An Coimisiún Pleanála

Commission Order ACP-324393-26

Derelict Sites Act, 1990

Planning and Development Act, 2000, as amended

Planning Authority: Clare County Council

Application received by An Coimisiún Pleanála on the 19th day of June 2026 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 Clonamirran, Mountshannon, 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

Having regard to the current unsightly and objectionable condition of the site, 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,

(c) that the property owners were not issued with a Section 11 notice,

(d) the provisions of the Clare County Development Plan 2023-2029, as varied, and,

(e) 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 local 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.

Mary Henchy
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 20th **day of** November **2026**