



An
Coimisiún
Pleanála

Direction
CD-022061-26
ACP-323823-25

The submissions on this file and the Inspector's report were considered at a meeting held on 30/03/2026.

The Commission decided to refuse consent to the compulsory acquisition of the said property for the following reasons and considerations.

Planning

Commissioner:

Date: 30/03/2026

Mick Long

DRAFT WORDING FOR ORDER

Reasons and Considerations

Notwithstanding the current unsightly and objectionable condition of the apartment within the block, 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 Clare County Development Plan 2023-2029,

it is considered that the site does not detract to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, that the compulsory acquisition of the site by the local authority is not necessary in order to render the site non-derelict.

The Commission was not satisfied therefore that the property meets the definition of derelict under Section 3 of the Act; it does not fall with category 3 (a), (b), or (c) of the Act. Although in disrepair it does not at present detract to a material degree from the amenity, character or appearance of land in the neighbourhood. Specifically, in relation to Section 3 (b) while an extent of disrepair is visible and could be described as neglected, unsightly or objectionable, the Commission was not satisfied that the condition of the property is of such an extent or significance that it detracts to a "material degree" from the amenity, character or appearance of land in the neighbourhood. In relation to Section 3 (c) There is no evidence of the presence, deposit or collection in the apartment of any litter, rubbish, debris or waste.

The Commission is not satisfied, therefore, that the objection made cannot be sustained, having regard to that said necessity or 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.