

An
Coimisiún
Pleanála

Commission Order ABP-321935-25

Derelict Sites Act, 1990

Planning and Development Acts, 2000 to 2022

Planning Authority: Kerry County Council

Application received by An Coimisiún Pleanála on the 21st day of February, 2025, from Kerry County Council pursuant to section 16 of the Derelict Sites Act, 1990, as amended, for consent to the compulsory acquisition of a site at Roncalli, Clash, Tralee, County Kerry and as more particularly described in the notice of intention to compulsorily acquire the site.

Decision

GRANT consent to the compulsory acquisition of the said site based on the reasons and considerations set out below.

Reasons and Considerations

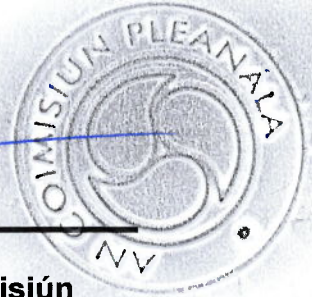
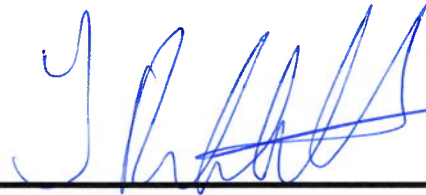
Having regard to the ruinous, derelict and dangerous condition of the dwelling on the land and the neglected, unsightly and objectionable state of the land, and having considered the objection made to the compulsory acquisition, and also:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the public interest, and
- (c) the provisions of the Kerry County Development Plan 2022-2028,

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(a) and 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 to the local authority to compulsorily acquire the property, the Commission found that there is little to no evidence of any significant measures being undertaken prior to, or subsequent to, the issuing of the Section 15 notice under the Derelict Sites Act 1990, as amended, to the property owner to address the ruinous, derelict, dangerous, neglected and objectionable condition of the subject property. The Commission was not satisfied that the property owner's application in recent times, for a Vacant Homes Grant, was sufficient grounds to refuse the consent sought.

The Commission considered that the local authority, acted fairly and reasonably in seeking to take the property out of the derelict condition, by enacting its compulsory acquisition powers.



Tom Rabbette
Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 30th day of June 2025