



An
Coimisiún
Pleanála

Direction
CD-022491-26
ACP-324269-26

The submissions on this file and the Inspector's report were considered at a meeting held on 22/09/2026.

The Commission decided, by a majority of 2:1, to refuse consent to the compulsory acquisition of the said property for the following reasons and considerations.

Planning

Commissioner:

Date: 28/09/2026


Mary Gurrie

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the actions undertaken by the developer since acquiring the site in 2021, including the substantial demolition of the previous building and participation in the HSE procurement process for provision of a healthcare centre which subsequently (in 2025) did not proceed, and the engagement with the planning authority on pre-planning meetings in 2023 and 2025, the Commission considered, notwithstanding the current unsightly and objectionable condition of the site which the Commission determined to be derelict under Article 3(a), (b) and (c) of the Derelict Sites Act 1990,

and the public interest in removing this key site in the centre of Mallow from dereliction and developing it, that it was not proportionate or justified at this time to grant consent for the compulsory acquisition of the site having regard to the constitutional and convention protection afforded to property rights, and that it was reasonable to afford the developer an opportunity to develop the site.

In deciding not to accept the Inspector's recommendation to grant consent the Commission agreed with the inspector as to the derelict nature of the site however the Commission considered that granting consent for the compulsory acquisition at this time was not proportionate given the actions taken to date by the developer to progress development of the site.