



AN BILLE RIALTAIS ÁITIÚIL (LÁITHREÁIN THRÉIGTHE A CHOSC AGUS A RIALÚ), 1988

LOCAL GOVERNMENT (PREVENTION AND CONTROL OF DERELICT SITES) BILL, 1988

EXPLANATORY MEMORANDUM

The purpose of this Bill is to deal with the proliferation of derelict land and the effect it has on the appearance and condition of streets and neighbourhoods.

Whilst it is accepted that there are often difficulties and delays in site assembly for re-development purposes nonetheless owners in such situations should be obliged to maintain their land in such a condition that it does not seriously detract from the amenities or appearance of its neighbourhood.

Unfortunately it appears that the owners of derelict land are, in many cases, themselves public authorities.

The Bill sets out to tackle the problem of dereliction in two ways:—

—By obliging each planning authority to compile a register of derelict land in their area and empowering them to enforce requirements that such land be rendered non-derelict (including, where appropriate, the carrying out of any necessary works themselves),

—By introducing a new system of establishing the market value of all derelict sites and imposing a special rate based on such value so as to encourage the early re-development of the site.

Thus local authorities would be armed with two new and effective weapons to combat dereliction.

Firstly they could serve a notice on the site owner requiring work to be done to make the site non-derelict and, failing compliance, could enter on the site and carry out the work themselves with power to recover the costs. Maximum fines, which may be increased by regulation, of £1,000 or up to six months imprisonment, are provided for non-compliance with a notice requiring work to be done.

Secondly the present system whereby derelict site owners can have their liability to rates remitted would be scrapped and, instead, a new (and progressively penal) system of rates based on market value would be introduced for all such sites. Thus it would no longer be in the interest of site owners to delay the task of re-development.

In cases where the site is owned by a public authority the Minister for the Environment would have the power to direct the authority to dispose of the site if satisfied that it was unlikely to be needed by the authority within a reasonable period (*section 7*).

Where the Minister felt that a planning authority was not effectively utilising its powers under this measure he would have powers to reduce the Rate Support Grant to that authority (*section 10*) and, where the Rating Authority was itself the owner of the offending property, the Minister could penalise the authority by deducting the equivalent of the new rates leviable on the property from the Rates Support Grant to that authority (*section 20*).

The following sets out the effect of the various sections:

Sections 1 and 11 are interpretation sections.

"Derelict land" is defined in *section 2*. An obligation to establish a register of derelict land within one year of the passing of this measure and to keep it up to date and available to the public and the Minister is imposed upon Planning Authorities by *section 3*.

Section 4 places a duty on owners and occupiers of land to ensure that it does not become derelict land. It will apply to land owned or occupied by a statutory body (including a Government Department or a local authority) as well as to land owned or occupied by other persons. Under *subsection (2)* it will be the duty of the planning authority to secure that the requirements of *subsection (1)* are met.

Section 5 enables a planning authority to require measures to be taken by the owner or occupier in order to prevent or eliminate derelict land. If the specified measures are not taken within the period mentioned in the notice, the planning authority may under *subsection (5)* carry out the works themselves and recover the costs incurred from the owner. Under *subsection (6)* works specified in the notice will be exempted development and will not therefore require planning permission. The section is intended to replace sections 2 to 5 of the Derelict Sites Act, 1961 by a more simple procedure and will allow action to be taken in cases not covered by the 1961 Act.

The Minister will be empowered by *section 6* to direct a Planning Authority to take the appropriate steps regarding the derelict land whether in its ownership or not.

Section 7 will enable the Minister for the Environment to direct a statutory body to dispose of its interest in any derelict land where he is satisfied that the land is not being used or likely to be used by the statutory body for the performance of its functions and duties. Before giving a direction, the Minister will give notice of his proposal and consider any objection which the statutory body may make.

The service of notices on derelict site owners is provided for in *section 8* and penalties and prosecutions for non-compliance in *section 9*.

By virtue of *section 10* where a planning authority is not carrying out the functions assigned to it by this Bill the Minister may, at his discretion, deduct an appropriate amount from the rate support grant to that authority in any financial year.

The method of establishing new valuations, based on market value, on derelict sites and levying of rates thereon is set out in *Part II* of the Bill.

Section 12 provides for the identification and assessment of the market value of derelict sites and properties by the local authority for the urban areas and towns within its area, after the passing of this measure and, thereafter, in the first two months of each year.

Section 13 provides for the service of notice of determination of market value while *sections 14* and *15* allow for appeals to the Commissioner of Valuations or, as appropriate, the Circuit or High Courts.

It is envisaged that a proportion of market value of derelict sites as determined shall be set annually by the Minister. This will then become the valuation in respect of which rates will be payable on the derelict property for that year and the mechanisms for this are provided for in *section 16*.

Section 17 provides that the provisions relating to the valuation and rating of derelict sites will remain in force for as long as a site or property remains derelict. Upon approved development, the property will be subject to the normal valuation process.

The valuation referred to in *section 16* would in practice be such that rates fully leviable on a site would be the equivalent of say ten times the normal rates. In order to reserve the payment of full penal rates to those who are most clearly culpable of creating long-term dereliction, a scale of remissions is applied under *section 18*. The effect will be to have a progressively increasing rates liability applying to a property from the sixth to the ninth year of dereliction until full penal rates are payable in the ninth year and subsequently. For the first five years, only one fifth of full rates will be payable.

Subsection (2) provides that no allowance will be made in respect of a property the last use of which was domestic.

Subsection (3) provides that vacancy refunds of rates under existing enactments will not apply to derelict property.

Section 19 gives the Minister general powers of direction and particular power to appeal to the Commissioner of Valuation in respect of a market value assigned to a listed derelict property and to direct a local authority to make a determination under *section 2* in respect of a particular site or property.

Subsection 2 provides for an operative date for amended valuations in respect of local authority property where the Minister has appealed under *section 19*.

The Minister is empowered under *section 20* to reduce the Rate Support Grant to a local authority by an amount equal to that levied in rates on its own derelict sites and property. Accordingly, a local authority may be penalised if the Minister is not satisfied that sites are necessarily derelict.

Section 21 applies the provisions of *section 9* — obligation to give information to the planning authority — and *section 83* — power of authorised person to enter on land — of the Planning and Development Act, 1963 for the purposes of this measure and by virtue of *section 22* sections 2 to 5 of the Derelict Sites Act, 1961 are repealed as they are replaced by the much more effective provisions of *sections 14* to *16* of this measure.

Finally *section 23* provides for the short title of the Bill, that it may be collectively cited with the Local Government Acts, 1925 to 1985, and that it shall be construed accordingly.

An Teachta Seán Ó Beoláin,
Nollaig, 1988.

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Section 17 provides that the provisions relating to the valuation and rating of derelict sites will remain in force for as long as a site or property remains derelict. Upon approved development, the property will be subject to the normal valuation process. The valuation referred to in section 16 would in practice be such that rates fully leviable on a site would be the equivalent of say ten times the normal rates. In order to reserve the payment of full rates to those who are most clearly capable of creating long-term development, a scale of remissions is applied under section 18. The effect will be to have a progressively increasing rate liability applying to a property from the sixth to the ninth year of dereliction until full rates are payable in the ninth year and subsequently. For the first five years, only one fifth of full rates will be payable.

Section 19 provides that no allowance will be made in respect of a property the last use of which was domestic. Section 20 provides that vacancy reliefs of rates under existing enactments will not apply to derelict property. Section 21 gives the Minister general powers of direction and particular power to appeal to the Commissioner of Valuation in respect of a market value assigned to a listed derelict property and to direct a local authority to make a determination under section 2 in respect of a particular site or property.

Section 22 provides for an operative date for amended valuations in respect of local authority property where the Minister has applied under section 19.

Section 23 will enable the Minister for the Environment to direct the Minister to take the appropriate steps regarding the valuation of land. The Minister is empowered under section 20 to reduce the Rate Support Grant to a local authority by an amount equal to that levied in rates on its own derelict sites and property. Accordingly, a local authority may be penalised if the Minister is not satisfied that sites are necessarily derelict.

The service of notice to owners of derelict land is provided for in section 24. Section 25 applies the provisions of section 8 of the Planning and Development Act 1967 for the purposes of this measure and by virtue of section 22 sections 210 to 215 of the Derelict Sites Act, 1961 are repealed as they are replaced by the much more effective provisions of sections 14 to 16 of this measure.

Finally section 23 provides for the short title of the Bill, that it may be collectively cited with the Local Government Acts, 1922 to 1982, and that it shall be construed accordingly.

An Teachtas Seán Ó Brodin.
The Minister for the Environment.
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