An Coimisiún Pleanála

Direction
CD-022681-26
ACP-324393-26

At a meeting held on 11/11/2026, the Commission considered:

(a) the objections made to the Compulsory Purchase Order,

(b) the report of the Inspector who held the oral hearing and

(c) the documents and submissions on file generally.

The Commission decided to **refuse** consent for the Compulsory Acquisition of the property.

In deciding not to accept the Inspector's recommendation the Commission did not consider from the evidence on the file, that the condition of the property is such as to warrant it being classed as derelict under either Section 3(a) (structures in ruinous, derelict or dangerous condition) or Section (c) (collection of litter, rubbish or waste) under The Derelict Sites Act 1990 (as amended). The Commission did consider that due to the overgrown, neglected and unsightly condition of the land it may be classified as derelict under Section 3(b).

The Commission noted that there was no evidence on the file that the Planning Authority had issued the property owners with a Section 11 (2) notice specifying the measures that are necessary to prevent the site continuing to be a derelict site and a specified period within which these measures are to be taken.

Having regard to the fact the property owner was not notified of specific measures to be carried out the Commission is not satisfied that the confirmation of the CPA is justified by the exigencies of the common good at this point in time. It would be appropriate to allow further time for further engagement with the local authority and

for clarity to be provided to the property owners of the measures required to take it out of dereliction and a time frame for the completion of same.

Reasons and Considerations

Having regard to the current unsightly and objectionable condition of the site, having considered the objection made to the compulsory acquisition, and also:

- the constitutional and Convention protection afforded to property rights,
- the public interest,
- that the property owners were not issued with a Section 11 notice,
- the provisions of the Clare County Development Plan 2023-2029, and
- the information presented by the objector,

it is considered that, having regard to the nature and extent of works which are required to address the dereliction on the site, and to the information presented by the objector and the planning authority, that the compulsory acquisition of the site by the local authority at this time is not necessary in order to render the site non-derelict. The Commission is satisfied, therefore, that the objection made can 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.

Planning Commissioner: **Date:** 12/11/2026

Mary Henchy