

## **PROCEDURE**

### **Derelict Sites - Galway City Council**

#### **PURPOSE**

To set out the procedure for the investigation and reporting of Derelict Sites for the purposes of removing dereliction in Galway City.

#### **DEFINITION**

For the purposes of this Procedure a derelict site is defined 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 ruinous, derelict, or dangerous condition, or
- The neglected, unsightly or objectionable condition of the land or any structure on the land in question, or
- 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 by common law.

#### **SCOPE**

The Act puts a duty on every owner and occupier of land, including a statutory body and a State Authority, to take all reasonable steps to ensure that the land does not become or continue to be a derelict site.

#### **RELEVANT DOCUMENTATION**

The Derelict Sites Act 1990

The Derelict Sites Act 1990 revised 19<sup>th</sup> December, 2018 (administrative consolidation of the Derelict Sites Act 1990)

#### **RESPONSIBILITIES**

The Director of Climate Change, Environment, Recreation and Amenity Directorate is responsible for the implementation of this procedure.

#### **PERFORMANCE**

Galway City Council Environment staff and Community Wardens will perform the tasks outlined in the procedure.

## **RECORD KEEPING**

The keeping of records will be maintained as follows:

A Derelict Sites file will be given an appropriate file reference name and number. The following non-exhaustive list of items to be kept therein:

1. Record of initial complaint of derelict site;
2. Report on initial investigation plus photographs;
3. Recommended action taken;
4. Correspondence to any company/persons concerned (including in-house correspondence);
5. Notes of telephone conversations and other investigations pertaining to the derelict site;
6. Land registry certificate and site location map;
7. Copies of all official notices served;
8. Copies of all Chief Executive Orders prepared in respect of notices;
9. Details of valuation;
10. Any documentation pertaining to court proceedings that may be instituted.
11. Final Report on Derelict Site;
12. Close out of the Derelict Site;

**Notes:** Digital photographs will be taken and uploaded onto the relevant folder on the shared directory: [s/environ/derelict sites](#)

## **PROCEDURE**

- Complaint or report of derelict site received by Environment Section, or site identified by Galway City Council personnel during the course of other inspections or duties.
- A site inspection is carried out, and photographs taken of the property.
- If the complaint is deemed valid, a Derelict Site (DS) reference number is assigned to the site/property, and a file is opened.
- A report of the site inspection is prepared. The report will detail the location, condition of the site, owner details if known, current planning permissions (if any) on the site, extent of works required to remove the dereliction, and recommendations. A map showing the location, O.S reference, Townland and Electoral Division will be included.

- Where the ownership cannot be ascertained, a land registry search will be carried out of the site.
- An initial letter will issue to the property owner advising that the property has been identified as being derelict or potentially derelict, and requesting their proposals to address the dereliction. A period of one month shall be given for a written reply to the initial letter.
- Where no communication is received from the owner and no works carried out to address the dereliction, a follow up letter will issue, outlining the works deemed necessary to render the property non-derelict.
- Where no reply to the previous correspondence is received, and where the site continues to be derelict, a formal notice under Section 8(2) of the Act will be served on the owner. This is a notice of intention to enter the site on the Derelict Sites Register. A period of 1 month shall be allowed for representations to be made in respect of the property, before any entry shall be made.
- A notice under Section 8 (7) notice shall be served on the owner – this is a formal notification on the owner advising that the property has been entered onto the Derelict Sites Register. The register is updated manually & electronically. The Register is also updated on Galway City Council’s website.
- Consideration will be given to representations from the owner.
- Where the property continues to remain derelict, a notice under Section 11 of the Act shall be served on the property owner – this is a formal notice specifying the measures deemed necessary to render the property non-derelict within a specified time, being not less than one month after the notice takes effect. A period of 14 days following the serving of the notice shall be allowed for representations from the owner. Copy of notice sent to Planning Department for their information.
- Following the period specified in the Section 11 notice for carrying out the works, a re-inspection of the property shall be carried out and a report prepared on the findings
- Following an entry onto the Derelict Sites Register, a valuation of the property may be carried out to determine the market value in accordance with Sections 22 (1) and 22(2) of the Act.

- The particulars of the valuation shall be entered on the register in accordance with Section 22(3) of the Act, and a notice shall be served on the owner of the property detailing the valuation.
- Valuations shall be reviewed at least once every 5 years from the initial property valuation.
- A levy of 7% of the market value shall come into effect from the first day of January following the valuation & issue of Section 22 notices.
- Where the site remains derelict and no efforts have been made to address the dereliction, Environment Staff will liaise with the City Council's legal representatives with regard to instigating legal proceedings against the owner for non-compliance with the Section 11 notice.
- Where no efforts are made to carry out the works outlined in the Section 11 notice, an offence will be deemed to have been committed and prosecution proceedings will commence.
- Where works have been carried out to the satisfaction of the City Council to address the dereliction and where a property is no longer deemed derelict, the property shall be removed from the Derelict Sites Register. The register is updated manually & electronically i.e the entry is removed.

All official notices are issued by Registered Post.