An Coimisiún Pleanála

Direction
CD-022571-26
ACP-324351-26

At a meeting held on 20/10/2026, the Commission considered:

(a) the objections made to the Notification of intention to compulsory acquire site,

(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 site.

Reasons and Considerations

Having regard to the current neglected, unsightly and objectionable condition of the site and having considered the objection made to the compulsory acquisition, and the measures taken by the local authority to engage with the owners which included a detailed list of measures to be taken to prevent the site continuing to be a derelict site 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,
(d)the information presented by the objector,

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(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, the Commission were satisfied that the documentation on file demonstrated that the condition of the site detracts to a material degree from the amenity and character of the neighbourhood, particularly given its location adjacent to a public amenity space, and were satisfied that the local authority has taken all reasonable measures in their engagement with the owners over a number of years, which included the identification of specific measures to ensure that the site does not continue to be a derelict site, and the actions of the local authority were consistent with the policies and objectives of the development plan, specifically CDP 5.2, CDP 9.14 and CDP 17.10 which seek to actively address instances of dereliction and bring properties back into active re-use.

Planning Commissioner: **Date:** 21/10/2026

Marie O'Connor

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