

An
Coimisiún
Pleanála

Direction
CD-022312-26
ACP-324216-26

At a meeting held on 09/07/2026, the Commission considered:

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

The Commission decided to refuse to grant consent to the compulsory purchase acquisition of the subject property for the reasons and considerations as indicated hereunder.

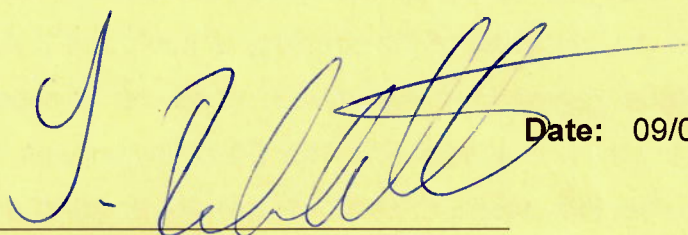
Reasons and Considerations

Having regard to the totality of documentation on file, and notwithstanding that the property has suffered from a degree of neglect, the Commission was not satisfied at this juncture that the condition of the property is such that it detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood in which it is located. The Commission was not satisfied that the subject property met the criteria of sections 3(a), (b) or (c) of the Derelicts Sites Act 1990, as amended. The Commission also noted that it appears that the landowner did not become aware of the Local Authority's statutory notifications pursuant to the Derelict Sites Act 1990, as amended, until early 2026. The Commission therefore decided to refuse to grant consent to the compulsory purchase acquisition.

In deciding not to accept the Inspector's recommendation to grant consent to the compulsory purchase acquisition, while the Commission agreed with the Inspector that there is evidence of some neglect in relation to the subject property, the Commission did not agree with the Inspector that the criteria of section 3(b) of the Derelict Sites Act 1990, as amended, was met in this instance. The Commission also noted that it appears that attempts to serve statutory notifications on the landowner pursuant to the Derelicts Sites Act 1990, as amended, were all communicated via the subject property's address at 6 Barrack Street, Tallow, which in unoccupied and that the landowner, who resides outside of the jurisdiction, did not become aware of the Local Authority's actions until early 2026 (albeit that the Authority did act appropriately and reasonably in trying to serve such notices on the landowner). Subsequent to the landowner becoming aware of the Local Authority's statutory notifications, the Authority was supplied with the landowner's address in the United Kingdom on the 11th February 2026. In the circumstances, and given the landowner's property rights pursuant to the Constitution and the European Convention, the Commission decided to refuse to grant consent to the compulsory purchase acquisition in this instance.

Planning

Commissioner:



Tom Rabbette

Date: 09/07/2026