

An
Coimisiún
Pleanála

Direction
CD-020090-25
ABP-321935-25

At a meeting held on 27/06/2025, the Commission considered:

- (a) the objection made to the compulsory acquisition of the subject lands,
- (b) the report of the Inspector and
- (c) the documents and submissions on file generally.

The Commission decided to grant consent to the compulsory acquisition of the lands based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the ruinous, derelict and dangerous condition of the dwelling on the land and the neglected, unsightly and objectionable state of the land, and having considered the objection made to the compulsory acquisition, and also:

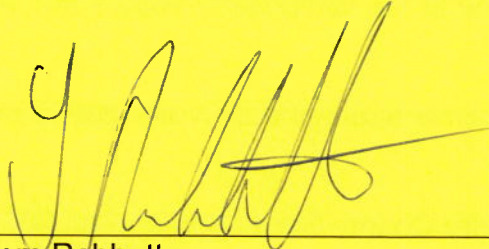
- (a) the constitutional and Convention protection afforded to property rights,
- (b) the public interest, and
- (c) the provisions of the Kerry County Development Plan 2022-2028,

it is considered that the site detracts to a material degree from the amenity, character, and appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in Sections 3(a) and 3(b) of the

Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the local authority is necessary in order to render the site non-derelict and to prevent it from continuing to be a derelict site. It is also considered that the objection made cannot be sustained, having regard to that said necessity, and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective, and justified by the exigencies of the common good.

In deciding not to accept the Inspector's recommendation to refuse consent to the local authority to compulsorily acquire the property, the Commission found that there is little to no evidence of any significant measures being undertaken prior to, or subsequent to, the issuing of the Section 15 notice under the Derelict Sites Act 1990, as amended, to the property owner to address the ruinous, derelict, dangerous, neglected and objectionable condition of the subject property. The Commission was not satisfied that the property owner's application in recent times for a Vacant Homes Grant was sufficient grounds to refuse the consent sought. The Commission considered that the local authority acted fairly and reasonably in seeking to take the property out of the derelict condition by enacting its compulsory acquisition powers.

**Planning
Commissioner:**


Tom Rabbette

Date: 27/06/2025