



An
Coimisiún
Pleanála

Commission Order ACP-324217-26

Derelict Sites Act, 1990

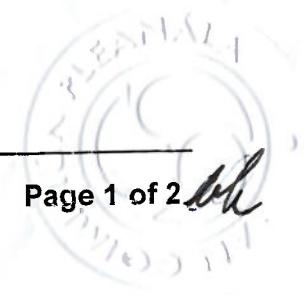
Planning and Development Act, 2000, as amended

Planning Authority: Kildare County Council

Application received by An Coimisiún Pleanála on the 14th day of April 2026 from Kildare 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 Main Street, Castledermot, County Kildare 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.

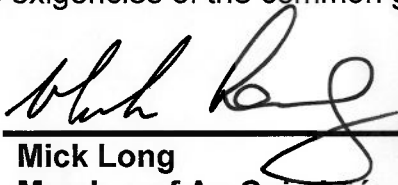


Reasons and Considerations

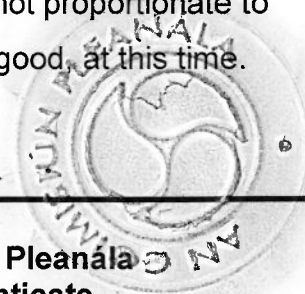
Having regard to the condition of the overall subject property, having considered the objections made to the compulsory acquisition, and also:

- (a) the constitutional and convention protection afforded to property rights,
- (b) the public interest, and,
- (c) the provisions of the Kildare County Development Plan 2023-2029,

it is considered, notwithstanding the unsightly condition of the buildings and the neglected appearance of the lands, that the compulsory acquisition of the proposed site by the local authority is not appropriate in that the local authority has a duty and obligation to ensure that reasonable steps are followed in the compulsory acquisition of lands. The Commission considered that the local authority failed to establish the identity of all owners to which the entirety of the subject lands relate, namely, the Estates of Audrey Dawes and Shirley Kenny and the local authority did not afford appropriate opportunity to these owners to address the issue of dereliction on their lands and the substantial revision of lands subject to order at this stage is not representative of due process. It is considered that the objections received from the property owners can be sustained having regard to the lack of appropriate opportunity afforded by the local authority to the Estates of Audrey Dawes and Shirley Kenny to address the issue of dereliction on the proposed lands for acquisition. The Commission therefore considers that the objections 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 not proportionate to that objective and not justified by the exigencies of the common good, at this time.



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



Dated this 5th day of October 2026