

An
Coimisiún
Pleanála

Commission Order ACP-323845-25

Derelict Sites Act, 1990

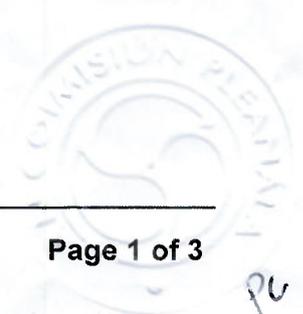
Planning and Development Act, 2000, as amended

Planning Authority: Clare County Council

Application received by An Coimisiún Pleanála on the 31st 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 Breaffa South, Spanish Point, 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 neglected, unsightly and objectionable condition of the subject property, and acknowledging that the site detracts to a material degree from the amenity, character and appearance of land in the locality, 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 property comes within the definition of a derelict site as defined in Section 3 (b) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the local authority is not necessary in this instance in order to render the site non-derelict and to prevent it continuing to be a derelict site.

It is considered that the objection received from the property owner can be sustained having regard to the existence of an extant planning permission pertaining to the redevelopment of the dwelling on site, the submission of the commencement notice to the local authority, demonstrating an intent to carry out works on site to render the dwelling habitable and that the funds are stated to be available to allow works to commence and the stated intention of the landowners to commence the works on site in a timely fashion and the fact that the landowners have secured the site, have commenced cleaning out the property and some internal works in the internal chimney area have been carried out in order to render the site non-derelict and to prevent it from continuing to be a derelict site.

It is considered that the objection from the landowner made can be sustained in this instance having regard to effects on their property rights which in this instance are considered disproportionate and unjustified by the exigencies of the common good.



Paul Caprani
Member of An Coimisiún Pleanála
duly authorised to authenticate
the seal of the Commission.



Dated this 13th day of March 2026