

An  
Coimisiún  
Pleanála

## Commission Order ACP-323823-25

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**Derelict Sites Act, 1990**

**Planning and Development Act, 2000, as amended**

**Planning Authority: Clare County Council**

**Application** received by An Coimisiún Pleanála on the 28<sup>th</sup> day of October 2025 from Clare County Council pursuant to section 16 of the Derelict Sites Act, 1990, as amended, for consent to the compulsory acquisition of a derelict site at Apartment Number 8 Willow House, Drumgeely, Shannon, County Clare and as more particularly described in the notice of intention to compulsorily acquire the site.

### **Decision**

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

## Reasons and Considerations


Notwithstanding the current unsightly and objectionable condition of the apartment within the block, 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 Clare County Development Plan 2023-2029,

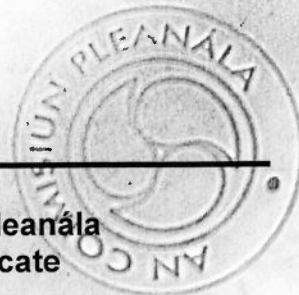
it is considered that the site does not detract to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, that the compulsory acquisition of the site by the local authority is not necessary in order to render the site non-derelect.

The Commission is not satisfied therefore that the property meets the definition of derelect under Section 3 of the Derelect Sites Act, 1990; it does not fall within category 3 (a), (b), or (c) of the Act. Although in disrepair it does not at present detract to a material degree from the amenity, character or appearance of land in the neighbourhood. Specifically, in relation to Section 3 (b), while an extent of disrepair is visible and could be described as neglected, unsightly or objectionable, the Commission is not satisfied that the condition of the property is of such an extent or significance that it detracts to a “material degree” from the amenity, character or appearance of land in the neighbourhood. In relation to Section 3 (c), there is no evidence of the presence, deposit or collection in the apartment of any litter, rubbish, debris or waste.

The Commission is not satisfied, therefore, that the objection made cannot be sustained, having regard to that said necessity or 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.



**Mick Long**  
**Member of An Coimisiún Pleanála**  
**duly authorised to authenticate**  
**the seal of the Commission.**



Dated this *2<sup>nd</sup>* day of *April* 2026