

## ***Housing for All*** **Pathway 4 - Addressing Vacancy and Efficient Use of Existing Stock**

### 4.3 Launch a CPO Programme for Vacant Properties

*“The objective will be for Local Authorities to acquire at least 2,500 vacant units by 2026 and present them to the market for sale.”*



## **Policies and Plans guiding Activation of Derelict Sites and Vacant Homes**

- Vacant Homes Action Plan
- Town Centre First – A Policy Approach for Irish Towns
- Our Rural Future - RRDF
- URDF Call 3 (Metro + NCW)
- Housing Agency – Guidance on acquiring properties compulsorily
- Croí Conaithe - Vacant Property Refurbishment Grant

# Definition of a Derelict Site

Section 3 of **The Derelict Sites Act, 1990 (as amended)**, defines a derelict site as any land which:

*“detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of :-*

- *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 of structures on it, or*
- *The presence, deposit or collection of litter, rubbish, debris or waste...*

# Frequently Used Sections of the Derelict Sites Act, 1990

**Under the Act, local authorities follow standard operating procedures to:**

- Serve notices on owners requiring remedial works to be carried out
- Charge a financial levy
- Compulsorily acquire land

- *Section 8(2)      Notice of Intention to enter land in Derelict Sites Register*
- *Section 8(7)      Notice of Entry of land in Derelict Sites Register*
- *Section 8(4)      Removal of Derelict Site from the Register*
- *Section 11        Works required to be carried out on site*
- *Section 15        Notice of intention to Acquire Compulsorily*
- *Section 17        Vesting Order*
- *Section 22        Notice of Valuation*
- *Section 23        Demand for payment of Derelict Sites Levy*

# **Derelict Sites may be identified in the following ways:**

- A complaint made by a member of the public, a local community group or through elected representatives,
- A vacant/derelict home is identified by the public through the website [www.vacanthomes.ie](http://www.vacanthomes.ie) ,
- Ongoing surveys of vacant homes and derelict sites completed by an Inspector / Authorised Person of Limerick City & County Council.

# Responsibilities

The Derelict Sites Act, 1990 (as amended), states that it is the **duty of every owner and occupier** of land to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site.

The Act also states that it shall be the **duty of a local authority** to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any land situate in their functional area does not become or continue to be a derelict site.

# Activation By Engagement

- LCCC approach is to first engage with owners/occupiers to resolve the dereliction
- Some owners will respond and engage with the Council to solve the dereliction and return the property to productive use
- Where the owner has not resolved the dereliction, and as a last resort, the Council may consider the case for compulsory acquisition.



## **Derelict Sites Register**

The Council must maintain a register known as the *Derelict Sites Register*.

When land is entered in the Register a market value is determined by the Council in order to charge a Derelict Sites Levy.

## **Derelict Sites Levy**

The levy is effective from the 1<sup>st</sup> January of the next financial year and amounts to 7% of the determined market value. It is charged as long as the property is in a derelict state.

## **Solving Dereliction**

Some owners will engage with the Council to solve the dereliction and return the property to productive use without statutory notices being served. Many owners utilise the Vacant Property Refurbishment Grant or SEAI Grants to do this.

## **Removal from the Register**

A local authority shall remove an entry from the Register where the owner / occupier has taken action to solve the dereliction and the land has otherwise ceased to be a derelict site.

# Compulsory Acquisition

- Section 14 of the Derelict Sites Act, 1990, provides that a local authority may acquire compulsorily a derelict site within their functional area.
- This may arise after encouraging the owner (if engaging) to deal with the matter – carry out works, apply for planning permission, sell the property – but they fail to do so.
- Cases on the Register are reviewed regularly to consider escalation to this stage. A key consideration is: “Will more time resolve the matter?” This taken on a case by case basis.
- A Section 15 Notice can be served on the owner/occupier of the Council’s intention to acquire the site compulsorily.
- Where an objection to the Notice is received from an Owner, consent to the acquisition must be sought by the Council from An Bord Pleanála.

# Vesting

- Where no objection is received to the section 15 Notice, or an objection is withdrawn by the owner, or consent is granted by ABP following owner's objection, the property may be vested in the Council by Order and Notice under Section 17/18 of the Act
- The Vesting Order has the effect of making the site "*free from encumbrance and all estate, rights, title and interests of whatsoever kind*"
- LCCC approach is not to delay in vesting the derelict site. In some cases delays occur in gaining access to complete surveys to create accurate vesting maps

# **Prioritise Activation - Managing & Disposing of property**

- Section 20 of the Act provides that a local authority may use any derelict site acquired under this Act for any purpose connected with its functions.
- Property activation is the key priority and all options will be explored to ensure this happens

# Cappamore-Kilmallock Municipal District

## Jan 2022 – end September 2024

### Key Outcomes:

- 228** Notices served under the Derelict Sites Act 1990
- 83** Properties added to the Derelict Sites Register
- 54** Properties removed from the Derelict Sites Register
- 70** Properties currently on the Derelict Sites Register
- 17** Properties proposed for Compulsory Acquisition
- 16** Properties vested in the ownership of the Council
- 9** Properties sold on the open market
- 4** Properties on the market / being prepared for sale

# Positive Outcome with Owner Engagement Ballylanders

Before



After





# Positive Outcome with Owner Engagement Pallasgrea

**Before**



**After**





# Positive Outcome with Owner Engagement Kilmallock

Before



After



# Positive Outcome with Owner Engagement Bruff

**Before**



**After**



# Positive Outcomes with Owner Engagement

## Renovation underway: Cappamore

Before



Now





# Compulsory Acquired & Vested under Section 17 of the Derelict Sites Act 1990

**Lower Main Street, Kilfinane**  
**(Vested July 2024, prepared for sale)**



**Water Street, Bruree**  
**(Vested July 2024, prepared for sale)**



# Compulsory Acquired & Vested under Section 17 of the Derelict Sites Act 1990

**Wolfe Tone St, Kilmallock**

**Vested March 2024, transferred to Housing**



**Main Street, Cappamore**

**Vested December 2023, prepared for sale**





# Compulsory Acquired & Vested under Section 17 of the Derelict Site Act 1990

**Main Street, Bruff**  
**Vested Oct 2021, sold to new owner**



**Inglenook, Bruff**  
**Vested March 2023, sold to new owner**



# Compulsory Acquired & Vested under Section 17 of the Derelict Sites Act 1990

**The Square, Galbally**  
**Vested July 2023, for sale**



**Oola Hills West, Oola**  
**Vested July 2023, sale agreed**





## Section 17 Notice

# Compulsory Acquired under Derelict Site Act 1990

### Main Street, Bruff.

Transferred to the Rural Limerick Housing Development (RLHD) programme and was renovated, now for sale on open market.





# **RLHD - Main Street, Bruff.**

A-Rated family home now for sale on the market.



# Section 8(7) Notice

## Cases entered in the Derelict Sites Register

Sarsfield Street, Kilmallock

Sarsfield Street, Kilmallock





# Cases entered in the Derelict Sites Register

**Moore Street, Cappamore**



**Orr Street, Kilmallock**



# Cases entered in the Derelict Sites Register

**Toher Road, Doon**



**Ballyorgan**



# Vacant Property Refurbishment Grant

- Addressing vacancy and dereliction is a key part of ***Housing for All***, the Government's Housing Plan, set out in the context of Pathway 4 on 'Addressing Vacancy and the Efficient Use of our Existing Stock'.
- The Croí Cónaithe Towns Fund is a key initiative that underpins the policy objectives and the **Vacant Property Refurbishment Grant** is a part of this initiative.
- Grants of up to **€50,000** may be made available to refurbish vacant homes for occupation as a **principal private residence** or to make available to the **private rental** market.
- Where the refurbishment costs are expected to exceed the standard grant of €50,000, a further maximum amount up to **€20,000** may be available where the applicant confirms that the property is derelict (i.e. structurally unsound and dangerous). Must be quantified by formal report from an independent qualified professional.

# VPRG Applications by status in Cappamore-Kilmallock MD up to 10<sup>th</sup> Oct 2024

APPLICATION STATUS	TOTAL	C-K
Applications Approved	226	61
Applications Withdrawn	32	13
Applications Rejected	12	2
Applications In Progress	32	13
Applications Paid	60	11
<b>TOTAL:</b>	<b>443</b>	<b>122</b>

- **Reasons for rejections/withdrawn:** property is not vacant 2 years, property is agricultural in nature, works already completed, excess demolition not in keeping with the spirit of the scheme, applicant decides to withdraw, information not received in reasonable time.
- **Reasons for delays in application approval :** supply of correct documentation - ownership, proof of vacancy, detailed works quotations, engineer's report, LPT and TCC, confirmation that work is permitted/exempted under the Planning Acts



## **Derelict Sites case closed following owner engagement – Owner benefits from Vacant Property Refurbishment Grant**

### **The Square, Galbally**

**Before Works**



**After Works**



# VPRG Bruff - Before Renovation Works





# VPRG Bruff - After Renovation Works



# Thank You

## **Property Management Department**

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